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SENATE—*Wednesday, May 14, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the giver of every good and perfect gift, thank You for the favor which You have given to humanity. We are grateful, Lord, for the nobility You have placed in human hearts that enables us to toil until we pass the breaking point and still not break. Thank You that You have enabled us to love until even self is forgotten. Thank You also for those who willingly sacrifice even life itself for the things they hold dear. Thank You that goodness always haunts us and sin ever brings its remorse.

Thank You for the Members of this legislative body who labor to be Your ambassadors of reconciliation in a divided world. May they commit their time, effort, and resources to formulate public policy in keeping with Your will for our beloved Nation.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader time, there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half. Following morning business, the Senate will resume consideration of H.R. 980, the collective bargaining legislation. Rollcall votes are expected to occur throughout the day.

Debate on this legislation has been exemplary. All amendments to this point that have been offered relate to labor issues. That is important. This is a bipartisan bill. We should be able to legislate on this, hopefully get it completed in the near future. There is a lot of pent-up desire on both sides to offer amendments on all different issues, but I think we would get more done if we could focus on this legislation.

I indicated to Senator ENZI, who was so involved in this, how we would proceed. He has been, as he always is, a gentleman. Senator KENNEDY and Senator ENZI didn't get everything worked out on this piece of legislation that they wanted prior to coming to the floor; therefore, Senator ENZI feels an obligation to offer some amendments to take care of some of the issues he believes are important, and I support him on that.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 32

Mr. REID. Mr. President, S.J. Res. 32 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the resolution by title for the second time.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 32) limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia.

Mr. REID. I object to any further proceedings with respect to the joint resolution.

The ACTING PRESIDENT pro tempore. Objection having been heard, the joint resolution will be placed on the calendar.

FARM BILL CONFERENCE

Mr. REID. Mr. President, before turning this over to the Republican leader, we have worked long and hard on the farm bill. It is a bipartisan bill. It has been a struggle to get where we are. I so appreciate the work done by Senators who are responsible for bringing this to the floor, Senators HARKIN and CHAMBLISS, BAUCUS, GRASSLEY, and a lot of other players who are involved. It is a very important piece of legislation. We expect to turn to the farm conference report as soon as we receive it from the House. We even will try to do it before it comes here, if we can get a consent agreement. We hope we can limit debate on this matter and get it out of here.

Remember, this week we have to hopefully dispose of the collective bargaining legislation. We have to take care of the farm bill. We have to appoint conferees on the budget. We also have to dispose of, because we have a statutory problem, the media cross-ownership issue. There are 10 hours of debate on that. I hope we can limit that significantly. Those are the items we need to complete this week—this week—and it is already Wednesday.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

COMMEMORATING 60 YEARS OF ISRAELI STATEHOOD

Mr. McCONNELL. Mr. President, more than a hundred years ago, the Hungarian journalist Theodore Herzl set into motion a political movement that would change the world.

Herzl's vision for a Jewish homeland would not be realized in his own lifetime, but the nation that would become the modern State of Israel would have exceeded even his dreams of a prosperous home for the descendants of Abraham, Isaac, and Jacob.

In the nearly 2,000 years that had passed since the exile, the Jewish people had remained faithful to their traditions, praying and hoping for their eventual return. That right was acknowledged in the Balfour Declaration of 1917 and reaffirmed by the mandate of the League of Nations in 1922. The horrors of the Nazi Holocaust made Israel's establishment all the more urgent, and had created among the American people a deep sympathy for the aspirations of the Jewish people. At the stroke of midnight, on this day in 1948, the modern State of Israel was born, and just eleven minutes later, here in the U.S., President Truman recognized the new state, solidifying for all time the bond between our two countries.

A deep friendship between America and Israel is natural, given the many political and moral values we share. But our strong diplomatic ties were far from inevitable. Historians tell us that recognition was strenuously opposed by Secretary of State George Marshall, a foreign policy realist who valued strategic interests over humanitarian concerns. In this case, Marshall was overridden by his Commander in Chief, who, following the Holocaust, saw the moral and humanitarian imperative of the Jewish people having their own state. Despite President Truman's deep respect for Marshall, it was a decision that Truman would never regret.

The U.S. Congress, it should be noted, had spoken out on the issue long before recognition was sought. As far back as 1922, Congress expressed its sympathy for a sovereign homeland for the Jewish people. It would take two more decades for that state to come about, but when it did Congress and the American people were ready once again to express overwhelming support.

In the decades since the birth of the modern State of Israel, much has changed. This desert land has in many ways become "a land that floweth with milk and honey." In this, it reflects the ingenuity and the resourcefulness of the Israeli people.

Over time, the U.S.-Israeli relationship has only grown stronger. A bond that was originally based largely on moral grounds and shared values has been fortified by shared strategic interests.

While some Arab states recognize Israel, most do not. And Israel faces numerous threats, including an existential threat from Iran.

Yet on this day of celebration, it is my fervent hope that Israel will soon celebrate its birth as a state that is recognized by all its Arab neighbors, safe from the threat of terror. Until then, I know my colleagues and I will do everything in our power to ensure that the U.S.-Israeli relationship is robust, and that the Jewish state has all it needs to defend itself.

On this anniversary, we send our best wishes and every expression of heartfelt goodwill and congratulations to the Jewish people.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Ohio.

COLOMBIA FREE TRADE AGREEMENT

Mr. BROWN. Mr. President, in a little more than 2 hours, I will join members of the United States and Colombian labor organizations at a news conference speaking out against human rights abuses in Colombia, speaking out against the pending free-trade agreement that would ignore those abuses and, in some sense, excuse them. Much of the talk about this agreement centers around the violence and impunity in Colombia, especially as it relates to trade unionists. And for good reason. International organizations, human rights and religious groups look at Colombia's record with alarm and urgency. Human rights defenders, trade unionists, community leaders, and religious leaders are today, in too many cases, receiving death threats from rearmed paramilitary groups such as the Black Eagles and are reeling from a new wave of violence.

Before, during, and after a countrywide rally on March 6, 2008, against paramilitary and all forms of violence, at least two march organizers were killed. Union leaders Carlo Burbano and Carmen Cecilia Carvajal were killed for simply trying to voice their views. Three other social leaders were killed in events that also were associated with the march. March organizers all over the country received death threats. One organizer's house was attacked with gunfire on February 29. Those human rights issues are serious. Yet the administration takes them in stride, barely acknowledging the Colombian culture of violence and then impunity, in too many cases, for those who committed those violent acts.

In a short while, I will stand with nearly a dozen brave women and men who have come to Washington to give witness to the horrific danger they and their loved ones face every day. These brave men and women face threats to their jobs, their families, their homes, and their lives. They are under threat because they have taken a stand. They have fought for labor and human rights in Colombia.

One message I want them to take back to Colombia is that we are not taking lightly what is happening to them. The administration may be taking it lightly, but an awful lot of people in the House and Senate and an awful lot of Americans don't take this lightly. We will push the Bush administration to take a stand against the violence occurring in Colombia instead of glossing over it.

The President must not forsake our Nation's values, our profound respect for the rule of law, and our Nation's hard-won progress on behalf of labor and human rights and basic rights. Again, the President must not forsake our Nation's values and our profound respect for the rule of law or our hard-won progress to establish labor, human, and basic rights. The President must not forsake our values or dismiss the sacrifices of so many.

The Colombian Government has taken steps to strengthen legal institutions and processes—I acknowledge that—but the bottom line is the violence is not subsiding. Murders of labor leaders continued at a pace of one per week already this year.

Some newspapers have said the violence is down—and although it was down last year, now it is back up—and we should move on with this Colombia trade agreement because the violence is down. But when there is one labor activist killed every single week, it is hard to say that is an acceptable level. That is what people in the administration are saying. That is what some newspapers are saying, that that is an acceptable level of violence. No, we should not approve a trade agreement when that kind of violence is aimed at too many labor activists.

For the sake of both our nations, the United States should not sign a trade deal with Colombia that shortchanges workers, that rewards polluters, that gives businesses the same power as sovereign governments. Later, I will talk more about a part of this trade agreement and how it does reward polluters and gives businesses the same power as sovereign governments. In many cases, corporations will be able to override the democratically attained rule of law, rules, and regulations. More on that later.

Back to the issue at hand with Colombia, we absolutely should not sign a trade deal that forgives treachery toward labor leaders, that says it is OK that these labor leaders are murdered. We in this body will fight alongside our Colombian labor friends for fair trade, and we will fight for their efforts to end the violence.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

FARM BILL

Mr. TESTER. Mr. President, I rise today not only as a U.S. Senator from Montana but also as a farmer who is actively engaged in agriculture, family farm agriculture. It truly is a family farm that we operate in north central Montana. Not only do my wife Sharla and I farm, but when we need help, my brother, my son-in-law, my son, and my daughter all step to the plate and help us.

We just finished spring planting in north central Montana, and with it comes hopes for a great year. We all know the commodity prices right now are very good, but the rest of the story is this: Diesel prices are double what they were last year. Chemical prices have gone through the roof. Fertilizer is becoming unaffordable because the cost is so high.

That is where the farm bill steps in—this farm bill which just came out of conference committee which we will vote on, hopefully, later today. In this farm bill, we raise the target price. We have a disaster program that Senator BAUCUS fought so hard to get into this bill so that farmers, when they do have a disaster, do not have to come back to Washington, DC, with hat in hand. They will have a safety net. We have country-of-origin labeling in this farm bill with some teeth in it that I hope the next administration takes by the horns and adopts so people know where their food comes from. It allows for the interstate shipment of meat so small meatpackers can ship their products across State lines, which has not been available before, to add value to meat products throughout this country. It has a nonfood biofuel section of which a part of that is a camelina pilot program, which I am very proud of, which offers farmers another crop for their rotation and helps this country become more energy independent. It also has a very aggressive nutrition program to help people who need help buying food, which is very important.

This bill is about rural development, about making rural America all it can be, creating jobs, and helping meet this country's energy needs, creating a level of energy independence.

This bill is also about food security for this country. We have been very fortunate in the United States. We have not suffered the lack of food that other countries have. I believe it is because of farm bills of the past, and it is because family farmers have done such a great job meeting this country's food demands.

We need to have a farm bill that helps support those family farmers, and that is exactly what this farm bill does. Is it perfect? No. But is it pretty darn good? Yes. This farm bill does things for people in production agriculture that it needs to do to make sure they remain in business, to make sure this country's food security needs are met.

So when I read editorials in newspapers on the east coast, west coast, in the Washington Post, Boston Herald, Dallas Morning News, Los Angeles Times—and the list goes on and on—that talk about this farm bill being loaded with waste and giveaways and lard, I ask the folks who write these editorials to come out to Montana and talk to somebody who has their hands in the dirt. Go out to the Midwest and see the kinds of challenges these folks have and ask yourself: Is this farm bill really full of the kind of waste you are talking about? Because it is not. It is a farm bill that meets the needs of America's family farmers. As I have said many times before, if we lose this country's family farmers, this country will change forever, and not for the better.

So I applaud the folks who worked on the conference committee from both parties, from all corners of this country, to develop a farm bill that meets the needs of this country. I hope the Members of this Senate join me later on today in voting for this farm bill and sending it to the President's desk. I hope the President signs it because it is the right thing to do.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it has now been 10 days since the devastating tropical cyclone hit the country of Burma. The cyclone, which brought sustained winds of 130 miles an hour, with gusts as high as 160 miles an hour, really caused widespread destruction across this Asian nation.

As you can see from the before and after satellite photographs that are on this chart, the devastation was particularly severe in the country's low-lying delta area. A 12-foot wall of water swept away entire villages, leaving thousands dead and homeless. Bodies floated in floodwaters, and survivors tried to reach dry ground on boats, using blankets as sails. Fights broke out around the few shops that were able to provide any kind of food to the hungry people.

The United Nations has estimated that between 1.2 million and 1.9 million people have been severely affected and that cyclone-related deaths could reach over 100,000. Already, more than 200,000 people are reported missing.

Immediately after the cyclone, countries around the world, including the United States, offered emergency supplies and assistance. We offered help in transporting badly needed food, water, and medicine. In fact, U.S. Navy ships that by coincidence were in the region for training exercises have remained in the vicinity to offer help. Yet almost 2 weeks after the cyclone, this natural disaster has been made worse by the reluctance of the Burmese military government to even accept international aid on the scale that is necessary. Instead, they have ignored the plight of their own people, as the entire world watches. Not only have they refused most outside assistance, they broadcast shameless propaganda showing the military handing out aid to the people. Yet reports from the ground indicate the government has done little or nothing to really help. In fact, there are reports that the government's military has confiscated some of the limited aid that has been allowed to enter into the country.

Not only has the military ignored the suffering of its own people, but it tried to push through a sham referendum at the same time. Can you imagine a national election in the midst of this devastation? Critical time and resources were used to intimidate people to the polls—time and resources that should have been spent for helpless and suffering victims.

U.N. Secretary Ban Ki-moon summed up the situation when he said:

> This is not about politics; it is about saving people's lives. There is absolutely no more time to lose.

He continued:

> Unless more aid gets into the country very quickly, we face an outbreak of infectious diseases that could dwarf today's crisis.

In a country that already has one of the worst health care systems of the world, it is even harder for people who need medical attention to find it. The environment is a rich breeding ground for infection and contagious disease. We are hearing disturbing reports of badly injured people trying to dress their own wounds. The government has repeatedly forced humanitarian organizations such as Doctors Without Borders to leave the hardest hit areas. Bodies are decomposing. The contamination is spreading. The immediate risk of waterborne disease is acute. The risk of other diseases, such as malaria and dengue fever, is growing as mosquitoes rapidly reproduce in the flooded areas.

Existing malnutrition among children, which affects up to half the population in Burma, is even worse because of the flooding and cyclone.

Mr. President, perhaps the world should not be so surprised with this military's outrageous reaction to this disaster. This is, after all, a government with a long, well-documented history of brutality to its own people.

In eastern Burma, the military has destroyed 3,000 villages over the past 10 years. It has widely used forced labor and has recruited up to 70,000 child soldiers—far more than any other country in the world. Today, Burma has an estimated 1.5 million internal and external refugees.

It is a country with a well-documented history of political repression and torture. Two years after the Burmese people protested conditions in 1988, the government held an election. Aung San Suu Kyi, a leader in human rights around the world, was placed under house arrest before the election and has suffered mightily since. Despite her party's victory she was subjugated and imprisoned in her own home for most of the last 18 years. Suu Kyi has been awarded the Congressional Gold Medal—recognition by this Congress of her singular efforts in Burma to bring a new day and a new government. Last September, thousands of monks peacefully protested for change in Burma. Many of them were hunted down, imprisoned, and killed. This military junta has ignored global calls for dialog and an end to the violence.

Earlier this week, ADM Timothy Keating, who leads the U.S. Pacific Command, and USAID Administrator Henrietta Fore landed with an American relief flight in Rangoon. They met directly with the Burmese military officials to offer help. I hope this visit does help.

Last week, I spoke of the world taking definitive action to halt the genocide in Darfur. Today, we face a mounting humanitarian crisis in Burma.

Some, including French Foreign Minister Bernard Kouchner, have said the United Nations should invoke the responsibility to protect—a provision that allows the world community to help those left unprotected by their governments. Others argue that China, which also has suffered a horrible natural disaster this week, should use its friendship with Burma to help open the country to outside assistance. At a minimum, Burma should view China's response to its earthquake, in which it immediately and proactively stated its willingness to accept emergency aid, as an important way to work with the global community. Whatever the route, the world community, with American leadership and generosity, must do more to address this humanitarian crisis.

HEALTH CARE

Mr. DURBIN. Mr. President, free market fundamentalism tells us that all we have to do is get Government out of the way and the miraculous powers of competition and supply and demand will solve all our problems. This is a cardinal principle of the administration now in power. They have had 7½ years to test their theory, and the results—for our economy and America's working families—has been a disaster. They have put their theory to work, and it has thrown Americans out of work. The middle class in America is shrinking and suffering. Today, more Americans are falling out of the middle class than are working their way into it.

A new poll by the respected Kaiser Family Foundation provides a sobering look at the economic situation and the reality of economics in America today. The Kaiser Foundation asked people about seven economic trends or changes that they considered serious problems. Forty-four percent of Americans said problems paying for gasoline is a serious problem for their family's financial well-being. Twenty-nine percent said problems getting a good-paying job or a raise are serious. Twenty-eight percent of Americans said problems in paying for health care and health insurance were serious and hurting their economic well-being. Those are the top three economic strains on family budgets: The price of gasoline, jobs—good-paying jobs—and paying for health care.

They also rated serious problems when they were asked about the strains and problems their families face. Problems paying for mortgage or rent: One out of five. Problems paying for food and credit card debt: One out of five. Losing money in the stock market: About one out of six.

We have heard a lot said about the strain the record gas prices are placing on families and our economy. Yet in the midst of all this, with the knowledge of what it is doing to our economy, to families, to businesses, to farmers, big oil companies continue to rake in record profits at the expense of the American economy.

I wish to take a few minutes to talk about another economic problem that is hurting America's families and businesses: out-of-control health care costs. A recent essay in Newsweek magazine contained an eye-opening title: "The Myth of the Best in the World."

I ask unanimous consent that the full article be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, Mar. 22, 2008]

THE MYTH OR 'BEST IN THE WORLD'—A SPATE OF NEW RESEARCH SHOWS THE U.S. BEHIND OTHER COUNTRIES IN CANCER SURVIVAL AND DIABETES CARE

(By Sharon Begley)

Not to be heartless or anything, but let's leave aside the dead babies. In international comparisons of health care, the infant mortality rate is a crucial indicator of a nation's standing, and the United States' position at No. 28, with seven per 1,000 live births worse than Portugal, Greece, the Czech Republic, Northern Ireland and 23 other nations not exactly known for cutting-edge medical science—is a tragedy and an embarrassment. Much of the blame for this abysmal showing, however, goes to socioeconomic factors: poor, uninsured women failing to get prenatal care or engaging in behaviors (smoking, using illegal drugs, becoming pregnant as a teen) that put fetuses' and babies' lives at risk. You can look at 28th place and say, yes, it's terrible, but it doesn't apply to my part of the health-care system—the one for the non-poor insured.

That, in a nutshell, is why support for health-care reform is fragile and shallow. Yes, many people of goodwill support extending coverage to the 47 million Americans who, according to the Census Bureau, had no insurance for all or part of 2006. An awful lot of the insured, though, worry that messing with the system to bring about universal coverage, even if it allows more newborns to survive, might also hurt the quality and availability of care that they themselves get ("If I have trouble getting my doctor to see me now, what will happen when 47 million more people want appointments?"). This is where you start getting the requisite genuflection to the United States' having "the best health care in the world." One problem: a spate of new research shows the United States well behind other developed countries on measures from cancer survival to diabetes care that cannot entirely be blamed on the rich-poor or insured-uninsured gulf. None of this implies a specific fix for the U.S. health-care system. It does, however, say that "the best in the world" is a myth that should not be an impediment to reform.

How widespread is the "best in the world" view? In a survey of 1,026 U.S. adults, the Harvard School of Public Health and Harris Interactive reported last week, 55 percent said they thought the United States has the best quality care of any country. (Fewer called the U.S. system the best overall, due to poor access and high costs.) "Health-care reform has failed before and will fail again if middle-income people with insurance think it will make quality go down," says Harvard's Robert Blendon.

One thing Americans love about their system is the availability (for the insured) of high-tech equipment and the latest procedures. But there is abundant evidence that these are not necessarily beneficial. I remember breast-cancer patients screaming bloody murder in the 1990s when they were denied access to bone-marrow transplants. Sadly, once the treatment was subjected to rigorous study, it was shown not to extend life. But it made women who worked the system to get it (some private insurers agreed to cover it) suffer even more than they already were. In a centralized system such as Medicare, science more than the market shapes what treatments are available. "Some of the things patients scream for," says Blendon, "aren't going to help them." Though they do run up the U.S. medical bill. At $6,697 per capita in 2007, it is the highest in the world (20 percent more than Luxembourg's, the next highest) and more than twice the average of the 30 wealthy countries in the Organization for Economic Cooperation and Development.

If only it bought better care. Only 55 percent of U.S. patients get treatments that scientific studies show to work, such as beta blockers for heart disease, found a 2003 study in The New England Journal of Medicine. One reason is that when insurance is tied to employment, you may have to switch doctors when you change jobs. In the past three years, says Karen Davis, president of the Commonwealth Fund, 32 percent of Americans have had to switch doctors. The result is poor continuity of care—no one to coordinate treatment or watch out for adverse drug interactions. Such failures may contribute to the estimated 44,000 to 98,000 annual deaths from medical mistakes just in hospitals, and to "amenable mortality"—deaths preventable by medical care. Those total about 101,000 a year, reports a new study in the journal Health Affairs. That per capita rate puts America dead last of the study's 19 industrialized countries.

Other data, too, belie the "best in the world" mantra. The five-year survival rate for cervical cancer? Worse than in Italy, Ireland, Germany and others, finds the OECD. The survival rate for breast cancer? You'd do better in Switzerland, Norway, Britain and others. Asthma mortality? Twice the rate of Germany's or Sweden's. Some of the U.S. numbers are dragged down by the uninsured; they are twice as likely to have advanced cancer when they first see a doctor than are people with insurance, notes oncologist Elmer Huerta of Washington Hospital Center, president of the American Cancer Society. But the numbers of uninsured are too low to fully explain the poor U.S. showing.

It isn't realistic to expect America to be the best in every measure of medical quality. And none of this tells us how to reform the U.S. system. But it does say the "best in the world" is misguided medical chauvinism that should not block attempts at reform.

Mr. DURBIN. This column points out that the United States spent almost $7,000 per person on medical care last year—$6,697 per capita. That is the highest in the world. It is 20 percent more per person than the next highest spending nation of Luxembourg, and it is more than twice as much as the 30 wealthiest countries around the world.

In a survey of over 1,000 adults, the Harvard School of Public Health and Harris Interactive found that 55 percent thought the United States had the best-quality care in the world.

The fact that we spend so much per person may lead people to that conclusion—that we have the best care. After all, we spend the most money. Yet the facts tell us otherwise. The highest cost doesn't mean the highest quality. We rank below other nations in many critical health outcomes. There is no doubt in my mind if I were seriously ill in any part of the world, I would try to find my way to the United States. There is no question we have the very best doctors, the very best medical professionals, hospitals, and medical technology.

But when you take a step back and look at the outcomes for the American people, it tells a different story. The 5-year survival rate for cervical cancer in the United States—cervical cancer—is worse than Italy, Ireland, Germany, and many others. The survival rate for breast cancer in the United States is worse than the survivor rate in Switzerland, Norway, Britain, and other nations. Our asthma mortality rate is twice the rate of Germany and Sweden. True, we have the best hospitals but not the best outcomes, in many instances.

Only 66 percent of U.S. patients receive treatments that scientific studies show to work, such as beta blockers for heart disease, according to the New England Journal of Medicine.

According to a 2007 survey by the Independent Commonwealth Fund, adults in the United States are more likely to forgo needed health care than adults in Australia, Canada, Germany, Netherlands, New Zealand, and the United Kingdom. Nearly one out of five American adults surveyed said they have serious problems paying medical bills. That is more than double the rate in the next highest country. Nearly a third of those surveyed had spent more than $1,000 out of pocket in the last year on medical costs not covered by insurance. Only one out of five Australians and one out of eight Canadians spent that much money on out-of-pocket health expenses. No other nation came even close.

Seven years ago, the World Health Organization made the first major effort to rank the health systems of 191 nations. The top two nations in the world: France and Italy. The United States did not even make the top 10; not even the top 20. We ranked 37th in the world, according to the World Health Organization, when it came to our health care systems. We have this vanity in the United States that because we spend so much money on health care, we must be the best in the world. It is not true.

More people die each year from medical and surgical mistakes in the United States than in any other industrialized nation. Incidentally, more Americans die of medical mistakes each year than die from AIDS, breast cancer, and automobile accidents combined.

In health information technology, we lag far behind. By 2005, the United Kingdom had invested 450 times more per person in public funding of health information than the United States. We rank the highest in infant mortality among 23 nations and near the bottom in healthy life expectancy at age 60. We are 15th among 19 countries in deaths from a wide range of illnesses that would not have been fatal if treated timely and in an effective way. We do well in reducing smoking, but we still have the worst rates of obesity.

When you get beyond the myths and look at the studies, it becomes clear. The quality of a nation's health care is determined not by how much we spend but by whether we provide universal care that works. The United States is the only major industrialized nation without universal health coverage. We cannot give an assurance to every single American that they will have a doctor at hand when they need one. We can't give them the assurance that they can have basic access to needed health care when they absolutely need it for their family. Other nations have met that responsibility. We have not.

Ironically, the persistent and unfounded belief that Americans receive the best health care is a major reason why we don't move toward change and don't move toward providing the peace of mind which every American and every American family deserves. The health care and insurance companies spend millions of dollars to frighten Americans into thinking that covering everyone with health insurance will somehow mean less coverage for others and less choice for Americans who already have health insurance. That is a scare tactic. Look at all the other countries in the world that have better health care at much lower cost. By the way, when it comes to health care choice—especially choice of doctors—a third of Americans with health insurance say they had to change doctors in the last 3 years because their insurance company insisted on it. One out of three Americans. So the idea that consumers are in charge of their own health care choices is belied by that statistic.

There is no reason why we can't build a better health care system in America that lowers costs, covers everybody, and makes us a healthier nation. One of the first steps is to get beyond the myths and the vanity and actually look at the facts.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNIZING ISRAEL'S 60TH ANNIVERSARY

Mr. CORNYN. Mr. President, I want to join others of my colleagues in helping the nation of Israel celebrate its 60th anniversary.

The nation of Israel was founded, of course, on May 14, 1948. I think it is appropriate that we honor this ally of the United States and reaffirm the bonds of close friendship and cooperation between our two countries. This alliance, this friendship, has never been more important to the mutual security and safety of our people than it is today. This friendship, of course, spans oceans and is based on shared values.

I was pleased when Congress recently reaffirmed our commitment to preserving and strengthening that alliance by passing a concurrent resolution honoring Israel and recognizing its important mission and its history.

In the face of common threats, our relationship with Israel today is as important as ever. We have mutual goals in defeating radical Islamic terrorism, fostering Middle East stability, and promoting freedom.

Israel has shown an unwavering conviction in democracy, justice, security, and peace. The nation of Israel and its people deserve not only our friendship and our support but our admiration as well. I extend my warmest congratulations to the State of Israel and the Israeli people for this important anniversary.

SENATE INACTION

Mr. CORNYN. Mr. President, I want to turn to an important vote that we had yesterday in the Senate. Unfortunately, yesterday morning, we saw only 42 Senators voted to do anything significant about the high price of gasoline at the pump. This is just the latest example, I am afraid, of congressional intransigence and turning a deaf ear to the cries of the American people for Congress to do something to help bring relief at the gas pump. Unfortunately, it is just the latest example.

I know most of us came to Washington to serve in the Congress to try to solve problems. Unfortunately, the mentality inside the beltway seems to be that we ought to spend more time shooting at each other on a partisan political basis and not working together to solve problems. Unfortunately, there are more examples than just high gas prices to demonstrate this mentality.

I will just point to four areas where we have seen significant delays in congressional action that have had tremendous consequences on the American people. First and foremost is on our national security. It was 89 days ago that the Foreign Intelligence Surveillance Act basically expired. The most recent authorization would have allowed us to continue to listen in to foreign terrorists communicating with each other on the telephone in a way that would allow us to detect and deter terrorist activity and defeat terrorist activity.

Why the House of Representatives and Speaker PELOSI would refuse to allow this important piece of legislation to come to the floor after it passed the Senate on a strong bipartisan vote is, frankly, beyond me. But it has been 89 days now since we have had the ability to detect new terrorist threats, when the Foreign Intelligence Surveillance Act basically went dark and expired.

Secondly, it has been 540 days since we have failed to act on the Colombia Free Trade Agreement. Free-trade agreements should not be partisan affairs. It is good, in fact, for us to have free-trade agreements because it opens markets to American farmers and American manufacturers and producers for their goods in other countries. In fact, Colombia does about $2.3 billion in trade with the State of Texas each year, which is very important to my State. Unfortunately, when Texas sells goods and produce to Colombia, they carry large tariffs, which disadvantages my manufacturers, my producers, and my farmers in Texas, while Colombian goods that are sold in the United States, because of other agreements, basically come in duty free.

Why Speaker PELOSI would fail to allow this important free-trade agreement to be taken up and voted on in the House of Representatives, again, escapes me. This is in the best interest of the United States. It is in the best interest of my State and the people who work there. At a time when we are dealing with stimulus packages because we are concerned about the softening of our economy, what better stimulus could we enact than to pass this free-trade agreement, which would strengthen the robust markets in Colombia for American goods and produce? But here we are 540 days later, and it is bogged down in partisan disagreements.

The next number is another important number. I think one of the most important jobs the Senate has is to take up and consider the nominations of individuals who have been proposed for service on the Federal bench and to serve in that important branch of Government. But we have seen that because of inaction in the Judiciary Committee, on some nominees such as Peter Keisler—nominated more than 685 days ago—and we have seen nominees out of North Carolina pass the 300-day mark without even so much as a hearing in the Judiciary Committee.

This is another example of partisan delays that, frankly, I think frustrates the American people. It certainly frustrates me. It is an example of where we ought to act and find an opportunity to come together to solve a problem, and the problem is particularly in the Fourth Circuit Court of Appeals, where many litigants simply cannot find access to the courts because there are not enough judges sitting on those benches to listen to cases. Whether you are a crime victim or a small business man or woman or whether you are just a regular citizen in that Fourth District, we have a judicial emergency with about one-third of the seats vacant. Frankly, that creates a lack of access to justice. So, again, it has been 685 days without a vote on some of the nominees in the Judiciary Committee. We need to do better.

Of course, it was 751 days ago when Speaker PELOSI,—then running for election, and before the 2006 election, where Democrats were given the majority status in both the House and Senate, said: Elect us and we will produce a commonsense plan to help bring down the price of gasoline at the pump. Unfortunately, the price of gasoline at about the time that she took office as Speaker of the House was about $2.33 a gallon, I believe. And now, of course, it is about $3.75 a gallon.

Yesterday, as I mentioned, we had an opportunity to help provide relief for American families, to help them deal with their family budgets when it comes to the cost of gasoline. But I think we took a half step that did not do very much. What I mean by that is we did vote to quit filling the Strategic Petroleum Reserve, but if you look at how much oil that represents that would then be available in the open market, it is roughly 70,000 barrels of oil a day. Now, 70,000 barrels of oil a day sounds like a lot of oil, unless you consider the amount of oil consumed globally by all the countries on the planet. That is 85 million barrels of oil a day. How much of an impact do you think it will have on gasoline at the pump to provide an additional 70,000 barrels of oil, when worldwide consumption is 85 million? You don't have to be a Ph.D. in mathematics to figure that out. It will not be big. As a matter of fact, it will be minuscule—not completely insignificant but not very much.

On the other hand, we had an opportunity to vote to reduce our dependence upon imported oil and gas from dangerous enemies of the United States, countries such as Iran and Venezuela, both of whom are members of OPEC, the Organization of Petroleum Exporting Countries.

Unfortunately, the Senate turned down that opportunity to produce as much as 3 million barrels of oil a day from the U.S. reserve because we would not allow or authorize Alaskans to produce oil in Alaska. We would not authorize the States along the Outer Continental Shelf to be able to develop their oil reserves in the Outer Continental Shelf, and we would not allow States in the West to develop the oil shale that could produce massive amounts of oil right here in America, reducing our dependency on imported oil from dangerous countries such as Iran and Venezuela.

What I don't understand is, if our friends across the Senate—and I believe there was only one vote against the decision to stop putting oil in the Strategic Petroleum Reserve. But if everybody in the Senate virtually agrees that adding 70,000 barrels of oil to the worldwide supply of oil would help bring down the price of gas at the pump—however minuscule that figure may be—how much more would it be likely to bring down the price of gas at the pump to add 3 million additional barrels to worldwide supply? Of course, this would not be from Saudi Arabia or Iran or Venezuela. It would be from the good old USA.

Again, how many new jobs would that create at home, when our economy has turned soft? It would create a lot of jobs in Texas. I know it would create jobs in Louisiana and, frankly, all over the country.

Instead of taking an opportunity to take a bold move on a bipartisan basis to increase the supply of American oil and gas, we find ourselves with half steps and relatively insignificant votes to increase production. I am glad that, finally, the Congress has recognized that the laws of supply and demand are not inapplicable in the District of Columbia. As a matter of fact, for a long time, it seemed that we outright refused to recognize the economic laws that apply across the planet right here in Washington, DC.

So I ask my friends and colleagues, if you are unwilling to allow us to open American oil reserves when the price of gasoline is $3.75 a gallon and the price of a barrel of oil is $125, will you allow us to do it when gasoline hits $4 a gallon? How about when it hits $4.50 a gallon or $5 a gallon or $10 a gallon? How about when the price of oil hits $150 a barrel or $200 or $250?

We know because of the geopolitical situation with countries such as Iran, which are no friend to the United States and are major oil producers and are part of OPEC, that causes speculation on the spot market to push the price of oil higher. I believe it would have a dramatic impact on those prices and, ultimately, because oil represents 70 percent of the price of a gallon of gasoline, I believe it would ultimately bring down the price of gasoline and provide some much needed relief to the average American family.

Congress's failure to act on a strong bipartisan basis to do it is, frankly, inexplicable to me, just as it is inexplicable to me why we would not allow our intelligence officials to listen to the conversations of new targets of foreign terror surveillance, and why we would continue to let American businesses and farmers be disadvantaged by tariffs on goods and produce sold to the nation of Colombia, and why we would wait more than 685 days to consider the nominations of judicial nominees and allow crime victims and small businesses and others to go without their day in court.

Just for the same reasons those delays are inexplicable, why are we still waiting 751 days after Speaker PELOSI made the statement that she would produce a commonsense plan to bring down the price at the pump?

It is inexplicable to me why we have to wait with no real solutions in sight.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I ask that I be notified when I have consumed 6 minutes.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. VITTER. Mr. President, I also rise on the Senate floor today to talk about the crisis we face in terms of gasoline and energy prices and the need for us to act in terms of this true crisis that affects every Louisiana family I represent and every American family this body represents.

When this new Congress, led by Democratic leadership, took office, energy prices, gasoline prices were supposed to be a top priority. At the time, the price at the pump was $2.31. Yet today it has risen to $3.76 a gallon. That is a 61-percent increase.

If this was such a priority at $2.31, if we have had this dramatic increase, the fastest, the most dramatic, the most onerous on the consumer in history, why isn't this leading to action? The simple reality is that it is not.

This Congress has been tangled in inaction, unable to take significant action on this issue, and that has to end for the good of the American people.

As my colleague from Texas reiterated, this is not overly complicated. Price is set by the equation of where supply meets demand. That is economics 101. That is the first lesson of economics. So we need to do everything we can to reduce demand, mitigate worldwide demand, which is clearly increasing, particularly from rapidly growing countries such as China and India, and we can do that through conservation, fuel efficiency, and new sources of energy. But we also need to increase supply. We need to do both at once because our energy picture is so challenging and so dire.

So I rise to join my colleagues who are saying we need to act, we need to break out of this gridlock, we need to act on energy prices which affect all American families.

Unfortunately, we had that opportunity in the last several weeks and, once again, the Senate passed on the opportunity, shut down the opportunity to take real action.

Again, this is an enormous challenge, and we need to do everything we can, both on the demand side—and I support those measures: increased energy efficiency, increased levels of conservation, development of new technology and new energy sources. We have done a little bit of that, but we need to do more. But we also need to act on the supply side, increasing our supply of energy, particularly our domestic supply which increases our energy independence, lessens our dependence on unfriendly foreign nations.

Several weeks ago, we were on an FAA bill, and I had an amendment at the desk that would constitute real, meaningful action. It was very simple. It would have established a trigger at the price of $126 per barrel of oil. When the price reached that mark—and we are, unfortunately, perilously close already—then the trigger would have been pulled, and we would have been able to explore and produce off America's Outer Continental Shelf, where we have vast resources of energy. But we would only do that with two significant caveats, with two significant demands.

The first is that the host State involved, wherever we were proposing drilling, would have to want that activity. The Governor and the State legislature would both have to affirm that they wanted to produce off their coast. It is very important, very fair, respecting State sovereignty and States rights.

Secondly, my amendment would have built on provisions we passed several years ago to give those host States significant royalty sharing so anything produced off their coast, 37.5 percent of that royalty would go to the State for the State to use on its top priorities, whether they be highways or higher education or, in the case of Louisiana, coastal restoration, hurricane protection, hurricane evacuation routes. That was a very sound, sensible policy we set a couple years ago as we opened new areas of the gulf.

My amendment, which I had at the desk for the FAA reauthorization bill, would have expanded on that good policy initiative. Unfortunately, we couldn't have a full debate on that amendment. We couldn't have any vote on that amendment because the Democratic majority leader filled the amendment tree, took up all opportunity for amendment for himself and blocked all other amendments from coming to the floor.

That is unfortunate on any issue. It is particularly unfortunate, again, on the top concern of the American people, when prices at the pump are sky-high and continuing to rise, when they have risen from $2.31 a gallon at the beginning of this Democratic Congress to $3.76 a gallon today—a dramatic, onerous, 61-percent increase.

Yesterday, we had another opportunity to break through the gridlock and act, and it was by adopting the McConnell-Domenici amendment. That amendment proposed a number of measures, including something very similar to my Vitter amendment regarding the Outer Continental Shelf.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator has used 6 minutes.

Mr. VITTER. I thank the Chair. That McConnell-Domenici amendment included a number of measures, something very similar to my proposal with regard to the Outer Continental Shelf. It would have dramatically expanded our domestic supply. It would have done something real, concrete and meaningful and have a significant impact over time on the price at the pump.

Yet again, the Senate refused to act, refused to move forward with that significant proposal that would do major things on the supply side and would couple it with other actions we are taking and further actions we need to take on the demand side.

Instead, we did something extremely modest. We said: For now, we are not going to continue to fill the Strategic Petroleum Reserve. I supported that move. It is true that will free up 70,000 barrels of oil to put into the open market versus pumping into the Strategic Petroleum Reserve, but that is very modest. That is hardly going to make a dent on the price at the pump.

In contrast, all the provisions of the McConnell-Domenici amendment, all that extra supply domestically would have meant 3 million barrels in contrast to 70,000. Yet again, the Democratic leadership and the Senate overall refused to act, refused to address this issue, the most serious that Americans are facing today, the one that hits their pocketbook over and over, causing them real concern about their family budget and how they are going to make it.

I urge the Senate to get out of this do-nothing attitude. I urge the Senate to act on this crucial issue for all American families.

Again, this is not brain surgery. This is economics 101, supply and demand. It is not either/or. We need to do everything we can to lessen demand, and I support those measures to increase efficiency, to increase efforts at conservation, to increase new technology efforts that will lead us to new fuel sources. That is absolutely necessary. But it needs to be coupled with action to increase supply, particularly domestic supply, by tapping those vital reserves, particularly on our Outer Continental Shelf.

I join the Senator in Texas in asking, if we are not going to do it now at $3.76 a gallon, when are we going to act? Are we going to wait for $4? Are we going to wait for $5? We need to act now. This is a serious issue for all Americans. This hits the pocketbook of every American family. We need to act now. We need to act not with political demagoguery, not with pure rhetoric. We need to act with measures that have an impact, both on the demand side and the supply side. I hope the Senate and the Congress move to do that.

ISRAEL'S 60TH ANNIVERSARY

Mr. VITTER. Mr. President, I wish to also speak on Israel's 60th anniversary. It is a very important date for a truly remarkable country and a remarkable people who, in a mere six decades of existence, have built a vibrant, successful, modern democracy out of almost nothing.

When I was still a student, I had the opportunity to visit Israel with my sister. She had a college friend who had moved to Israel after graduation. Even back then—I was very young—I couldn't help be impressed by the determination and perseverance of all the people I met and their effort to build a vibrant, democratic state, to create a safe, secure homeland for all Jews, no matter where they may have originally been from around the world.

I had a second opportunity to visit Israel as a Member of Congress many years later. It was a very different sort of trip, very different itinerary, a very different set of meetings than when I was a student. But I left with the same strong feelings of respect and admiration for all the people of Israel, the same recognition of their determination and unflagging faith in their nation and countrymen. Their belief in the importance of their mission had not faded at all in the years between my visits.

What makes today especially notable is it is the 60th anniversary of the founding of the State of Israel. There is wonderful hope in this celebration of the 60th anniversary, and there is also sober appreciation of the challenges that remain.

On the hopeful side, on the impressive side, is that in a mere 60 years, as I have said, Israel has created a nation characterized by strong democratic principles, a compassionate and determined people, innovative industry, especially in technology, medicine, and science, a competitive global economy.

In a mere six decades, Israel has built all that tremendous innovation, tremendous economic prosperity and progress virtually out of nothing, virtually out of the sands of the desert. It has become a beacon of freedom and democracy in a region that has very few examples to speak to. Israel is the only fully developed democracy in that sense. It represents to all peoples what can be achieved when people come together in a common cause, set aside differences, work together in a very determined way to make life better for them and their children. I recognize this important anniversary.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 980, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Pending:

Reid (for Gregg-Kennedy) amendment No. 4751, in the nature of a substitute.

Hatch amendment No. 4755 (to amendment No. 4751), to provide for a public safety officer bill of rights.

Alexander amendment No. 4760 (to amendment No. 4751), to guarantee public safety and local control of taxes and spending.

Leahy amendment No. 4759 (to amendment No. 4751), to reauthorize the bulletproof vest partnership grant and provide a waiver for hardship for the matching grant program for law enforcement armor vests.

Corker amendment No. 4761 (to amendment No. 4751), to permit States to pass laws to exempt such States from the provisions of this act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend and colleague, Senator ENZI. I will now make a comment about the pending legislation. I thought we did have some good discussion and debate on yesterday. A number of important issues were raised. I will try this morning at least to respond to some of those matters to clear up what I think are some questions we had. Obviously, we are interested in moving this process forward, considering amendments, and getting to the Senate's business.

Once again, I will mention two organizations that support our Public Safety Employee Cooperation Act: the International Association of Firefighters and the Union of Police Associations. We pointed out this week is set aside in our Nation, and has been set aside since 1962, to give special honor to our men and women in the police organizations who have lost their lives in the line of duty. It is a very special, solemn ceremony in which they participate. We are mindful of their service every day but especially this week. We are grateful for their strong support for this legislation. They have studied it, analyzed it, looked into it, and support it.

The National Association of Police Organizations and a great many other organizations have supported this legislation—our first responders. These are the organizations that speak for firefighters, speak for police officers, speak for the first responders.

Yesterday we had a good debate about the bill. I think we are off to a good start. I would like to take some time today to set the record straight as to what the bill does do and what the bill does not do. Fundamentally, this bill is about choice, who should make the choice whether public safety workers get a union—the Federal Government, State government, or the workers themselves.

Right now we have a system where the Government makes the choice—26 States give workers the ability to form a union if they want one; 24 States deny workers that option. These 24 State governments think they know better than the workers themselves what is best.

I disagree. Our public safety officers are on the front lines every day fighting fires, stopping crimes, saving lives. They know best how to protect the public. They know best how to keep safe on the job. They know best whether they need a union to represent their interests.

The Cooperation Act gives this choice to the workers. It says the States have to provide a path that workers can use if they decide they want a union. If the workers do not want a union, fine, they do not have to walk down that path. But the State has to make it available and let the workers choose, just as it is with the right to vote. Individuals do not have to vote, but they have the right to vote. This is the State making that judgment. We recognize that as a fundamental right there and here.

Under current law, States make the judgment decision. With the Alexander amendment it will allow the States to make the judgment and decision. Under the Corker amendment, that is it. Under our Cooperation Act it is the workers themselves who make the judgment—do they want it, don't they want it—and we abide by the outcome. That is a basic, fundamental difference.

It is not going to be hard for the States to build this path. All they have to do is provide for four core rights: No. 1, the right to form and join a union; No. 2, the right to sit down and talk at the table; No. 3, the right to sign a contract if both parties agree; and, No. 4, the right to go to a neutral third party when they have disputes.

They can make the judgment whether they want arbitration, whether they want mediation, whether they want fact finding. There are no requirements. They can make those judgments; they can make those decisions. They make the judgments.

Apart from these four things, all other details of the collective bargaining system are left up to the States. States have the flexibility to decide whether to exempt small communities. They decide how workers can select a union—through card check, elections, or both. Do we understand? The States make those judgments and decisions.

States can decide how workers and employers should resolve disputes—through arbitration, mediation, fact finding, or some other mechanism. If a State decides not to pass a law providing a framework for bargaining, or if the State law does not provide for the four core rights, the Federal labor relations authority will step in to ensure that workers have these rights. But that is only if the State refuses to act.

We heard a good deal of discussion about the role of this authority and how we do not understand what this is all about and how this is going to change federalism. It is very simple what this legislation does do and what it does not permit. Our first responders sacrifice so much for us each day, the least we owe them is the ability to choose for themselves whether they want a union. We owe them at least that much dignity and respect, and that is what the Cooperation Act provides.

I hope this explanation will ease the minds of many of my colleagues. I think there have been a lot of misconceptions about this bill floating around. I hope this explanation can alleviate some of those concerns. We heard a lot of talk yesterday about this bill imposing Washington's will on the States. Of course that is not true. I happen to think that unions are good for workers, but nothing in this bill imposes my opinion or the opinion of my colleagues on public safety officers. Under this bill, Congress does not make the decision whether public safety officers have a union. Instead, firefighters, police officers, have the choice. That is where the decision will be made.

Several amendments were filed yesterday that would give the State and local governments, the employers, the opportunity to opt out of the requirements of this bill. But these opt-out provisions actually block the rights of the first responders. They would allow the State and local governments to cut off public safety officers' rights. We should let police and firefighters decide whether they want to exercise their rights to have a union. That is what this bill would do.

Senator ALEXANDER and Senator ENZI said people in their States are happy without unions. If that is true, then it is likely nothing will change. If those public safety officers believe their voices are being heard and their concerns are being addressed, then they will choose not to form unions. Nothing in this bill forces them to make a different choice.

Senator ALEXANDER and Senator ENZI should put their assertions to the test and pass this legislation. If they are right, nothing will change. But if they are wrong, public safety officers in Tennessee and Wyoming will vote for unions and get a voice in the workplace.

We also heard that Washington was imposing a one-size-fits-all federal system on the States. This is another misconception. At every turn in drafting this legislation, Senator GREGG and I went out of our way to give States the flexibility to adopt a collective bargaining law that works for them. Under this bill, Congress will not tell Tennessee or Wyoming or any other State how to implement the law. States can choose how to comply.

As I mentioned, States only have to provide the most basic rights. Other than those basic rights, States have the flexibility to adopt the system that works best for them.

I would note that several of the amendments filed yesterday would take these basic choices away from the States and mandate a Federal rule on issues such as right to work or card check. That is not what this bill should be about. The flexibility for States is important as long as the core rights are there.

States also have the flexibility to completely control costs under this bill. This control means there is no risk of unfunded mandates. My colleagues across the aisle love to talk about charges of unfunded mandates, but it simply does not fit.

This bill comes with no—I repeat no—price tag. Nothing in this bill tells the State and local governments to spend any money. Nothing says they have to raise wages. Nothing says they have to improve benefits or shift money from local priorities into public safety. Governments are free to write their own contracts. At the bargaining table, State and local governments are free to offer bargaining proposals that are consistent with their local fiscal needs. They cannot be forced to agree to any terms they do not want or cannot afford.

In addition to being able to protect their interests at the bargaining table, State and local governments can also safeguard their financial interests through the legislative process. The bill explicitly allows State and local legislative bodies to retain the right to approve or disapprove funding for a contract by requiring an agreement be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

That simply means elected Representatives have the final say on spending. Do we understand that? The bill explicitly allows the State and local legislative bodies to retain the right to approve or disapprove funding for a contract by requiring an agreement "be presented to a legislative body as part of the process for approving such contract or memoranda of understanding." Elected Representatives have the final say on spending.

Remember also that under this bill, public safety officers have no right to strike and no requirement of binding arbitration. That means no one can force a contract on a State and local government under this bill.

The other side's additional argument that there will be costs associated with just implementing any new State law is a red herring. The costs will be minimal. All State and local governments already have human resource departments in place. In addition, collective bargaining often creates new efficiencies that actually save money. In Miami, FL, the local firefighter union worked with the community to reconfigure EMS services and ended up saving taxpayers a great deal of money.

On top of all these safeguards for State and local governments, we have adopted an additional safeguard for the States' smallest communities. In addition to the protections I have just outlined, the bill allows State governments to exempt these smaller communities if they want. If a town has fewer than 5,000 residents or employs fewer than 25 workers, the State can say: Our law does not apply to you.

You can see this bill is a reasonable way to extend the choice of whether to have a union for our Nation's public safety officers. We have taken extensive steps to protect State and local flexibility to ensure they will not be burdened by these procedures.

A final argument that we have heard about States rights yesterday was that this bill violates States rights under the Constitution. This argument is simply false. The bill has been carefully crafted to comply with the current Supreme Court cases on the ability of Congress to regulate State governments. Throughout our history, our Federal Government has set core labor standards, such as minimum wage and overtime rules, that apply also to State workers. Do we understand that? Minimum wage, overtime apply to State workers. They apply to them in Massachusetts. They apply in Tennessee.

Bargaining rights are no different. I do not think anyone in this Chamber would argue that the State government should not have to comply with the basic standards prohibiting them from discriminating against workers based on race or gender. The same is true for collective bargaining rights. Bargaining rights are civil rights too.

Moreover, there is a strong Federal interest in the performance of State and local first responders. We have an increasingly Federal approach to national security. We have created a Department of Homeland Security and appropriated $40 billion for that—$40 billion, for homeland security.

The last time I looked at the map, all the States fell within that criterion, in terms of being protected. In our post-9/11 world, this national response to terrorism increasingly depends on coordination with State and local public safety officers. It is more appropriate than ever for the Federal Government to ensure that public safety officers are working as efficiently and as effectively as possible. By encouraging strong partnerships between public safety officers and the cities and States they serve, this bill advances the Government's interests in improving homeland security.

Finally, my colleagues have tried to scare even those States that have good, solid collective bargaining laws into believing that their laws are on the line. In truth, more than half of the States in the country will not be affected by this bill.

As I described a minute ago, the bill does not require that State laws have specific provisions, only that they provide the basic protections I outlined. The Federal Labor Relations Authority, which will make those determinations, is not some secret society. It is a longstanding Federal agency staffed by dedicated career servants and Presidential appointees who are confirmed by the Senate—not greatly different from the National Labor Relations Board, for example.

In summary, you can see that this bill is not the aggressive intrusion into State government that was portrayed yesterday.

In addition, I wish to address some of the other individual concerns raised about the bill that are misleading and misplaced.

First, this bill will not encourage strikes. In fact, this bill provides additional safeguards to prevent strikes. It specifically says that a public safety officer may not engage in a strike, work slowdown, or any action that will measurably disrupt the delivery of emergency services. There is no room for interpretation. That is an ironclad ban on any action that will impair public safety. This language specifically says that a public safety officer may not engage in a strike, work slowdown, or any other action that will measurably disrupt the delivery of emergency services. More importantly, it creates a mechanism for public safety officers and their employers to communicate and build strong bipartisanship that enhances cooperation, decreasing the likelihood of strikes.

It is an insult—it is an insult to public safety officers to suggest that they will strike. It has been decades since there has been a police or firefighters strike in this country. Police and firefighters in most States already have the right to bargain, and there has been no problem with strikes. These brave men and women take their duty to serve the public very seriously, so seriously they are willing to die for it. The suggestion that they would shirk their duty in order to argue over a contract dishonors them and dishonors their sacrifices.

Next, I wish to underscore that this bill will not harm communities that rely on volunteer firefighters. This legislation expressly applies only to employees, which means volunteers are excluded. Any suggestion that cities and towns are going to be forced to bargain with and possibly pay their volunteer firefighters is wrong. What is more, we included language supported by the National Volunteer Firefighter Council to ensure that professional firefighters can continue to volunteer in their off-duty hours. This language outlaws contract provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours. That includes part-time or volunteer firefighting. Senator ENZI says that is not clear, but it seems pretty clear to me.

My colleagues across the aisle also attacked this bill yesterday as hypocritical because it is inconsistent with how our Federal Government treats its own workers. Again, this criticism is untrue and misleading. Federal workers have bargaining rights. They also have a say in their wages. The law allows them to petition the Government each year.

Federal law enforcement offices are an example of how well collective bargaining rights and public safety go together. Whether Congress should give Federal public safety officers the right to directly bargain over wages is an issue for another day. We do not need to resolve that question in order to do the right thing for the State and local offices.

We also heard complaints about the process that brought us to this point. Listening to the debate, you might think this bill was a new idea never explored or never debated. That again is simply false. This bill has been around for a long time. It was introduced in 1999, almost 10 years ago, by Senator DeWine, and then by Senator GREGG. It has also had strong bipartisan support.

My colleagues across the aisle would have us go through more hearings and debate before we act. We do not need more hearings. We have already had a hearing in the HELP Committee. In fact, we have marked this bill up twice, once in 2001 and once in 2003. We even voted on this bill before in 2001. Our Nation's first responders have waited long enough for the basic rights in this bill. We should not make them wait any longer. They do not make us wait when we need them. We should not have them wait any longer.

I yield the floor

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, we did have a brief time yesterday to begin exploring the multiple flaws and deception in this legislation. I believe it would be useful today to begin by touching on a few of those flaws.

I have taken the suggestion of my colleague and friend from Massachusetts, Senator KENNEDY, and looked very carefully at the RECORD of yesterday's proceedings, and here are a few things worth noting.

In response to my remarks and those of Senator ALEXANDER, we were repeatedly told yesterday that it was perfectly all right to federalize the programs of State and local labor relations of States like mine and Senator ALEXANDER's and at least 20 others to, in effect, tell those States that the Democratic decisions of their sovereign governments and their citizens simply did not count, that the Federal Government knows best, that the Federal Government will tell those States what their law must be and how they must conduct their labor relations with their own employees. In essence, the citizens and legislators of a near majority of States are being told by the proponents of this bill that they know better what will work for those States.

As Senator ALEXANDER put it so well yesterday, this bill is really about States like Massachusetts or New Jersey telling States like mine or his, and at least 20 others, how best to deal with their employees and how to fashion their own State laws in the total absence of any need to do so. Now, I completely reject that. However, for those who support it, they owe it to themselves to at least be consistent in their approach. They are not. While they would deny a near majority of States the right to determine what they believe to be the best approach to public sector labor relations within their States, they staunchly defend the right of a small minority of States to deny public employees the most fundamental democratic rights in the workplace.

Five States—New York, New Jersey, Illinois, New Hampshire, and Massachusetts—all home to the sponsors of this bill, have card check laws for their public workers. Those States have decided this is the way they intend to conduct the labor relations among their employees. I respectfully disagree. I believe that approach to be antidemocratic, and it is certainly contrary to the Federal labor policy which preserves for workers in the private sector the right to a democratic secret ballot in deciding the question of unionization.

However, we are told by the proponents of this bill that this fundamental workplace issue is a matter of State choice, while at the same time being told that any State's choice to elect a different system of labor law than that imposed by H.R. 980 is not. Denying workers a secret ballot election on unionization is somehow a matter of local choice, but deciding to utilize and meet and confer on a system of labor management relations or to decide the issue by local option is not. The inconsistency and hypocrisy of that position is nothing short of stunning. It is utterly indefensible.

At least that issue is addressed by Senator HATCH's amendments. That amendment will at least end that hypocrisy by expressly overturning antidemocratic card check laws for public sector employees in New York, New Jersey, New Hampshire, Illinois, and Massachusetts. While we should not impose Federal law on States at all, if we ought to do it, we ought to do it consistently.

Now, lastly, I want to note that yesterday my colleague and great friend from Massachusetts indicated that if the bill were half as bad—he reiterated it again today—half as bad as I had indicated in my remarks, he would be against it as well. I take my friend at his word but do not ask that he take me at mine.

Late yesterday, the leaders received a letter from Michael Bloomberg, the mayor of New York, regarding H.R. 980.

I wish to remind everyone that New York has a full collective bargaining statute covering public safety officers. I also wish to remind everyone that we are told by all of the proponents of this bill that because of this, New York would not be affected by this law.

Here is what Mayor Bloomberg had to say in his letter to Leaders REID and MCCONNELL:

> I am writing to express my serious concerns about legislation before the Senate which would alter the current state of collective bargaining between the City of New York and a number of its unions. The legislation has the potential to harm both New York City and New York State labor relations.
>
> As you are aware, the Public Safety Employer-Employee Cooperation Act of 2007 is a bill that would significantly expand the jurisdiction of the Federal Labor Relations Authority, FLRA, into the labor relations between State and local governments and their public safety officers.
>
> Though the bill may be well intentioned, its fundamental problem from the point of view of New York is that it does not clearly distinguish States like New York that have long provided collective bargaining rights to their employees from States that have not.
>
> Under the bill, States with long histories of collective bargaining face the risk of having their labor relations with public safety officers Federalized to the detriment of long-established public policies.
>
> For over 40 years, the New York City Collective Bargaining Law and the New York State Public Employees Fair Employment Act, also referred to as the Taylor Act, have provided a legal framework for public sector collective bargaining in the City of New York. There has been extensive administrative and judicial review of virtually every aspect of this legal framework. The bill has the potential to undermine this long-established framework.
>
> One problem is the bill's treatment of the ability of public safety employees to strike. The New York State Taylor Law currently contains a clear and unequivocal prohibition on all strikes by public sector employees and explicit penalties, such as substantial fines against the individual members for violations of the no-strike provision.
>
> The language in the proposed language before the Senate is less clear. The City is very concerned that section 6 of this bill can be read to prohibit only a strike that would measurably disrupt the delivery of emergency services.
>
> This language, while it may not be intended to limit the prohibition in this way, is an invitation to misinterpretation and litigation. In addition, the same section could encourage employees to refuse to carry out services that many believe are not required under the mandatory terms and conditions of employment in situations where the public safety might be immediately affected by such a refusal.

The mayor of New York goes on to say:

> Another serious problem with the bill is that it gives FLRA the authority to decide what must be collectively bargained. New York has longstanding legal precedent regarding what are mandatory, permissive and prohibited subjects for collective bargaining. Under section 4 of the bill, such long-established legal precedent could be overturned by the FLRA.
>
> A notable example is that disciplinary procedures for police officers and firefighters, including due process, are provided for in the New York City Charter and administrative code and are prohibited subjects of bargaining. The New York Court of Appeals confirmed as recently as 2006 that these procedures may not be subject to bargaining, but the bill would give the FLRA the authority to decide otherwise.

I think that is a point we made yesterday.

> A decision by the police commissioner, for example, as to whether or not discipline should be brought against a police officer involved in a shooting incident is something for which he remains fully accountable to the public. It is of grave concern to the City that it could be forced to bargain over such procedures as a result of an improper finding by the FLRA, and such public accountability would thereby be lost.
>
> Even if the FLRA does not interfere with precedent that restricts bargaining in sensitive areas like discipline, the bill at a minimum would provide an additional means for such precedent to be challenged repeatedly in Federal court, resulting in an extended period of uncertainty.
>
> In the final analysis, the bill could significantly affect the ability of the City of New York to ensure the safety of the public in the integrity of essential government services, and is likely, at a minimum, to involve the city in costly and disruptive litigation in Federal court.
>
> Any remedy of these concerns should be achieved in statutory language, not merely in legislative history. Given the serious concerns the proposed bill raises for the City of New York, I oppose the bill in its current form.
>
> Sincerely, Michael R. Bloomberg, Mayor.

As I showed yesterday, there are more than 20 States that will have their laws overturned by this, and 12 more whose laws could be challenged in court.

They recognize that. Calls we are getting, letters we are having shared with us indicate that is a concern of those out there who have to deal with these kinds of problems and the gaps the bill language leaves and the new authority of this Federal Labor Relations Authority which hardly anybody has had to deal with in the past. It is not even equipped to handle what is in the bill.

This is an ill-conceived and badly drafted bill that would not only overturn the law in a near majority of States and disregard the democratic will of the legislatures and people in other States, it would plainly disrupt the law and labor relations policies of every State. This is the price that is paid when the proponents of a bill pander to special interests and circumvent the regular order of this body in an attempt to advance fundamentally flawed legislation. The sad truth is, I do not believe this bill can be fixed. I certainly do not believe it can be fixed on the floor of the Senate. It should have been addressed in committee, but we are left with no choice. So we will continue today to take up the floor time of the Senate trying to fix an irretrievably broken, totally unnecessary piece of special interest legislation. Is it any wonder the American public holds Congress in such low disregard?

I haven't had a chance yet to even talk specifically on the employee bill of rights amendment and the unfunded mandate option. I will take that opportunity at this point in time. Yesterday, the Senator from Utah, Mr. HATCH, offered a public employee bill of rights amendment. Many of my colleagues have spoken about the tremendous service America's public safety employees give to the public. I believe 100 Senators believe that and want to help, in every way possible, the public safety employees do their job. I am a little concerned that occasionally we think that only through collective bargaining will anybody listen to a suggestion of a public service employee. I have never seen that happen. I am not saying it couldn't happen somewhere in America, but if they are suggesting something for safety, I think people will listen.

A lot of times we don't think of things for safety until after a tragedy such as Charleston. Then we think about what could have been done, and it is shared with the Nation. A lot of that is put into place, not through collective bargaining, through common sense. You want to protect the lives of the people who work for you; that is, the people who work for the people of the United States, work for the people in the communities. The toughest job in America is being a mayor because you are right there with the people. They can grab you by the shirt collar—you usually don't have any kind of security—and explain in no uncertain terms what they are thinking. Usually, they have a pretty good idea, not just a complaint but a complaint coupled with a suggestion.

I know, on any given day, one of these officers could be asked to put his or her life on the line, and they do so courageously. I agree with my colleagues that individuals who choose these careers deserve respect, gratitude, and special treatment. But the underlying amendment would actually result in diminishing the rights of public safety employees who are not currently unionized. Once a workforce is unionized, even employees who do not wish to be a part of the union will have pay deducted from their paychecks and spent in a manner outside their control. They will have little ability to question or alter the legal representation established with or without their support. The Hatch amendment merely balances that diminution of self-determination by establishing a public bill of rights. The amendment will do three things. It guarantees the right to vote by a secret ballot. It guarantees to limit the right of public unions' dues collection authority to nonpolitical uses. It guarantees that financial transparency will be there. By ensuring that public safety employees in all States have the right to vote on whether they unionize by secret ballot, the Hatch amendment guarantees for public safety employees the same right private employees now have in many States. In a democratic society, nothing is more sacred than the right to vote. It is undeniable that nothing ensures truly free choice more than the use of a private ballot.

The possibility of coercive or threatening behavior toward employees who may not wish to form a union is even more concerning in the context of public safety employees who rely on coworkers to reduce the deadly risks they face routinely in the course of their work. The amendment would also limit the right of public unions' dues collection authority to nonpolitical uses. Those who choose public service often accept lower pay than they might make in the private sector because they are dedicated to public service. Let's not insult that choice by allowing labor bosses to take money from paychecks and spend it on purely political causes the employee does not support. I believe public employees should have the same protections from fraud and abuse as private employees. This amendment would empower public employees by allowing them to observe how their dues are being spent and the other financial dealings of their unions. It does this by bringing public unions under the requirements of the Labor Management Reporting and Disclosure Act. That is a 1959 law enacted with bipartisan support, including then-Senator John F. Kennedy. Public employees who pay union dues, especially those who are compelled to do so against their wishes, are no less entitled to financial transparency and fraud protections than private sector employees covered under the law today.

In regard to the Alexander amendment, I don't think there is any doubt that the bill's mandates would increase costs for States and localities that are either now unionized or do not allow bargaining to the extent required under the law and will, therefore, be subject to new rules. We have heard the argument that this has to be approved by a legislative body. There is also the clause in there about what the Federal Labor Relations Authority can do with any agreements that come up. I assume that would be if they didn't think they were tough enough. The costs I am concerned about go far beyond any increased pay or work scheduling costs.

The bill's most burdensome mandate falls on small towns that will have to assemble collective bargaining resources and capability on short notice. We keep looking at the 5,000 figure like it is magic. Five thousand is a very small town, and many of them already have difficulty complying with current Federal unfunded mandates. But we are going to impose one more on them. I don't want people to think the small town exemption is really just set at 5,000 population. The bill says 5,000 population or 25 employees. Towns have to hire a lot of people to run the facilities that we take for granted. We expect to turn on our faucet and have the water there. We expect to flush the toilet and have it disappear. We expect to set our garbage out and have somebody pick it up. We expect the streets to be in good condition so they are safe. A lot of places we expect sidewalks to be there so pedestrians don't have to be on the street. We even have in some municipalities the provision of electricity.

Gillette, WY, was so isolated and had so few people at one time that nobody wanted to provide electricity. So the city provided it. That has been a growing entity with employees. But it always required quite a few employees for doing the pole work and the meter work and the electrical work that was necessary. So 25 employees is a pretty easy threshold to get to in a small town. So 5,000 population or 25 employees, don't forget the 25 employees part.

The costs I am concerned about go beyond increased pay and work scheduling costs. This bill will also require them to assemble collective bargaining resources and capability, and on very short notice. I think that means that since the union will be able to bring in a negotiator, the city, the town—in Wyoming, 5,000 is a first-class city—will have to bring in different legal and bargaining experts to help with the negotiations, at least to train them to know how to negotiate. That will happen on both sides.

So this requires actions such as hiring labor law experts and establishing contracts with arbitrators, all resources that may be in short supply since small towns all across the country will be facing the same mandate at the same time.

As the former mayor of Gillette, I know what it is like to balance a municipal budget. When the Federal Government imposes costly new mandates and provides no funds to pay for them, it is frustrating for the mayor and the council and anybody who works for the city. When I became mayor, it was a boom town. The town had recognized the need to have better sewer treatment facilities. We had applied to the Federal Government. We had received a grant. Just as I took office, this new sewer treatment facility went on line. The inspector showed up and said: Your town has grown so much, you are violating the capacity of your sewer system. Since we provided the money for it, we are going to fine you.

So I needed a new sewer treatment facility. I needed several million dollars' worth of new sewer treatment facility. So I went back to the source. The Federal Government said: That one wasn't adequate because of the growth you have had. They said: Sorry, you already got one grant. You wind up at the bottom of the list now. So thousands of communities across the United States, probably rightfully, got to be ahead of my community. But that didn't stop the fines. Fortunately, I got a judge who said:. Yes, we have to fine you, but we are going to make you pay that money into a fund to build a new sewer treatment plant. That helped a little bit because we still had the money to do something, but we were still being put under this Federal mandate, which is a good idea. You need to do adequate sewer treatment. That is very important. But how do these small towns afford that? There are thousands of them, and they are all going to be put under that law at the same time. There aren't enough people trained to help them do this. So the burden falls on the taxpayers. The taxpayers elect local officials who will pursue their priorities and collect taxes at a level to cover the cost of those priorities. That is partly right. You don't always have the right to increase taxes. There are State limits in many of the States that say how much a municipality can tax. So that option may be closed down. This bill upsets the democratic order by imposing Federal priorities on local taxpayers with no way to pay for them. Local governments don't have "funny money" gimmicks like the Federal Government. Increased costs have to result in increased taxes, such as sales tax, property tax or decreased services. So which of those 25 employees are we going to get rid of in order to meet the costs of this bill? You can say it is not a Federal mandate because we have some definitions that explain what a true Federal mandate is, but I think the towns will consider it to be a Federal mandate. So will the people who are taxed or lose services or who are taxed and lose their jobs.

This is a choice I believe we should leave to local government. The Alexander amendment would leave it up to them by allowing localities to opt out of the bill's requirements, if they determine it will increase local property taxes, compromise public safety or constitute an unfunded mandate.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from South Carolina.

AMENDMENT NO. 4763

(Purpose: To improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces)

Mr. GRAHAM. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. KENNEDY. Mr. President, I am sure I will not object, but I would like to see the amendment. If the Senator will give us a moment to see the amendment, we have not seen it.

The PRESIDING OFFICER. Consent is not needed.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. GRAHAM), for himself, Mr. BURR, and Mr. MCCAIN, proposes an amendment numbered 4763.

Mr. GRAHAM. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I send a cloture motion to the desk on a first-degree amendment and ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 4763 to H.R. 980, the Public Safety Employer-Employee Cooperation Act of 2007.

Mitch McConnell, Michael B. Enzi, Johnny Isakson, David Vitter, Jim DeMint, Robert F. Bennett, Pat Roberts, John Ensign, Thad Cochran, Roger F. Wicker, Richard Burr, Larry E. Craig, Lindsey Graham, Saxby Chambliss, Mel Martinez, Kay Bailey Hutchison.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 4764 TO AMENDMENT NO. 4763

(Purpose: To improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces)

Mr. MCCONNELL. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4764 to amendment No. 4763.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue.

The legislative clerk continued with the reading of the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I thought things were too good to be true, that we would have a debate on a bipartisan bill. There are a lot of things we could do to bring the Presidential politics into what is going on here on the floor. I think this is untoward.

This is a bill that has been worked on for a long time. Senator KENNEDY and Senator GREGG have worked in good faith to bring this up to help firemen and police officers. I had a group of police officers in my office today. They were so excited about this bill because we are doing something to help them.

We have been through this before. I told MIKE ENZI last Friday, through staff, that I would not fill the tree on this. I wanted to see if we could work in good faith for once without the Republicans playing their petty politics. But, obviously, we cannot do that.

Now, is it any wonder—I ask: Is it any wonder—that the Republicans have lost three special elections for House seats? It is no wonder. The American people understand what this Republican-led Congress has done, led by this man in the White House.

Now, is it any wonder that in a poll yesterday in the Washington Post, the Democrats have a 21-percent lead on the Republicans on being better able to handle the problems of this country? It is no wonder because this is what we have. They are not serious about anything.

We have had 71 filibusters that have been filed this Congress we have tried to break—we have had to break them—71 filibusters.

So I tell my friend, Chairman KENNEDY, and Ranking Member ENZI, it is obvious we cannot complete this legislation. It is obvious that games are being played.

Now, can you imagine on this bill dealing with people who are first responders—on 9/11, who were the people rushing into that building to die? Firefighters and police officers. They have asked for some help from us. For example, in Nevada, we have a situation where the State legislature said local law enforcement officers can bargain collectively. But isn't it interesting, the State cannot. Highway patrol officers cannot, those people who are capital policemen in Nevada cannot.

That is what this legislation would do. It would direct attention to some of the problems law enforcement has in this country, and we are not going to be able to do it because we are working now and are going to have to vote on whether there should be a holiday on gas prices. I talked to a woman in Pahrump, NV, yesterday, 50 miles out of Las Vegas. She moved to Pahrump because it would be cheaper to live. She works in Las Vegas. Well, that was a bad bet she made because she has a diesel vehicle. Yesterday, it cost almost $130 to fill it with diesel fuel, and she has to fill it once a week.

So we have a situation here where now we are going to start debating the energy policies of this country. We are happy to enter into that debate because we know the energy policy in this country has been set by Dick Cheney. He met with oil companies. It was all secret. They protected themselves, even through the Supreme Court, that we would not know whom they met with and what they met with. But it is obvious the policies they came up with have been a real big boon to the energy companies, making more money than any companies in the history of the world.

So if my Republican colleagues want to debate energy, we are happy to do it. What we wanted to work on is something to help police and fire. I am very disappointed. We on this side wanted to finish this legislation. But we have a cloture motion filed on the McCain proposal, and I am forced to acknowledge that probably he is trying to do anything he can. He is a flawed candidate, and he is wrong on the war, and he is wrong on the economy. But it is too bad he is still interfering with what we are trying to do here to start doing some serious legislating, "he," meaning JOHN McCAIN.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, before the leader departs the floor, I wish to thank him again for his strong support for this legislation that is so important to our first responders, to our firefighters, and our police officers in this country.

We have seen this parliamentary gimmick that has taken place offered by the Republican leadership that is a slap in the face to every firefighter and police officer and first responder in the country.

We have bipartisan support for this legislation. We have four amendments that are now pending. We had some understanding that we would have an opportunity to address those amendments during the course of the day. They are all related to this legislation. But oh, no—oh, no—the games are going to be played; and we are saying to the firefighters of this Nation and to the police officers of this Nation and the first responders of this Nation: Your interests, the safety and security of our communities across this Nation, should be put aside in favor of some political gimmick by the Republican leader in the Senate.

That is what this is about. Make no mistake about it. Every firefighter ought to understand that. We are here now at noontime, ready to do the public's business, ready to take a vote on these issues, but oh, no, the Republican side says: No, you can't do it. You can't do it.

Look, the underlying position the Republicans are talking about is help for our GI bill. Senator WEBB has his proposal. I am all in support of what Senator WEBB is doing. Why not have that done after this bill is over? Why not have it done after then? Why didn't the Republican leader come on up and speak to the Democratic leader and propose: Let's do that at the end of the week. Do it Friday, Saturday, Sunday, and Monday. Maybe Senator McCAIN will come back for it; maybe he won't. Do it after we finish this bill. But, no, we are going to insult—and this is an insult, make no mistake about it. I have been around here long enough to know when the insults are being played, and this is it. This is saying: Your interests are not as important as a political hit. That is what is happening. That is what is happening.

Who are these individuals? Forty billion dollars we spend on homeland security. Forty billion we are spending on homeland security. Who are the people who implement homeland security? They are our firefighters, our police officers, and first responders in all 50 States. They believe they have ways of doing it better than it is being done at the present time. I do too. So do Democrats and so do a few Republicans. We want to work through the political process to give the opportunity to have that done. But oh, no—oh, no—we are not going to do that. We are going to play games. It is Wednesday. It is noontime. We are just going to play some more games. We did it with you guys in the Senate last week on energy. We are going to do it here.

Listen, we are glad and willing to vote. I have been doing that for 45 years, and I am glad to do that now. But make no mistake about it who the target is—who the target is. The Republicans are saying: We will not take the time. We will not take the time to let the Senate work its will in terms of the firefighters and policemen of this country. That is outrageous. It is a gross insult to each and every one of them. It is a slap in the face to each and every one of them. Make no mistake about it, that is what is going on here. That is what is going on here.

Well, we are not giving up. We are not giving up on them. Maybe the other side wants to give up, but we are not giving up on them. We believe their service—their service—is too important to this country, their lives too important to this country. When are we going to be threatened again? Too important to this country.

Maybe the leadership on the other side can tell us whether Senator McCAIN approved this strategy. Maybe we can find that out. I think the police and firefighters of the country would like to know whether Senator McCAIN—we have Senator McCAIN's proposal here. It is difficult to believe an effort would be made to bring this up without his approval. I think firefighters and policemen ought to understand whether Senator McCAIN supports this proposal. You cannot get away without believing that he does and that he has been an architect. You don't just go around and get 16 Senators. You have to go around here and get all those. This thing has been in the cooking for a period of time. This just did not happen, although it looks—they duck in the cloakroom, and then they run out and do that—all that business.

This has been going on. This is a conscious act, and one will have to assume Senator McCAIN is absolutely against it. I hope he is able to talk to the firefighters and the police officers and the first responders. Why are you interrupting this bill—this bill—that is so essential to the security, homeland security? Why interrupt this bill when we are in the process—at least we thought so—that we were going to be moving ahead to get some votes on these particular measures? Why? No, no effort at all to try and talk to the leadership, certainly not to—I do not expect—although, for the first 20 years or so I was in this body, people used to do that. They used to talk to people and tell them what was going to come on up. But I do not expect that anymore. But you would have thought: At least talk to the leadership who has responsibility.

So I hope each and every one of the firefighters, police officers, first responders who have been working on this legislation for years—I wish to mention about how long they have been working on this. It was introduced on May 12, 1999. On July 25, 2000, we had a Health Committee hearing. On September 19, 2001, we had a committee markup and reported it out. On

November 6, 2001, we had a Senate vote, No. 323. On November 24, we had a HELP Committee markup. On February 4, 2004, it was offered as an amendment to S. 1017. On November 13, 2007, it was offered as amendment No. 2419.

For 8½ years this has been before the Senate—8½ years. Two committees, one chaired by the Senator from New Hampshire, the HELP Committee, and the other one by myself, and we supported this bill out. We finally have a chance to debate this. We had a good debate yesterday, and we are prepared to deal with the amendments on a matter of vital national security for our country and for respect for those who are our first responders who have done so much. But the answer is, no.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, all except the 9—10 new Senators we have remember the time that I lived on the Senate floor. For 6 years I was here from the time we came in session until we left, with no exceptions. I tried at that time to be as fair to the Republicans as the Democrats. If someone asked for more time on our side, with the Republicans not being here, they automatically got that time.

That is what took place today—I want Senator KENNEDY to hear this. I want Senator KENNEDY to hear this. Here this morning I congratulated you and the ranking member, Senator ENZI, because we were having a good debate and we were going to be working from the idea that we would try to improve this bill. I said specifically that Senator ENZI said he wished he had more time to do some committee work, and he wanted to do some work out here.

More power to him. That is what he should be able to do. I complimented everyone for the way this bill was being handled. Do you know the sad part about it, I say to my friends. Senator MCCONNELL was standing right there. We had a conversation walking out the door. Shouldn't he have said to me: Well, maybe you shouldn't feel that way; I am going to file cloture on the McCain amendment to get the tax holiday on gas.

But I am so surprised. I never try to avoid a phone call from my Republican counterpart. I always try to be available. I would say this: I would never do to him what he did to me this morning. It is untoward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Because we had so much notice on this, I thought it was the McCain tax holiday amendment. But, no, it is the McCain effort to change the Jim Webb bipartisan GI bill of rights because it is too generous. So this idea is about the same as the gas tax holiday. He doesn't like the GI bill of rights because it is too generous. Now I am wondering if we want to debate Iraq on this bill because we are happy to do it. We are happy to debate an intractable civil war that is costing the American people $5,000 a second every day of the week, every week of the month, every month of the year, $5,000 a second. No weekends off, no holidays, $5,000 a second of borrowed money.

Do we want to debate the Iraq war? Is that what we want to do on this bill that was set aside to deal with firefighters, police officers, and first responders?

Those people came to my office today, some in uniform, some in plain clothes, because that is what they do. Some of them wear their uniform to work every day. Some do other work so they can't wear the uniform. They are undercover. But no—I apologize to everyone. I thought we were on the McCain tax holiday. But, no, we are now on the GI bill of rights McCain effort because it is too generous.

The bipartisan bill of JIM WEBB that he wrote himself, bipartisan in nature, is too generous according to JOHN MCCAIN. We are happy to debate that. If that is what this body needs to do is to start the supplemental debate a week early, we can do that too.

I note the absence of a quorum.

Mr. KENNEDY. Would the Senator withhold that request?

Mr. REID. Yes.

Mr. KENNEDY. As I understand what the majority leader is saying, he is prepared to see the Senate vote on the McCain amendment as well as have a vote on the Webb amendment, and do it in a timely way. Is that what I am gathering here?

Mr. REID. Yes. We are going to do it next week anyway. Do you want to do it a week early? Fine.

Mr. KENNEDY. The majority leader has indicated they are prepared to go for a time limit on the McCain amendment, a time limit on the Webb amendment, and then have a vote so Members can do it here, and do it in a prompt way. I also understand that we would be able to continue the consideration of this matter but, as I understand, we are not getting any cooperation from the other side.

Mr. REID. I say to my friend not only was an amendment filed, but untoward cloture was filed at the same time on that amendment. Now, what would happen if on every piece of legislation around here, when you offer an amendment, a person walks in and files a cloture motion at the same time? That is a little funny way to do it. But maybe the Republicans love this filibustering so much—they broke the record, the filibuster record, in 10 months. Maybe they really want to in effect break Hank Aaron's record big in the way of filibusters. It is not enough to break it in 10 months, they want to really break it big, so now they are going to start filing cloture motions on their own amendments.

So I think what we need to do is just relax a little bit. We are going to suggest the absence of a quorum in just a second, and we will talk a little bit to see if there is a way out of this. I hope there is a way out of it for the benefit of the police and firefighters and first responders of this country. They are in town this week because there is going to be a memorial for those who were killed this year, police officers who were killed this year in service to their counties, their cities, and their States. They are here. Part of the reason they are here and the reason we scheduled this at this time is because they were going to be here.

So I suggest the absence of a quorum.

Mr. GREGG. Will the majority leader yield for a question?

Mr. REID. I yield for a question without losing the right to the floor.

Mr. GREGG. Mr. President, I would ask the majority leader if I might be recognized to speak after he completes his speech and his statement because I would like to speak.

Mr. REID. As I said, Mr. President, we are going to go into a quorum call and huddle down here and find out if there is a way out of this.

Mr. GREGG. Will the majority leader yield for a further question?

Mr. REID. Yes.

Mr. GREGG. I think the majority leader has made his case as to the status of the situation. But I do believe we should not shut off debate in the sense of not allowing for those of us who would like to express the way we see the situation to also be able to speak. That is why I would like to have an opportunity to speak.

Mr. REID. I say to my friend, and he is my friend, we are not going to have any more discussion on this piece of legislation until we figure out a way to help the police and firefighters. The decision was made by the Republican leader to debate the GI bill of rights, OK? That is where we are now.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, I ask unanimous consent to set aside the quorum call so that I can answer some of the questions that have been asked on the other side.

Mr. REID. I object.

The PRESIDING OFFICER (Mr. MENENDEZ). Objection is heard.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate the patience of all Senators. I am going to, in a couple minutes, move to table the Graham first-degree amendment. That vote will take place shortly. Following that, I have asked Senators KENNEDY and ENZI to sit down and see if there is a way we can finish this important legislation. We have other things to do this week. We have the farm bill that will be here within the hour from the House. We have the budget conferees we have to appoint. Senator DORGAN is pushing hard on the media cross-ownership. That is something we need to complete this week. I want all Senators to see what they can do to exert influence on their friends to finish this bill. I have talked to the head of the firefighters. He is tremendously troubled that we ran into this roadblock. The underlying bill is very important. I would hope everyone understands that. We have all next week to do whatever needs to be done on the supplemental appropriations bill. We will get into a lot of discussion on the war in Iraq and what is going to happen to returning veterans.

In the meantime, it is my understanding the matter before the Senate is the Graham first-degree amendment. I move to table Graham amendment No. 4763 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necesarily absent: the Senator from Arizona (Mr. MCCAIN.)

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Wicker

NOT VOTING—3

Clinton
McCain
Obama

The motion was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, may we have order? The Senator is entitled to be heard.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mr. KENNEDY. I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator cannot reserve the right to object. Is there objection?

Mr. GREGG. Then I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I ask unanimous consent that the next hour be evenly divided between the two parties for the purposes of debate only and at the end of that time, a quorum call be in order.

Mr. MCCONNELL. Madam President, reserving the right to object, and I am not going to, but I wish to explain that Members on this side of the aisle are prepared to go forward with the amendments Senator ENZI has been suggesting we vote on. We are having some difficulty achieving that, but we would like to have some more votes on the underlying bill today.

Having said that, I do not object.

Mr. GREGG. Madam President, reserving the right to object, I am happy to agree to this because I have been trying to speak now for 4 or 5 hours, and the last three times I rose to speak, the majority leader would not allow me to speak. I understood his concern and his pique about what he perceived as to what was happening on the floor, but independent of that, I still think I should have the right to speak. Therefore, since I sought the floor initially and was seeking the floor the last time this exercise took place, I would request that the unanimous consent request be adjusted so that I be recognized first and that I be given 5 minutes to speak.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. KENNEDY. I so modify, with the understanding that following the Senator from New Hampshire, the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I just want to say in terms of the voting that we are prepared to vote on our side on the underlying amendments, but we were notified by the other side that we would not be permitted to vote. There was objection from the Republican side to voting on a Democratic amendment, and we insist on getting that worked out so we can move ahead.

Hopefully, we can put aside the games and get moving on this underlying legislation, which is so important. Madam President, I ask unanimous consent further that after Senator WEBB, the speakers be rotated from side to side and the time, as mentioned earlier, be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized for 5 minutes—the Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that I be recognized on this side after Senator WEBB.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wanted to rise earlier to put into context what the exercise we were involved in was about and the fact that the issue of the Graham amendment, in my humble opinion, did not, in any way, adversely affect the capacity to pass and proceed on the underlying bill, which is the firefighter initiative here that I and Senator KENNEDY have brought forward.

I think there were representations from the majority leader that the Graham amendment was some sort of attempt to basically sidetrack the firefighter bill. It was not that at all. It was simply the Senate doing its natural business, which is to amend bills on the floor of the Senate and get votes on those amendments. The Republican leader, in his absolute right, set the matter so it would be voted on. If he had not done what he did, there probably would have been no vote on the Graham amendment because the majority would have been able to sidetrack that amendment.

I think Senator GRAHAM had every right to come forward with whatever amendment he wanted. Every Member has that right when a bill is open to amendment. That has been a huge debate for quite a while. The majority party, for some reason, has decided to try to run the Senate as if it were the House of Representatives, which means they are trying to proceed in an autocratic way, where they decide for the minority party what amendments will be brought forward. That is not appropriate. That is not the tradition or the purpose of the Senate. The minority party has an absolute, sacred right to bring forward amendments, and there is no right in the majority party to ban the capacity of the minority party to do that, unless the majority party has the capacity to basically bring down the entire operation of the Senate, which is what it consistently has been doing—filling the tree time and time again in an attempt to shut off our party, the minority, from making its points and bringing forward amendments, which can be debated and voted on, and then you can get to the underlying bill—which is the way the Senate worked, by the way, for over 200 years.

Now, another action is occurring here which required Senator GRAHAM to offer this amendment. He didn't, by choice, pick this bill out of his interest in the bill to offer the amendment on. He had to offer it because the majority party is using the rules of the Senate to shut off all amendments to the bill being proposed by the Senator from Virginia.

The bill of the Senator from Virginia will be marked up in a manner that will bring it to the floor so that it would not be amendable. That has been public knowledge around here for weeks—that we were not going to be given the opportunity to amend the Senator's bill. That is inappropriate also. So the only way Senator GRAHAM could protect his rights was to bring this amendment forward at this time. It did nothing to undermine the movement of this bill forward. If this bill doesn't move forward—the firefighter bill—it will be because the Democratic leadership has not been able to schedule the floor in an efficient enough way to get the bill across the floor. That is the reason. It is not the failure of the minority to move this bill across the floor. It is failure of the majority to bring forward the bill in a proper procedure and allow for a proper amendment process to occur.

I think that point needs to be made. It is like the story of the guy who kills his parents and throws himself on the jury's mercy because he claims he is an orphan. The majority party has killed its parents. They are trying to deny the right of the minority to offer amendments to the Webb measure. It is inconsistent with the way the Senate should act.

I think we had a legitimate case with the Graham amendment. I think the Republican leader did the right thing in filing cloture to force a vote on that amendment. We have now had a vote, which was a vote to table. As a practical matter, it hasn't slowed down the firefighter bill. The bill has not been prejudiced by this action. Rather, the activity of the Senate, which is to give the minority the right to amend, has occurred in a proper way. It took work to get it done and huffing and puffing from the other side of the aisle, saying it should not be done. The proper order was done, and I congratulate the Republican leader for following this course.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Madam President, I ask unanimous consent that I be allowed to engage in a colloquy with the senior Senator from Virginia and the senior Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I wish to speak for a few minutes about our bill that the senior Senator from Virginia, the Senator from Nebraska, and 58 Members of this body in total have cosponsored because I regret this vote that has just occurred.

I personally did not think it was appropriate that the amendment of the Senator from South Carolina be placed into this particular legislation, particularly at a time when there had been a good bit of discussion about how any suggestions that were viewed as appropriate to our legislation were welcome. They have been welcome for 16 months.

So I don't want the Members of this body, or other people in our country, to think that in any way our GI bill legislation is a partisan measure or a piece of legislation that simply is being driven by the majority party. In fact, as I said, we have 58 sponsors in the Senate—11 of them Republicans—including the senior Senator from Virginia, who, other than myself, is the only person who has served in a policy position in the Pentagon and who is a former chairman of the Armed Services Committee, and including the former chairman of the veterans committee, a Republican, and also including the current chairman of the Armed Services Committee and the chairman of the veterans committee.

This is a strongly bipartisan bill. It is an attempt to give those people who serve and have served since 9/11 equitable opportunities for the future on a level of the people whom we have come to call the "greatest generation," the World War II veterans. That is all this is. I hope the other Members of this body will come together with us to pass this legislation.

With respect to amendments to this legislation, I wish to say a couple things. One, we have worked with all the major veterans groups over a period of 16 months. We have worked with other Members of this body over a period of 16 months—Democrats and Republicans. We have incorporated many different suggestions. This is a bill that I believe will be dramatically helpful to those who have served, and it will be something of which the American people can be proud.

In that regard, I say, first of all, on the House side, we have 295 sponsors of this identical legislation, including 91 Republicans. So let's all get together and let's set partisan bickering aside and do something affirmative that will allow the people who have been serving in these arduous times to have a true first-class shot in the future.

With that, I yield to the senior Senator from Virginia, whose advice and counsel on this bill has been greatly appreciated and whose support I also appreciate.

The PRESIDING OFFICER. The senior Senator from Virginia is recognized.

Mr. WARNER. Madam President, I stand before this Senate, which I have been in now almost 30 years, with a great sense of humility. I simply say that I would not be here had it not been for previous GI bills. I volunteered and served in the last year of World War II as a young sailor, 17 years old. Subsequently, I volunteered to go into the Marine Corps in 1948 and served on active duty during the Korean conflict, 1950–1952. That modest World War II service gave me a GI bill to get my undergraduate degree then, and my modest service in the Marine Corps on Active Duty—and I stayed in the Reserves for many years afterward—gave me a second GI bill enabling me to get my law degree. I am here because of that education given to me and many other by a generous Nation.

I have joined my distinguished colleague, and dear friend, the junior Senator from Virginia, Mr. WEBB, who was a part of my staff when I was Under Secretary and Secretary of the Navy. We have known each other for many years and have worked together prior to coming to the Senate. I have the greatest admiration for him. He is too modest to talk of his military career, his service in the Department in the Defense, as Assistant Secretary of Defense for Reserve Affairs, and later as Secretary of the Navy. We have collaborated with the Senator from Nebraska, who is another distinguished veteran of the Vietnam period. I think the three of us are highly conscious of what we want to do for today's generation of young men and women in uniform and their families.

In the aftermath of World War II, the first GI bill was passed in 1944. Sixteen million men and women were given that educational opportunity, of which 7.8 million veterans availed themselves of these GI bill benefits.

All those individuals, including this humble Senator, were given the option to go to that university or that college of their choice, and that university or college, because of their academic credentials, would accept them. The dollars were not a subject, because the GI bill largely paid for all the expenses incurred by the veterans.

That is the purpose of the Webb bill, to now give to this very courageous generation the same opportunities my generation had beginning in 1944. I think today's generation will be judged by history as just as great, or greater, than the World War II generation. We should give to this generation nothing less.

I can assure you that, based on my experience—and I think my colleagues will agree—this will be an inducement to bring more high-quality individuals into uniform, knowing that for that service, their Nation would recognize it with the opportunity for them to pursue further education.

Madam President, I will soon ask to have printed in the RECORD a part of the law as it exists today. Much has been said about the transferability of the GI bill rights to a spouse or a child. The Committee of the Armed Services on which I serve, put into law the first option by which a service person could have what is known as transferability of their GI bill to a spouse or child. It is still the law of the day.

I think my distinguished colleague from Virginia, having recognized this as existing law, might well consider it as a part of his legislation. That is a decision he will make and one I will support.

With that, I will yield the floor at this time.

Mr. WEBB. Madam President, first of all, I say to the senior Senator from Virginia, I have raised this piece of existing law a number of times when the individuals who introduced the measure that was just tabled talked about the need for transferability. This option is available to service Secretaries at their discretion under the existing law that the senior Senator from Virginia introduced more than 6 years ago. It would be, I believe, logical and proper to extend that law to the new GI bill.

Mr. WARNER. I thank my distinguished colleague. Might that be in the form of an amendment to the Senator's existing bill?

Mr. WEBB. We would be happy to discuss that as soon as we can meet.

Mr. WARNER. Madam President, I admire the Senator's willingness to accept that. It was my hope that perhaps Senators could have worked together with those who sponsored the bill we just voted to table. But certainly Republicans exercised their right to have this vote on the measures put in by Senator BURR and Senator GRAHAM.

Mr. WEBB. Madam President, the Senator from Nebraska is getting ready to speak. I will point out a couple things. One is that he has served our country with great distinction as an infantry sergeant in Vietnam and was wounded. He has been a great friend for many years, 30 years. He and I came up together working on veterans laws years ago.

Just as importantly, when I mentioned the senior Senator from Virginia and myself were the only ones who served in policy positions in the Pentagon, I believe Senator HAGEL is probably the only Member of this body who has served in a senior policy position in the Department of Veterans' Affairs.

If anyone is looking at the sense of fiduciary responsibility and the wisdom that has gone into our bill, I hope they will consider those sets of experiences.

With that, I yield to the senior Senator from Nebraska.

Mr. HAGEL. Madam President, I thank both of my distinguished colleagues for their service to our country and for their leadership on one of the most important efforts we can make on behalf of those we ask to do so much for our country.

The reality is, today we are asking less than 1 percent of our society to bear all the burden, to carry that burden with tremendous sacrifice, not just for themselves but also a sacrifice called for from their families. They do it willingly, they do it because they love their country, and they care about the future of their country.

What this bill is about, as much as any one thing, is supporting our troops in a time of peace, just as we support our troops in a time of war. These are men and women who have earned this benefit. Every generation of veterans since World War II has been acknowledged by a grateful nation, acknowledged in many ways. Maybe the most important way is a set of educational benefits they have been given in appropriate recognition of their service to our country.

Just as Senator WEBB noted, what we are doing is rotating these benefits forward into the 21st century so they are relevant to the realities of the costs of education today, giving these veterans the same kinds of opportunities and options that Senator WARNER, all of our World War II veterans have had—our Korean war veterans in the Congress, and our Vietnam war veterans, all of them have had.

This is not a new program. This is not a welfare program. At a time when we have no difficulty finding the money to go to war, to place these men and women in war, we are having some debate over whether we have the resources, the commitment in this country to find the resources to do not only what is right but what our Nation has always done since 1944.

Is that the debate? If that is the debate, we should have a debate because it is about the prioritization of our people. These young men and women are expected to go to war, fight and die, many will come back with tremendous scars, ruined families, and then we disconnect? It is not enough to slap a bumper sticker on your car and say, "I support the troops," or for us to stand in the Senate or the House and speak in abstractions about supporting the troops. This is about supporting the troops.

My goodness, what is a wiser investment in our society, in our future, in our country than giving these special men and women the same opportunities we had to make a better world, not just for themselves but for our country, through helping to educate these men and women.

We have missed some points in this debate so far. I hope the points I have covered briefly will come back into some clarity, in some framework of understanding by the American people as to what this is about because, as I note again, if this is about not having the resources to fulfill the commitments we have made for almost 70 years to America's veterans, if that is the case, then that debate needs to be ongoing throughout this Nation because I think the American people will want to say something about this, will want to have something to say about this, and they should. It is their Nation, their sons and daughters we send off to war.

This, as Senator Webb has noted, should be an effort to bring our country together, not divide our country, not divide us between Republicans and Democrats or between States. This should be some consensus of purpose to acknowledge these men and women who do so much, who bear all the burden. That is what this is about.

There will be more debate, and there needs to be more debate. I am as proud to be part of this effort with my colleagues from Virginia, Senator Webb and Senator Warner, with 57 other colleagues in the Senate, and almost 300 in the House, as I have ever been since I have been in the Senate on behalf of a piece of legislation. This should be an effort to unite our country, and I believe the American people will see it that way.

I appreciate very much an opportunity to express some of these points and for the continued leadership of my friend, Jim Webb.

Mr. WARNER. Madam President, I say to my good friend and the leader of this effort, and Senator Hagel, let's clarify what I recommend we consider. That is the insertion of a provision, if it is so decided by Senator Webb, on transferability, which would be for an individual to serve a second tour of service upon the completion of the first tour of service. This tracks with the 2001 legislation.

Will the Senator from Virginia concur?

Mr. WEBB. Madam President, I say to the senior Senator that I have read the existing law, and the understanding I have of it is, at the discretion of a Service Secretary for military occupational specialities, that as they determine with a reenlistment, that transferability in increments would be allowed. That is in keeping with the statements of concern by the Senator from South Carolina about wanting to use transferability as a retention incentive. It is in existing law. It has not really been used extensively by the Service Secretaries. But I agree with the senior Senator that we should look for a way to continue that in our legislation as well.

Mr. WARNER. Madam President, I thank my distinguished colleague. I am proud to note that on the Webb bill I think it remains correct at this time that there are 11 Republican Senators who are cosponsors of the bill. This clearly indicates that Senator Webb has devised legislation which is bipartisan, and does reflect, as our colleague from Nebraska said, the will of the people of the United States to recognize the extraordinary heroism and commitment of the individual in uniform and their family and loved ones at home.

Madam President, I ask unanimous consent to have printed in the Record current law enacted in 2001, to which I referred earlier.

There being no objection, the material was ordered to be printed in the Record, as follows:

FY2002 NDAA

Subtitle E—Other Matters

SEC. 654. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL BY MEMBERS OF THE ARMED FORCES WITH CRITICAL MILITARY SKILLS.

(a) Authority To Transfer to Family Members.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills

"(a) In General.—Subject to the provisions of this section, each Secretary concerned may, for the purpose of enhancing recruitment and retention of members of the Armed Forces with critical military skills and at such Secretary's sole discretion, permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

"(b) Eligible Individuals.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

"(1) has completed six years of service in the Armed Forces;

"(2) either—

"(A) has a critical military skill designated by the Secretary concerned for purposes of this section; or

"(B) is in a military specialty designated by the Secretary concerned for purposes of this section as requiring critical military skills; and

"(3) enters into an agreement to serve at least four more years as a member of the Armed Forces.

"(c) Eligible Dependents.—An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) Limitation on Months of Transfer.—The total number of months of entitlement transferred by an individual under this section may not exceed 18 months.

"(e) Designation of Transferee.—An individual transferring an entitlement to basic educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) Time for Transfer; Revocation and Modification.—

"(1) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of the individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

"(2)(A) An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

"(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(g) Commencement of Use.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of six years of service in the Armed Forces; or

"(2) in the case of entitlement transferred to a child, both—

"(A) the completion by the individual making the transfer of 10 years of service in the Armed Forces; and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) Additional Administrative Matters.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided under subsection (e)(2) and subject to paragraphs (4) and (5), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(3) The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(4) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(5) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

"(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(i) Overpayment.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(2) Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of basic educational assistance under paragraph (1).

"(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

"(A) by reason of the death of the individual; or

"(B) for a reason referred to in section 3011 (a)(1)(A)(ii)(I) of this title.

"(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to basic educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of title 10 in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of basic educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

"(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (h)(5) to a dependent to whom entitlement is transferred under this section.

"(l) ANNUAL REPORT.—(1) Not later than January 31 each year (beginning in 2003), the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the transfers of entitlement to basic educational assistance under this section that were approved by each Secretary concerned during the preceding fiscal year.

"(2) Each report shall set forth—

"(A) the number of transfers of entitlement under this section that were approved by such Secretary during the preceding fiscal year; or

"(B) if no transfers of entitlement under this section were approved by such Secretary during that fiscal year, a justification for such Secretary's decision not to approve any such transfers of entitlement during that fiscal year.

"(m) SECRETARY CONCERNED DEFINED.—Notwithstanding section 101(25) of this title, in this section, the term 'Secretary concerned' means—

"(1) the Secretary of the Army with respect to matters concerning the Army;

"(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

"(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

"(4) the Secretary of Defense with respect to matters concerning the Coast Guard, or the Secretary of Transportation when it is not operating as a service in the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance: Armed Forces with critical military skills.".

(b) TREATMENT UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(D) The present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance under subchapter II of chapter 30 of title 38 attributable to increased usage of benefits as a result of transfers of entitlement to basic educational assistance under section 3020 of that title during such period.".

(c) PLAN FOR IMPLEMENTATION.—Not later than June 30, 2002, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments and the Secretary of Transportation propose to exercise the authority granted by section 3020 of title 38, United States Code, as added by subsection (a). The report shall include the regulations prescribed under subsection (k) of that section for purposes of the exercise of the authority.

(d) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $30,000,000 may be available in fiscal year 2002 for deposit into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for purposes of covering payments of amounts under subparagraph (D) of section 2006(b)(2) of such title (as added by subsection (b)), as a result of transfers of entitlement to basic educational assistance under section 3020 of title 38, United States Code (as added by subsection (a)).

Mr. WARNER. I yield the floor.

Mr. WEBB. I thank both Senators. I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains, Madam President?

The PRESIDING OFFICER. There remains 23½ minutes to the Senator from Massachusetts; 12 minutes to the Senator from Wyoming.

Mr. ENZI. Madam President, we had one speaker from my side and then a colloquy with some people from my side who were involved with the Senator from Virginia, but I don't think that can hardly be charged to my side.

Mr. KENNEDY. Madam President, I will be glad to yield 10 minutes——

The PRESIDING OFFICER. Each Senator who spoke was charged with the time based on their party.

Mr. ENZI. I thought I was in charge of half of the time, and I didn't allocate that time. I can see how the rules go here.

Mr. KENNEDY. Madam President, I ask for additional time. I ask unanimous consent for an additional 15 minutes for the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. And I ask unanimous consent that we will have 10 minutes on our side.

The PRESIDING OFFICER. So the Chair understands, there will be 15 additional minutes for the minority and additional minutes for——

Mr. KENNEDY. I understand we have 22 minutes remaining; is that right?

The PRESIDING OFFICER. Correct.

Mr. KENNEDY. I ask unanimous consent for 10 additional minutes on our side and for 15 additional minutes on the other side—or 20 minutes on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be 20 additional minutes added to the minority side and 10 additional minutes added to the majority side.

Mr. KENNEDY. Madam President, we have had a very interesting exchange with both Senators from Virginia and the Senator from Nebraska on a matter of enormous importance and consequence, and that is our support for a GI bill that is worthy of the bravery, courage, and valor of those who are serving in the Armed Forces.

The stated legislative purpose of the Senator from Virginia, Mr. WEBB, who is the architect of this program—and I welcome the chance to be a cosponsor—is to try and do for those who are in the service of our country at this time a similar kind of support in education that those who had served in the colors in World War II received. He has explained it in great detail.

I look forward to supporting that proposal when it comes up on the floor of the Senate, probably the early part of next week. I commend the strong bipartisan support that it has been able to receive. I commend my former chairman, Senator WARNER, who led the Armed Services Committee so brilliantly for so many years and has made such an extraordinary contribution to the security of this Nation, both as a serviceman and also as a policy leader, and to Senator HAGEL whom I think for all of us has demonstrated enormous courage in service and outside guiding national security policy.

We are going to, after our next couple of speakers, be moving toward consideration of the farm bill conference report. That is a privileged matter, and it displaces the underlying legislation we have been debating, the Cooperation Act, public service legislation we have been considering both yesterday and today. I expect we will continue through the evening on the farm conference report. Further action on our legislation will be deferred until tomorrow.

In conclusion for this afternoon, on the floor we are considering the service of extraordinary Americans: On the one hand, as Senator WEBB pointed out, those who serve in the armed services of our country, and on the other hand, we are talking about the 659,000 police officers, 262,000 firefighters, who are in the service of our country trying to provide for our national security.

We are mindful that we spend $40 billion a year on homeland security. What this legislation at its heart is all about is to make sure those service men and women, those police officers, those firefighters, those EMTs, are going to be safe and secure; that they are going to have the best in terms of equipment, and that we are going to listen to those individuals who have dedicated their lives to protecting our fellow citizens all across America. We are going to listen to their recommendations and suggestions on how we can improve their safety and the safety of the American people. We give them a mechanism to be able to do that. That is the framework which is the underlying aspect of the legislation we have before us.

People can talk about unfunded mandates and problems of strikes and all these other items, but nonetheless we cannot and should not and will not get away from the fundamental thrust of this legislation and its importance. We have an extraordinary opportunity to make America safer and more secure—here on the floor of the Senate. Who wants to have that challenge? It is the police officers and the firefighters and the first responders who are prepared to accept that responsibility. All they are asking is to have a voice at the table when judgments and decisions are being made by maybe well-intentioned policymakers, well-intentioned bureaucrats. But we want to make sure those out there on the front lines are at least going to have a voice in these policy judgments and decisions. That is what this legislation is about. That is why it is so important.

We are prepared to deal with the various amendments that come up. We look forward to it. We have gotten off track over the course of the day. With all due respect to others, we find that with the exception of the amendment that was being offered by the Senator from Vermont, Senator LEAHY, on bulletproof vests—about which we don't know there is any substantive objection—all the other amendments have been on the other side; not from our side, from their side. We have not tried to interfere with the order those have been offered.

Senator ALEXANDER has been down here and has spoken eloquently. Many Senators have spoken about their amendments. Senator HATCH was down and spent time talking about his amendment.

We are prepared to move ahead. If there is need for further debate, we will have further debate; if not, we are prepared to move ahead and have the judgment made here in the Senate.

This legislation is extremely important. As I have mentioned, it has been around for some 9 years. It was introduced initially by a Republican. It has strong Republican—has strong bipartisan support. I listened to my friend Senator WARNER talk about the strong bipartisan support there is for the GI bill. There is strong bipartisan support for this legislation as well, as indeed there should be, and as we have attempted to achieve. We will continue to work in that area.

We look forward, I expect, to have further consideration on this tomorrow. I am very appreciative, as always, of my friend and colleague from Wyoming, Senator ENZI. We have a remarkable area of agreement in some public policy areas, but we have sharp areas of differences. This happens to be one of those. This legislation happens to be one of those. But it does not take away the great respect and affection I have for him as a legislator and as a friend.

We look forward to continuing this debate and hopefully a resolution on some of these matters tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, it is my understanding our side has 32 minutes remaining. I wish to yield myself up to 10 minutes of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Would the Senator yield for a unanimous consent request?

Mr. CORNYN. Yes.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25½ minutes.

Mr. KENNEDY. I am going to yield 15 minutes—10 minutes to Senator KLOBUCHAR and 10 minutes to the Senator from Washington, Mrs. MURRAY, at an appropriate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, this Saturday the people in my home State of Texas will join to celebrate Armed Forces Day and, of course, shortly thereafter Memorial Day. These are the days we set aside to honor the men and women who have worn the uniform of the U.S. military, to honor them for their service and particularly remember those who made the ultimate sacrifice in defense of our freedom.

As I prepare to go home this weekend to join my fellow Texans in celebrating this important event, I am reminded of the immense debt we all owe those who have worn the uniform. Of course, this is a debt we know we can never repay.

From a personal perspective, my father served as a B-17 pilot in World War II, and served honorably for 31 years in the U.S. Air Force. He was shot down and spent 4 months in a German prisoner-of-war camp before General Patton and his army came along and liberated him and his fellow POWs. Of course he, like so many of that generation, came back to his home and took advantage of the GI bill in order to get an education so he could then become the foundation upon which America would continue to build itself in those postwar years and beyond.

The GI bill has done an incalculable benefit not only to the individual veterans who received those educational benefits but to our country as well. It is important now, many years later, in 2008, that we focus our efforts on modernizing that GI bill to make sure the benefits I know we all want to see directed toward our men and women in uniform are available to allow them, when they return home from the fight, to take their uniform off, to get an education, and to achieve their dreams.

Because I believe we need to modernize the GI bill of rights, when it comes to educational benefits for our veterans, I have chosen to cosponsor a bill called S. 2938, the Enhancement of Recruitment, Retention, and Readjustment Through Education Act. Sadly, and for some inexplicable reason, we saw that bill tabled by the Senate. I do not know why, at a time when we ought to be talking about and acting on our appreciation for our men and women in uniform, the Senate decided to table this important piece of legislation. But I wish to talk about it for a minute, to explain to my colleagues what is contained in this important piece of legislation.

This bill would help our military personnel with an extended range of options under the GI bill to ensure that they get the benefits they deserve. It immediately increases education benefits for active-duty personnel to $1,500 a month and, to encourage retention and continuation of service in the military, it gradually increases the education benefits to $2,000 a month after 12 or more years of service.

It expands the authority for servicemembers to transfer—and this is one of the most important elements of this legislation—it allows them to transfer their educational benefits to members of their family, a spouse or a child. After 6 years of service, half of that benefit can be transferred, and after 12 years of service, 100 percent of the benefit can be transferred to a child, to a spouse, or some other loved one.

It increases from $880 to $1,200 per month the education benefits for Guard and Reserve members called to active duty since September 11, 2001. It allows servicemembers to use up to $6,000 per year of Montgomery G.I. bill education benefits to repay student loans, and it provides access to Montgomery GI bill benefits to service academy graduates and senior reserve officers' training corps officers who continue to serve beyond their initial commitment.

This legislation is offered as an alternative to S. 22, a bill produced by my distinguished colleague from Virginia, Senator WEBB, and actually cosponsored by our other distinguished colleague from Virginia, Senator WARNER. I believe both of these bills are born out of the noblest of aspirations and intentions, but I do believe the alternatives offered in the bill that has been laid on the table here a moment ago would actually provide a better range of services to more of our troops as well as their families. Simply put, I do believe it is a better fit for our Nation and a better fit for the people of my State of Texas.

I mentioned the issue of transferability. This is something not found in the Webb bill that is found in the alternative. To begin with, Senator WEBB's bill fails to recognize the enormous sacrifices our military families make in support of their loved ones who wear the uniform of the U.S. military. Talk to any sailor, soldier, airman, or marine and they will tell you that being able to transfer their GI educational benefits to their spouses or their children is enormously important to them. At a time when we depend on an all-volunteer military, isn't it important that we provide the maximum range of benefits not only to our veterans but also to the military families, the people who stay behind while their loved ones are deployed and whose support they need and depend on, and frankly whose support our Nation depends on—our military families?

According to all the service chiefs and the Joint Chiefs of Staff, transferability of this benefit is their No. 1 priority and something wholly missing from the Webb bill.

As I mentioned, my father served as a bomber pilot in World War II. I have experienced, as have other military family members, the joint commitment military families make in support of their loved one in the military.

In addition to the other benefits, I think this particular provision of transferability recognizes a fundamental fairness issue and impacts directly on our ability to retain our servicemembers. Obviously, we would not want to do anything intentionally which would encourage people to leave the military after 3 years of service. It is in the best interests of the United States of America, our strength and security—it is in the best interests of our all-volunteer military force to actually encourage and facilitate service of our active-duty military beyond just an initial tour of 3 years of service.

While we applaud and honor those who serve any period of time in our military, we do need to make sure we do not create an incentive for people to leave early in order to get a benefit under this bill. That is why, under the legislation I am cosponsoring—Senator GRAHAM's bill, also cosponsored by Senator BURR, Senator MCCAIN, and others—our career military will receive additional GI bill benefits to reward them for their continued service.

This bill clearly recognizes you do not have to get out of the military to be able to continue your education. Like the Webb bill, troops will be eligible for up to $1,500 monthly benefits after 3 years of service. However, in order to recognize our career troops as well, benefits would increase to $2,000 a month after 12 years of service—clearly providing both a benefit and incentive for people to continue in military service and not to feel as if they have to leave after 3 years in order to take advantage of this benefit. Unlike the Webb bill, which caters to those who choose to remain in the service for only 3 years—whose service we earnestly appreciate—the Graham bill I believe provides short-term rewards and also rewards our career troops as well.

According to the RAND Corporation study conducted in January, 2008, Senator WEBB's bill would:

> . . . reduce first-term Army reenlistment by about 12 percentage points from the current rate of 40 percent to about 28 percent.

This is an important point. The unintended effect of Senator WEBB's bill would actually be to reduce retention from 40 percent to 28 percent.

Madam President, I ask for an additional 2 minutes by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, why in the world would we want to do anything that discriminates between those military members who serve for 3 years and then decide to leave and those who decide to make the military their career? Why would we want to discriminate against their families, who might benefit from the transferability option contained in this alternative legislation which I am supporting? Why would we want to do anything that would actually damage our ability to encourage people to stay in the military should they choose that for themselves and for their families?

I believe this legislation is important not only to our Nation, it provides an important benefit to our military and their families. It encourages retention and continuation of service, facilitates those who do want to stay longer, and creates an enhanced benefit for them.

In a State such as Texas where 1 out of every 10 people in uniform calls our State home, this is very important to my State and my constituents. But I will tell you, this is even more important to our Nation in encouraging that our strong, all-volunteer military force remain strong and that we meet our commitment to make sure they receive the benefits they need and they deserve and are not limited only to the servicemember but can also be extended to family members as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, please advise me after I have spoken for 10 minutes.

The PRESIDING OFFICER. There is an agreement to alternate sides, Senator.

The Senator from Washington State.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFUELING TANKERS

Mrs. MURRAY. Madam President, when our constituents make decisions about big purchases such as buying a house or buying a car, the first thing they do is consider how much money they have to spend, and then they shop for the best quality they can get for the most reasonable price for the item that best meets their needs. When the Government makes a purchase, they expect it to follow that same sort of analysis, whether it is buying a pencil or jet engines. But that is not what our military did when it made its decision to buy the next generation of refueling tankers from Airbus instead of from Boeing.

Compared to Boeing's 767, Airbus's A330 is massive. The simple truth is that a bigger plane is going to be more expensive. The bigger plane the Air Force wants to buy is going to burn more fuel, it is going to take up more space, and it is going to require more people to maintain it. But our hangars, our runways, and our ramps today are all designed for a much smaller tanker.

I also have serious concerns and questions about how much Airbus's tanker is going to cost in fuel and personnel and maintenance. In the months that have passed now since the military announced it had selected Airbus for this massive contract, I have repeatedly asked the Pentagon whether it considered how it will pay for the extra costs of a much bigger plane. I have been astounded that no one has been able to answer my questions. In other words, the military said it wants to spend more than $100 billion to buy bigger planes, but it has no idea where it is going to put them, it does not know who is going to maintain them, and it does not know how we are going to pay to operate them. That makes no sense to me. I am very concerned about how much this decision is going to cost us, and that is why I have come to the floor this afternoon. Let me explain why I am troubled about this decision.

First of all, we do not know what the possible military construction costs might be for this purchase. It is estimated that these planes are too big for many of our hangars and that they are too heavy for many of our runways and our ramps. These tankers I am talking about are the backbone of our military. These refueling tankers make our global Air Force possible. Today, they are stationed around the world. So we are not only buying airplanes we can keep anywhere, the tanker has to be able to take off and land from almost anywhere in the world.

The new tankers are supposed to be a replacement for our current fleet of medium-sized Boeing KC–135s. But compared to our current tankers and compared to the 767, the Airbus plane the Air Force has decided to purchase is massive. Airbus's A330 is 32 feet longer than Boeing's 767. The Airbus A330's wingspan is 41 feet wider. The A330 weighs about 20 percent more than the Boeing plane. Our military experts have said they think the A330 will be able to operate on only about half of the airfields the Boeing 767 can use—about half of our airfields. That means some of our infrastructure in this country and across this globe is going to be torn down and refitted to accommodate these new planes they have decided to buy.

Secondly, oil and gas prices are a major factor of the cost of operating a refueling tanker. I am very concerned because a larger plane is obviously going to burn more fuel and cost dramatically more over the lifetime of these planes. In fact, because the Airbus A330 is larger and heavier than the Boeing 767, it is going to burn 24 percent more fuel. That means that fueling planes the size of the A330 will cost $30 billion more over the lifetime of this plane. That is astonishing when you think that the initial cost for this contract is $35 billion. Fuel alone is going to double the cost of these planes. Americans are up in arms today about the cost of gas for their own cars. How do you think they are going to react if our Air Force chooses to use their tax dollars, American tax dollars, to fuel massive airplanes when there is a cheaper option available?

Third, the larger A330 is going to require bigger refueling and ground crews. Because buying a larger plane means it will not be able to use standard-size military pallets, the military, in making this purchase, is now going to need more personnel and airmen to load and unload every A330 tanker.

Finally, these larger planes are going to cost the military more to maintain. Not only will the A330 simply need more maintenance over its lifetime, larger crews are going to be needed to work on them. Because the planes are bigger, they are going to have to be packed in closer at our bases, and packing them in closer is going to make maintaining and getting them off the ground more dangerous for our airmen and airwomen.

Now, I have been asking some pretty tough questions about how we got to this point, how the Air Force chose the Airbus plane over the Boeing plane, because it does not make sense to me that we would send this contract overseas when we have the capability and the right plane right here at home.

I have specifically asked about the military's construction costs. At four hearings now, four hearings in the last 3 months, I have asked our military officials whether they can tell me if they did an analysis of the potential construction costs of buying these larger planes before they reached their decision. Do you know what. I was shocked by their answer. It was: No. No. No. They did not do an analysis of how much it would cost for these larger planes. That means the Pentagon launched a major contract to replace a plane that we will have for decades that is going to cost us billions of dollars, but apparently it never did a complete, independent analysis of the potential military construction costs of buying that much larger plane.

I am concerned that even though I have asked for an estimate of these costs and even though several of my colleagues here in the Senate and the House have asked for the same information, we do not have an answer.

I first asked Air Force Secretary Wynne about these costs on March 12. I asked him: What will be the associated costs for our military construction budget, and can these Airbus planes fit in the hangars we have today? That is what I asked. At the time, Secretary Wynne could not answer me. He only said to me that the RFP did not indicate any size. So I asked again on April 24, this time with two Pentagon officials, Comptroller Tina Jonas and Under Secretary of Defense Wayne Arny, and they said they were not part of any decisionmaking process and could not comment. So on May 8 and then again today, I asked what the cost of this larger tanker would be for the National Guard and Reserve. Today, the Guard promised to get back to me with an answer. Well, I hope they do.

I am extremely frustrated that we cannot get this information. We are talking about spending billions and billions of taxpayer dollars, and we are talking about a decision that affects our global military power. I am baffled as to why the Pentagon did not do a top-to-bottom analysis of every aspect of this very expensive decision. "I don't know" is not an acceptable answer when we are asking American taxpayers to foot the bill for purchasing these planes.

Now, this process has been flawed from the start. As a result, it is now being appealed to the GAO. But regardless of the GAO's findings, I think we, as Members of Congress, as representatives of the American people, should be very concerned about the way the military reached this decision. No family would buy an 18-wheeler if all they needed was a station wagon. And the military should not be buying a jumbo jet that is extremely expensive when what it really needs and what it has told us it needs is an agile refueling tanker. It is common sense.

I think we need some real answers about why the Pentagon believes this decision is worth the taxpayers' money. I hope our colleagues will join with me in demanding that we get that information before we make a mistake that will cost us billions of dollars that we cannot afford to waste.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to change the order. My friend from South Carolina, Senator GRAHAM, has allowed me to go. I ask unanimous consent to speak and then to be followed by the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I come to the floor today to express my strong support for the Public Safety Employer-Employee Cooperation Act that the Senate is currently considering, legislation that will ensure our public safety officers are treated with the respect and the dignity they unquestionably deserve.

I have always believed the first responsibility of government is to protect its citizens. I believe that responsibility begins right here at the local level in our neighborhoods and in our communities with our law enforcement officers. To fulfill that essential responsibility, our local public safety officers need the support of the Government in Washington.

Before I came to Washington, like you, I served as a prosecuting attorney. I served for 8 years as a chief prosecutor for Minnesota's largest county. During that time, I saw firsthand the critical and courageous contributions our police officers, firefighters, paramedics, and our public safety personnel make on a daily basis. I gained an unending appreciation for their service in keeping our communities safe and secure. When I came to Washington, I made a commitment that I would remember the officers I had worked alongside in Minnesota and that I would do everything I could to see that they received the full resources and support they deserve.

This bill would demonstrate our support by allowing public safety officers to be treated as they should, by promoting basic fairness in their working standards. It does so in a way that allows States to retain the flexibility to craft their own standards to suit their local conditions.

My State of Minnesota is fortunate to be one of 26 States that already grant collective bargaining rights to their public safety employees. Our police officers, firefighters, and paramedics enjoy strong relationships with the State, counties, and cities that employ them, which enhances their ability to protect the communities they serve.

When public safety employers and employees work together, it reduces worker fatalities and improves the quality of service. We need these valuable partnerships to be at their strongest if we are going to be able to properly respond to disasters and emergencies that strike at our homeland security.

Our State is well aware of this. We have had our share of tragedies this year, from the collapse of the I–35W bridge to the floods in southern Minnesota in which several people died, to the fires up in northern Minnesota in the Ham Lake area over through the Canadian border. This week thousands of police officers have come to Washington to commemorate National Police Week. I have had an opportunity to meet with these police officers. I had the opportunity to meet with paramedics when I was home a week ago. I have had the opportunity to see our firefighters at work. We must respect these hard-working public servants. This respect should be fundamental to the work we do.

I told these officers and paramedics and firefighters that I would come to the floor to speak in support of this legislation and that I was hopeful our colleagues on the other side of the aisle would join us in passing this law. What they want is what they have in our State. They want the right to be treated with the respect of colleagues all across the country. In the last several years, specifically after 9/11, we have placed even greater responsibilities on police and other public safety officers. At a time when State and local budgets are tight, these Federal funds have become more important in assisting local law enforcement to fulfill their duties to protect communities. By passing this legislation and guaranteeing the basic rights it provides and working to deliver the full resources and assistance these officers need to continue their exemplary work, we can demonstrate our acknowledgment and appreciation for the work they do every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I ask to be notified after 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. First, I compliment Senator WARNER and Senator WEBB for several weeks ago crafting legislation to provide some changes in our GI benefits for educational purposes. I support an alternative measure which has been developed in the weeks since then, among other things, because the Defense Department, led by Secretary Gates, has analyzed the requirements that the Defense Department has and has suggested a different approach than that originally taken by Senators WARNER and WEBB. That approach is embodied in legislation authored by Senator GRAHAM, Senator MCCAIN, Senator BURR, and others. It is S. 2938. I will describe the key point in a moment, but I was very disappointed an hour or so ago when, after Senator GRAHAM had offered this legislation as an amendment, it was tabled. Our colleagues didn't want to have a vote on it. I would think that at least we could have a fair up-or-down vote on the legislation, particularly since it is the approach that has been recommended by Secretary Gates and the Defense Department. I believe it is the approach President Bush would prefer. I believe it would solve the problem we are trying to solve.

Everybody knows that next week, when the supplemental appropriations bill comes before us, the bill that will enable us to fund the troops missions in Iraq and Afghanistan, the Warner-Webb bill will be included as a part of that. We will not have an opportunity to try to amend it. That was the purpose of the Senator from South Carolina offering the amendment today. We have now been foreclosed from voting on that. That is not right, especially since this is the superior of the two approaches.

The key here has to do with the original intent of the GI bill and today's circumstances. After World War II, when most of the members of the Armed Forces had been drafted, came back from the Pacific and European theaters, many of them had been drafted right out of high school or perhaps they were not even in school. They, obviously, saw the importance of getting a college education. A grateful nation said: You have been plucked out of your family circumstance, maybe out of high school. You were not able to attend college, although some were in college when they were drafted. We want to pay something back to you and send you to college, if you would like to do that. That was the GI benefit.

Today the circumstances are much different. We don't have the draft anymore. We didn't have millions and millions of servicemen mustered out of the service, ready to go to college. Today we have exactly the opposite. We need to attract good men and women to serve in our forces, and we need to provide them the kind of benefits that are attractive to them in today's world. They are a very different, diverse group of people. The kind of educational benefit likewise needs to respond to that kind of diversity and circumstance. That is the reason this GI bill is being modernized and updated.

The key point Senator GRAHAM will make and that Secretary Gates has made, as my colleague Senator MCCAIN has said, is that instead of a group of people who have been mustered out of the service, we aren't trying to get people out of the service. Today we are trying to retain folks, good people who have been educated and trained in the military. We want to have as many of those men and women stay in the military as possible.

Clearly, recruitment and retention in an all-volunteer force is critical to an effective military. That is what Secretary Gates was speaking of when he said:

> Our first objective is to strengthen the all-volunteer force. Accordingly, it is essential to permit transferability of unused education benefits from servicemembers to family. Transferability supports military families, thereby enhancing retention.

That is the key difference between these two approaches. I would hope that my colleagues who originally wanted to support an approach that Senators WARNER and WEBB wrote would recognize that there has been an improvement to that in the legislation Senators GRAHAM, BURR, and MCCAIN have offered and would support that alternative which provides for transferability.

There are a couple of other differences. I wish to briefly highlight them. The fact that the Warner-Webb bill costs more certainly should not be necessarily an argument against it, but it certainly should not be an argument for the legislation either. If we can deliver the same services in a more efficient way, that is good, not bad. As to that point, one of the other differences between the legislation of Senator GRAHAM and the previously introduced bill is that this recognizes everyone in a fair way, providing the same benefit. It doesn't discriminate against people who attend a less-expensive, State-sponsored school in favor of one who attends a more expensive private school, for example. You have the same kind of benefit. It is an adequate benefit because of the increases provided for in the bill.

The bottom line, the reason I strongly support the legislation introduced by my colleagues from South Carolina and from Arizona is because it responds to today's circumstances, the all-volunteer force, where we are trying to keep more people in the military as opposed to the other approach, which is an extension of the old GI bill which was provided for people who were leaving the military. That is the key difference and the reason why I urge my colleagues to support the approach Senator GRAHAM is providing. I hope, even though we have had this legislation now tabled, that we will have an opportunity to actually vote on it in the future. I encourage my colleagues to support us in providing an opportunity to vote on the legislation.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina.

Mr. GRAHAM. Can the Chair let me know when I have 2 minutes remaining?

The PRESIDING OFFICER. How much time does the Senator request?

Mr. GRAHAM. Fifteen minutes.

The PRESIDING OFFICER. There is 14 minutes remaining. The Senator will be advised when there is 12 minutes remaining.

Mr. GRAHAM. Let's talk about the policy and then the politics. Everything seems to be in the case of politics. Most Members of the body would like to pass some legislation this year that would improve GI benefits for those who serve and leave and for those who continue to serve. Putting this bill, the Webb bill, on the supplemental emergency funding for the war, a mandatory entitlement program put on a supplemental emergency spending bill for the war is not the way to go. Having a supplemental involving spending for the war that can't be amended is not the way to go. Putting the bill on the firefighter-police officer legislation is not the way to go, but it is the only way I had to go. I have sat down with Senator WEBB and his staff. I hope we can find common ground. I have never doubted the desire of Senators WEBB or WARNER to increase the benefit. Senator WEBB's service to the country has been extraordinary in combat, as Secretary of the Navy, as has Senator WARNER's. Obviously, they have a desire and some expertise in this area to upgrade basic GI benefits. I share that desire and hope this body can do something necessary.

But as Senator KYL said, quite frankly, I don't agree with their approach. The need is there, but the first thing all of us in this body should do is not compound a problem our current forces have, and that is retention. In the name of trying to help recruit people to the military, you don't create a benefit that the Congressional Budget Office and the Pentagon say will hurt retention. It makes perfect sense to me that the approach of Senators WEBB and WARNER will hurt retention. It is $50-something billion of new spending, and it is all geared to the people who leave the military after 3 years. As Senator KYL indicated, this is a different war. Unless we start drafting people, which nobody appears to want, including me, we need to let those who serve and continue to serve know how much we appreciate what they are doing and give them incentives to stay around because every person who will stay in the military to make it a career is a godsend to this country because we are being defended by volunteers.

So how about this idea? Increase the basic benefit, as Senators WARNER and WEBB have proposed but do it in a way that makes the most sense for the entire force. The current amount of money available to someone who leaves the military after 3 years of service to go to college is $1,100 a month. That used to be the average cost of a State college tuition, including room and board. It is now up to $1,500 a month as an average cost. What we have done in our approach is raise the benefit to $1,500, which is the average cost of a State college, room and board. To me, that is a worthy goal for the Nation to pursue.

Senators WEBB and WARNER have a new formula, a new way of delivering benefits that misses the mark. Instead of paying every GI who leaves the service $1,500 a month, and under our bill $1,000 a year for books and fees, what Senator WEBB proposes is that you would look at the school, the highest State school, the highest State institution in terms of tuition in each State, and the GI would receive the amount of money that would pay for that school. So in Michigan, the most expensive State school is $13,000. In South Carolina, it is $5,000 or $6,000. So based on where you live, you could have a disparity in how much benefits come to the veteran. I don't think that is the way to go.

What we have tried to do is make the benefit that exists today reflect the reality of today for those who leave.

If somebody wants to go to Harvard or Yale, what we do under the bill is we tell the institution, if you will forgive 25 percent of the difference between what the Government pays and the tuition, we will put an extra thousand on the table. If you will forgive 50 percent of the indebtedness, we will put more money on the table. If you will forgive the entire indebtedness, I think we would go up to like $3,000, maybe $3,500 a month. That way the institution can get over $40,000, and the veteran can go to that school without any debt. So we have a program in the bill to try to get institutions on the higher end, private schools, to work with veterans to get them through their institutions and put more money on the table.

But the big point I am trying to make is, under our approach, we have a component not found in the Webb bill that the country needs. Right now the GI benefits that are earned after 3 years of service under the Webb approach, $55 billion is spent on that population, not one penny of additional incentive to stay around. Do you know what America needs? We need to take care of those who serve and leave because they have done the country a great service. But as a nation, we need to desperately try to retain people who are willing to serve longer. So what do we do? Senator BURR and myself, Senator MCCAIN, we have listened to the troops. What do the troops want? What do those in uniform want from the GI benefit reform? They would like to transfer their benefits to their spouse or their children.

Under our approach, if you stay 6 years, that $1,500-a-month benefit, that $1,000-a-year payment for books and fees, 50 percent of it can be transferred to a spouse or child. That would revolutionize the way this benefit package is being used today. Fifty percent of the people eligible for GI benefits in today's world never use them. If you could transfer those benefits, it would be a higher utilization, and the benefit would be to the family members of the military member, the ones they love and care about the most. If you will stay in 12 years, at the 12-year point under our bill, the benefit goes from $1,500 a month to $2,000 a month, and you can transfer all of it.

Now, what does that mean? That means if you will continue to serve our country, at the 12-year point you do not have to worry about your kids' ability to go to college anymore. What does that mean? That means your retirement pay has more value. A lot of people are getting out of the military at the 8- and 10-year point because they have a couple kids and they wonder: Can I send them to college on a military salary? Wouldn't it be wonderful to check that block and say: You can stay in the military, get your 20 years, get your retirement, and also have a benefit to pay for your kids' college that will not come out of your retired pay? This will revolutionize retention.

The CBO says for every $10,000 of educational benefit increase, you lose a percent in retention. Under the Webb approach, we would lose 8 to 9 percent a year in retention, at a time we need to retain more.

Under our approach, not only are we going to give more money to those who serve and leave—a very generous benefit—we are also going to put money on the table for the first time in the history of the GI program to reward those who stay. Most people who serve 20 years are going to come out with a college degree they earned in the military without ever using their benefits. The ability to transfer the benefit to a family member is enormous. Again, it will allow the retired pay—of those who go to 20 years—to have much more bang for the buck. They will have their college paid for.

When I talk to people in the Guard and Reserve and Active Forces, they tell me they would love to have the ability to transfer their GI benefits once they get their degree to a spouse or a child.

It would help retention. It would help families. It is, in my opinion, the best bang for the taxpayer buck.

Now, where are we going to go? Here is what is going to happen.

Madam President, how much time is left?

The PRESIDING OFFICER. The Senator has 3 minutes more before his 2-minute warning. The Senator has 5 minutes.

Mr. GRAHAM. Madam President, thank you.

We have a choice to make as a body. We can find some middle ground and pass a bill that 100 people would vote for or we can put the Webb amendment on the supplemental in its current form without any changes, table my bill, and say: Go off in the corner and be quiet. Well, that "ain't" going to happen. I am not going to be quiet. I am going to urge the President to veto the Webb bill in its current form because no matter how well-intended it is, it will hurt retention. It will hurt retention at a time, as a nation, when we need to enhance retention.

I have a different approach, and I think it makes sense. But I am willing to meet people in the middle. I am not going to be put in a box of having to vote no and be accused of not caring. Well, I have another approach. I think it serves the country well. I am willing to meet in the middle. I hope we can find some middle ground. At the end of the day, helping veterans and rewarding those who serve is a shared value—not a Democratic value. It is a shared value by all Americans: Republicans, Independents, and Democrats.

Two things are important to the American people at a time of national crisis, at a time of a two-front war. Let's come together and help those who are willing to put on the uniform. Count me in for increasing the benefits for those who serve 3 years and leave. You have done your country a great service. I want to make sure you have money to go to college, that you are well rewarded for your service.

But work with me to do something for those who continue to serve. Reward them. That has never been done before in the GI bill. It is time for the GI bill to change. It is time to have money on the table to reward those families and military members who stay around and keep going back and keep fighting. If you want to help the military, the men and women in uniform who decide to make this a career, allow their benefits to be transferred to their loved ones, allow military members who serve for 12 years and beyond a chance to send their kids to college with GI benefits and not have to use their retirement.

So I look forward to this debate. It is going to be a chance to do some good or it is going to be politics as usual. Well, that is a decision we are all going to have to make. I hope we can do the country some good. To me, the best thing we can do for the country and for those men and women who serve—and continue to serve—is to do something new, something long overdue and new; that is, to allow them to transfer their benefits to their family members. That will help retention. It will reward those families who sacrifice alongside the servicemember. I have talked with enough family members to know how much this would change and help improve family life in the military.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Madam President, I thank the Presiding Officer and I thank my colleague, Senator GRAHAM, and I really do thank my colleagues from both sides of the aisle who have come to the floor and talked about the GI bill and the fact that we were asleep for a number of years from the standpoint of making changes in the law that reflect the cost of education.

But what I want my colleagues to understand and the public to understand is that the Department of Defense used what we call education kickers to provide retention tools for our Active-Duty troops. Throughout this whole period, as they saw promising service men and women and they wanted them to stay in the military, they used what we call education kickers. They upped the amount of their education benefit if they would re-up for a period of time—3 years, 5 years, 6 years.

So to say that $1,100 was the ceiling, that is not accurate. The fact is, we have reached a point in time when we need to change the number in the law, what the base amount is that is the promise this country is making to our service men and women when they serve. I think it is appropriate, given we have gone through a decade—and I am sure most Americans would not find this hard to believe—where the highest area of inflation in America over the last 10 years has not been health care. It has been higher education. For any parent who is going through higher education with a child today, they know exactly what that means—that it costs a whole lot to go there.

Senator WEBB deserves a lot of credit because for 18 months he has talked about changing our financial level of commitment. I have to say that has been healthy for the men and women who are serving. It has been healthy for this Senate to begin the debate on it. I do not want anybody to leave this debate and feel we are not both headed in the same direction. It is just that I have some fundamental disagreements with the way he structured it.

I believe there is a way to fulfill the promise, that if you serve, then we are going to commit to you, we are going to provide you with a quality education. When my dad came back from the Second World War, he had most of his education paid for before he left, but this is not something he went out and shopped. This is not something where he said: Gee, there is a benefit. Let me find the most expensive place I can go, and let me exercise it there. He focused on what he wanted to be and where the tools were that were available to him.

Sometimes we have to stop for a minute and reflect: What are the unintended consequences of what we do in this body? Well, one thing with the Webb bill is we disregard the fact that part of higher education comes out of the Department of Education today. It is called Pell grants. For those service men and women who qualify for them, that goes toward their education. The way this bill is written, we pay for their education, and the Pell grant, if they qualify—which most would—is then available for them after their education to pocket as cash. I am not sure that is the promise we made. I am not sure it is the promise the American people are committed to fulfill. I am not sure it is what our service men and women expect. They want an education.

What we have done is we have structured an alternative, the Grahamm-Burr-McCain bill, that provides exactly that. It is targeted at the average of the cost of public education in America. Now, fundamentally, I do not believe a student who picks an art and design school in the State of Michigan should be entitled to $13,000 for that school. Yet if he chooses the University of North Carolina at Chapel Hill, then he is only going to get $5,300.

Why is there a discrepancy in those two schools? Because States subsidize higher education at a different level because it is a State decision. It is State money that is used to subsidize higher education. In North Carolina, we choose to subsidize higher education to the tune of 70 percent. We do not expect every State to choose to subsidize it at that level.

But by the same token, why would we create a program that disenfranchises North Carolina, that says to North Carolina: Oh, boy, you are going to be cheated because you subsidize higher education so that more of your kids can have an affordable option. And because now the Federal Government would have paid everything, you are going to lose money because you subsidize higher education. Unintended consequence: We are going to chase States out of the business of subsidizing higher education.

What is the net effect? Every kid in America who does not serve 3 years Active Duty, cumulative, is going to pay more because States are not going to subsidize. I am not sure that is what we are after. I surely do not suggest that is the intent of Senator WEBB's legislation. It is what will happen if, in fact, we pass the legislation.

So Senator GRAHAM and I and Senator MCCAIN looked for: How do we take the existing system—not create a new one; this is not a wheel that is broken; it works, but let's fund it at today's funding needs.

Now, Senator GRAHAM covered a lot of things that are in the bill. For an Active-Duty servicemember who serves 3 years Active Duty, we are going to provide $1,500 in living expense and tuition every month as a benefit. We are going to provide $1,000 for books and fees a year. For that individual who stays in the military over 6 years, 50 percent of the education benefit they accrue is transferable to a family member: a spouse or child. If a servicemember chooses to serve for 12 years or more, 100 percent of their GI education benefit is now transferable to a spouse or a child.

I think it is safe to say that for most who make a career out of the military, they have numerous opportunities to enhance their academic achievements on Active Duty. So the likelihood is a 20-year veteran of our services probably has all the education they need, and they have a huge education benefit. I cannot think of a better reward to people who have served their country than to say: Let's make this benefit available so you can educate your children. Let them choose the States that highly subsidize so they get more bang for their buck.

Senator GRAHAM covered the fact that we put the responsibility for private schools to fill the gap on the private schools. We say to an institution: Do you know what. You are willing to retire debt for low-income Americans today. Well, let's see what type of commitment you are going to make for veterans, people who are part of the GI program.

Senator WEBB's bill says to the school, Harvard, Yale, Duke, schools that have $35,000 tuitions: Do you know what. We are only paying $5,000 in North Carolina, so, Duke, if you get one of these, that $20,000-some difference—$25,000, $30,000 difference—for every dollar you put in, the Federal Government is going to put in.

What I say, in the legislation, to Duke is: All right. We are putting $14,400 in the pot for that GI. The difference is indebtedness at the end of his career. If you are willing to retire 25 percent of it, then we are going to put an extra $1,000 in the pot. If you are willing to retire 50 percent, we are putting $2,000 in the pot. If you are willing to retire 100 percent of the debt, we are going to put more money into the pot. We are not going dollar for dollar because I do not think that is our responsibility. There has to be a side of the academic institutions that is willing to also recognize the service of our men and women in uniform.

We were denied the opportunity to have a vote on a piece of legislation earlier today. It is a rule of the Senate that you can offer a motion to table an amendment. What does tabling an amendment mean? It means we were denied the opportunity to vote on a real education package for our service men and women.

What is the reason somebody would do that? Well, fear that we were going to win. Fear that enough Members would look at it and vote for it on the merits of the legislation, that we would win. What is the likelihood we are going to have an opportunity to offer our amendment? Probably none. Because the Webb amendment is going to be masked in an emergency supplemental that is going to be made up of war funding, funding that most Members—this one has no idea what other earmarked programs Members of the Senate are going to stick in it or the House of Representatives.

I would say to my colleagues, we ought to vote against the entire package, except for war funding. We ought to come to the floor. We ought to have a side by side: the Webb bill, the Graham bill. We ought to debate it on the merits, but we ought to take into account the needs of our military. To ignore retention, to ignore the tools the military needs to make sure our Nation is secure and strong, is absolutely ignorant. Now, it may be before it is over we are able to influence the authors of the other legislation to put transferability in theirs. But I have to say to my colleagues that the structure is fundamentally flawed.

I am the ranking member of the Veterans' Affairs' Committee. Currently, the GI bill is administered partly out of DOD, partly out of the Department of Education, partly out of the Veterans' Administration. We have a Veterans' Administration today that is challenged to process the amount of disability claims, the appeals to disability claims, the appeals to medical services that are delivered. Now we are saying let's create a big new program and let's dump it in the Veterans' Administration and let's ask them to run it. How incredibly insensitive to the work that is currently going on but how insensitive to the needs of our veterans who are injured—those who come back from Iraq and Afghanistan, those who transition out of Active Duty to veteran status who need a Veterans' Administration that is 100 percent focused on the delivery of health care, the processing of disability claims, and making sure every veteran is matched with a check that they need for their livelihood.

Now we are going to say: But we want you to now run education. We want to take the Department of Education out of it. We want to take DOD out of it. We want the Veterans' Administration to be responsible.

Millions and millions, hundreds of millions of dollars is going to be needed to administer this program, hundreds of millions of dollars. Forget the fact that to write the regulations out of a new agency is probably going to take well over a year. That is why the Webb bill is not proposed to start for some time after this body passes it.

I am sure we are going to have ample time to talk about the education benefit for our military members. I am not sure we are going to have an opportunity to have a choice. I am convinced people asked me to come here and serve to represent North Carolina to make sure we have a choice, and that it wasn't a choice between something and nothing, but that it was a choice between something and something. Every Member of the Senate—100 Members—should have the opportunity to come to this floor and to offer what they think is the solution to a problem. Not on this. We tried to do it because we didn't think we would get an opportunity, and instead of getting an up-or-down vote on a very important piece of legislation that provides and extends and revamps the GI education benefit for our military, it was decided that we were all going to have the opportunity to table consideration. I am not sure that is why we were all elected to be here. I think to some degree it shows what is worse about the institution that we are not willing to tackle.

This is the institution of great debate, and when we have big issues, we run from the debate, hoping that the American people aren't looking, hoping that nobody will read about what we have done, that nobody will see the missed opportunity. I will tell my colleagues, our service men and women aren't going to miss this one. It is not going to be over with a simple tabling vote. This is something that will continue to educate the American people and, more importantly, the men and women who put on a uniform and never ask why but go exactly where our Commander in Chief asks them to go.

I urge my colleagues to pay very special attention as we go through the debate on this legislation. Ask yourself not only is it right, ask yourself are the consequences of what we do the consequences that we would want to have happen. If there are unintended consequences to this, the general public of young people who are looking at higher education as an absolute necessity of their livelihood in the future are disenfranchised in some way by this. If servicemembers aren't allowed to extend an education benefit to their children or to their spouse, and it just goes away, have we really done our job? I think the answer is going to be no.

So I encourage the leadership in the majority to give us an opportunity to have a fair up-or-down vote. Give us the opportunity to compare two pieces of legislation. Nobody should be scared to do that. Let America decide based upon their representatives in the Senate which one better fulfills the promise we have made to the men and women who serve but, more importantly, what upholds the structure of higher education in this country and doesn't disenfranchise or disadvantage any student now or in the future.

I am convinced we can only achieve that if we recognize a benefit that is uniform and equal across the board, not one that is determined by where you choose to go to school, not a benefit that is determined by where you choose to live, but a benefit that fulfills every promise that we are going to provide an education and put some degree of individual responsibility on how that is exercised. I am convinced that for those who may choose a community college versus a 4-year university, the savings they have should be savings they extend to their children and to their spouse.

That would not happen under the current Webb bill; it will just go away. They will miss out on that opportunity. They will never know that unless we are willing to have a debate on this floor. They are never going to know it unless we are provided the opportunity to present them with a choice between something and something versus something and nothing.

I thank the Chair for the time extended to me.

At this time I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I may speak in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the question of updating GI bill education benefits for our veterans and service personnel is something that we need to do. I think all of us agree on that. I have to say that how we do it, however, is very important.

The Webb-Warner bill, as written, fails in some very important ways, ways that make it poor legislation. We need to be honest about that.

I believe the bill offered by Senators MCCAIN, BURR, and GRAHAM is much better legislation. Frankly, I thank Senator MCCAIN for having the gumption to stand up and see the problems with this legislation. He said he knew it was important and he was willing to take some political heat here to try to do the right thing.

Let me read you what the Congressional Budget Office has said about this legislation.

This is what they say about retention. We heard that in remarks from some Senators earlier, but retention deals with how many people re-up and decide after their initial tour of duty is up to make a longer—a new commitment to stay in the military for a longer period or even make it a career. We are in a career military, and I could not be more proud of them. They are performing so exceptionally well. No person who has been around the military for a few years would ever want to go back to the system we had before. This one is working surprisingly well, beyond our expectations. And even in this war where if you reenlist you are likely to be sent abroad, retention continues to be very high.

What will this bill do? According to the Congressional Budget Office, S. 22, as amended, would, in effect, result in "a 16-percent decline in the reenlistment rate." I am telling you, those of us who have been watching the reenlistment rate as members of the Armed Services Committee—and I have been on that committee since I have been in the Senate, and I know the Presiding Officer, Senator PRYOR, is on that committee and knows these issues—reenlistment is critical. This Webb amendment has the perverse effect of paying people to leave the military. We should not do that. We should create incentives as the Burr-McCain-Graham bill does. It encourages people to stay in and gives even more rewards if they stay in and their family more rewards if they stay in. That is the right thing for us to do. I wanted to mention that point.

I am also troubled by how the money is allocated. We have done a calculation. The way it is set up under the Webb amendment, if a person were to take advantage of this GI bill benefit under his provision, a University of Alabama student could receive $13,569 per year and a student at Auburn University would receive $13,355 a year, but a student at the University of Michigan would receive $22,413. That is an $8,000 difference. That is a lot. Is this what we want to do? I don't know what they would give somebody who is an Arkansas Razorback. They would probably give them less than that. No, that is a great university. I don't see any need for me to be supportive of a bill that is going to discriminate that much between State universities. In fact, if the McCain legislation were to pass, students at Alabama and Auburn would receive an additional $400 and $500 under his bill. It would be more generous to students in my State under the McCain bill.

I say to my colleagues, I think Senator WEBB and others who supported this legislation are on the right track. It is time for us to improve the GI bill benefits for our soldiers and their families. We can do that. We ought to put some money in it. I understand our budget is tight, but I am prepared to vote some resources to improve this idea. But I do not believe we should ever consider—please understand—ever consider setting a policy that would essentially encourage and pay people through subsidies to leave the military. We ought to create educational benefit programs that affirm them, affirm their families, as they make the military a career. That is what our current involvement is.

Before I yield the floor, I will say that is why I have chosen to not support the Webb approach and have chosen to support the McCain approach. I think it is preferable.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have tried very hard. I was here a few hours ago when the Senate opened, congratulating the Senate for moving forward on a very important bill for firefighters and police. I guess my expectations were far too high. I thought we were going to legislate and finish this bill. It is a bill that is so important.

I had the opportunity after the log had been thrown in the road to speak with the head of the firefighters union. I don't run from organized labor. I think it is important that we recognize the good they do in the country, and no one can dispute the work that firefighters do. I talked with Mr. Schneeberger and told him I don't know if we can do this bill; it appears Republicans don't want to do it. They have offered a mini GI bill of rights. Of course, we have been delayed. That is very unfortunate.

I hope Senator KENNEDY and Senator ENZI can work something out to complete the bill in a very short period of time. We have done about the best we can.

I spoke with Senator ENZI last night—I don't know what time it was—4:30, 5 o'clock. I asked if he wanted votes last night. He said no because he didn't get the work done in committee that he wanted and he had some work to get done on this bill. I accepted that. I said fine.

I was hoping we would do more today. We tried to get a vote on an amendment and could not get agreement to get a vote on an amendment. So at this stage, we are going to see if we can invoke cloture on this bill. If it doesn't work, it is just another bill the Republicans brought down.

Mr. President, I said this morning, is it any wonder that three special elections held for House seats have gone to Democrats in districts where no one expected a Democrat to win? The reason is because the American people are seeing what is going on here. They see what is going on at 16th and Pennsylvania Avenue, and it is down here now where we cannot do anything, nothing. Mr. President, 71 or 72 filibusters. I don't know how many we are at. We are moving up the road. Is it any wonder that a poll came out yesterday in the Washington Post saying that the American people believe Democrats in Congress are 21 percent better able to handle the problems of this country than Republicans? It is no wonder.

In spite of that, in spite of 7 years and almost 5 months for President Bush, I still would like to work for the next 7 months with him to try to get things done. I would hope he would pick up the phone sometime and call down here and maybe help us get Federal aviation reauthorization done, just as an example. That is fresh in my mind because that was legislatively killed last week.

CLOTURE MOTION

I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Gregg-Kennedy substitute amendment No. 4751 to H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Harry Reid, Edward M. Kennedy, Charles E. Schumer, Joseph R. Biden, Jr., Sherrod Brown, Robert Menendez, John D. Rockefeller IV, Benjamin L. Cardin, Robert P. Casey, Jr., Thomas R. Carper, Sheldon Whitehouse, Barbara A. Mikulski, Blanche L. Lincoln, Amy Klobuchar, Christopher J. Dodd, Tom Harkin, Richard Durbin.

CLOTURE MOTION

Mr. REID. Mr. President, I send another cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Harry Reid, Edward M. Kennedy, Charles E. Schumer, Joseph R. Biden, Jr., Sherrod Brown, Robert Menendez, John D. Rockefeller, IV, Benjamin L. Cardin, Robert P. Casey, Jr., Thomas R. Carper, Sheldon Whitehouse, Barbara A. Mikulski, Blanche L. Lincoln, Amy Klobuchar, Christopher J. Dodd, Tom Harkin, Richard Durbin.

Mr. KERRY. Mr. President, I am here today to speak in support of the Public Safety Employer-Employee Cooperation Act of 2007, for which I am a proud cosponsor. While the vast majority of private and public employees enjoy the right to bargain collectively, thousands of our public safety employees across the country are denied this basic American right. If enacted, this bill would provide our public safety workers with the right to negotiate for the level of pay and benefits they deserve.

Every day, we rely on the service of these men and women, who risk their lives to provide safety and protection to our communities. Yet many States and local governments deny these workers the right to organize. It is not fair, and it should not be tolerated.

Those who oppose providing public safety employees these fundamental rights claim that the legislation will interfere with existing State and local laws that govern collective bargaining. This is simply false. The legislation ensures that existing collective bargaining units and agreements that have already been issued, approved, or ratified at the State or local level would be maintained. Additionally, this legislation prohibits strikes and work slowdowns by public safety officers and labor unions, as well as lockouts by public safety employers, ensuring that the safety of the public will not be compromised as a result of a work stoppage.

This legislation enjoys broad bipartisan support. Introduced by Senators KENNEDY and GREGG, there are 34 cosponsors, including 11 Republicans. The House version of the bill passed by a vote of 314 to 97, supported by a majority in both parties.

It took a national tragedy in the form of the terrorist attacks of 9/11 to remind us all of the critical role public safety officers play in our lives. Hundreds gave their lives that day, and hundreds more give their life in service each year, to ensure our safety and to protect us from danger. It is inexcusable that workers so dedicated to keeping America safe should be denied the basic and fundamental right to organize.

I urge my colleagues to support this legislation and to stop denying our firefighters, our police, and all of our first responders the right to organize.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I want to shift gears now and express my appreciation to lots of different people.

I mentioned briefly this morning my congratulations to Senator HARKIN, Senator CHAMBLISS, Senator BAUCUS, and Senator GRASSLEY, but there are other team members who worked so hard to get this most important bill done, the most important bill being the farm bill.

We only do a farm bill every 5 years. There are some who say it took us 5 years to get this bill done. That is really not the case, but we worked on it for a long time, worked very hard.

I mentioned in my caucus yesterday that this was an example of how we should legislate because we had conferences. We have been kind of getting out of the habit of having a public conference where Democrats and Republicans are appointed and sit down and try to work out the differences on a bill. That is what they did here. I think it was exemplary legislative work.

Was there any side that was more right than the other side? No. But they worked together to come up with a fine piece of legislation.

Mr. President, I ask unanimous consent the Senate now proceed to the conference report to accompany H.R. 2419, the farm bill, and during today's session there be 5 hours of debate—remember, this farm bill deals with food, it deals with energy, and it deals with security—with the time equally divided and controlled between the leaders or their designees; and when the Senate resumes the conference report tomorrow there be an additional 90 minutes of debate divided in the same manner; further, that if any motions to waive are made in response to points of order, then these votes occur in the order in which they were made prior to the vote on adoption of the conference report on Thursday; that on Thursday, upon the yielding back of time, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, until I get 5 minutes to rebut a little bit of what the leader said about the collective bargaining bill. I do not need much time, but I was cut out of the process earlier today and I deserve the opportunity.

Mr. REID. Mr. President, my friend can have all the time he wants—10 minutes?

Mr. ENZI. Ten will be plenty. I appreciate it.

Mr. REID. How about doing this then? We will go ahead and have this approved, and you do 10 minutes or however much time you want?

Mr. ENZI. That would be part of the unanimous consent? Do I understand that under the unanimous consent I would get my 10 minutes before the farm bill.

Mr. REID. You would get it as soon as the consent is granted—right now.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, before my friend starts, I have said publicly, I have told him privately—we do not have a Senator, Democrat or Republican, who is easier to get along with and who is a better legislator than MIKE ENZI. He is a very fine man, and I am sorry he was cut off.

There will also be no more votes today as a result of this unanimous-consent agreement.

Mr. ENZI. Mr. President, I appreciate the leader's kind remarks. I have been diligently working on the collective bargaining bill. It is an important part of the process to get the full debate out. We are being precluded from that process now.

We have had three amendments brought up. None of those were mine. I have five amendments that I would like to have debated that address what I see as serious flaws in the bill, but I am being precluded from even bringing up one of those. I was given the offer, take it or leave it, that there could be two Republican amendments, period, and I could decide from among my own and others which would be the two.

As I pointed out at the very beginning of this bill, this bill is flawed. It did not go to committee. This happens every time a bill does not go to committee. We have a process with bills before the committee where people can sit down and look at amendments and revise the amendments until there is agreement between the two sides. That is the only reason that a committee such as Health, Education, Labor and Pensions can get bills done.

We often take a look at all of the amendments when they are in committee and decide that we will work on those before they go to the floor. Otherwise, as contentious a committee as we have, which handles the volume of work it does, we would get nothing done. But we get a lot done. In fact, last week when we were at the signing with the President of one of the bills we passed, the President said: You know, you are the only committee sending us any bills. It is because we go through the whole process.

Usually Senator KENNEDY and I sit down, we list our principles, we agree on the principles, we plug in some details, and then we talk with the stakeholders. That is everybody with an interest in it. Usually at that point there is someone who says: No, we have one provision we have worked on for 12 years, and we never have gotten that provision. And until we get that provision, we don't care about the rest of the bill. Whoever's constituent it is, Senator KENNEDY or I, we take the lead on it and say: You know, you have been asking for it for 12 years and you got nothing. How would you like to get the other 80 percent that you also claim you like? That is the way we do bills. It is working to get common ground, which is a third way.

There are so many issues around here that have been polarized, so the second they come up people jump into the weeds. They talk about a little glitch here or there that irritated people in the past and that gets us nowhere. So we have been able to elevate that to coming up with a third way to achieve the same thing, the same principles we agreed on.

This bill didn't go through any of that process. We just slammed right over here to the floor of the Senate and then they are surprised at the result, that we want to do a few amendments. I saw the House bill, and then I saw the negotiations with some of the Senate people from our side on some amendments that they thought were critical. A lot of those didn't get in at all, even though I think a few of them thought they were in there. They are not in there. That is what I am bringing up—what were good ideas that ought to be contained in this kind of a bill so the rhetoric we have had so far actually winds up meeting what is in the bill.

That is our job. It is really supposed to come out doing what we said it would do. This bill does not do what the chairman said it would do. This bill doesn't say what the Republican cosponsors said it would do. It could be clarified. It is not easy to clarify it when we are out on the Senate floor. It is difficult to do out here because it is more of a take it or leave it. In fact, that is what I was offered: take it or leave it on getting two amendments. What kind of a choice is that? I have five germane amendments and many other germane amendments have also been filed and offered. But, of course, I will have to get unanimous consent to bring up my amendments later if at all. Unanimous consent is not the easiest thing to get around here, particularly when it starts getting into this little friction area.

I want to comment on the 71 filibusters. I suspect the two motions that were just filed count as two more filibusters. What they are is two more attempts to protect the rights of the minority. We have a right, just as that side did when they were in the minority, to bring up amendments. They protected their right, and we are protecting our right.

You heard one of the cosponsors of the collective bargaining bill make those same comments earlier today when the big discussion happened on the amendment that was put on the other side of the tree. He voted not to table that because he respects the rights of the minority. That is what has always had to happen around here.

I have to tell you, on filibusters, one of the reasons we get filibusters is because there is still a Presidential campaign going on on one side of the aisle, and that means two of our Members are not here except in unusual circumstances. So the way it has to happen is, on Monday when we come in we vote on a cloture motion. It is not legislation that necessarily needs a cloture motion because a lot of those have been passed 98 to 0, 96 to 0, maybe 95 to 1. That is nowhere near a filibuster. But that allows us—that forces us into a situation where, for the next 30 hours, we debate whether to debate. That way, by Wednesday the candidates can show up so there is enough of a vote to agree to some of the amendments that go on there. So part of it is a tactical procedure being used by the majority, who still has a primary going on in their Presidential race, to assure they will have the votes there when the time comes.

You can see this is 51 to 49, so if two people don't show up on that side, it is 49 to 49 and that gives the Vice President a chance to vote. So far he has always voted with me. So that gives the minority a win, and I understand that.

But I do not stand for being blamed for all of those cloture motions that have been put out here. Some of those have been to protect the majority as a majority. They need to take credit for those instead of blaming us for it.

This is a kind of do-nothing Congress. If it were not for bills coming out of this committee there wouldn't be a lot of bills passing out here, but a lot of the failed bills come from skipping the process and coming right to the floor, like the immigration bill. The way to get things done is take them through committee and then we don't need to do as many amendments on the Senate floor.

In fact, if you check back on the bills Senator KENNEDY and I worked on, it is very unusual for us to have an amendment on the floor. And they usually pass unanimously here and in the House. That is how they get to the President. There is not a conference committee involved in it. We have already preconferenced with the House and found out what their potential objections were with the House and worked it out. But not on this bill. On this bill what we said—not we said; they said—you know, the policemen and the firemen are going to be in DC for this big memorial event this week. We ought to time it so we can really put the crush on the Republicans.

I have to give you congratulations for that. It would not be enough just to recognize the tremendous sacrifices these people make and the difficult jobs they have. No, we can make some points against the Republicans because they may want to make sure Government still works when we are done with the process.

There are a lot of people commenting that there are some problems with this bill. The mayor of New York City—that is a State that requires collective bargaining—sent us a letter that said: Don't pass this bill. This will affect the way that we do business. It is not a one-sided thing, but I tell you, when it gets one-sided, nothing happens and that is kind of the process we are in.

I am going to be asking people to vote with me against the cloture motion because I have not been able to bring up my amendments. I haven't been able to get votes on the other side.

That has an interesting little twist to it too. We have four amendments: three that are germane—those are the three the Republicans put in, which means they relate to the bill—and one offered by Senator LEAHY that is actually a reauthorization bill on some grant money. It doesn't relate to this bill, but I am willing to have votes on all four of them. I am willing to accept the Leahy amendment and get it done. But there will be objections to that because he chairs the committee that handles judges, and we were promised three circuit court judges before Memorial Day. As I understand it, tomorrow morning there is a markup around here that does not have a single circuit court judge on it, which means that deadline cannot be met.

So, again, protecting minority rights, there are some people on the Republican side who are saying if they are not going to follow their word, we are not going to follow—The Senator from Vermont then says: If they are not going to take my amendment, then I am not going to allow the other three to be voted on. That happened earlier today.

There is plenty of blame to go around. But to stick it on any one party is the wrong thing to do. And to proclaim that we really want to have this bill done without taking it through the regular process is a misnomer—and I need to have my rights—and I appreciate this time to speak. The majority leader was very kind in that. I appreciate the way he let us at least work for a day, an interrupted day and a partial day at that, before the cloture motion went into effect.

I thank the Chair and yield the floor.

FOOD CONSERVATION, AND ENERGY ACT OF 2008—CONFERENCE REPORT

The PRESIDING OFFICER. The conference report will be stated.

The bill clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419), to provide for the continuation of agricultural programs for fiscal year 2012, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same. Signed by a majority of the conferees on the part of both Houses.

The conference report is printed in the proceedings of the House in the RECORD of May 13, 2008.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, here we are, finally after a long year and a half. That is how long I have been chairman. Of course, my friend and ranking member was chairman before that, actually started the farm bill when he was chairman. So I guess we can say after about 2 years we are finally here with this farm bill on the floor for final passage and ready to send to the President.

It has been a long road to get to this point. But it has been a road I have had good friends to travel with, good colleagues to travel with. We have had a few bumps along the way, but through it all, we have come here on the floor of the Senate with a strong, good farm bill, and it came from the House today with a strong 318 votes. So the House has passed a conference report with 318 votes this afternoon.

As I said, some people call it a farm bill. Here is the title of it: the Food, Conservation and Energy Act of 2008. Food, Conservation, and Energy Act. We do not have "farm" in it. Farm is subsumed under food and conservation and energy, because all three of those apply to our farmers today. So we have a bill here, a Food, Conservation, and Energy Act, passed with bipartisan votes in the House.

We have a coalition of over 500 farm, conservation, nutrition, consumer, and religious groups all together supporting this bill.

This is my seventh farm bill, counting my time in the House of Representatives and my time here in the Senate. I have never seen a farm bill in all of those years with this much broad support. As I said, over 500 farm, conservation, religious groups, antihunger groups, consumer groups, all are supporting this bill.

This is a food bill. Why do I say that? Because $10.4 billion of new spending in this bill, every single penny of the new money allocated to our committee by the Finance Committee on this side, the Ways and Means Committee on the House side, every single penny of that $10 billion was put into nutrition, plus another $400 million, $10.4 billion.

Now, with the changes to nutrition program included in this bill, 67 percent of all of the spending in this bill goes to nutrition; 67 percent. Then I will talk on why we call it a conservation and energy bill in a few minutes. But let's talk about the food aspect of this.

In the last dozen years, we have seen a steady erosion of the food safety net for our low-income families. Let me point to the standard deduction in the Food Stamp Program. This chart indicates what has happened. In 1996, the standard deduction—that is the deduction you take to see if you qualify as a family to get food stamps. In 1996 it was $134 a month. That was frozen in 1996. It has not moved since. It remains $134 to this day for the vast majority of families. But think of all of the increases low-income families now have to pay: higher energy prices, higher food prices. Everything else has gone up. So you wonder why so many people have fallen through the safety net of having an adequate supply of food? It is because we froze it in 1996. Twelve years later now, it has not moved. Now we have increased everything else around here for everybody in 12 years but not for low-income Americans. This Congress—I do not mean this Congress, but I mean all of these Congresses—we have not met our responsibility to low-income Americans. We finally do it in this farm bill.

If the standard deduction in 1996 of $134 had kept pace with inflation, it would be $188 today rather than $134. Well, we could not go as high as $188, so we went to $144. So now we have increased the standard deduction of $144 a month. But the single most important thing is we have indexed it for inflation in the future. No more will we have an erosion because of inflation that hurts our lowest income families in America. So that is the important thing. We have indexed it for the future.

Secondly, the asset level. Under current law a family can have no more than $2,000 in assets and still qualify for food stamps. We did not raise it in this bill, but we indexed that also for the future. So we have two indexes here for the future; one on the standard deduction and one on the asset level.

For the first time ever, we exclude retirement and education savings from counting against the asset limit. Here I give accolades to my colleague from Georgia, Senator CHAMBLISS. It was his intervention that provided that low-income seniors do not have to dip into their retirement savings to meet their food needs. If they are temporarily out of a job, for example, but they have retirement savings, they can still qualify for food assistance and they will not have to dip into that savings. Again, I compliment my colleague from Georgia for fighting hard for that.

We also did something on childcare costs. Here again is something we have not kept up with, and it hurts our low-income familes. Right now the childcare deduction is $175 a month. It has been there since 1993. Think about childcare costs since 1993. It has been $175 ever since then. Right now the average cost of childcare per month is $631 average. We only allow $175 for food stamp recipients to qualify. So there is a $456 a month gap and it is growing.

In this bill, we remove the cap. There is no longer any cap on childcare expenses. Whatever your childcare expenses are, that is what you can deduct from your monthly income to qualify for food stamps.

Again, we have also raised the minimum benefit by 50 percent, and we index that to the future.

This bill also provides relief for our food banks. Our food banks in this country provide a backstop for people who may get food stamps but they run out before the end of the month. They do not have enough to get their families through, so a lot of times they go to our food banks.

Well, what has happened? What has happened is that the bonus commodities to our food banks have gone down 75 percent since the 2002 farm bill; 75 percent. That is why we keep hearing from our food banks that they are running out of food. They do not have enough to meet the requirements of people who come in. They need something to get them through the weekend, get them through a holiday, because they do not have enough food and they do not have food stamps.

What we did is put $1.2 billion of new money into the TEFAP, the Temporary Emergency Food Assistance Program, which provides staple commodities to food banks. This year we have raised it. Current law provides for $140 million annually. Here we raised it to $250 million.

As soon as this bill is passed and either signed by the President, which I hope he will do, or we override the veto and it becomes law—as soon as this bill becomes law, immediately $50 million will go out to the food banks around America immediately. Then we index that for the future. So we have indexed the TEFAP commodities for the future.

Lastly, we know low-income Americans have the highest incidence for diseases and illnesses, such as heart disease, obesity, diabetes, and diseases related to diet.

A lot of that is because low-income people have a difficult choice to make in terms of their purchases of food. Some of the healthier foods, such as whole grains, fruits, vegetables, those types of things, are generally higher priced. So to stretch their dollar as far as possible, low-income people go in the grocery store and they stretch their food dollars to get to the next paycheck. But the foods with the least nutrition happen to be the cheapest, and it gets them through the month.

In this bill we provide a pilot program with about $20 million to put incentives in there for low-income Americans to see if we can give them incentives to purchase healthier foods as part of their diet.

Lastly, I want to quote here Vicki Escarra, who is president and CEO of America's Second Harvest. I think she summed it up all well on behalf of all the antihunger groups.

> On behalf of our nation's food banks, I urge Senators to vote in favor of this hunger-fighting farm bill. Millions of low income Americans are on the brink of catastrophe, facing some of the most difficult economic times they have had to endure in years. I urge Senators to support this vitally important and necessary legislation.

That is why we talk about this as being a food bill, because 67 percent of the new money goes for nutrition.

This bill does not just provide food in this country for low-income individuals, but also for poor people abroad.

There has been a lot of talk about the McGovern-Dole Program. This is a program, of course, named after former Senators Dole and McGovern that provides money and food for a school lunch program in other parts of the world, in places where they have low income, a lot of hunger. It is a good program because not only does it get a good meal to kids at least once a day, but it is a magnet to get kids in school. In countries where maybe 60, 70, 80 percent of your disposable income goes for food, one nutritious meal a day to a child saves the family a lot of money. If the place to get that food is in a school, you ought to send your kid to school. So it does two good things. In this bill, we provide $84 million in mandatory money for the McGovern-Dole School Lunch Program for kids in other countries and I expect that additional money will be provided through the appropriations process, as it has in the past.

There is one other area that deals with food and health. That is the specialty crop title of the bill. We have two new titles in this farm bill, the livestock title and the specialty crop title. They have never been in the farm bill before.

Under specialty crops, we have a 100-percent increase in the level of farm bill spending for specialty crops programs. This is an historic investment. The 2002 farm bill provided $1.3 billion. We provide $2.7 billion in this bill, just shy of $3 billion—a 100-percent increase in support for fruits, vegetables, organics, farmers' markets, horticulture—all in this farm bill. That is one of the reasons why the 120 groups that have interest in fruits, vegetables, and organics are supporting this legislation, because of all we have provided to support our fruit and vegetable farmers and organic farmers, who comprise the fastest growing segment of American agriculture. We have $22 million to help farmers who are trying to transition from conventional production into organic. We also provide more for farmers' markets. We provide more money for research into organics to get it up to a level where it matches the level of organics in our food supply chain.

For those interested in organic agriculture, we have really invested heavily in those who want to become organic farmers, those farmers' markets where they may collect organic products, and even farmers' markets that may not be organic but may provide locally-grown produce.

We have put money into this bill to provide support for what I would call aggregators—an entrepreneur who understands that perhaps Whole Foods can't go out to each individual farmer for a supply of organic foods, so you need somebody in the middle to put all this together. That is what we have done. We have provided funds and support in this bill for entities that would aggregate, go out to each individual farmer and pull the organic foods all together—it doesn't have to be organic, it could just be locally-grown—bundle them, and then they can sell those to Whole Foods or Safeway or Hy-Vee out in my area.

This is an opportunity to help organic producers get into the market, also for locally-grown produce. It doesn't have to be produce. It could be meats, poultry, beef, whatever that is local, to also get them into the market supply as well.

The last thing I will say in terms of health and specialty crops pertains to the fruit and vegetable snack program. This is something we started in the 2002 farm bill.

I sort of have a history on this. In the 1996 farm bill, I introduced amendments to get vending machines taken out of schools. As anyone can see, I was a spectacular failure at that one. But as time went on, it became clearer that vending machines were not the only problem. The problem is what kids were eating in school. If we could provide healthier foods for kids in school, we would all be better off.

Again, we know low-income kids in these schools are the first to get diabetes and be obese and have all the problems that lead to illness and disease later on.

In the 2002 farm bill, I tried an experiment. I put in a provision to supply about $6 million to test a theory of mine. The theory was that if you gave free fresh fruits and vegetables to kids in school, they would eat them. If they would eat the fresh fruits and vegetables that were free, they would not be eating candy and sugary snacks, cookies, things such as that.

So we tried it. The idea behind it was not to do it in the lunchroom but to do it in the classroom or in the hallway outside the classroom, not just at lunch but in the morning when kids got the growlies about 9 o'clock in the morning.

The idea was to provide it as a snack when kids got hungry in the morning or in the afternoon and not just in the lunchroom.

I have to tell you, a lot of people said to me: Harkin, you are nuts. You are going to have kids throwing apple cores around, orange peels, banana peels. They will be throwing grapes at each other. They are going to make a mess.

I said: OK. Let's see what happens. It is all voluntary. No school has to participate. If they participate and they don't like it, they can drop out the next day. But let's see what happens.

So we took 4 States, 25 schools in a State, 100 schools, and an Indian reservation just to see what would happen with that $6 million, providing free fresh fruits and vegetables. What happened to my test? Every single school says that they don't want to drop out. They want to continue. And we don't have kids throwing apple cores around and orange peels and things like that. These kids are eating better. They are better behaved. Talk to any teacher who has had experience with this program, talk to any principal, and they will tell you these kids are better behaved. They eat better. They go home and tell their parents about the great fruit and vegetable snacks they are getting, and then they tell their folks to buy them at the grocery store. Those four States have now gone to eight States. We are up to about $8 or $9 million a year now.

So because this has been so successful, this conference report has $1 billion in it to expand the Fresh Fruit and Vegetable Program nationwide. Again, we can't do it all next year, so we ramp it up. It has to be ramped up over several years. But in 5 years, by the time we ramp this up, we will be at $150 million a year. And when we reach that level, nearly every low-income elementary school kid in America who is in a school that has a high rate of free and reduced priced lunches, every one of those kids is going to be getting free fresh fruits and vegetables as a snack during the day.

Think what this will do for our kids and their health. I am really happy about this. I am happy first that the test worked. Now I am happy that we are going to take it nationwide to every State. We are targeting it to elementary schools, and we are asking States, since this goes to the States, to further target it to those schools that have a majority of low-income kids so we can get to them first.

Again, this is helpful not only to the nutrition of our kids but also to the specialty crops all over America because we are going to rely upon them to grow these crops and make them available for the fruit and vegetable snack program.

We said the second part was conservation. Let's talk about the conservation part of this bill. On this chart, I compare the proportion of funding going to conservation as compared to the commodity programs in each farm bill back to 1985. The red portion is the part that goes for conservation as compared to commodities. Why do I compare it to commodities? Because this is the part of these farm bills that go to farmers. The conservation share of the total of conservation and commodity payments has never been even 20 percent. But look at 2008: 41 percent of what we are putting out to farmers is in conservation. We have never done that before. We have never even come close to that before.

I was proud of the 2002 farm bill. In 2002, I said we would put more into conservation in the 2002 farm bill than ever before. That was true in 2002. In 2008, we have more than doubled the share of conservation that goes out, to 41 percent.

The administration said one of the reasons they wanted to veto the farm bill was because we didn't put enough into conservation. But the administration's own bill only put $4.2 billion into conservation, as scored by the congressional budget office. Our bill puts $5.2 billion into conservation, as scored by the same neutral financial accounting, using the same assumptions. So we exceeded what the administration asked for in total conservation spending. And what's more, we have done it in a way that is going to clean up our soil and water, provide incentives to farmers to be good conservationists.

In the all-important EQIP, the Environmental Quality Incentives Program, we put in $15.8 billion over 10 years in total funding. For the Conservation Security Program, now called the Conservation Stewardship Program, we provided $12 billion over 10 years. Why do I single those out? Because those are conservation programs that go to working lands.

Most people think of conservation as taking land out of production. In the past, that has been true. We still do some of that with the Wetlands Reserve Program, and in the Conservation Reserve Program. For fragile, erodible acres and wetlands, taking the land out of production is often the best way to conserve the land, and provide vital wildlife habitat.

But we know, because of the demand for food and the high prices of our commodities, more and more land is coming out of the Conservation Reserve Program. It is being tilled. It is being cropped. This is a free country and these are voluntary programs, so if a farmer has completed a Conservation Reserve Program contract, the land can go back into production if the farmer chooses.

But what we can do about it is put more money into conservation on working lands, to give incentives to farmers to be good conservationists. One of the most important programs, I believe, is the Conservation Stewardship Program. This is a program I included in the 2002 farm bill.

We put in place what was then called the Conservation Security Program, an uncapped entitlement program to go to farmers to be good conservationists on working lands, to give them the incentive to protect the soil, the water, and the wildlife habitat.

CSP has had a little bumpy history, I will be the first to admit, because of rules and regulations that were written and cuts to funding. First of all, they limited enrollment only to specific watersheds, rather than making it available to producers across the country. That was very discriminatory. So under this bill we have revamped it. We have made it applicable to every farmer in this country, no longer just based on watersheds. Every farmer willing to meet the eligibility requirements can get into this program now. The program will be available to producers from Florida to Washington State and from New Mexico to Maine. The program pays not for what you grow, but for how you grow it—the environmental benefits your conservation activities produce. We are devoting over $12 billion over 10 years to the program. We will enroll, under this program now, about 13 million acres a year.

Now, what does this mean? It means we will be giving payments to farmers to take care of the soil, to protect the water, provide wildlife habitat, and to be good producers and deliver important environmental benefits. We know we have to have the production, we have to produce the food and the fiber in the country. But you can have both production and a good, clean environment at the same time. They are not mutually exclusive.

This picture I have in the Chamber shows what I mean. This is what we ought to be about: This is a farm. A river runs through it—but the farmer is using good conservation practices to help keep the river clean. What you see along the river is a barrier strip of grass and trees; barriers to stop the runoff of fertilizer or pesticides that may be put on the land, to keep it from going into the stream. You do not farm right up to the riverbank. The farm is using minimum tillage. And in different fields around the farm you see different kinds of crops. You have a crop rotation that goes on. The farmer has also planted trees as wind breaks along the fence rows.

That is what the Conservation Stewardship Program is all about: making sure we have good production but good stewardship of the soil, good protection for the water, and good wildlife habitat and corridors at the same time.

Why do we need to devote federal spending on conservation? I have a photograph I show you in the Chamber that was taken on April 14, 1935, now known as Black Sunday, near Liberal, KS. This terrible dust storm rolled across Kansas. All of us in grade school have seen this picture in our textbooks of the dust clouds rolling over Kansas in 1935.

Because what had happened? What had happened is, after World War I, because of the demand for food around the world and here, we plowed up everything in the plains States—lands that been unplowed for thousands years. We plowed it up, and when the rain didn't come, it turned to dust. People say: Well, that was 1935. Well, that was 1935, yes.

Let's take a look at another picture I have in the Chamber, taken within a few miles of that picture you saw from 1935. Look at this. Now we have a color picture—the same big dust clouds rolling over the plains—taken in 2006.

Let's not make the same mistake again. That is why we have put so much effort and so much into conservation on working lands—yes, to make sure farmers can make a profit, they can grow the food and the feed and the fiber we need for our people and for exports, but to do it in an environmentally sound way, which can be done so we do not have to have those dust bowls any longer. So we are going to have more land in production and more need for conservation.

Lastly, on conservation, there are important needs across this country, not just in the midwest. Here is a chart of the Chesapeake Bay watershed. Those of us who have been around this area for any time or who have ever been out to the Chesapeake Bay know how polluted the Chesapeake Bay is—killing the fish, taking away a livelihood for so many people who rely on the Chesapeake Bay; not only that, destroying breeding grounds for many of our fish that then go back out to the ocean.

As shown on this chart, this is the watershed that drains into the Chesapeake Bay. It covers Virginia, West Virginia, Pennsylvania, New York, Delaware, and Maryland—all those States. We heard from the Congressmen and Senators and people who live in those areas saying we have to do something to help clean up the Chesapeake Bay. And we did. We put $438 million into this bill to help protect the uplands, to take care of it before it gets down to the Chesapeake Bay. So we have done, I think, yeoman's work in this area in helping to help clean up the Chesapeake Bay.

Lastly, I said food, conservation, and energy bill—energy—energy. Now, I have a chart in the Chamber on that. Let me say this: High gasoline prices and diesel prices are hurting our families all over this country. I know. I hear about it all the time from my constituents. The prices at the pump are hurting people, especially in rural areas, where people have to drive a distance to get to work.

But we have studies that show because of the supply of ethanol in this country, the price at the gas pump is 29 cents to 40 cents a gallon cheaper. In other words, if it were not for ethanol, the price of gasoline at the pump would be 29 cents to 40 cents a gallon higher than it is today.

So what we did in this bill is, we recognized a couple things. We need more production of clean renewable energy here in America. We need to get off the oil pipeline. But we also recognize the impact it is having on grain. So we have put a lot in this farm bill to move us to cellulose production, biomass production of ethanol in the future. This bill ramps up our capacity to produce clean renewable American energy, not only from grain, but from wood, trees, wood chips, switchgrass, miscanthus, corn stover, wheat stover, oat stover—all kinds of things we basically do not use today. We put over $1 billion in this bill to move us aggressively in that direction. So we can build biorefineries, we give support for farmers who want to grow dedicated cellulose crops for this purpose, and we give them help in growing them, transitioning them, storing them, and transporting them. This is a chart to show you we can do biomass and build biorefineries, and it helps our rural communities and helps America. There is over $1 billion in this bill to move us in this direction.

Two last things in rural development. We have included policy in this bill to get broadband to rural towns and communities all over America. Second, we put $120 million in the bill that will go out right away to reduce the backlog in water and wastewater treatment facilities in our small towns and communities.

I come from a small town of 162 people, where I still live, where about 25 years ago every well in my hometown—including mine—tested unfit to drink. But we got rural water, we got clean water. In my house, I now have clean rural water, and every house in my small town of Cumming has that. We know what it means, and I know what it means firsthand. So we have to get better water and wastewater for our small towns and communities, and we have done that in this bill.

Lastly, there is a lot of talk about reform. Maybe the White House says we did not reform enough in agriculture. We have done what the administration asked in reforming this bill. We now have direct attribution, so we will know from now on exactly where every dollar, every dime goes, to whomever gets it. We did away with the three-entity rule, and we significantly reduced the cap on adjusted gross income.

Now, I want to be clear about this. Right now if you have $2.5 million of nonfarm income, you would still qualify for farm programs—right now. The administration wanted to reduce that to $200,000. We reduced it to $500,000, moving it from $2.5 million to $500,000, and put a cap on nonfarm income. That is real reform.

Second, if the majority of your income today is from farm sources, you can have an income of $5 million, $10 million, $20 million—no limit—and you will still get farm program payments. Under our bill, we put a cap of $750,000 on farm income. If farm income is more than $750,000 then no direct payments. That is real reform. It may not be as much as some might like, but I will tell you, it is far beyond the limits we have now.

I know some of our colleagues had to bite down pretty hard on this because they represent farmers who have higher input costs. They have bigger operations because they have to in order to survive. So I know they have had to take a hit on this. But this is real reform. I commend those members of our committee who worked with us on this to make sure we could have these reforms and bring it here where we are today.

The last reform we put in this bill: We put in a new optional program for farmers, an average crop revenue election program. They can stay in the present price-based countercyclical program or they can take a slight cut in their loan rates, in their direct payments, and then get a revenue-based countercyclical payment if the combination of prices and yields go down. Now, again, I do not know if farmers will take it, but it is an option.

I know the National Corn Growers Association was very supportive of this approach. We have it as an option. Maybe this is the future; I do not know. But it is a reform, and we put it in there for farmers to consider as an option.

It has been a long road. There is a lot more I could say about this food, energy, and conservation bill. There is a lot more I know I have not covered. But it is a strong bill. As I said the other day, it is good for every American from my hometown of Cumming, IA, population 162, to New York City, population 8 million, and everybody in between. That is why so many groups, over 500 groups—antihunger groups, religious groups, conservation groups, clean energy groups—farmers strongly support this bill.

Finally, before I yield the floor, let me thank my colleague, my friend, my ranking member, Senator SAXBY CHAMBLISS, for all he has done to bring this bill to the floor today. He started it when he was chairman, having hearings all over the country, laying the groundwork for this farm bill. I was privileged to take it over this Congress, as chairman. But I could not have asked for a better ranking member, someone I could work closely with. We worked together on this right to the bitter end—I should not say "bitter end;" right to the good end; we have a great bill—but right to the end to bring this bill forward. He has worked very hard to make sure we could get to this point on this bill. I wanted to thank him for all of his work, for his close working relationship on this bill.

Tomorrow morning I will thank all of our staff who have worked so hard on this bill, in particular our staff director Mark Halverson. When this is done, I am going to make him take a vacation. He has got to catch up on about a year's worth of sleep here in a couple weeks. But Mark Halverson has been a great staff director in keeping this bill going and keeping all the things together and moving it forward. I cannot find the words to thank him enough for all he has done.

On Senator CHAMBLISS's side, I thank Martha Scott Poindexter, who, of course, was the staff director under Senator CHAMBLISS, and now for him as the ranking member, for all the great work she has done. Both she and Mark Halverson together have worked very hard, and their staffs. They have great staffs, and I am going to name them all tomorrow. But I would be remiss if in my opening statement I didn't thank both of them for their extraordinary work and extraordinary effort they have done to get this bill to this point.

So, Madam President, I have taken way too much time. I wish to yield the floor to a great friend and a great colleague and someone who has helped bring us to this point of getting a great farm bill to all the people of America, Senator CHAMBLISS.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I thank my colleague from Iowa, Senator HARKIN. This truly has, under his leadership, been a very bipartisan effort. As we will see on the floor tonight and tomorrow, there will be some folks on both sides of the aisle who will have a lot of good things to say about this bill. Not everybody is in agreement with it, but we never have total agreement on farm bills. They are always controversial. They always contain provisions that some Members of the Senate don't like, but by and large this bill is a true bipartisan bill. I wish to commend Senator HARKIN for his leadership, and not just on the substance of the bill. During the conference process we went through, the Senate stayed in lockstep. All Members, all conferees on the Senate side, Republican and Democratic, remained loyal to the commitment we made to each other as we went through that conference, and I think it was for that reason that we were successful in producing a product that somewhat mirrors the product that came out of this Senate back in December. So I thank Senator HARKIN for his leadership and for his commitment to American agriculture.

I rise tonight in support of the farm bill conference report before us. The Food, Conservation, and Energy Act of 2008 provides certainty to America's farmers and ranchers and restates the strong commitment of Congress to the hungry and less fortunate. This farm bill contains the most significant reform of our farm programs in recent memory, if not history, and increases investments in the areas of nutrition, specialty crops, conservation, and renewable energy. It is no wonder that nutrition groups, food bank organizations, conservation and wildlife groups, commodity organizations, cattlemen and ranchers, renewable energy advocates, and specialty crop producers have all united in strong support of this farm bill.

This bill is simply the single most important piece of legislation for rural America and the small American towns and communities whose economic engines depend on agriculture. To reject this bill is to leave billions of economic development investments on the table and accept the faulty notion that currently high commodity prices will exist forever. Every farmer knows there is no certainty in the honorable practice of farming. This farm bill is our commitment to provide them with much-needed economic assistance when times are bad and allow them to prosper without our assistance when times are good. Our farm safety net is targeted, fiscally responsible, and will ensure the prosperity of our farmers and ranchers during the tough economic times that are certainly to come.

Yes, this bill helps maintain a safety net for the farmers and ranchers who produce the food on our dinner tables and the fiber for the shirts on our back. I simply do not understand the critics who raise their arms in protest because we attempt to help farmers in this farm bill. Given the amount of investments in the many critical areas to all Americans in this bill, it is actually inaccurate to simply call this a farm bill. I wish to point out to the critics that less than one-fifth of the bill's spending goes toward the production of agricultural programs. Furthermore, all the commodity programs in the commodity title combined account for a mere .29 percent of the entire outlays of the Federal Government spending. That is almost one-quarter of 1 percent. Many are attempting to paint a picture of a bloated bill that provides huge subsidies to large farmers, but the facts present a different picture of how the money is actually allocated. Commodity program spending in this bill represents less than 14 percent of the total spending, while conservation, nutrition, and renewable energy spending account for more than 75 percent of the bill.

There is a common misperception in many editorial boardrooms, and unfortunately at the White House, that the 2008 farm bill does not include adequate reform of our current farm programs. This misperception has led to a series of negative news articles accusing our farm safety net of hindering African cotton trade, raising food prices domestically and globally, providing payments to millionaire farmers who abuse the system, and eroding our ability to provide food aid to the neediest Americans and citizens of other countries. This series of negative and inaccurate propaganda has culminated in a veto threat from the President. I stand before this body tonight to clearly state that this bill contains sweeping reforms of which all Americans can be proud. Drastic reforms are included in this bill to make sure nonfarmers do not benefit from the farm safety net. We rightfully believe the farm safety net should be used to help those who take on an enormous risk every year to produce the crops and livestock that sustain the food supply of our country.

While we disagree with many of the attacks against our farm safety net, we have nonetheless heard the calls for reform and have responded in several meaningful ways. The traditional cotton program has been reformed so that it is more market oriented per our WTO—World Trade Organization—commitments. The GSM program has been reformed to honor our obligations under the cotton case that was decided last year. The adjusted gross income test for nonfarmers has been reduced by 80 percent, ensuring that farm program benefits are targeted to those who need them most. In addition, this bill eliminates the three-entity rule, adopts direct attribution for farm program payments, and eliminates base acres on land developed for residential use. These accomplishments represent the most significant reform of the farm safety net in the history of farm bills in this country.

Conservation programs are vital to the farm bill and to this Nation's farmers, ranchers, and private forest landowners. Working land—the cropland, grazing land, and forest land that is used to produce our food, feed, and fiber—accounts for nearly 1.3 billion acres or two-thirds of the Nation's land area. Since the enactment of the 2002 farm bill, conservation measures have been applied on more than 70 million acres of cropland and 125 million acres of grazing lands. In addition, more than 1 million acres of wetlands have been created, restored or enhanced.

This farm bill continues its great tradition of protecting working lands by providing producers $4 billion in new resources for conservation programs. In addition to providing new funding, the farm bill also makes numerous improvements to the programs to ensure they meet the needs of producers. One notable improvement is that the environmental quality incentives program will now be available to private forest landowners. It also looks to the future by helping producers and landowners play a role and get credit for mitigating climate change.

In the 2002 farm bill, an energy title was included for the first time, and the Food, Conservation, and Energy Act furthers our commitment to meeting America's energy needs with alternative forms of energy. All Americans must cope with today's extraordinarily high gas prices, and with this farm bill, we take the necessary steps to alleviate the pressure not only on petroleum-based gasoline but on corn-based ethanol. One day, Americans will be able to fill their gas tanks with ethanol made from woodchips or peanut hulls, and when that day comes, you can look back to this farm bill as the foundation for making that a reality.

Speaking of energy, I have heard calls from several of my colleagues to ensure that contracts traded on electronic exchanges, such as natural gas contracts traded on the ICE Futures, are subject to more regulatory oversight by the Commodities Futures Trading Commission. In responding to those concerns, this conference report includes a long-overdue reauthorization of the Commodities Futures Trading Commission, complete with a newly developed regulatory structure for contracts traded on exempt commercial markets that are determined to perform a significant price discovery function. This has been a top priority for Senators FEINSTEIN, LEVIN, and SNOWE, and I am pleased we were able to include it in this farm bill.

This farm bill also includes a new title devoted to horticulture organic production. With specialty crops representing approximately 50 percent of U.S. crop cash receipts, the inclusion of this title appropriately recognizes that fruit and vegetable growers deserve a place in major farm legislation. This industry is vitally important to consumers, and the inclusion of these provisions will ensure that producers of fruits and vegetables receive the support necessary to enhance the healthy foods we have come to demand, as well as improve the viability of this important sector of American agriculture.

However, rural America is not the only beneficiary of this farm bill. The entire country will reap the rewards of increased investments in nutrition, renewable energy, and conservation. This legislation reaches out to low-income Americans to ensure nutritional needs are met by providing schoolchildren with increased access to fresh fruits and vegetables and enhancing our investments to the Food Stamp Program as well as to food banks all across America. The numbers speak for themselves: 73 percent—let me say that again—73 percent of the spending in this bill goes toward our domestic nutrition programs. Given rising food prices and the skyrocketing price of oil, it is critical that we lend a hand to those citizens in both rural and urban America who are struggling to feed their families and fill their gas tanks.

Local food banks around the country are facing increased demands for food from people in need. This farm bill invests an additional $1.25 billion over the next 10 years to increase commodity purchases for food banks—an increase of nearly double the current level of funding. To help improve the dietary intake of all citizens, this farm bill invests significant resources to expand the school-based fresh fruit and vegetable snack program to all States and increases support for the senior farmers' market nutrition program to help seniors purchase agricultural products at farmers' markets, roadside stands, and other community-supported agricultural programs.

Most significant, though, is the increased investment in the Food Stamp Program. The Food Stamp Program—the cornerstone of our country's domestic food assistance effort—currently serves 28 million Americans each month. This program has evolved over the decades to become one of the most efficient tools to combat hunger and reduce poverty. The Food Stamp Program now has one of the best track records among all Federal programs. The payment accuracy rate, which measures the correct level of benefit issuance to participating households, is at an all-time high. Trafficking, which long plagued the program, has been substantially reduced. Also, the certification process has a proven success rate with over 98 percent of food stamp participants properly eligible for benefits. American taxpayers can be assured that the resources dedicated to this program are effectively used for their intended purposes.

While administration of the Food Stamp Program has turned a corner, a stigma still exists that prevents some eligible people from seeking the help they need. Even though the implementation of Electronic Benefit Transfer, or EBT, has restored dignity to those who depend on food assistance while at the grocery store, the term "food stamps" conjures up negative images for many. Food stamps haven't been issued in years, and the Federal Government destroyed the remaining inventory of stamps in 2003. For these reasons, the Food Stamp Program is being renamed as the Supplemental Nutrition Assistance Program, or SNAP. The new name better reflects the mission of our country's premier domestic assistance program. Instead of referring to food stamps in the future, the term "food SNAP" should be used as we transition to the new name.

This farm bill invests $8 billion in food SNAP over the next 10 years. By increasing the standard deduction and minimum monthly benefit, food SNAP will provide improved benefit levels to help low-income families put nutritious food on the table. To make food SNAP more accessible to low-income Americans, this farm bill indexes the asset limitation for inflation, exempts IRS-approved retirement and education savings accounts from the asset test, and permits a full deduction for childcare expenses. Simplified reporting requirements are extended to low-income seniors to ease their ability to obtain benefits. The improvements made in this farm bill will ensure that food SNAP continues to improve the health and nutritional well-being of millions of people in need.

Rural development is also a vital part of this 2008 farm bill. Rural America is not composed of farmers and ranchers only, but other hard-working men and women reside in these areas with their families. It is essential our rural citizens have the same opportunity to participate in the global economy as our friends in urban areas.

This title helps deploy fundamental services, such as improving broadband Internet capability, funding for water and waste projects, and support for the value-added efforts. We promote economic development by reestablishing regional planning authorities and encouraging communities to collaborate in their efforts to attract quality jobs and promote local investment.

I say to my colleagues, this bill before you today is a significant and worthwhile investment, not only for American agriculture but for millions of needy Americans. I am disheartened that the President doesn't find these investments worthy of his signature, but I must represent my constituents who do understand the need for a strong safety net for our farmers and ranchers. Rural America is certainly enjoying a period of economic prosperity. But history tells us this prosperity will not last forever and that it is our moral obligation to be there to lend a helping hand when the downturn comes. We have the opportunity today to display our unwavering commitment to the Nation's farmers and ranchers who supply us with the safest, most affordable and most nutritious food supply in the world. I hope my colleagues will join me in supporting this investment in America's future by voting for the bill.

In closing, before I turn to my good friend and colleague from New Hampshire, I again thank Chairman HARKIN for his leadership. I also see Senator CONRAD on the Senate floor. We have had a terrific working relationship through this process. Senator BAUCUS and Senator GRASSLEY have played such an integral role in making sure this farm bill has the resources with which to stay within the budget numbers we were given.

This has truly been a bipartisan effort in the Senate and is the reason, or an exhibition of the reason, I came to the Senate, which is to work together with colleagues on both sides of the aisle to pass positive legislation and improve the quality of life for men and women all across America.

I, too, will talk more about staff tomorrow. I would be remiss, though, if I didn't recognize Mark Halverson, who has been such a great asset in working on this bill and working with my staff. He traveled around the country with us 2 years ago, and we tried to feed him a good Nebraska steak a couple of times and made sure he was healthy while he was on the road with us. We had a great time in listening to the farmers and ranchers. Martha Scott Poindexter, on my side, has been the minority director and has done such a terrific job, No. 1, of not just shepherding this bill from our perspective and working with the majority side, but also in putting together, without question, in my opinion, the best staff we have ever had on our side of the aisle from an Agriculture Committee perspective.

Mr. President, I look forward to further discussion of this bill tomorrow, as we move ahead. I know a number of our colleagues will be coming on the Senate floor tonight to talk about this bill. I encourage folks on our side of the aisle, if you want to come tonight and speak, it is a good time to do it because you can have all the time you want. Tomorrow it will get cramped. I encourage colleagues from the minority side to come out tonight and make their word heard.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I will just be a brief minute. I wanted to advise the Senate what we have in store the rest of this week.

Because of the cooperation on both sides, we have 90 minutes of debate on the farm conference report tomorrow. There could be two or three points of order offered on that, or whatever Senators want to offer. We will vote on those points of order after 90 minutes of debate prior to voting on the conference report.

Following that, we received the papers from the House on the budget. They have appointed conferees, and we also are going to appoint conferees tomorrow. Statutorily, there are 10 hours for the ability of any Senator to offer amendments to instruct conferees. We don't know how many amendments there will be. Senators CONRAD and GREGG have been working on a number of issues they want to have resolved by votes in the Senate. That will be done. We look forward to that.

We would like to finish, and we are going to finish, the budget tomorrow. It may go into the evening, but that is fine. We have now scheduled a cloture vote for Friday morning. I hope during all day tomorrow Senators GREGG, ENZI, KENNEDY, and others can see if there is a way of moving forward on the collective bargaining bill. If there is, then there would not be a need for a cloture vote. At least we need to spend tomorrow making that decision whether that can be done.

The other thing we have to finish before we leave this week—either tomorrow night or Friday—is the Dorgan cross-ownership issue that he indicated would only take a very short period of time. We have to do that. We have to complete that because it is statute, by June 3. We have 10 hours of debate allowed on that matter. It is also a privileged piece of legislation. Senator DORGAN said he thought, in my last conversation with him, he would only want 1 hour out of the 10 hours. Others will want to speak on that.

So that Senators know, that is what we have ahead of us this week. We have a situation where there are no votes on Monday, but Tuesday we enter into a critical stage of what needs to be done.

We have coming from the House tomorrow, we are told, a $180 billion supplemental appropriations bill. We are going to have to work hard on that. It will take work. We will be getting a message from the House. As I understand it, there will be three trees in that message they will give us. So we will have to have at least three separate votes on what they send us.

I look forward to working with Senators on both sides next week to complete that. In order to do that, we have to complete all of the work outlined a few minutes ago this week.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, I appreciate my colleague for allowing me to proceed at this time. I recognize that we are debating a bill the conclusion of which is already foregone. The cards are dealt and turned over; and this bill will pass. That doesn't mean it should not be discussed and some of the weaknesses should not be pointed out.

I have severe reservations about the way we approached the commodity side of the bill, which is, as it has been adequately represented, not the majority of the spending bill, but it is a very significant amount of spending, $190 billion, or somewhere in that vicinity.

Some may ask—and I guess I may have wondered from time to time—what happened to all of those economists who worked for the Soviet Union when it failed, who were sitting around their desks and they didn't have a job anymore—the folks who believed in a command economy, in top-down management, and believed in 5-year plans and believed that supply and demand had no relationship to the market. Where did all those people go? We now know. They went into the development of American farm policy. It is sort of like, after World War II, you took all of the scientists out of Germany and put them in Huntsville. At the end of the Cold War, we took the economists out of the Soviet Union and put them in the Midwest or maybe in the South because this bill is structured in a world that has no relationship to the market. It actually fundamentally undermines the concept of market and relating productivity to demand and supply to the market.

It is also a bill that does serious damage to budgeting because it uses $18 billion in gimmicks in order to avoid and get around pay-go rules and other budget enforcement mechanisms. It even brings back—amazingly enough—the Customs fees. How many times can we bring back Customs fees? But it brings them back and claims a savings and uses that money and spends it—$10 billion, I believe.

So at a time when the farm community in this country is doing pretty darn well—in fact, the average farm income today is about 51 percent higher than it has been, on average, over the last 10 years—$92 billion—real farm income is up $200 billion just in the last couple of years. Farmers are experiencing record income. We are setting up a subsidy structure, the purpose of which is to basically make payments to farmers who are making a lot of money on products that are doing very well.

Wheat is selling at $6 or $8 a bushel, and the average price has been around $3.50. It is almost twice the average price. The same can be said for corn—corn is higher even—barley, soybeans, and rice, which is at three times the average price. We have commodities that are able to compete in the market, so why do we need this massive new subsidy structure which essentially creates this command and control attempt to manage the markets? We don't, obviously. We don't in the context of this time.

In addition, the bill sets up some new mechanisms that are rather poor. It creates this new floor for emergencies. It says there will be a $3.8 billion kitty for emergencies. We have never handled emergencies that way. The reason is because we don't know what the emergencies are going to be. We have always taken care of emergencies, whether it was Katrina—which cost will be over $150 billion—or whether it was smaller events, such as a flood somewhere or hurricanes or tornadoes. We take care of them when we know what the cost is. We don't set up basically a slush fund for emergencies so that the next time a post office box blows over in some community, it is declared an emergency and they can go get this money. This is going to incentivize an aggressive attempt to declare everything an emergency to get at the money that exists.

The irony is—to show how totally inconsistent this language is—they don't even use the emergency money they have set aside in this bill for an emergency they identify in the bill, which is the Kansas tornadoes, which they funded in the amount of $60 million, I believe it is. It shows this money is just going to be used for something else. If they are going to fund a $60 million emergency in the bill, they ought to at least have the credibility to take it out of the new slush fund. I mean, how absurd is that? This is walking around money. That is what it amounts to—$3.8 billion, which is real money, by the way. It would run the State of New Hampshire for 2 years.

There is a representation that there is a major reform effort in the area of payment to wealthy farmers. They reduce the payment level so you don't get any payments if you have more than $750,000 of farm income. What isn't discussed today is the $2.5 million. The fact is, you can also have $500,000 of outside income, plus the $750,000, so that gets you up to $1.2 million. Then, if you are married, you can couple that up with your spouse so that she or he can have the same amount. If it is a married farmer, and they are making $2.5 million of income, they still qualify under this bill. So it is sort of a sleight of hand exercise to claim there is significant reform.

In fact, this reform is insignificant compared to what is suggested. The President's reform would have saved $1.6 billion. He suggested that people with an adjusted gross income of over $200,000 not get these payments.

How much does this bill save in that area, because it allows the spouse to qualify also and it allows the extra income outside farming to qualify? Mr. President, $286 million. That is not a lot of money when you spread it—that is a lot of money, but when you put it over the period of this bill, it is not a significant amount of money, and it reflects the fact that it is not a significant reform. It simply is not.

The bill also does nothing to limit the practice of farmers locking in subsidy payment rates at the lowest market prices, yet retaining their crops to sell later when the prices are much higher. As a result, farmers are paid subsidies for losses they never had. This is what is known as commissar politics. This is where the guys from Russia and the Soviet Union gather and say: This worked in the Soviet Union, let's do it here.

The concept that you pay people for losses that don't exist for a product that is being sold that the guy gets to keep and gets to sell—let's be reasonable about this. This is not logical, and it certainly is not market politics. It has very little relationship to ADAM SMITH.

It also, ironically, at a time when we should be encouraging people to use ethanol, continues a major discouragement for those of us who live in the Northeast from using ethanol by extending the tariff for 2 more years, to 2010. This tariff makes no sense at all because you cannot ship to the Northeast the ethanol that is being produced in the Midwest, and we don't have the production capabilities in the Northeast. We don't have the product, although the switchgrass initiative, which I respect and say is a good initiative, hopefully can give us that option.

The simple fact is, to maintain this tariff is to penalize uniquely the Northeast—Pennsylvania, New England, New York, New Jersey, everything basically in the East, not even the Northeast—in order to protect the subsidies of product corn in the Midwest. Corn is doing pretty darn well. It does not need the protection. In fact, if anything, we need to figure out a way to produce other products to make ethanol. The folks in Brazil have figured it out, so why not let us b uy that ethanol? Why penalize us in a way that is really punitive—punitive—for the purposes of basically protecting production which is already at a record price? It makes no sense at all.

And then the one that really is the worst or, in my humble opinion, the most egregious. The most egregious is the Sugar Program. The Sugar Program was pretty bad before this bill. In an act of avarice that can only be called a sugar high, they managed to make it significantly worse. I mean, how can they do that? It is very hard to do, but they essentially locked in a price for sugar in the United States that is double the world price. On top of that, they are making the Federal Government buy sugar at that inflated price and then resell it for the production of ethanol at a significant loss.

The Sugar Program makes no sense to begin with. It never made any sense other than the fact this was a commodity that had influence in the process of developing this bill; obviously, a disproportionate amount of influence. To take this program, which was bad to begin with, and make it so egregious by forcing the Federal Government and Federal taxpayers first to have to pay twice what the world market price is for sugar and then to have to resell it to ethanol producers at a huge loss—how many times can you hit the taxpayers for the purpose of the sugar production industry? It is not right.

Then, of course, there are the new programs, the asparagus payments. I like asparagus. When we did the farm bill, I talked about the fact that I used to grow asparagus. I love it. I did rototill my asparagus bed, I admit to that. I destroyed our asparagus crop. I didn't get a subsidy payment. I didn't get a disaster payment. Under this bill, I might because there is a new asparagus program.

There is a new large chickpea program and a camelina program. I don't even know what that is. That is, obviously, some product made somewhere for which somebody wanted to get a subsidy.

There is the National Sheep and Goat Industry Improvement Center for $1 million.

There is the Desert Terminal Lakes Program, which is $175 million to lease or purchase water rights.

There is a variety of earmarks, and one I find to be most representative of the failure of this bill as being outrageous is one that sets up a program for farm and ranch stress assistance networks. Do we have a stress assistance network for the family who is running a gas station or maybe the family who opened a restaurant and they are not doing so well or the folks who start a small shoe store somewhere? Do we have a stress program, a farm and ranch stress program? What qualifies farmers and ranchers for a special program dealing with stress? The only thing that qualifies is somebody somewhere came up with this program, got somebody's ear, and decided to stick it in this bill because this bill was leaving the station. It does not make sense, and it is certainly something on which tax dollars should not be spent.

We have items that arrived out of nowhere in this bill: fisheries disaster assistance of $170 million for California, Washington, and Oregon; forest conservation bonds. As I mentioned, I find it reasonable that there should be relief for the tornado in Kansas, but why wouldn't it come out of the money we just set aside in this bill for disasters, $3.8 billion? Why wouldn't the fishery assistance, if that is an emergency, come out of that money?

The budget gimmicks. This bill is just replete with gamesmanship to try to get around pay-go. I refer to pay-go as "swiss cheese-go," which is very appropriate in a farm bill. I assume it is subsidized.

The fact is, there is $18 billion of gimmicks in this bill. There are sunsets of programs after 5 years that they know are not going to sunset, so they won't be scored. There is the nonscoring still of the milk income loss compensation issue. There is the classic shift of the corporate tax one day so that you collect it a day earlier or a day later, and that gives you a different score, which allows you to avoid the pay-go rules.

If you look at this budget, it had to have pay-go waived in the House, with $7.4 billion out of whack for pay-go in the House.

Equally ironic, tomorrow we are going to take up the conference report on our budget, on the unified budget. If the budget that passed the Senate earlier this year were in place now, a pay-go point of order would lie against this bill because it violates the very budget that was produced by the majority party and passed with some fanfare earlier this year. The only reason we cannot make the pay-go point of order is because the budget has not fully passed and therefore is not in effect. But I think it is very hard to, with a straight face, say this bill does not violate pay-go when you know that right around the corner is a budget which was passed by the majority which, if it were in place and which I presume it will be in place fairly soon, a pay-go point of order would lie against this bill.

I think we can stop talking about pay-go around here as an enforcement mechanism because it clearly does not exist, and this bill is just another example of where it has been gamed and manipulated. We count 15 to 20 different examples, adding up to something around $143 billion of instances where pay-go has been gamed around here. And this bill just takes that total up a little further—not a little further, a lot further, $18 billion further. So as a result, enforcing pay-go becomes very—well, it is just a very fraudulent exercise. It is only used on very rare occasions when it is politically acceptable for the majority to use it. On other occasions, where it might lie, it is gamed.

This bill is one of the extraordinary examples of that gamesmanship.

And, of course, I mentioned customs fees. I believe the last count is we have used customs fees to fund 55 different programs around here in 55 different instances. The same fees. No, they are not different fees. They are the exact same fees that have been used, I believe, 55 times to fund different programs so the programs can claim they met the budget rules, and this bill—maybe it is 56 or 54, but it is $10 billion of gamesmanship.

The bill has, in my opinion, decoupled economic common sense from the farm production and especially from farm payments. If we want a farm system that works, why don't we go to the market? A lot of these commodities today are doing pretty doggone well, extremely well. It is good times in farm country for most people. Why don't we let the market continue to work? Why do we have to set up these massive subsidy programs? Why do we have to have a sugar program that charges American consumers twice the world rate for sugar? It makes no sense. Why do we have to have a slush fund for emergencies when nobody else has that sort of slush fund? Why do we have to have a new program for asparagus? I think asparagus growers are probably pretty competitive. I don't know who their competition is. Maybe the Chinese grow asparagus. I suspect most asparagus growers can compete with the Chinese. I prefer American asparagus, by the way.

Let's let the markets do this rather than create this bill which is such a mutation of every idea that Adam Smith put forward which has made, quite honestly, our country strong, the basis of which basically won the Cold War, which was that free markets work, capitalism works, competition works, the rules of supply and demand work, that you let people produce the product that has a comparative advantage, and they produce it better and more efficiently, especially Americans, and you get it at a better price for the consumer, and the taxpayers don't end up with the bill.

I know I am not going to win this battle. The way this bill is structured, it is the classic log-rolling exercise. You pick this group that has this interest and you give them a subsidy and they give you a vote. Then you go over here, pick this group, they have an interest, they get a subsidy, and you get their vote. You pick this group that has an interest, give them a dramatic increase in their program—it all adds up to 80 votes around here. The only problem is, the people who pay are our kids and our consumers. This is taking a lamb chop to the head of the American consumer and just pounding him with it. I just thought of that.

In any event, I have a point of order which lies against this bill which I wish to make at this time because this bill violates innumerable points of order in spirit, and were the budget the Senator from North Dakota brought to the floor in law at this time, passed as a resolution at this time, it would violate them in reality also. But there is at least one budget point of order which is a holdover from a prior chairman which makes considerable sense, which is that you should not run up the debt on the next generation by adding spending in outyears without paying for it that this bill still violates.

Mr. President, section 203 of the 2008 budget resolution makes it out of order to consider legislation that increases the deficit by more than $5 billion in the Senate for any of the four 10-year periods, starting in fiscal year 2018. The pending bill would increase the long-term net deficit in excess of $5 billion. Therefore, I raise a point of order under section 203 of S. Con. Res. 21 against the pending bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, pursuant to section 203 of the Concurrent Resolution 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I move to waive section 203 of that concurrent resolution for purposes of the pending conference report, and I ask for the yeas and nays at the appropriate time.

Mr. GREGG. I thank the leaders on this bill for their courtesy on the floor, the chairman and the ranking member. They have given me more than a reasonable amount of time to express my thoughts. I understand I have totally swayed them to my view and they will be joining me in my position. I also very much appreciate the courtesy.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I have enjoyed immensely listening to the description of this bill of the Senator from New Hampshire who is the ranking member of the Budget Committee, which I chair. I have great respect for Senator GREGG and affection for him.

The description he has given of this bill has almost no relationship to the legislation that is before us. It is enormously entertaining but it is largely a fiction. It is a fiction that is interesting to listen to, but again it bears almost no relationship to the legislation before us.

The Senator made reference to Soviet economists. Let's make clear, the American system of food production is the most efficient, the cheapest, the most plentiful, the most stable, the safest in the world. Americans have less of their disposable income going for food at this time than consumers at any time in the history of the world.

Let me repeat that. The American consumer today enjoys the lowest cost of food in relationship to our income of any consumer in the history of the world. That is a fact.

In fact, the Wall Street Journal published, last year, an article in which they said—and I want to read this. I hope people will pay attention. People need to understand how remarkable the American agriculture system has been and is. This is what they said:

> The prospect for a long boom is riveting economists because the declining real price of grain has long been one of the unsung forces behind the development of the global economy. Thanks to steadily improving seeds, synthetic fertilizers and more powerful farm equipment, the productivity of farmers in the West and Asia has stayed so far ahead of population growth that prices of corn and wheat, adjusted for inflation, have dropped 75 percent and 69 percent, respectively, since 1974. Among other things, falling grain prices made food more affordable for the world's poor, helping shrink the percentage of the world's population that is malnourished.

That is a result of the genius of American farm policy and the extraordinary productivity of American farmers and ranchers working within that system.

When the Senator says this counters market economics and leads to payments when prices are high, he obviously does not know how the farm program works. It is the opposite of what the Senator suggested. The way the system works is there is support from the Government when prices are low to prevent a collapse of the productive system. When prices are high, the support fades away. That is the way the system works. It does not increase support at times of high prices. It is precisely the opposite.

The Senator said the reform provisions in this bill only save less than $300 million. Wrong. The reform provisions in this bill save close to $3 billion, and I will specify that momentarily.

The Senator says the disaster program is a slush fund. Really? A slush fund? Let's review the facts. In the last 3 years, every State in the Nation has received disaster payments—none of it budgeted for, none of it paid for. In this bill disaster assistance is budgeted for and paid for. That is a reform and that is a fact.

One of the things I am most interested in is the Senator suggested millionaires could still get farm program support under this bill. Yes, and lightning strikes once in a while, too. Because that is what it would take for a millionaire to get support under this program. I have just gotten results from the IRS moments ago because I wanted to know, with the new limits put in place—which, by the way, are very dramatic reform. It used to be, under current law on nonfarmers, they had a limit of $2.5 million of adjusted gross income before they would start to lose farm program payments. We have reduced that for nonfarm income to $500,000.

There is another limit for farm income. Farm income, that had no limit in the past, now begins a limit at $750,000, at which, of that adjusted gross income, farm income of that amount, you lose all of your direct payments. But the two could go together. In other words, you could have somebody with $750,000 of farm income and $500,000 of nonfarm income, and still be under the limits. So I thought, wouldn't it be interesting to find out how many farmers in the country would be in that category—$750,000 of farm income and $500,000 of nonfarm income—because that is what the press is all talking about. They add the two together and then they double it because of a spouse. Do you know how many are in that category in the whole United States? How many would have $500,000 of nonfarm income and $750,000 of farm income?

Do you know how many the IRS has reported to me there are in the entire United States? Zero. None. So much for the argument from the Senator from New Hampshire. Facts are stubborn things.

Let's go to the essence of this bill. Why do we need support for farmers at all? It is a legitimate question. The Senator asked why don't we do it for the guy who has a shoe store? Why don't we do it for the guy who has some other small business? Here is the reason. Because we are in a world economy in which our major competitors have made a decision to strongly support their producers—far more strongly than we support ours.

Our major competitors in world agriculture are the Europeans. This is how much they spend to support their producers: $134 billion. This is after the so-called cap reform in Europe that dramatically reduced what they do. This is where they wound up: $134 billion.

Here is where we are: $43 billion. So they are outgunning us over 3 to 1 on support to their producers over what we do for ours.

OK, I had an interviewer say to me: That is wrong. Maybe it is wrong but it is reality. What would happen if we yanked this support out from under our producers when our major competitors are providing three times as much support to theirs? We did an analysis. Do you know what we found? Here would be the result. Two words: Mass bankruptcy. Because if your major competitors are providing three times as much support to their producers as we provide to ours and we yank the rug out from under ours, guess what happens: The Europeans take over world agriculture.

Wouldn't that be great, if we became dependent on foreign food the way we are dependent on foreign oil? That is what the critics of this agriculture policy apparently would prefer. But those of us who have studied it and those of us who have fought to ensure that we retain a strong agriculture component in this country have concluded that would be a disaster for the American economy, for American consumers, and that would be a disaster for our farmers and ranchers.

Where does the money go in this bill? We have looked at, and just received, a final analysis. Two-thirds of the spending in this bill goes for nutrition—two-thirds of the money in this bill. This is the absolute low-ball estimate of what goes for nutrition. You could do an analysis that would take it up to as much as 73 or 74 percent. It depends on what you include and exclude. We have tried to do this based on CBO analysis of the final scoring of this bill.

Nine percent goes for conservation. Only 13.9 percent goes for commodities, that is the support for farmers and ranchers, and about 8 percent for crop insurance. That is where the money goes.

When the other side asserts that this increases the deficit and it is not paid for, they are making things up. They are making things up. Because this is the score by the Congressional Budget Office. Here it is. This is not KENT CONRAD's numbers. This is not the Agriculture Committee's numbers. These are the numbers of the Congressional Budget Office and the Joint Committee on Taxation. They are independent. They are professional. They are nonpartisan. They are responsible for the scoring of all legislation before the Congress of the United States, and here is their conclusion. Over 5 years, this bill saves $67 million. Over 10 years, it saves $110 million. So all the spending has been offset, has been paid for. In fact, we have done a little bit more. So the net result is to actually reduce the deficit over 5 years by a modest amount—$67 million; over 10 years by $110 million.

But these are facts. This is not make believe. This is not making things up. This isn't the administration saying there is $20 billion here above the baseline—that is all made up. We are dealing with facts. We are dealing with reality.

When I hear them make these claims that we did not address the administration's concerns—we spent hour after hour after hour in this conference committee, attempting to address administration concerns. I think we did a pretty good job. The reality is the administration changed their stated concerns so often it was hard to keep track of what their priority was. In fact, at the end they came to us and said they had no priority, that all of their demands were nonnegotiable, that all of them should be treated with equal importance.

I have never negotiated with any administration on anything that came in with a list of nonnegotiable demands and said everything had the highest priority, but here is what we tried to do. They said we had to limit any additional resources to $10 billion. We agreed to that. They said it had to be offset with spending cuts. We agreed to that. They said that the adjusted gross income limits for farmers and nonfarmers had to be reduced significantly. We did that. They said there had to be beneficial interest reform to avoid the kind of scandal you saw in Katrina. We did that.

The Senator from New Hampshire said we did not, that a farmer could simply pick the right time to market his crop and avoid the consequences of any kind of reasonable restraint. That is not—they have not read the bill. In the bill we give the administration special authority in a disaster to prevent the Katrina abuse we all saw. In addition, we added an additional reform requiring a 30-day moving average for prices before somebody could fix their marketing loan. That is a very significant reform. Yet it is very clear, the critics have never bothered to read the bill.

We also were asked by the administration to provide a revenue countercyclical program, and we did.

They asked us to provide planting flexibility. And we did. They asked us to provide food aid flexibility. And we did. They have a series of miscellaneous provisions we tried to honor, including limitations on privatizing food stamps; Cuba trade provisions; out-of-lease fees. We answered each one of those objections.

It does not stop there. Because we have heard the critics say there is no reform, no reform in this bill. I will tell you, that is the biggest fiction of all. That is the biggest fiction of all. Let's talk about the reform that is in this bill.

First, significant adjusted gross income limit adjustments to prohibit payments to Manhattan millionaires. That is in this bill. We required payments to be attributed to living, breathing human beings instead of paper entities. We eliminated the three-entity rule that allowed paper entities to evade payment limits.

We cut direct payments by $300 million. We produced schedule F reform that will save $479 million. We reformed crop insurance, saving $5.6 billion. We decreased support for corn-based ethanol, saving $1.2 billion. We prohibited payments to cowboy starter kits and ranchettes.

We reformed disaster assistance so that it is budgeted and paid for. I might also add, we reformed disaster assistance so we would prevent what happened in the bad old days where somebody could have a loss on one part of their operation and gains on another part and still get a disaster payment. That is all over. If you do not have, on your whole farm, disaster losses, you will not get a disaster payment in the future. That is reform.

Facts are stubborn things. In short, we have gone the extra mile to address the administration's legitimate requests and provided reform in this bill.

I wish to take a few minutes to address three other claims the administration has made, because they are especially egregious and false.

The administration's spokesman said:

> At a time of record farm income, Congress decides to further increase farm subsidy rates.

More fiction. Here is the fact. The conference proposal does not increase subsidies at times of record farm income. To the contrary, the conference proposal: cuts direct payments by $300 million, reduces commodity spending by $3.5 billion, reduces the ethanol tax credit by $1.2 billion.

The conference proposal only pays producers if prices collapse or when there is a loss of production. I am talking now about marketing loans. I am talking about the countercyclical program. Let me give you an example of what they are talking about.

They say we have increased farm subsidy rates at a time of record farm income. Let me give this example to show you how truly absurd that statement is. Wheat prices now average about $8 a bushel. Okay. That is what you get when you go to market. You go to sell, you get about $8 a bushel for wheat. We increased the loan rate from $2.75 to $2.94. We increased the loan rate from $2.75 to $2.94. We increased the target price from $3.92 to $4.17.

Obviously, neither one of those has any application when prices are high. The only way you would get the benefit of these safety net proposals is if prices were to collapse. We have not increased the support when prices are high; we have strengthened the safety net in case prices collapse. Facts are stubborn things.

In fact, the only one—the only one—who is a party to these negotiations who talked about increasing support when prices are high was the administration. They proposed increasing direct payments by $5.5 billion. Those are payments that would go out to farmers at a time of high prices. Facts are stubborn things.

When they say there has been no reform in this bill, here is the total spending under the farm bill compared to total Federal spending: less than 2 percent of Federal spending, and the support for commodity programs is one-quarter of 1 percent of the entire Federal budget; one-quarter of 1 percent.

When we wrote the farm bill in 2002, the estimates were that commodity programs would take three-quarters of 1 percent of all Federal spending. So support for commodity programs has been cut by two-thirds. That is a dramatic reform. Where did the money go? All of the new money, the $10 billion we are above baseline here, has been paid for by other spending cuts. All of it went to nutrition.

Now, on the disaster program—I want to end on this note—here are the States that got disaster payments over the last 3 years. Texas qualifies too, because it got payments. So every single State, and Guam, plus Puerto Rico, got support under the disaster program. None of it budgeted for, none of it paid for. In this disaster proposal, we budget for it and we pay for it. And to have the former chairman of the Budget Committee suggest this is a slush fund—no, no, no. What this is is being responsible. That is what this is called, because we know there are going to be disasters. We do not know what they are, we do not know where they are going to occur, but we know they will occur. Instead of leaving it out, putting it on the charge card, we budgeted for it and paid for it. This disaster program is not only budgeted for and paid for, it also will only go to people who actually have disaster losses. It also requires them to have crop insurance.

The CBO scoring proves this will increase the use of crop insurance, which is good for taxpayers as well as farmers.

One other thing that is very important to understand. This will protect against cuts in conservation. Because the one time they did pay for disaster programs, where did they take the money? They took it out of conservation. What a shortsighted approach that was. We have hopefully prevented that from happening again.

I am extremely proud of the product that has been produced by this group of Senators and Congressmen on a bipartisan basis. I thank our chairman, Chairman HARKIN, for bringing a vision of change to this farm bill. Without that vision, without his passion for it, without his pushing for it, moving in the direction of a greater emphasis on conservation, it would never have happened; and to our ranking member, Senator CHAMBLISS, who has been a strong guiding voice throughout these deliberations. He is somebody I formed a very close working relationship with as we wrote this bill. He has had the best interests not only of farmers and ranchers, he has had the best interests of this country foremost in his mind every step of the way. This country and certainly his State owes him an enormous debt of gratitude. We thank Senator CHAMBLISS for the extraordinary time and effort he has put into this bill.

To Chairman BAUCUS, the chairman of the Finance Committee, who has been such a rock throughout this process, who provided strong leadership at every step of the way, and helped provide the financing, along with the ranking member of the Finance Committee, Senator GRASSLEY, who also participated in hour after hour, day after day, week after week, of deliberations to form a bill that was responsible, and who provided much of the push to get these reforms adopted.

Now, I recognize this does not have all of the reforms certainly the Senator from Iowa would have liked, but we would never have gotten this much without his pushing. Chairman PETERSON, on the House side, no one worked harder to get this result. I applaud him for the remarkable vote in the House today. The legislation passed there 318 to 106. That is in the face of a Presidential veto threat.

The ranking member, Congressman GOODLATTE, whom I came to have great respect for in these discussions; thoughtful, responsible, rational. Chairman RANGEL, who helped us with the funding so we could pay for this bill without any tax increase.

Congressman POMEROY, the only Member of the House to serve on both Ways and Means and the House Agriculture Committee, who played such an important role.

In the Senate we cannot forget those other Members who played such key roles: Senator LEAHY with the dairy provisions, former chairman of the committee; Senator STABENOW, who is, in large part, responsible for the dramatic improvement in the treatment of specialty crops that are such an important and growing part of American agriculture; and Senator LINCOLN, BLANCHE LAMBERT LINCOLN. I tell you, her constituents have got a fighter in their corner every day. Nobody is a more aggressive fighter for her folks than the Senator from Arkansas.

Before I end, I wanted to say a few thanks to staff as well, because this has been an effort that has gone on well more than a year. I want to thank my own legislative director, Tom Mahr, who played such an important role in making this all work financially. Jim Miller, my lead negotiator. Jim Miller has given body and soul to this effort. I am so proud of him. He is an encyclopedia on agriculture. He is also extremely adept with the numbers. I estimate Jim Miller has spent 3,000 hours on this effort.

I also want to recognize Scott Stofferahn, who is my other lead negotiator, who is the father of these disaster provisions, worked with the agriculture commissioners around the country to come up with the provisions for this reform.

John Fuher of my staff who is a young man who came on this team and brought his "A" game. Joe McGarvey, who does the energy work on my staff. Miles Patrie, who worked on the nutrition provisions. My deepest appreciation for their extraordinary effort. Day after day, night after night, weekend after weekend sacrificed.

To the chairman's staff, Mark Halverson and Susan Keith, who have spent—I would not even know how to calculate the time and effort. I do know Mark Halverson has gone gray in the effort.

The Finance Committee staff, as well. Before I mention them, I wish to single out the extraordinary staff of Senator CHAMBLISS: Martha Scott Poindexter, Vernie Hubert, Hayden Milberg. What first-class people. These are the kinds of public servants who deserve everyone's respect.

On the Finance Committee staff, Russ Sullivan, Cathy Koch, Rebecca Baxter, Jon Selib, Senator BAUCUS's legislative director.

Senator GRASSLEY's staff, who are outstanding as well, absolutely outstanding: Elizabeth Paris, Kolan Davis, Mark Prater, first-rate people who did their level best for the American people.

I can tell you, I have never been more proud to be part of an effort than I was to be involved in this one.

I see somebody else on the floor, the former chairman of the House Agriculture Committee, the Senator from Texas—the Senator from Kansas; I was seeing if I could get a rise out of him—Mr. ROBERTS, who has been of so much importance to this conference effort and to the effort in the Senate Agriculture Committee as well.

I tell you, I am proud of this product. This is a bipartisan product. This is a bipartisan effort. It is good policy and it deserves our colleagues' support.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this farm bill has been a very long process. Last fall the Senate Agriculture Committee asked the Senate Finance Committee to help make up a budget shortfall we faced, and the Finance Committee on which I serve stepped up to the plate. With eight members of the Finance Committee also being members of the Agriculture Committee, we had a real desire to make sure rural America had the best farm bill possible. So following on what Senator CONRAD said about fellow Senators deserving compliments for their hard work, I am only going to single out my colleague from Iowa Senator HARKIN and my colleague from Georgia Senator CHAMBLISS, the top two members of the committee, thanking them for the countless hours and weekends they put into this bill for a long period of time; for some, over a period of a year.

This was as difficult a farm bill to write and conference as I have ever seen. My colleagues so far have given a good overview of what this bill contains and what it does for those who are hungry, those who are living in rural America, and those who are still involved in family farm operations. But I wanted to take a minute to highlight a few of the items that were most important to me and, obviously, to my home State of Iowa. I think I have some experience to talk about because I still sharecrop with my son Robin.

This isn't a blanket approval of the bill. I did have some reservations about the bill because I didn't think it went far enough in two true farm bill areas—payment limits and competition reform.

First, the ban on packer ownership that had been a part of the Senate bill when it passed the Senate failed in an amendment I offered in conference committee. This is unfortunate because the livestock industry continues to become more vertically integrated and consolidated. I think that is bad for the independent producer. The recent announcement, for instance, that JBS Swift plans to acquire Smithfield Beef Group, National Beef, and Five Rivers Feedlot should be alarming to us as legislators. I continually have to wonder if when we get down to just one single slaughterhouse, one single packinghouse, will the Department of Justice and Congress begin to raise questions about the trend we have had for consolidation? This is a trend that continues to make it more difficult for independent producers to have choice in to whom they sell their livestock and making it more difficult to get a fair price for their livestock as the cash market continues to shrink. We were able to include some reforms in the livestock title, regardless of not doing what I think should have been done.

The Senate version of the farm bill included my language which banned mandatory arbitration clauses in production contracts. I drafted this bill after hearing about problems where producers were being forced to enter into expensive arbitration proceedings, thus giving up all their rights to have disputes finally resolved through the independent judiciary. While we weren't able to have the arbitration language from my bill included, we did reform production contracts to give growers a true choice in selecting dispute resolution, ending the practice of forced mandatory arbitration in binding contracts. The farm bill conference report requires that contracts provide a clear statement of choice to producers upfront as to which track of dispute resolution they might want to use—arbitration or the court process. It also prohibits the integrators from pressuring growers to make one choice or the other. Any interference with the choice would constitute a violation of the Packers and Stockyards Act. Further, the language states that if a grower declines arbitration upfront, that grower can still choose arbitration at the time the dispute arises, if both parties consent to the use of arbitration. Together these provisions constitute significant reforms and will help level the playing field for our growers.

Secondly, I don't think the payment limitation reform goes far enough, and Senator CONRAD recognized that in the final part of his remarks, that that is a concern I had. He did give me credit for pushing and pushing and pushing and bringing it to the point where it is. I believe it doesn't go far enough. Because on this Senate floor, we had 57 votes to reduce the cap on all three forms of commodity payments—direct payments, countercyclical and market loan benefits, and loan deficiency payments. But we ended up having a fight in conference just to keep those levels of current law. That is the good news. The bad news is we didn't go as far as what those 57 votes on the floor of the Senate thought we should do, a hard cap of $250,000.

So what did we do in its place? Senator CONRAD explained some of this, but I wish to emphasize it because it is a lot better than if we did what the President asked us to do today, that we not pass this bill. There is indication it will be vetoed and that we ought to extend the existing farm bill for 1 year or 2 years. Well, when it comes to limitations on farm income and who can participate in the farm program and who cannot, those limitations in present law at $2.5 million are laughable and, quite frankly, aren't even being enforced at that level presently. So I come to the conclusion that what we have is better than present law, not as good as what I want but, for the first time, having something that is fairly meaningful toward reform and limits on high-income people benefiting from the farm program.

The adjusted gross income limit did come down substantially, so that is a step in the right direction. For the first time, we have a cap on farm income of $750,000. Previously, there was no cap on farm income. It will bring a $2.5 million adjusted gross income cap on nonfarm income down from that $2.5 million that I said is laughable and probably not enforced, down to a $500,000 cap on nonfarm income. But these adjusted gross income limits are still too high, frankly, as far as I am concerned. In some parts of the country, they may not be. I have to admit that even though I am a farmer, I may not understand agriculture in California, Texas, and the Southeast. But I sure understand agriculture in the States of the Plains and the Midwest. You go to almost any farmer and tell them that we put this limit of $500,000 in for nonfarm income or that we put in a $750,000 cap on farm income, they are going to kind of laugh at us and wonder if we haven't been in Washington too long.

On the other hand, negotiation around here is the art of compromise, and so I am going to vote for this bill with these caps in it. I am going to thank my colleagues who negotiated for going a lot further the last few days than I ever thought they would go. Hopefully, this keeps some people who have the ability to withstand natural disaster, to withstand sometimes politics affecting farm income, sometimes war, sometimes international trade issues affecting farm income, people at this level have the ability to withstand that. Smaller and medium-size farmers don't have that ability. That is why we have a farm program. So there is some level of income where people ought to be able to withstand things that are beyond their control and still be in the business of farming.

I am asking the people in the State of Iowa to look at these caps as being a step in the right direction, not satisfying me but still better than present law. That is why I think it is very necessary that we get this into law. Hopefully, down the road we can make things even better.

I happened to have the Government Accountability Office pull data for me on how many folks are actually getting payments over these new income limits. Honestly, there aren't a lot. The conference committee took steps, though, in other areas of reform; for instance, in the right direction by eliminating the three-entity rule and going to a system of direct attribution. In this particular instance, we do away with the legal subterfuge of where there are limits in existing law, that people could split up into three different units and each unit get the limits that are presently allowed. So that legal subterfuge is done away with. Also, in the commodity title, the administration, the House, and the Senate all recognize the importance of including revenue protection programs for farmers. All three groups, however, took different approaches. I am pleased that an average crop revenue program was included in the final bill as an option for farmers and particularly because the hard work from this comes from a lot of corn producers in my State.

Not only that, we were able to make the program a more viable option for producers and make it available to them in the next crop year, 2009. I am excited to see what type of participation we get in the program and the outcome of it, so that in the next farm bill debate, we can decide whether revenue protection works. The people who thought this up, those of us on the committee who went with the recommendations, have confidence in the people who thought it up. But there is nothing like the real world of seeing whether it works. So we have a few years to make that determination. I hope it does work.

In addition, the White House has continued to say Congress can't use timing shifts to save money and somehow they didn't count. Well, they do count because farmers are going to have to make a judgment in the way they do things to accommodate. Farm program payments will come later in the year, but they will be expected to make crop insurance payments earlier. So in fact, these do count and will pinch the cashflow of a lot of independent producers, whether the White House wants to believe it or not.

All that being said, I am pleased this farm bill is making significant investments in rural America. I would like to point out a program that I have named the Value-Added Producer Grant Program as one of those. It has had a bit of a facelift since I first worked on this. I bet it has been 6 or 7 years ago. But it is targeting funds directly to beginning farmers and to ranchers, which is critical to getting young farmers into business. I continue to hear good things about these dollars being invested right into rural communities, and so I am pleased we could get some mandatory money into the program, even though the farm bill dollars were very tight.

I have also worked to give Black farmers, African-American farmers, applying for Farm Service Agency loans who were involved in the Pigford v. USDA discrimination lawsuit a chance to have their claims heard. That is why I introduced earlier in 2007 the Pigford Claims Remedy Act. There were circumstances out of these farmers' control, and they weren't able to get their claims filed timely. The conference report provides that these claimants who have not had their cases determined on the merits may, in civil action, obtain that determination. In other words, they are going to have their day in court that they feel they did not get with the administrative process. It is time justice was done for these African-American farmers. Civil rights at the U.S. Department of Agriculture has management problems that still need to be addressed, so I want that department to know I will be watching over the administration of this Pigford program very carefully.

Last year, I called for a Government Accountability Office report on farm payments going to farmers who had already died. We even held a hearing on this issue before the Senate Finance Committee. The Farm Service Agency paying dead farmers was a classic example of waste, fraud, and abuse. It is a classic example of a department not doing its job.

Now, I am not saying there might not be legitimate reasons to keep estates of dead people open for a few years. But there was something wrong with people who did not report that the structure of the farming operation had changed, that somebody had died, and continued to get farm program payments in a dead person's name.

So the farm bill is proactive in requiring the U.S. Department of Agriculture to check payments against taxpayers' ID numbers at the Internal Revenue Service. I am cautiously optimistic, however. I requested a new Government Accountability Office report, and in preliminary briefings I have learned that the U.S. Department of Agriculture does not even enforce the current $2.5 million AGI limits. It makes me wonder how they are ever going to enforce the more complicated AGI limits we have put in place.

I should also add that based on the two Government Accountability Office reports already released, we closed a fraudulent farm loss loophole that allows operations to evade payment limits. We also were able to shut down the generic certificate abuse with new Commodity Credit Corporation 1099 reporting that I had asked the Treasury Department to do something about way back in 2001, and, quite frankly, they have done nothing.

Another issue I often hear from constituents about is the abuse of the rural broadband loans going into areas where service is either already provided by other capable entities or a high percentage of households already have service. I do not believe the Government should be in the business of subsidizing competition. We ought to be in the business of helping people who do not even have the service.

Thus, we were able to include in the new farm bill a requirement that in order to be eligible for a loan, the provider needs to be applying for an area where 25 percent of the people do not have service and where not more than three incumbent service providers are already located.

I want to shift gears a bit now from the Agriculture Committee's role to my role as a member of the Senate Finance Committee. Through that role, I was able to secure even more reforms to agricultural policy while protecting the interests of farmers and ranchers.

When the House passed this bill with a revenue offset for the extra agricultural spending, I raised a concern to the tax-writing committees. By yielding several billion dollars in new revenue for new spending, the Ways and Means Committee established, in my judgment, a very dangerous precedent.

There is always great temptation for any committees in the Congress that have a veracious appetite for new spending to view the Ways and Means Committee on the other side of the Hill or the Finance Committee in the Senate—the tax-writing committees, in other words—as some sort of a cash register. From a fiscal disciplinary standpoint, this pressure, if unchecked, will lead to larger and larger government and higher and higher taxes.

The hard-working American taxpayer is the loser because revenue offsets are diverted from the highest and best uses: tax policy and deficit reduction. The proliferation of reserve funds in budget resolutions under both parties—I want to say both parties; so my party is guilty of this as well—is very clear evidence of this pressure as well. Those reserve funds might as well be labeled as tax-and-spend funds because the committees that request them are not likely to cut any spending.

So I raised concerns early in the farm bill deliberation about a very dangerous slippery slope that Congress or the tax-writing committees might be heading for.

So I am pleased to say in the Senate process, Chairman BAUCUS listened to my concerns and agreed. We made it clear that we would hold the line, and we did hold the line. The Finance Committee marked up a bill that took care of agricultural priorities. But where we use Finance Committee resources, we kept the benefits and authority within the Finance Committee.

Everyone knows the Finance Committee action made it possible for the Agriculture Committee to move forward to spend more money than was in the baseline. We took some of the policy pressure, then, off of the Agriculture Committee.

The schedule and press stories bear out that basic point. We held the line between agricultural policy in the Agriculture Committee and agricultural policy in the Finance Committee when the farm bill was processed on the Senate floor. Remember, that passed, I think, with 77 votes.

Now, the conference was quite a different matter. In the end, we kept a decent but much smaller package of agricultural tax relief offsets with agricultural tax reforms. We also split the baby, from the jurisdictional point of view.

An extension of the Customs user fees, which is a tax-writing committee offset, was used to offset the $10 billion in new agricultural spending; in other words, meaning the $10 billion above baseline. About half of that, the part dealing with the new agricultural disaster relief trust fund, is in Finance Committee jurisdiction. The balance is going to pay for new agricultural spending above the budget baseline.

In my view, this was an unfortunate and troubling compromise for the tax-writing committees. We mitigated some of the damage to the institutional structure of the tax-writing committees, but we also at the same time opened the door. It is a door I was glad to keep slammed shut during the years I chaired the Finance Committee. I worry greatly about the precedent that has been set here. Pressure will be brought to bear in the future for more nontax-writing committee spending to be offset with Finance Committee resources.

I sincerely worry about the effect of this precedent on the power and resources of the two chairmen, my friends, Mr. RANGEL, the chairman of the House Ways and Means Committee, and Senator BAUCUS, the chairman of the Senate Finance Committee. Other committees are loathe to cut their spending and to reform large programs in their jurisdictions.

So the easy street for other committees is to assign their funding problems to the tax-writing committees and to blame the tax-writing committees for any funding problems. As my friends, the two chairmen, know better than anyone else, the demands within the tax-writing committees for offsets are a big challenge just to do the work the tax-writing committees have to do.

I hope we all have learned a lesson. We should not use the tax-writing committees' resources as an easy way out for other committees that are reluctant to make the tough choices in the oversight and development of programs in their jurisdiction.

There have been also some significant benefits, though, from the Senate Finance Committee's involvement in this bill.

The farm bill also includes some customs and trade provisions that I want to address. First, it includes a compromise on expanding our existing trade preference program for Haiti.

This was a priority for the chairman of the House Ways and Means Committee. In addition to expanding Haiti's trade preferences, the compromise calls upon the President to identify any textile or apparel producers in Haiti that fail to comply with core labor standards, as defined in the legislation, or the labor laws of Haiti that relate to the core labor standards.

The statement of managers accompanying the conference report states very clearly that the Conferees recognize that the core labor standards defined in the legislation refer to the rights as listed in the 1998 International Labor Organization Declaration on Fundamental Principles and Rights at Work and its Follow Up.

We voted for the 1998 ILO Declaration. We respect, promote, and realize the labor standards stated in the 1998 ILO Declaration. Moreover, the legislation applies only with respect to labor practices in Haiti. It does not address and cannot impact our domestic labor practices in any way.

Now, the legislation further calls upon the International Labor Organization to report periodically on the compliance of individual producers in Haiti with the core labor standards and the labor laws of Haiti.

And the legislation directs that in identifying producers that fail to comply with core labor standards, the President shall consider these ILO reports. The President is free to consider any other information, and the final decision rests entirely with the President.

Nothing in the legislation forces the President to make any particular determination. It just says that the President shall consider these reports.

And if the President determines that a producer in Haiti is not in compliance and refuses to comply, the legislation directs the President to withdraw, suspend, or limit benefits to that producer under the trade preference program until the producer comes into compliance.

As I said at the outset of my remarks, I am not making a blanket endorsement of the farm bill. I have my reservations. Had I written the Haiti provisions from scratch, they would have looked very different. But this issue was part of a broader negotiation, and compromises were necessary if we were going to produce a final product.

The proponents compromised too. Originally they proposed requiring the President to withdraw trade benefits solely as a consequence of the ILO reports. That was never something I could accept. Ultimately, they dropped that demand and agreed to defer to the President's discretion.

The compromise language that is in the bill is specific to Haiti and responds to the unique economic and political situation in that country. I accepted it based on that narrow context as part of an overall compromise to conclude these negotiations.

Another issue that we addressed in the farm bill is a recent proposal by the Customs and Border Protection agency to change the way certain imports are valued for purposes of assessing duties.

The agency proposed eliminating its current practice of allowing importers to base customs value on the first price paid in a series of transactions that culminate in the importation of a product into the United States. Customs has instead proposed a mandate that importers must use the last transaction price.

This proposal has drawn significant concern from the business community and in Congress, for a number of reasons. First, it appears to counter an established practice that has been around since at least 1988. And some argue that it would lead to tariff increases of 8 to 15 percent.

Moreover, Customs doesn't collect data on the extent to which the so-called first-sale option is used. Nor does the agency have a clear sense of the economic impact of the proposed change. Yet the agency did not consult Congress or the business community before proposing this change in administrative practice.

Consequently, we included a provision that directs Customs to collect additional data for 1 year on the usage of the first-sale option. We further directed the International Trade Commission to submit a report to Congress analyzing the data to be collected by Customs.

Finally, we included a sense of Congress that Customs shall not implement any change to disallow the first-sale option prior to January 1, 2011. After that date, Customs can implement a change but only if the agency consults with the committees of jurisdiction in Congress and the business community, and also receives approval for such a change from the Treasury Department.

That is because the Treasury Department retains rulemaking authority over Customs regulations, though a portion of that authority has been delegated to the Department of Homeland Security.

I do want to say some other things the Senate Finance Committee has done. We create a new, temporary cellulosic biofuels production tax credit. This provision will encourage the development of a new cutting edge alternative biofuel industry.

Cellulosic biofuels can be produced from agricultural waste, wood chips, switchgrass, and other nonfood feedstocks. With an abundant and diverse source of feedstocks available, cellulosic biofuels hold tremendous promise as a home-grown alternative to fossil-based fuels.

With cellulosic ethanol, and with the additional feedstocks from corn stover, from wood chips, from switchgrass, and other things that have cellulose in them, we are going to be able to move beyond just grain being used to make ethanol.

Now, that is going to solve some problems. But one of the problems that it is going to solve, if people will be patient, are these demagogic statements that are going on now about the production of ethanol bringing up the high price of food.

Ethanol is being blamed for everything right now. Ethanol is being blamed for rice going up. We do not make ethanol out of rice. Bread goes up. They have riots in Cairo, and corn ethanol is being blamed for it. There is a whole conspiracy on the part of the grocery manufacturers of America, hiring a public relations firm to put on a 6-month crusade against ethanol. It is a scapegoat. It is intellectually dishonest.

In 1980, the people of this country asked Congress to put some incentives in because we ought to have renewable fuels, and ethanol was the direction to go. The farmers of America responded by growing more corn. Farmers invested, setting up ethanol plants. For 25 years, there have been incentives for ethanol production. Ethanol is becoming a major component now through renewable fuels and less dependence upon foreign sources of oil. For 25 years, everything about ethanol has been good, good, good, good—whether it was good for the farmers, good for the environment, good for jobs in rural America, or good for less dependence on foreign sources of energy.

Then, all of a sudden, corn goes up to $4 a bushel a year ago, and then everybody gets on ethanol. It is an intellectually dishonest attack that irritates the heck out of me, and I think we ought to band together as we always have done. The farmers of this country responded when the country wanted renewable fuels, and for 25 years nothing bad was said about ethanol. Then, all of a sudden, the price of food goes up, and ethanol gets blamed for it.

Ninety-five percent of the grain in the world is eaten; 95 percent of the grain is eaten. Last year the farmers of America planted more acres to corn than any year since 1944. The farmers of America produced 2.3 billion more bushels of corn last year. Only 600 million bushels of that 2.3 billion bushels of corn went into ethanol.

The other 1.7 billion bushels are available for everything else anybody wants to use them for, including if they want to eat the same corn animals eat. Yet I am hearing people complain about ethanol being the reason that rice and wheat are high priced and somehow scarce. We have to wake up the people of this country to the fact that the farmers of America responded when they wanted alternative energy, and that alternative energy is not at fault.

In fact, Iowa State University has studies showing that the price of gasoline would be 30 or 40 cents higher today if it had not been for what ethanol is producing. We have to get over it. Maybe this new program on biofuels from things other than grain will help calm that, I hope, because cellulosic biofuels is still science in the making, and scientists are telling us in 3 to 5 years it is going to be commercially viable.

This bill, then, includes a new, temporary cellulosic biofuels production tax credit for up to $1 per gallon, available through December 31, 2012, as an incentive toward cellulosic ethanol, the same way we have since 1980 on a tax incentive for ethanol from grain.

This provision is estimated to cost about $403 million over a 10-year period of years that the tax credit is available to American investors who are willing to take the risk of producing cellulosic ethanol.

The new cellulosic biofuels production tax credit will be funded in part by a 2-year extension of the tariff on ethanol and reform in the current ethanol blenders' credit, which will be reduced from 51 cents per gallon to 45 cents per gallon on January 1, 2009, the first day the cellulosic producers' credit will be available. One other thought that came to my mind just now about an attack on ethanol. We have people who have voted for ethanol in this Senate. Twenty-two of them have sent a letter to the EPA saying that the mandate on ethanol ought to be lifted—the very same Senators who have complained because we aren't doing enough for renewable energy.

The last tax title I wish to refer to—and then, for my colleagues, I am just about done—is the Conservation Reserve Program payments. We have had this situation where the IRS has been taxing cash payments that farmers receive from Conservation Reserve Program payments—CRP payments—with the Social Security tax, the payroll tax. If you are a farmer receiving cash payments, if you rent your land and you receive cash payments, you obviously don't pay Social Security tax on that money. But the IRS ruled that if you were getting cash payments on CRP, you had to pay Social Security on it. So we take care of that problem in this bill as well. That is something we have been working on since 1999, and I am glad to have the opportunity to correct something the IRS has done that is an injustice to landowners who receive cash payments.

I understand that some of my colleagues have concerns over the extension of the ethanol tariff in the farm bill.

I would like to point out that the United States already provides significant opportunities for countries to ship ethanol into our market duty-free.

Numerous countries don't pay the U.S. ethanol tariff at all. Through our free trade agreements and trade preference programs, some 73 countries currently have duty-free access to the U.S. market for ethanol fully produced in those countries.

For all other countries, including Brazil—the world's major exporter of ethanol—the United States provides duty-free access through a carve-out in the Caribbean Basin Initiative.

So Brazilian ethanol exporters currently don't have to pay the U.S. tariff.

Under the Caribbean Basin Initiative, ethanol produced in Brazil and other countries that is merely dehydrated in a Caribbean country can enter the United States duty-free up to 7 percent of the U.S. ethanol market. That is very generous access.

Moreover, this duty-free access—as it captures 7 percent of U.S. ethanol consumption—grows every year.

Yet Brazil and other countries have never come close to hitting this 7 percent cap. In fact, as of Monday, the 7 percent cap was filled only 23 percent for the year. So we are almost halfway into 2008, and foreign ethanol exporters haven't even filled by one-quarter the generous duty-free access that we give them.

And it isn't that the Caribbean Basin Initiative countries don't have the capacity to dehydrate more Brazilian ethanol. They do. Current dehydration capacity in the Caribbean Basin Initiative countries is 580 million gallons, well above the over 452 million gallon duty-free allotment for 2008.

Brazil isn't taking full advantage of the duty-free treatment currently available to it. I don't know why we should bend over backwards to provide yet more duty-free access for Brazil.

This is especially the case given Brazil's stance in the Doha Round negotiations of the World Trade Organization. Brazil is resisting efforts to further open its market to imports of U.S. industrial goods and services.

We shouldn't even discuss reducing or lifting the tariff until Brazil takes full advantage of its current ability to ship ethanol duty-free to the U.S. market.

Finally, the ethanol tariff is a revenue-raiser for the farm bill. The cost of the new cellulosic biofuels production tax credit will be offset, in part, by an extension of this tariff. In this way, the ethanol tariff will help us move toward the development of a new cutting edge alternative biofuel industry that will produce fuels from agricultural waste, woodchips, switchgrass, and other nonfood feedstocks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise today to add my support as well to the Food, Conservation, and Energy Act of 2008. It has been a very long and arduous process, but I think those of us who have been extremely engaged in this process are proud. We are proud of the hard, bipartisan work that has gone into this bill, and we are proud of the product. Although many of us know that none of us could get everything we wanted in this bill, we worked hard in a bipartisan way and in a way that was respectful to the diversity of this country to come up with a product we could all rally around and be supportive of on behalf of this country and the hard-working farmers out there who support this country as well as those of us who enjoy their bounty, not to mention the many other good components of this bill we worked hard together on, again, in a bipartisan way to come up with a good result.

However, the finish line being in sight, it is still not quite over yet. That is why I wish to first of all encourage my colleagues to send a strong message to President Bush to sign this bill that supports rural America and sets a long-term strategy for investing in those communities across this land that provide us with the unbelievable bounty this great Nation affords us.

This is only my third farm bill, so I have not been engaged in this process quite as long as many of my colleagues who have already spoken. But I have to tell my colleagues, as Senator CONRAD mentioned, I feel quite passionate about this bill because I feel quite passionate about the farm families in this country.

I myself come from a seventh-generation Arkansas farm family, and I have watched, as I have grown up—not just in my own family but in families across our State—the hard-working communities that take such a sense of pride in being Americans but, more importantly, providing for this country and the world the safest, most abundant and affordable supply of food and fiber anybody could.

Yes, I am sure my colleagues will be delighted when I sit down and quiet up because I have been extremely passionate about this bill because I believe in those people of my State. I believe in the passion and the pride they have in who they are as Arkansans and, more importantly, who they are as Americans.

I am proud of the work we have done, and I am proud to have fought hard for their needs and their concerns, for the diversity they represent in the infinite number of business operations and farm operations that exist in this great country, enabling us as a nation to be able to say that we can provide the most efficient and effective production of food and fiber for the world, particularly at a time when, as my colleague from Iowa mentioned, in places across the globe people are fighting over food and the need for food. We have the hard-working farm families of this country to thank for the incredible effort of making sure we don't go through that, that we don't experience those things.

I wish to first start by thanking the chairman of our Agriculture Committee, Chairman HARKIN, and his hard-working staff. I wish to thank the chairman for his leadership throughout this process and, again, although none of us got everything we wanted in this bill, his willingness and the willingness of his staff to be consistently there for us and to listen to the concerns we have expressed. I appreciate all of the hard work and the many hours they have put into this.

I wish to thank not just his staff but the staff of all of the other Members who have worked so diligently with me and my staff through this process. We do have many perspectives in this bill from many different regions of this country, but we do know at the end of the day how to be respectful of one another.

I especially wish to thank the ranking member, Senator CHAMBLISS, and without a doubt his incredible staff, Martha Scott Poindexter and Vernie Hubert, who have been tremendous and have put incredibly hard work into this bill. They have been not only a great asset in the putting together of this bill, but they have been good friends, and I am enormously grateful.

I wish to thank Chairman BAUCUS for his work and the excellent work of his staff on this very important tax title, along with his ranking member Senator GRASSLEY and his staff. Their efforts to secure funding for this bill have been tremendous.

I also wish to say a special thanks to Senator CONRAD and his staff. They have sought to find the common ground and to bring people to the table. They have been thoughtful. They have been understanding. They have been tireless at making sure there was a reasonableness about our discussions and that the facts and the figures were clear as we debated all of these issues.

So many of the other members of the committee as well as Members of the body who have engaged in all of these discussions have done a tremendous job in bringing this all together.

Of course, on the House side, Chairman PETERSON and Ranking Member GOODLATTE as well as Chairman RANGEL have done an incredible job in working with us, and we appreciate so much their hard work.

I would also like to add my special thanks to my own staff, Ted Serafini and Anna Taylor, who have been an incredible support for me and made a tremendous effort in making sure our voice from Arkansas and the voices of the people we represent were so passionately heard with such great expertise, as well as my former staffer Robert Holifield, who worked very hard on this bill before he left our staff.

Those of us on the conference committee have worked hard to come up with this bill, and we wanted it to be practical. We wanted it to be realistic and exhibit the reforms that so many people have been asking for. A lot of time and energy was put into the final bill, and it is a good compromise. While it doesn't contain everything, as I said, that I want to see or anybody else on the committee wanted to see, it does ensure that we maintain the blessings we have here in this great country of American agriculture.

I often say to people at home that what we should be doing up here is not looking for legislation to be a work of art but to be a work in progress. As many of us who have worked on many farm bills know, it is a work in progress and continues to be—not just in what we do with this farm bill, but, as the Senator from Iowa mentioned, we look for making sure that the actions we have taken do not have unintended consequences and that we pay close attention to ensure that the things we have done do not disproportionately harm our great efforts of production agriculture.

From day one, there was a lot of give-and-take. In the end, I think Members and their staffs have produced a good compromise and a compromise that respects and appreciates the diversity of our country and certainly the great wealth and bounty of what our Nation has.

There are so many good things in this bill to be proud of, and I am. Several of my colleagues have already touched on the increased investment in nutrition, renewable energy, conservation, and rural development. All of these will benefit our country greatly.

As one of the cochairs and cofounders of the Senate Hunger Caucus, I am very proud that nutrition was a priority in this bill. This bill commits $10.36 billion—nearly 73 percent of the bill—for nutrition to continue the fight against hunger. Hunger is a disease we can cure. We know how to cure it. We simply have to set it as a priority, and this bill does.

It represents the largest amount of funding for nutrition programs in our Nation's history. At a time when 20 million Americans are living in poverty, it should represent certainly no less. One billion of that is allocated for the Fresh Fruit and Vegetable Program which provides free fresh fruits and vegetables to low-income children in our schools nationwide. It also expands the Senior Farmers Market Program by $50 million to help them purchase fresh fruits at places like farmers markets and roadside stands throughout the country. I am proud that the bill aims to reduce food insecurity among our children and our elderly, among our low income and those who are in need. This is a good part of our bill.

This bill also provides farm families, ranchers, and small businesses throughout the greater part of rural America with the opportunities and the incentives to develop renewable energy sources and continue the drive toward greater energy efficiency in this country. As we have seen with the huge rise in gas prices this year, reducing our dependence on foreign oil is an absolute necessity for our Nation's future security. I see the passion in my Arkansas farmers and entrepreneurs in rural Arkansas and across this great country for producing alternative and renewable energy sources. They stand ready. They stand ready to take advantage of the incentives and the call we have in this bill to lessen our dependence on foreign oil and empower our own selves, our own country with renewable fuels that will not only create jobs but provide a better environment for future generations. In this bill, we have the beginnings particularly of making sure we not only lessen our dependence on foreign oil but we do so in a way that is good for our environment.

I am also grateful that an important provision in this bill that I supported will bring tax parity to the timber industry which is so important to my State. This change will help our timber farmers and millers remain competitive globally during tough economic times. Last year, the downturn in the forestry industry resulted in the loss of more than 3,000 jobs and nearly $14 million in State and local revenues in my State of Arkansas.

Conservation is also a big part of this package. It does a tremendous amount. As a farmer's daughter, I saw no greater conservationist than my own father, as a farmer who took great pride in not only the land of our farm and the future generations who would get to use that land but also in the conservation that surrounded our farm and in our county, because not only was it important to his livelihood and for future generations of our family, for the expertise and his productivity on our farm, but it also was an enhancement and an unbelievable endowment to future generations for the wonderful pastime that so many Arkansans enjoy. Whether it is fishing in our rivers and streams, whether it is hunting in our forests, all of the many things we see in our State that my children and other Arkansans enjoy, it is a true blessing to see that conservation, and certainly it is important to our agriculture producers and others.

The chairman, Chairman HARKIN, has been a tireless advocate for conservation programs, and we appreciate that. I am pleased that once again he has produced a bill that is progressive in this area.

It includes a $4 billion increase in conservation programs, including a $1.3 billion investment in the Wetlands Reserve Program, which is very popular and productive in my State. We have the largest timber wetlands in North America, with the White River Waterfowl Refuge, along with the incredible lands—mostly nonproductive farmlands—that have been put into the wetlands reserve and the wetlands program and have contributed greatly to the environment. We have not only spotted the ivory-billed woodpecker, but we have tremendous migratory birds—not only the waterfowl but some of the largest areas for neotropical migratory birds, songbirds. It is a wonderful asset for this country and for future generations.

It ensures we are the best stewards of the land that we possibly can be and, above all, it helps us to leave our children with the environment they deserve.

It also includes a tax deduction to reduce the costs of implementing recovery plans under the Endangered Species Act. I see Senator CRAPO, whom I have worked a lot with on this issue.

The current Endangered Species Act plays a crucial role in protecting threatened endangered species and habitats and in promoting species recovery. However, on private lands, which are relied upon by the majority of threatened species for their survival and recovery, the current law doesn't provide all the necessary tools we need.

This provision in the farm bill ensures that our private landowners are given the incentives they need to protect our endangered and threatened species and engage with State governments and the Federal Government to protect them by making sure they can work on their land and give the needed protections that are needed in order to protect the habitats so we never even see these species going on the endangered species list to begin with.

This bill also provides an additional $150 million to promote economic growth, improve infrastructure, and create jobs in rural America through the rural development title.

This investment will help improve access to broadband in rural America, as well as provide loans for rural hospitals, so they can provide the best care for patients living in those rural areas.

Oftentimes, I think many of us who grow up in rural America, and who go home regularly to rural America, wonder if inside the beltway there are enough people still here who understand the importance of infrastructure needs and investing in rural America—whether it is broadband and making sure folks in rural America have an onramp to the information highway that exists or whether it is just that they have clean drinking water in those communities. It is something we can never forget because those precious rural areas of this country will remain out there and those people will remain out there and we have to stand up for them.

The bill also provides serious reform while maintaining the safety net for our family farmers so they can compete in the global marketplace.

Throughout this process, we have heard time and time again that there must be reform. So many of us started early in this process to see where we could bring about the kind of reforms that were being demanded. We have provided in this bill the most significant reform in our Nation's history in this farm bill. The bill lowers the overall cap on program payments from $360,000 to $105,000.

We have seen the need to address the loopholes that allow producers to avoid the caps. So we have eliminated those loopholes most frequently—the three-entity rule and generic certificates.

I also heard of the need for transparency, so the committee bill added direct attribution, which will track payments directly to a living, breathing individual producer, a farmer out there who is putting their hard-earned time, energy, blood, sweat, and tears into producing these agricultural products.

I advocated for reform and transparency from the very beginning because I knew it was something people wanted to see. But I also think we must be careful that we understand what the possible consequences of these reforms might be.

The 2002 farm bill established a solid safety net program when yields and prices were low.

While we have maintained the integrity of that program, the $2.5 million means testing on income limits established in that bill in 2002 were never fully enforced by this administration. The Senator from Iowa brought up that point. It is hard to know where to go from those caps in the 2002 bill and today's bill to increase that transparency and increase those reforms, if we don't even know what the first limit actually did.

That is why it does create some concern in me to hear that the administration is saying this bill doesn't go far enough in regard to these reforms. How do we know if it doesn't go far enough if we have never enforced what has been on the books to begin with?

Prior to the 2002 farm bill, no means test existed for farm programs. Now, I have to say I have concerns that all of a sudden we are going to begin means testing farmers and producers across this country, but we shy away and shiver in this body when means testing is talked about for anything else.

We knew it was important to eliminate loopholes that nonfarmers used to receive program payments, and during the 2002 farm debate, we instituted the $2.5 million test.

In the bill that passed the Senate in December, we lowered the means-testing cap to $750,000, which respected our regional differences and avoided the unintended consequences that might arise in this compromise.

Let's not forget that we also significantly reformed individual program pay limits on top of that, which should sharply reduce benefits to producers who remain eligible, as long as they are below that means-testing level we have imposed. I thought the Senate bill did a good job on that compromise and have remained hopeful that those limits, and certainly something close to those limits, is where we can be.

During conference, we agreed to add an additional component that factors in nonfarm income.

However, it is not enough for this administration, and they continue to threaten a veto of this incredibly hard-fought, bipartisan compromise. As I mentioned, I do have some concerns about means testing because we are means testing the most efficient and effective producers of agricultural products in the world, at a time when we are experiencing a world food crisis, and we want to ensure that not only will we maintain the kind of production that we have consistently but also that we do it by setting an example in respect to clean water and clean air and, certainly, in respect to all the other unbelievable demands and restrictions that are placed on our farmers with respect to the environment.

We don't know what those consequences might be, and I hope we will keep in mind—as the Senator from Iowa mentioned—that as we move forward in looking at this bill, thinking about how those effects may have unbelievably unintended consequences. Again, there have been an awful lot of fights for the means testing on our agricultural producers, while there are so many other benefits in this country that are not means tested. I noticed my colleagues earlier mentioning the fact that farm income is up. But I also noticed that nobody hardly mentioned the fact that reflects the reality of what farmers in this country are going through in terms of the environment of skyrocketing production costs and restrictive trade laws, which in our region of the country are much more restrictive. Trade laws are much more restrictive to the commodities we grow, and certainly production costs that are much higher for capital-intensive crops.

I hope the unintended consequences of establishing payment limits and means testing would not shift the landlord-tenant relations to cash rent and place producers, who are working hard each day to shoulder that risk solely of restrictive trade rules, bad weather, and unbelievably skyrocketing input costs—I hope that is not one of the unintended consequences that we see.

In the end, this bill is about ensuring that our family farmers can continue to produce the world's safest, most abundant supply of food and fiber.

Our farmers also produce their commodities the most efficiently and effectively in the world, and they do it by keeping the cost of our food and fiber per capita the lowest of any developed country, as Senator CONRAD mentioned.

Moreover, they do it with respect to our environment, so our children and future generations can enjoy this unbelievable country of bounty and beauty. They do it by following the Clean Water Act, Clean Air Act, and so many other restrictions that we place on them in order to ensure they are setting the example and doing the best job possible regarding our environment.

They are excellent conservationists and stewards of the land because they understand that if they care for the land, it will take care of them. It is something we should never lose sight of.

I am proud of the work we have done on this bill, and I encourage my colleagues to support the final version. No bill is ever perfect. This one gives our family farmers the certainty they need to continue to compete effectively in the global marketplace. It focuses on the unbelievable needs throughout this country in nutrition, energy, conservation, and rural development.

Again, I am proud to have worked in a bipartisan way with so many colleagues on the Senate Ag Committee, as well as others in this body and in the other body across the Capitol dome.

My last plea before I yield the floor is to my colleagues. It is that we will never allow ourselves or the people of this country to take for granted what we have been blessed with in this country. This is a great country, and we have a lot of incredibly hard-working people. Many of them are spread out over the rural areas. I hope we will never allow the American people to take for granted what this bounty means to them and, more importantly, that we in this body will never take for granted the hard work that goes on beyond this beltway to make us the richest country in the whole world. I hope we can continue in that same bipartisan fashion, recognizing and respecting the incredible diversity across this country that has blessed us for so many years.

I encourage my colleagues to support the great bipartisan product we brought to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I also rise today in support of the farm bill conference report. Before my colleague, Senator LINCOLN, leaves the floor, I wish to take a few minutes to thank her for the tremendous work she has been willing to do with me. She and I were both elected to the House of Representatives in the same year, and we were elected to the Senate in the same year. We have served on a lot of the same committees, not the least of which has been the Agriculture Committee and the Finance Committee, both of which have important parts of this legislation.

We have had a tremendously good relationship over the years. We come from different sides of the aisle, but we work closely together in a bipartisan way on issue after issue. One of those very important issues, which Senator LINCOLN already mentioned, is the Endangered Species Reform Act. I will talk about that later in my remarks.

Before she left the floor, I wished to thank her for being the lead cosponsor on that legislation that we have worked on literally for 6 or 7 years, to make sure we build a consensus-based solution to issues in this country that will make a difference. Again, I thank the Senator for that. I truly appreciate the working relationship we have, and I could not agree more with the comments she has made overall about the farm bill and the tremendous blessing we have in this Nation to have literally the lowest per capita cost in the world in our budgets for the American families with regard to the dollars they must put forward for food and fiber. At a time when people around the world are struggling to deal with recent natural disasters and to ensure that their families have the food they need, we need swift enactment of this farm bill that will provide long-term certainty for farm families as they continue to feed the world's hungry.

This is the third farm bill that I have worked on since I have been elected to

Congress. I have to say that although each bill, as we moved through the issues of the day, presented their unique problems, this has been the most difficult to bring together in a conference where we could literally come together—House and Senate, Republicans and Democrats—and propose good, solid policy for our Nation's food and fiber. I think we have to give credit to those who have been leaders in the Senate in making that happen: our chairman, Senator HARKIN; our ranking member, Senator CHAMBLISS; and on the Finance Committee, which, as I said, also has a significant piece of this legislation, our chairman, MAX BAUCUS; and the ranking member, CHARLES GRASSLEY. There are many others.

Now that I started mentioning Senators, I could literally go through the members of the Agriculture Committee, both sides of the aisle, the members of the Finance Committee, both sides of the aisle, and list Member after Member who has worked tirelessly to make sure this policy comes together in a farm bill we can be proud of and which will strengthen America globally.

It is not limited to just the members of the Agriculture or Finance Committees. This Senate is committed to making sure we develop the kinds of policies that will keep our Nation strong and globally competitive, and many of those policies are included in this legislation.

In preparation for this farm bill, I held 23 farm bill listening sessions in my State, all across Idaho, to get input from Idahoans about what they need and what they saw important in a new farm bill. I appreciated the input I got from my constituents and, frankly, utilized that input in working with my fellow members on the Agriculture Committee and Finance Committee as we crafted this legislation.

There are a number of provisions I wish to highlight tonight.

The first, which I have already mentioned, is a part of the bill that comes in the conservation piece the Finance Committee worked so hard to bring forward. As I think most people who followed the debate in the battles over the farm bill over the last few months have realized, one of the battlegrounds—in fact, the major battleground—was the effort by the Finance Committee in the Senate to bring forward a significant new addition to the conservation efforts in our country as we deal with conservation policy.

One of the more important pieces of that battleground, if you will, was the Endangered Species Reform Act. The battle was not really over the policies; it was over the dollars because we wanted to make sure we paid for the increased costs of what we were doing. But it was nevertheless a very difficult time as we tried to find a path forward.

Most people who are involved in land management issues, whether they be farmers, consumers, or people who are involved in development or simply homeowners, realize that we have had a significant area of conflict in this country for decades over the implementation of the Endangered Species Act.

There is very little disagreement that we want to protect and preserve the beautiful environmental heritage we have and the species we have that are so rich and abundant in our country. At the same time, we wanted to try to find a way to avoid conflict with private property owners and with the economic activities of people in our country who are trying to develop jobs and opportunities in the economy to provide for themselves and their families. It is that conflict which we have worked on in the context of the Endangered Species Act now for about, as I say, 6 or 7 years, to try to build a solution that could be broadly supported but which would help both species and people, the economy, and help private property owners and those who are interested in protecting and preserving our rich environmental heritage.

We have succeeded in the Endangered Species Reform Act. This act is broadly supported by the environmental community because over 80 percent of the threatened or endangered species in our Nation is located on private property. The act does not give us the ability to reach into the private property as effectively as we need to help implement recovery plans for species that are threatened or endangered. This legislation does so.

At the same time, as I indicated earlier, our private property owners have been concerned about the reach of the Endangered Species Act and what it would do to them if an endangered species were found on their property. This act makes it so they can actually find economic compensation if that happens.

The core of the act is that it focuses on helping landowners on a voluntary basis have a tax deduction for actions they undertake on their property to help implement recovery plans, to help facilitate and strengthen species.

This is a tremendous incentive, with the backing of the Federal Government, for these tax deductions to encourage private property owners to undertake activities that will tremendously benefit species on their property. The private property owners are compensated for the impacts on their property, the species are benefited, and everyone in the country is a winner in terms of the improvement of the opportunities to strengthen our endangered species protection.

This has the broad support of sportsmen organizations across this country, of environmental organizations across the country, and of private property groups across the country.

I am glad we were able to work our way through literally the battlegrounds we faced in order to make sure we got this legislation included in the final piece of the farm bill.

There is more to do. We had to work it through and adjust pieces of it that we would rather have kept in, but we got the core of the bill in place. And now we look forward to strengthening and improving this important protection of the Endangered Species Act.

While she is on the floor, I thank Senator STABENOW for her tremendous efforts in the conference to make sure we were successful in getting this critical legislation for the endangered species and private property owners included in the final conference report.

Specialty crop producers were also very significantly benefited by this legislation. Speciality crop producers in Idaho and nationwide will receive more than a $2 billion investment in programs important to them, including $456 million for speciality crop block grants that assist with marketing, research promotion, and other efforts to increase the competitiveness of speciality crops.

Again, Senator STABENOW should be given great credit for fighting to work with me and many others to make sure this happened.

The legislation also contains significant assistance for producers impacted by disaster, including new assistance for aquaculture producers who are impacted by drought or assistance for ranchers utilizing the Federal grazing permits who are impacted by a loss of grazing due to fire.

In addition, more than $4 billion in new spending is going to be provided for conservation programs which enable landowners to meet the environmental needs and goals and, frankly, in many cases mandates that we put on them to make sure our environment is protected and preserve.

I have often said, as we talked about different farm bills, and this one is no different—in fact, this one is probably a better example than any we have done so far—that one of the most, I will say the most important pieces of legislation this Congress ever works on with regard to truly making a difference in protecting, preserving, and strengthening our incredible environmental heritage in this country is the farm bill because of the powerful provisions we have in the conservation title.

This farm bill moves forward with significant strides to strengthen and enhance the environmental and conservation goals of our country through farm policy and private property policies.

This investment is an important step we must not forget. Farm bill conservation programs are an example of the Federal Government assisting with the environment in the right way with a carrot rather than a stick. Our conservation programs have contributed significantly to improving water and air quality and preserving and enhancing habitat for species.

An estimated 95 percent of the world's consumers live beyond our borders. The bill also will assist in reaching those consumers by expanding market opportunities through the inclusion of $200 million annually for the Market Access Program.

In addition, the bill seeks to better ensure adherence to the softwood lumber trade commitments through inclusion of a softwood lumber importer declaration program. I appreciate the tremendous work that was done to include this important provision.

The legislation also continues and expands support for the Idaho commodity producers, including our barley, dairy, pulse crop, sugar, wheat, and wool producers. Idaho's agricultural industry is more than a $5 billion industry and is a critical part of Idaho's economy.

The commodity title in this bill will continue to allow those farmers to be protected and strengthened as they face incredible global pressures and, frankly, what I consider to be anticompetitive actions by other nations as we deal in a global agriculture market.

The legislation benefits rural America in a number of important ways. Across the United States, rural communities struggle to access funds necessary to comply with Federal, State, and local environmental regulations. Through changes to SEARCH grants, small rural communities with populations of 2,500 or less will have greater and more streamlined access to funding to assist with water and wastewater infrastructure projects. Let me explain what this means.

Across this country, we have requirements that our wastewater and our drinking water be protected. In fact, often in America we talk about the fact that we have the safest, cleanest water in the world. When you come to America to visit, you don't have to worry about drinking the water. When you live here, you don't have to worry about drinking the water. The reason is because of our very strong environmental standards.

We are proud of that, and we need to protect our water quality. But the protection comes at a price, and often the mandates we put on communities to assure that water quality are not able to be met by the smaller communities because they simply don't have the economies of scale to be able to implement the wastewater and other treatment facilities that are necessary to enable them to comply with the environmental mandates and keep the water quality so clear and clean.

We need to provide ways to assist these strapped rural communities as they try to do what we all want to do, and that is make sure America has clean, safe water. That is what these projects will do in the SEARCH legislation.

The bill also provides $120 million in mandatory spending to be directed at pending applications for water and wastewater disposal grants and loans—Again, to help with the same problem.

As well in the rural areas, broadband access is a key to growth and economic development. This farm bill simplifies the application process for broadband assistance and ensures that broadband assistance is targeted at communities with the least amount of access.

Improving the economic position of rural areas by stimulating the growth of rural businesses is accomplished through reauthorization of important programs such as the rural business opportunity grants and the rural cooperative development grants, which will ensure the continuation and technical assistance and training to our Nation's rural businesses and cooperatives.

In addition, value-added producer grants are going to continue to provide producers with the means to improve on the value of their products through planning activities and marketing and the reauthorization of the national rural development partnerships which will enable individual State partnerships, such as the Idaho Rural Partnership, to continue working to strengthen and improve life in rural America.

The farm bill also incorporates language from the Biodiesel Education and Expansion Act of 2007. That is S. 1791 which I introduced with Senator KLOBUCHAR to reauthorize the Biodiesel Education Program. This program has been very important to the biodiesel effort in Idaho. The University of Idaho has received about 20 percent of those funds through a competitive grants process to help educate Government and private owners of vehicle fleets about the benefits and technical aspects of biodiesel fuel.

In addition, the bill includes a new temporary cellulosic biofuels production tax credit for up to $1.01 per gallon available through December 31, 2012.

The conference report also provides $300 million for the Bioenergy Program which provides incentives for expanding production of advanced biofuels made from agricultural and forestry crops and associated waste materials, including animal manure and livestock food processing waste.

The importance of this is that we in the United States have a serious problem in our energy policy. We can debate the many aspects of it in other contexts. The bottom line is we are far too dependent on petroleum in this country as a source of energy. And in the context of petroleum, we are far too dependent on foreign sources of petroleum.

I often analogize our core need in terms of energy policy of being one of trying to diversify our energy portfolio. We need to move into alternative and renewable fuels, and we need to provide the support to enable us to do the research and development to expand energy opportunities.

One of the things this bill does in areas I already mentioned, such as cellulosic biofuels and other efforts in that context, is to help us do the research and to do then the thinking that goes into making sure we move into these other types of alternative and renewable fuels.

Another important part of this legislation in that context is that we establish a sugar-to-ethanol program which will better enable the sugar industry to contribute to our energy independence.

There are many things we could be doing and we ought to be doing—all of them to find the ones that will best work and will best help us to diversify our energy economy.

The legislation also provides expanded fresh fruit and vegetable programs, which provides domestically grown fresh fruit and vegetables to students as healthy snacks and educates our students in every State on the importance of eating healthy foods.

This program has already been well received as a pilot program in a number of States, including Idaho. I am proud to continue this program not only in Idaho but to help expand it to all States across the country.

The bill strengthens assistance for America's food banks by providing more than $1 billion for the next 10 years for commodity purchasing, nearly doubling the current funding level. Access to food banks is particularly important given the economic hard times that we are facing with regard to high gas prices.

Also, I would like to talk a little bit more about the global competition we face. As I indicated earlier, one of the pressures that our producers face is anticompetitive conduct from other nations. These are subsidies, tariffs, or nontariff barriers which are erected against our producers.

Yes, we support our agricultural producers and, yes, we have tariffs. I am not sure what the numbers are today, but within the last couple of years the imbalance in those tariffs shows what I am talking about. The average I am recalling that we have discussed over the last few years is that the average tariff against our producers as we try to export into other countries is around 60 percent, whereas the average that we impose on those bringing their products into our country is more in the neighborhood of 10 or 12 percent.

Those kinds of disparities create tremendous trade barriers to our producers. The same is true with the level of subsidies provided to producers in other countries that compete with our producers. One of the critical parts of this bill is to provide that safety net or that protection to our producers in the international contest as we seek to make sure the trade arena globally is balanced fairly.

I know some have criticized this bill by saying it spends too much limited Federal funding on agriculture. Let me make an important note there. This bill has a number of titles. Agriculture commodity programs are one of those titles. About 70 percent of the spending in this bill goes to our nutrition programs, such as the Food Stamp Program.

Most people in America don't realize that because we often call this the farm bill. Yet 70 percent of it goes into our nutrition programs. What percent goes to the commodity programs? A little less than 14 percent. And those important conservation programs I talked about? They get around 7 percent of the funding in the bill. The rest, the 8 or 9 percent that is left over, goes into the rural development part, the titles—the energy titles and other portions of the bill that are critically important to our national concerns, such as rural development and energy.

When you look at this bill, it is not an ag bill or a farm bill. It is a food and fiber bill. It is much more than that. It is a bill that is very important, as I have said, to everything from energy policy to rural development to our conservation efforts in this country to our agriculture commodity programs and to our nutrition programs for those who face hunger in this Nation. It is important to recognize that.

Also, I think it is important for us to note that some criticize this bill for not being reform minded enough and not being strict enough on payment limitations for the extremely wealthy who, it is claimed, get all of the resources of the bill in that 14-percent commodity title. However, the conference report has taken major steps forward in terms of reform. I think those steps need to be recognized and noted.

The conference report would eliminate the triple entity rule, which has already been talked about extensively on the Senate floor tonight, and changes the current adjusted gross income limit from $2.5 million to $500,000 for nonfarm and $750,000 for farm income. These are considerable reforms that should be acknowledged and recognized.

This is a broad and diverse country, and no bill is a perfect bill from the perspective of any individual Senator, I am sure. We have 50 States and 435 Congressional Districts and we have tremendous debates about how we should implement policy. But this bill worked its way through that process to develop policy and reforms that are meaningful and significant and should not be undermined.

In conclusion, this legislation with its 15 titles covers a wide range of important policy matters that go far beyond our traditional farm support, as I have said. These titles include things, as I have indicated, such as conservation, trade and food aid, nutrition, farm credit, research, energy opportunities, crop insurance, and disaster assistance and many more. The breadth and depth of this legislation reaches into so many people's lives—everyone in America, not just those in farm country—everyone in America should be paying attention to this legislation and should be glad that we have been able to find that agreement that has enabled us to get a conference report between the House and Senate.

Again, I thank all my colleagues for their tremendous work in this very difficult and lengthy process we have been going through, to make sure we develop the right policies for our food and fiber in this Nation, and we continue to keep America strong and on the competitive edge in the production of food and fiber for the world.

Mr. LUGAR. Mr. President, I rise today to express my opposition to the Food, Conservation, and Energy Act of 2008, referred to as the 2008 farm bill. The 2008 farm bill contains many worthwhile polices, including valuable investments in conservation and nutrition programs. However, it fails to provide meaningful crop subsidy program reforms that most Americans would support.

This farm bill continues a set of antiquated programs that send a majority of payments only to farmers earning over $200,000 a year. It exceeds the budget allocation by $10–$20 billion through the use of tax policies and budgetary sleights of hand. The perception of being within the budget limit is not reality.

While it is true that subsidies are only part of the overall bill, Congress should not accept these outmoded policies in order to move along other priorities. The fiscal, food and trade policy costs are too great and too damaging.

This farm bill continues the "three-legged stool" of a "farm safety net" that targets mostly corn, soybean, wheat, rice, and cotton farmers. The first leg is the practice of sending $20 billion in direct payments to only 43 percent of U.S. farms. Of those, only 8 percent receive 58 percent of the payments. These payments have nothing to do with markets, disasters, or need, and they have been ruled to violate trade agreements. This farm bill reduces these payments by a miniscule 2 percent. Farmers, who had received an average $94 per acre for a history of growing rice, would still receive $92.40 under this farm bill.

Second, the farm bill continues counter-cyclical payments that are made when prices go down. Third, these targeted farmers may also receive unlimited marketing loan payments—farmers do not need to repay government loans if prices fall below a targeted rate. Additionally, this farm bill retains a government administered supply and demand program that keeps sugar prices for consumers well above world market prices.

Farm bill conferees added yet a fourth leg to the farm subsidy stool by creating a new $4 billion standing disaster program to cover losses due to droughts and floods. The idea of a permanent disaster program may have merit, especially when you consider that Congress has passed legislation to fund ad hoc disaster payment assistance nearly every year for the last 20 years. But we should ask ourselves, if the current expensive farm bill is failing to provide a safety net to farmers when these devastating events do happen, then what is the purpose of the farm bill? Why do we need a new program administered by a separate Federal agency to fulfill what most Americans believe is the core purpose of the legislation before us? We should fix the root problem, namely that the current subsidy system does not work and wastes taxpayer dollars.

Trade distortion is yet another major problem with the bill. In 2004, Brazil won a World Trade Organization, WTO, case against U.S. cotton programs based on the trade distorting nature of direct payments, countercyclical payments, and marketing loan payments. Similar cases against other commodities are now being deliberated. Surprisingly, instead of fixing the programs to shield U.S. farmers from these challenges, this farm bill continues these programs and provocatively increases the subsidy rates.

How, in good faith, can we ask other governments to join us in trading partnerships, or to abide by fair trade agreements, when this Congress blatantly ignores our own commitments? Some Senators may wonder why we should be concerned about violating WTO commitments. They might think that this is simply limited to agriculture or specific crops with little impact on our overall economy. Others might even suggest that we are better off building up more barriers to trade; that this farm bill is about American farmers not farmers in Brazil or elsewhere. However, if Senators look further down the line they will see that our WTO violations could cost the United States billions in revenue, intellectual property, and lost trade opportunities. Failure to move toward compliance will invite retaliatory tariffs that legally can be directed at any U.S. industry.

It could be argued that flaunting these commitments would be justified in order to save the U.S. farming sector from sure ruin. However, that would ignore the realities of our current farm economy and the actual structure of these farm programs. Thanks to strong foreign and domestic demand, net farm income for 2007 was nearly $89 billion, up $30 billion from 2006 and $30 billion above the average for the previous 10 years, setting a new farm income record. Estimates for 2008 project net farm income to top $92 billion. As a result, average farm household income is projected to be almost $89,000 in 2008, up 9 percent from 2006, and well above average U.S. household income of $67,000.

We need a new farm bill that ensures a stable farm economy and a healthy food supply. I do not believe our Nation is best served by this farm bill that continues to make payments that defy common sense, snubs our trading partners, and balloons taxpayer spending. Last year I joined Senator FRANK LAUTENBERG and others in offering a farm bill alternative that received 37 votes on the Senate floor. It would have provided all farmers with a more equitable "safety net," as well as greater investment in conservation, rural energy projects, and nutrition.

Under the proposal, farmers, for the first time, would receive—at no cost to them—either expanded county-based crop insurance policies that would cover 85 percent of expected crop revenue, or 80 percent of a farm's five year average adjusted gross revenue. These subsidized insurance tools already exist, but our reforms would have made them more effective and universally used, while controlling administrative costs. Farmers would also be able to purchase insurance to cover the remainder of their revenue and yields. In addition, the amendment would have created optional risk management accounts that would be available to every farmer and rancher and provide incentives for them to put away money in good years to cover lean years. Our program would be available to all farmers in the country—regardless of products—and not just a select few corn, soybean, wheat, rice, and cotton farmers.

Using the savings from this approach could fund important expansion in conservation, nutrition, energy, and research programs. In fact, the approach made more significant investments within the Federal budget in these areas than the farm bill before us and even found savings to help pay down our Nation's budget deficit, which this year is approaching $400 billion.

I will vote against the farm bill conference report and support a presidential veto of the bill. I further suggest that the Lugar-Lautenberg FRESH Act remains a reform option, a constructive alternative that will save taxpayers billions, provide a generous safety net, and allow for funding of farm, nutrition, bioenergy, conservation, and rural development programs without budget-breaking gimmicks.

Mr. DOMENICI. Mr. President, every morning thousands of Americans wake up to a bowl of Wheaties, the vast majority of whom have never asked where their Wheaties come from. I submit to you that the farm bill is the primary factor responsible for providing America with safe, healthy, and affordable food and fiber, including Wheaties. What we are debating today is of paramount importance to each and every American.

If you look at the title of this bill, the Food, Conservation, and Energy Act of 2008, you will not see the word agriculture. This begs the question, What does this bill really mean to agriculture and the American farmer and rancher?

By way of example, I have been contacted by the Dairy Producers of New Mexico which told me that the farm bill does not, on the whole, help rural New Mexico. Rather its policies have short-term and long-term implications that can harm my State. The primary source of economic activity in rural New Mexico today is dairy farming. There are approximately 172 dairy farms with approximately 4,221 direct employees and 17,150 indirect employees. These local operations contribute $1.02 billion direct dollars to the economy and $2.6 billion indirect dollars to the economy. The farm bill undermines the economic stability that the dairy industry plays a large role in creating.

The dairy title subsidizes dairy farmers who compete with New Mexico dairymen. Under the farm bill, the "MILC" program not only funds milk produced in other regions of the country, at rates higher than New Mexico, it increases those payments. The new bill ensures that the amount of those payments will rise when feed prices go up. This is despite the fact that virtually all of the grain used by producers outside New Mexico is raised by them and they are insulated from much of that price inflation. New Mexico's farmers purchase their feed but receive only partial payments. In short, the Dairy Price Support Program provides no support at all.

I applaud the efforts that were made in this bill to address nutrition concerns, provide for broader flexibility for specialty crop growers, and assist rural communities. However, it does not appear to me that enough progress has been made toward conservation programs and other reform initiatives. Moreover, while the bill does continue the peanut handling benefits it does not continue the peanut storage provisions contained in the 2002 farm bill. This alone will cost New Mexico peanut growers up to an additional $50 to $60 per ton, which represents at least $74 million to peanut producers in my State. I am not convinced that this is the best we can do for the people who feed our Nation and I am left wondering if this farm bill is already out of date before it is even law.

The Congressional Budget Office tells us that this bill will cost $307 billion over the next 5 years and almost double that figure over 10 years, which is cause for concern in and of itself.

Ultimately, I am unwilling to support a measure that is counterproductive to the most important agriculture component in New Mexico, our dairy industry. Instead of enacting policies that will encourage stability and continued growth of dairies in States like New Mexico, the conference report before us today says our farm policy should be to erect unreasonable hurdles and obstacles for many dairies. I intend to vote against this bill and I urge my colleagues to do the same.

Mr. HARKIN. Mr. President, I certify that the information required by Senate rule XLIV, related to congressionally directed spending, has been identified in the conference report to accompany the Food Conservation and Energy Act of 2008, numbered H.R. 2419, filed on May 12, 2008, and that the required information has been available on a publicly accessible congressional Web site at least 48 hours before a vote on the pending conference report.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 307 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation, including one or more bills and amendments, that reauthorizes the 2002 farm bill or similar or related programs, provides for revenue changes, or any combination thereof. Section 307 authorizes the revisions provided that certain conditions are met, including that amounts provided in the legislation for the above purposes not exceed $20 billion over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

On November 5, 2007, I filed a reserve fund adjustment pursuant to section 307 for an amendment in the nature of a substitute to H.R. 2419. That legislation passed the Senate on December 14, 2007. The Senate is considering the conference report to accompany H.R. 2419, the Food, Conservation, and Energy Act of 2008. I find that the conference report also satisfies the conditions of the deficit-neutral reserve fund for the farm bill, including being fully paid for over both the five and 10-year time periods. Therefore, pursuant to section 307, I am amending the reserve fund adjustment made on November 5, 2007, and further revising the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Committee on Agriculture, Nutrition, and Forestry, to reflect the final estimate for the completed farm bill.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

(In billions of dollars)

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,016.793
FY 2009	2,114.754
FY 2010	2,170.343
FY 2011	2,351.046
FY 2012	2,493.878
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.003
FY 2009	7.828
FY 2010	6.622
FY 2011	−43.504
FY 2012	−103.218
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,501.726
FY 2009	2.520.890
FY 2010	2,573.040
FY 2011	2,688.764
FY 2012	2,720.897
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,473.063
FY 2009	2,569.024
FY 2010	2,601.423
FY 2011	2,695.166
FY 2012	2.702.695

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

(In millions of dollars)

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−1,500
FY 2008 Outlays	−976
FY 2008–2012 Budget Authority	401
FY 2008–2012 Outlays	−483
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	15,588
FY 2008 Outlays	13,653
FY 2008–2012 Budget Authority	77,282
FY 2008–2012 Outlays	70,566

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

60TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

Ms. SNOWE. Mr. President, over the past week, the Jewish people and their friends around the world have celebrated the historic and proud occasion of the 60th anniversary of the founding of the modern State of Israel. I rise to join my colleagues in again congratulating and honoring the Israeli people in reaching this monumental milestone, and to recognize the enduring and unwavering relationship between our two countries.

During my tenure in public service, it has truly been an honor to consistently stand with Israel. Throughout my 29 years in Congress—begun the same year, 1979, when I attended the signing of the Israeli-Egyptian peace treaty at the White House—I have fought for Israel's absolute right to exist in peace, and I have understood Israel's enduring value as a strategic ally to America. And for twice as long as I have been privileged to help enhance this relationship in Congress, Israel has proven itself time and again not only to be a true ally of the United States in terms of our shared security interests, but also in terms of upholding democratic ideals.

In its first 60 years, the modern State of Israel has proven itself to be a bastion of democracy in a region rife with authoritarianism. Israel is the only country in the Middle East whose citizens enjoy the right to vote, speak, and pray freely. As notable as it is that Israel has successfully brought these critical elements of western-style democracy to the region, it is even more remarkable that it has been able to guarantee these freedoms while under constant threat from terrorists and countries along its borders. In this way, Israel has proven itself to be a true democracy—a paragon of political openness and liberty.

As the first woman to serve in both houses of a State legislature and both Houses of the U.S. Congress, I regard Israel's inclusion and empowerment of women in politics as an especially inspiring feature of its democratic triumph. Highlighted by the election of Golda Meir as Prime Minister in 1969, Israeli women played as central a role in the founding and flourishing of the State of Israel as their male counterparts. Meir's legacy is proudly continued today by countless Israeli women in top government positions in Israel, including Foreign Minister Tzipi Livni, Speaker of the Knesset Dalia Itzik, and Justice Dorit Beinish, who serves as the President, or Chief Justice, of the Supreme Court.

Again, Israel's proud record of outstanding participation by women in the governance of their country stands in stark contrast to the disenfranchising of women from public life elsewhere in the Middle East. And while many of its neighbors suffer from a high illiteracy rate among women, Israel has achieved educational parity for men and women, with 57 percent of all academic degrees in the country being earned by women.

By advancing the causes of political inclusiveness and freedom, the State of Israel has done more than provide a vibrant homeland for the Jewish people, it has emerged a beacon of modernity and hope in an ancient and still troubled region. And there should be no doubt that the people and Government of United States continue to stand alongside Israel as it seeks peace even as it endures daily rocket attacks against its citizens and vile, hate-filled rhetoric from radical and dangerous strongmen who speak of its destruction. In supporting Israel against these threats, we support the dignity of all peoples against those who would prefer the oppressions of humanity's past to the promise of its future.

And so, on the occasion of its 60th anniversary, I rise not only to commend the State of Israel and its people, but also to thank them, for their friendship, for their bravery, and for their defense of that which is righteous in the world.

Mr. SPECTER. Mr. President, I have sought recognition to commemorate the 60th anniversary of Israel's founding.

On May 14, 1948, members of the Jewish People's Council gathered at the Tel Aviv Museum to approve the Declaration of the Establishment of the State of Israel. The declaration stated, in part, "The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations." These were the principles Israel was founded on, and these same principles guide it today.

I have visited Israel 25 times since taking office in 1981. Under the able leadership of the numerous Israeli leaders whom I have come to know over that period, Israel has remained a bastion of democracy in the Middle East.

According to the Freedom House's "Freedom in the World 2008" report, Israel is the only free country in the Middle East. Evidence of Israel's strong democratic traditions is seen in the inquisitiveness of its press: the Freedom House considers the Israeli press to be the only free press in the region.

Israel's economy has also prospered under democratic rule. According to the Economist Intelligence Unit, "Israel's economy is far more diversified and sophisticated than its neighbors." "Israel has the highest proportion of engineers in the workforce [worldwide], and nearly double the share of second-place US and Japan." Its well-educated populace has enabled its high-tech industry to make advances in research and development, enabling Israeli firms "to achieve global leadership in a number of fields, including various segments of the software industry, anti-virus protection and computer security systems, as well as in the areas of fiber optics and electro-optics, medical instruments and medical imaging systems."

During my time in the Senate, I have worked to ensure Israel's security. One aspect of this has been securing economic and military assistance for Israel. During my most recent trip to Israel, in December 2007, I met with President Shimon Peres and Prime Minister Ehud Olmert. We discussed, among other things, the Israeli-Palestinian peace process, Iran's role in the region, and the U.S.-Israeli bilateral relationship. In each instance, it was clear to me that both the United States and Israel benefit greatly from our strong ties and shared ideals.

At the core of the United States-Israeli relationship is the Middle East peace process. There have been so many developments since Israel emerged as a state. The enmity which has existed for decades has meant senseless killing, terrorism in Israel, and Hezbollah and Hamas firing rockets into Israel, prompting the justified retaliation by Israel as a matter of self defense.

It is crucial that Israel's neighbors understand the importance of words and perceptions in the peace process, bringing the region closer to the goals set forth in the November 27, 2007 Joint Israeli-Palestinian Declaration at Annapolis: "We express our determination to bring an end to bloodshed, suffering and decades of conflict between our peoples; to usher in a new era of peace, based on freedom, security, justice, dignity, respect and mutual recognition; to propagate a culture of peace and nonviolence; to confront terrorism and incitement, whether committed by Palestinians or Israelis."

The democratic principles set forth in the Declaration of the Establishment of the State of Israel have enabled Israel to thrive for the past 60 years and will continue to guide it into the future.

Mr. BARRASSO. Mr. President, I rise today to acknowledge the 60th anniversary of the founding of the modern State of Israel.

On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the Government established full diplomatic relations.

The United States and Israel share a deep friendship and alliance. Our alliance is based on the belief of the United States in Israel's right to exist and our countries' shared values of democracy.

Both Israel and the United States understand the values of life, liberty, opportunity, security, and freedom. Additionally, we both seek to address the common threat of terrorism. We recognize that terrorist organizations have denounced the values of freedom, and we are dedicated to ensuring that terrorism does not prevail.

Throughout Israel's history, the country has strived to build a democratic nation despite severe obstacles. Yet the people of Israel continue to show great strength and perseverance as they seek peace with their neighbors.

I extend my congratulations to our friends, the people of Israel, and I join them in celebrating this occasion.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the early morning hours of Saturday, May 10, 2008, in Muncie, IN, Kyle Flood was attacked for being gay in what he believes was a hate crime. Flood, a 21-year-old college student at Ball State University, says he was leaving a bar at about 3 a.m. when two college-aged men approached him and his friends using anti-gay epithets. When the two groups crossed paths, a fight erupted. Flood was shoved to the ground and punched in the face. He was later treated at the local hospital for a scratched cornea, swollen eye, cuts and bruises. The Ball State community has reacted to the beating, and students have been informed to stay calm and try to travel to and from social events in groups. Police Chief Gene Burton has said that bias-motivated attacks are rare among students, but that they have happened before. No arrests have been made in connection with the assault.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL FOSTER CARE MONTH

Mrs. BOXER. Mr. President, today I wish to recognize National Foster Care Month, an effort to raise awareness about our responsibility to support the more than half a million children across the Nation who are living in foster care. I would also like to take this opportunity to pay tribute to the dedicated adoptive parents who provide these vulnerable youth with the permanent families they deserve.

Having a family is vitally important to foster youth like JoJo Carbonell, from my home State of California. When she was in school, JoJo had to ask her teacher to excuse her from the assignment to make a family tree because she didn't know any of her relatives except her birth mother and her sisters. For JoJo, one of the most important reasons that she is now successful and stable is her foster parent, Sue Crowley. From Sue, JoJo learned the importance of family and began to develop heartfelt traditions she will carry with her forever. As JoJo grew older, she and Sue decided to become a permanent family through adoption.

I am proud of California's success in finalizing more than 66,500 adoptions of children from foster care between 2000 and 2006, but sadly many foster youth are never united with a permanent, stable family.

For Priscilla Davis, who "aged out" after spending 3 years at nine different placements in California's foster care system, having a family would mean having someone she could call if she is having a problem; having a family would mean there is someone to catch her if she makes a mistake; having a family would mean someone to call if something wonderful happens.

Unfortunately, Priscilla is one of about 4,000 foster youth in California, and more than 20,000 youth nationwide who emancipate, or "age out" of foster care every year without ever finding a permanent family or establishing a relationship with an adult who will love, support, and guide them.

A recent report by Kids Are Waiting and the Jim Casey Youth Opportunities Initiative found that while the total number of children in foster care has declined, the number of young people aging out of foster care has increased 41 percent since 1998.

Last year, I introduced the Foster Care Continuing Opportunities Act, S. 1512, which would extend Federal funding to those States that try to provide services that help foster youth transition to adulthood. Right now, the future for foster youth when they are emancipated is often bleak. In California, about 65 percent of emancipated youth face homelessness, less than 3 percent go to college, and 51 percent are unemployed.

While extending support for these services at a Federal level could make an extraordinary difference in the success of these youth in transitioning to adulthood, the best way for us to ensure these youth find the families they deserve is to reauthorize the Federal Adoption Incentive Program.

The Adoption Incentive Program encourages States to find foster children like JoJo and Priscilla permanent homes through adoption, with an emphasis on finding adoptive homes for special needs children and foster children over the age of 9. This important program must be renewed before it expires on September 30 this year.

I urge my colleagues to celebrate National Foster Care Month by supporting these important efforts to ensure that the Federal Government meets its responsibility to care for these youth—not just their future, but the future of our Nation depends on it.

Ms. CANTWELL. Mr. President, in recognition of May as National Foster Care Month, I want to extend my personal thanks to all of the families in Washington State and throughout our country who have adopted children from the Nation's foster care system. Foster children, through no fault of their own, face unique challenges in attaining permanent, loving homes. We can all agree that, regardless of background, all children in our country deserve to have a safe, loving home and the opportunity to pursue their dreams.

In 2005, almost 1,200 of Washington's children left foster care to join adoptive families—but that same year more than 2000 foster children in Washington were still waiting to be adopted. They had to wait an average of over 3 years to find adoptive families. Vulnerable children should not have to wait so long for the safe, permanent families that all children need.

The Federal Adoption Incentive Program, a program first enacted by Congress in 1997, plays an important role in encouraging adoption. The program provides States like Washington with incentive payments for adoptions that exceed an established baseline and includes additional incentives for adoptions of older foster children and children with special needs. Between 2000 and 2006, the Adoption Incentive Program helped 5,700 children in Washington's foster care system join adoptive families.

I am also pleased to support the Kinship Caregiver Act, introduced by Senator CLINTON in February 2007. The Kinship Caregiver Support Act is intended to assist the millions of children who are being raised by their grandparents and other relatives because their parents are not able to care for them. Among other things, this important legislation would establish a Kinship Navigator Program to help link relative caregivers to a broad range of services and supports that they need for their children and themselves.

I join my colleagues in the Senate in paying tribute to the many prospective and veteran adoptive families, and I look forward to pursuing reforms that support children in foster care.

NEW ENGLAND PATRIOTS VIDEOTAPING

Mr. SPECTER. Mr. President, the Patriots engaged in extensive videotaping of opponents' offensive and defensive signals starting on August 20, 2000, and extending to September 9, 2007, when they were publicly caught videotaping the Jets.

The extent of the taping was not disclosed until the NFL was pressured to do so. Originally, Commissioner Goodell said the taping was limited to late in the 2006 season and early in the 2007 season. In his meeting with me on February 13, 2008, Goodell admitted the taping went back to 2000. Until my meeting with Matt Walsh on May 13, 2008, the only taping we knew about took place from 2000 until 2002 and during the 2006 and 2007 seasons.

That left an obvious gap between 2003 and 2005. In response to my questions, Matt Walsh stated he had season tickets in 2003, 2004 and 2005 and saw Steve Scarnecchia, his successor, videotape games during those seasons including:

The Patriots' September 9, 2002, game against the Steelers.

The Patriots' November 16, 2003, game against the Cowboys.

The Patriots' September 25, 2005, game against the Steelers, which the Steelers resoundingly won 34–20.

Walsh stated he observed Scarnecchia filming additional Patriots home games, though he could not recall the specific games.

Walsh said he did not tell Goodell about the taping during 2003, 2004 and 2005 because he was not asked.

The NFL confiscated the Jets tape on September 9, 2007; imposed the penalties on September 13, 2007; on September 17, 2007, viewed the tapes for the first time; and then announced they had destroyed those tapes on September 20, 2007. Commissioner Goodell made his judgment on the punishment to be levied before he had viewed the key evidence.

Matt Walsh and other Patriots employees, Steve Scarnecchia, Jimmy Dee, Fernando Neto and possibly Ed Bailey were present to observe most if not all of the St. Louis Rams walkthrough practice in advance of the 2002 Super Bowl, including Marshall Faulk's unusual positioning as a punt returner.

David Halberstam's book, "The Education of a Coach," documents the way Belichick spent the week before the Super Bowl obsessing about where the Rams would line up Faulk.

Walsh was asked and told Assistant Coach, Brian Daboll, about the walkthrough. Walsh said Daboll asked him specific questions about the Rams offense and Walsh told Daboll about Faulk's lining up as a kick returner. Walsh also told Daboll about Rams running backs "lining up in the flat." Walsh said Daboll then drew diagrams of the formations Walsh had described. According to media reports, Daboll denied talking to Walsh about Faulk. We do not know what Scarnecchia, Dee, Neto or Bailey did or even if they were interviewed.

The Patriots took elaborate steps to conceal their filming of opponents' signals. Patriots personnel instructed Walsh to use a "cover story" if anyone questioned him about the filming.

For example, if asked why the Patriots had an extra camera filming, he was instructed to say that he was filming "tight shots" of a particular player or players or that he was filming highlights. If asked why he was not filming the play on the field, he was instructed to say that he was filming the down marker.

The red light indicating when his camera was rolling was broken.

During at least one game, the January 27, 2002, AFC Championship game, Walsh was specifically instructed not to wear anything displaying a Patriots logo. Walsh indicated he turned the Patriots sweatshirt he was wearing at the time inside-out. Walsh was also given a generic credential instead of one that identified him as team personnel.

These efforts to conceal the filming demonstrate the Patriots knew they were violating NFL rules.

The filming enabled the Patriots coaching staff to anticipate the defensive plays called by the opposing team. According to Walsh, he first filmed an opponents' signals during the August 20, 2000, preseason game against the Tampa Bay Buccaneers. After Walsh filmed a game, he would provide the tape for Ernie Adams, a coaching assistant for the Patriots, who would match the signals with the plays.

Walsh was told by a former offensive player that a few days before the September 3, 2000, regular season game against Tampa Bay, he—the offensive player—was called into a meeting with Adams, Bill Belichick and Charlie Weis, then the offensive coordinator for the Patriots, during which it was explained how the Patriots would make use of the tapes. The offensive player would memorize the signals and then watch for Tampa Bay's defensive calls during the game. He would then pass the plays along to Weis, who would give instructions to the quarterback on the field. This process enabled the Patriots to go to a "no-huddle" offensive, which would lock in the defense the opposing team had called from the sideline, preventing the defense from making any adjustments. When Walsh asked whether the tape he had filmed was helpful, the offensive player said it had enabled the team to anticipate 75 percent of the plays being called by the opposing team.

Among the tapes Walsh turned over to the NFL is one of the AFC Championship game on January 27, 2002, in which the Patriots defeated the Steelers by a score of 24–17. When the Patriots played the Steelers again during their season-opener on September 9, 2002, the Patriots again won, this time by a score of 30–14.

On October 31, 2004, the Steelers beat the Patriots 34–20, forced four turnovers, including two interceptions, and sacked the quarterback four times. In the AFC Championship game on January 23, 2005, the Patriots won 41–27 and intercepted Ben Roethlisberger three times. The Steelers had no sacks that game.

With respect to the 2002 AFC Championship game, it was reported in February of this year that Hines Ward, Steelers wide receiver, said: "Oh, they know. They were calling our stuff out. They knew, especially that first championship game here at Heinz Field. They knew a lot of our calls. There's no question some of their players were calling out some of our stuff."

In addition, Eagles cornerback, Sheldon Brown, reportedly said earlier this year that he noticed a difference in New England's play calling in the second quarter of the February 6, 2005, Super Bowl game.

Tampa Bay won the August 20, 2000, preseason game by a score of 31–21. According to the information provided by Matt Walsh, the Patriots used the film to their advantage when they played Tampa Bay in their first regular season game on September 3, 2000. The Patriots narrowed the spread, losing by a score of 21–16. After the game, Charlie Weis, the Patriots' offensive coordinator, was reportedly overheard telling Tampa Bay's defensive coordinator, Monte Kiffin, "We knew all your calls, and you still stopped us." The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on September 24, 2000, a game the Patriots lost by 10–3.

According to Walsh, when the Patriots first began filming opponents, they filmed opponents they would play again during that same season. The Patriots played the Dolphins again that season on December 24, 2000; they again narrowed the spread, losing by a score of 27–24.

According to Walsh, he filmed the Patriots' game against Buffalo on November 5, 2000, a game the Patriots lost 16–13. When the Patriots played the Bills again that season on December 17, 2000, the Patriots won by a score of 13–10.

During the following season, Walsh filmed the Patriots' game against the Jets on September 23, 2001, a game the Patriots lost by a score of 10–3. When the Patriots played the Jets again that season on December 2, 2001, the Patriots won by a score of 17–16.

The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on October 7, 2001, a game the Patriots lost by 30–10. When the Patriots played the Dolphins again that season on December 22, 2001, the Patriots won by a score of 20–13.

The Patriots filmed opponents offensive signals in addition to defensive signals. On April 23, 2008, the NFL issued a statement indicating that "Commissioner Goodell determined last September that the Patriots had violated league rules by videotaping opposing coaches' defensive signals during Patriots games throughout Bill Belichick's tenure as head coach." However, the tapes turned over by Matt Walsh contain footage of offensive signals. The tapes turned over to the NFL and the information provided by Walsh proves that the Patriots also routinely filmed opponents' offensive signals.

Why the Patriots videotaped signals during games when they were not scheduled to play that opponent during the balance of the season unless they were able to utilize the videotape during the latter portion of the same game. The NFL has not addressed the question as to whether the Patriots decoded signals during the game for later use in that game.

Mark Schlereth, a former NFL offensive lineman and an ESPN football analyst, is quoted in the New York Time on May 14:

> Then why are you doing it against teams you aren't going to play again that season?"
>
> Schlereth said that "the breadth of information on the tapes mainly, the coaches' signals and the subsequent play would be simple for someone to analyze during a game. There are enough plays in the first quarter, he said, to glean any team's "staples," and a quick review of them could prove immediately helpful. I don't see them wasting time if they weren't using it in that game.

Walsh said that Dan Goldberg, an attorney for the Patriots, was present at his interview and asked questions. With some experience in investigations, I have never heard of a situation where the subject of an investigation or his/her/its representative was permitted to be present during the investigation. It strains credulity that any objective investigator would countenance such a practice. During a hearing or trial, parties will be present with the right of cross-examination and confrontation but certainly not in the investigative stage.

Commissioner Goodell misrepresented the extent of the taping when he said at the Super Bowl press conference on February 1, 2008:

> I believe there were six tapes, and I believe some were from the pre-season in 2007, and the rest were primarily in the late 2006 season. In addition, there were notes that had been collected, that I would imagine many teams have from when they scout a team in advance, that we took, that may have been collected by using an illegal activity, according to our rules. Later, Goodell said of the taping [W]e think it was quite limited. It was not something that was done on a widespread basis.

Commissioner Goodell materially changed his story in his meeting with me on February 13, 2008, when he said there has been taping since 2000.

There has been no plausible explanation as to why Commissioner Goodell imposed the penalty on September 13, 2007, before the NFL examined the tapes on September 17, 2007.

There has been no plausible explanation as to why the NFL destroyed the tapes. Commissioner Goodell sought to explain his reason by saying during his February 1, 2008 press conference that:

> We didn't want there to be any question about whether this existed. If it shows up again, it would have to be something that came outside of our investigation and what I was told existed.

On April 23, 2008, the NFL issued a statement that the penalties imposed on the Patriots last fall were solely for filming defensive signals. "Commissioner Goodell determined last September that the Patriots had violated league rules by videotaping opposing coaches' defensive signals during Patriots games throughout Bill Belichick's tenure as head coach." The tapes turned over by Matt Walsh also contain footage of offensive signals.

The overwhelming evidence flatly contradicts Commissioner Goodell's assertion that there was little or no effect on the outcome of the game: during his February 1, 2008, press conference, Commissioner Goodell stated "I think it probably had a limited effect, if any effect, on the outcome on any game." Later during the press conference, Goodell stated again "I don't believe it affected the outcome of any games." Commissioner Goodell's effort to minimize the effect of the videotaping is categorically refuted by the persistent use of the sophisticated scheme which required a great deal of effort and produced remarkable results.

In the absence of the notes, which the NFL destroyed, of the Steelers' three regular season games and two postseason games, including the championship game on January 23, 2005, we do not know what effect the videotaping of the earlier games, especially the October 31, 2004, game, had on enabling the Patriots to win the AFC Championship. It is especially critical that key witnesses—coaches, players—be questioned to determine those issues.

Failure to question—or at least publicly disclose the results of—key witnesses to other matters identified herein on what we do not know.

On the totality of the available evidence and the potential unknown evidence, the Commissioner's investigation has been fatally flawed. The lack of candor, the piecemeal disclosures, the changes in position on material matters, the failure to be proactive in seeking out other key witnesses, and responding only when unavoidable when evidence is thrust upon the NFL leads to the judgment that an impartial investigation is mandatory.

There is an unmistakable atmosphere of conflict of interest or potential conflict of interest between what is in the public's interest and what is in the NFL's interest. The NFL has good reason to disclose as little as possible in its effort to convince the public that what was done wasn't so bad, had no significant effect on the games and, in any event, has all been cleaned up. Enormous financial interests are involved and the owners have a mutual self-interest in sticking together. Evidence of winning by cheating would have the inevitable effect of undercutting public confidence in the game and reducing, perhaps drastically, attendance and TV revenues.

The public interest is enormous. Sports personalities are role models for all of us, especially youngsters. If the Patriots can cheat, so can the college teams, so can the high school teams, so can the 6th grader taking a math examination. The Congress has granted the NFL a most significant business advantage, an antitrust exemption, highly unusual in the commercial world. That largesse can continue only if the NFL can prove itself worthy. Beyond the issues of role models and antitrust, America has a love affair with sports. Professional football has topped all other sporting events in fan interest. Americans have a right to be guaranteed that their favorite sport is honestly competitive.

In an extraordinary time, baseball took extraordinary action in turning to a man of unimpeachable integrity—Federal Judge Kenesaw Mountain Landis—to act forcefully and decisively to save professional baseball from the Black Sox scandal in 1919.

On this state of the record, an objective, thorough, transparent investigation is necessary. If the NFL does not initiate an inquiry like the investigation conducted by former Senator George Mitchell for baseball, it will be up to Congress to get the facts and take corrective action.

ADDITIONAL STATEMENTS

HONORING MILDRED AND RICHARD LOVING

• Mr. CARDIN. For many young Americans, it is hard to believe that only 40 years ago, citizens of the United States were subject to prosecution and imprisonment for marrying someone of a different race. But in 1967 that was indeed the situation in 16 States where interracial marriage was illegal.

In 1958, Mildred Jeter, a black Native American, traveled with Richard Loving, a Caucasian, from Virginia's Caroline County to the District of Columbia to be married. They came here because their home State of Virginia's antimiscegenation laws prohibited interracial marriage. Shortly after returning to Virginia, Mr. and Mrs. Loving were arrested in their home. They pled guilty to violating section 20-58 of the Virginia Code: "Leaving State to evade law—If any white person and colored person shall go out of this State, for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return and reside in it, cohabiting as man and wife, they shall be punished as provided in Section 20-59, and the marriage shall be governed by the same law as if it had been solemnized in this State. The fact of their cohabitation here as man and wife shall be evidence of their marriage." Section 20-59 of the code provided for confinement for between 1 and 5 years. The Lovings were sentenced to 1 year in jail, but the trial judge suspended the sentence for a period of 25 years on the condition that the couple leave the State and agree not to return simultaneously for the next 25 years.

But after some time away, the couple began to miss Virginia and decided to pursue justice. They hired lawyers and challenged the Virginia law through years of court cases leading up to the United States Supreme Court. The Supreme Court heard the case of Richard Perry Loving et ux, v. Virginia on April 10 and decided the case unanimously on June 12, 1967, noting that "the clear and central purpose of the Fourteenth Amendment was to eliminate all official sources of invidious racial discrimination in the States. . . . We have consistently denied the constitutionality of measures which restrict the rights of citizens on account of race. There can be no doubt that restricting the freedom to marry violates the central meaning of the Equal Protection Clause . . . Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State. These convictions must be reversed. It is so ordered."

Due to their unyielding belief in equality and the work of dedicated attorneys, the Lovings prevailed. They made their home in Virginia and raised three children. According to published accounts of their life together, times were hard for the family. Hit by a drunk driver in 1975, Richard Loving died and Mildred Loving was injured. Mrs. Loving lived her remaining years in Virginia until Friday, May 2, 2008, when she died at age 68.

Mildred Loving's name lacks the prominence shared by other heroes of the civil rights movement. In fact, she eschewed the limelight and viewed her case differently than what many might expect.

On the 40th anniversary of the decision, Mildred Loving stated:

> (W)hen my late husband, Richard, and I got married in Washington, DC in 1958, it wasn't to make a political statement or start a fight. We were in love, and we wanted to be married. . . .'We didn't get married in Washington because we wanted to marry there. We did it there because the government wouldn't allow us to marry back home in Virginia where we grew up, where we met, where we fell in love, and where we wanted to be together and build our family. You see, I am a woman of color and Richard was white, and at that time people believed it was okay to keep us from marrying because of their ideas of who should marry whom . . . Not long after our wedding, we were awakened in the middle of the night in our own bedroom by deputy sheriffs and actually arrested for the "crime" of marrying the wrong kind of person. Our marriage certificate was hanging on the wall above the bed. The state prosecuted Richard and me, and after we were found guilty, the judge declared: "Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix." He sentenced us to a year in prison, but offered to suspend the sentence if we left our home in Virginia for 25 years exile. We left, and got a lawyer. Richard and I had to fight, but still were not fighting for a cause. We were fighting for our love. Though it turned out we had to fight, happily Richard and I didn't have to fight alone. Thanks to groups like the ACLU and the NAACP Legal Defense & Education Fund, and so many good people around the country willing to speak up, we took our case for the freedom to marry all the way to the U.S. Supreme Court. And on June 12, 1967, the Supreme Court ruled unanimously that, "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men," a basic civil right.

Mrs. Loving's words express more poignantly than any others the importance of this case. Although she did not embrace the role of a civil rights hero, because of her forthright bravery, history will remember her as such. Last June, the House of Representatives passed unanimously H. Res 431, commemorating the 40th anniversary of the landmark Supreme Court decision legalizing interracial marriage within the United States. In addition, June 12 has informally come to be known as "Loving Day" in the United States in their honor.

Next month, when we acknowledge the 41st anniversary of that historic decision, Mrs. Loving will not be with us, but her spirit will remain. Today, I pay tribute to Mildred and Richard Loving and to their remarkable courage. I offer my sincere condolences to their children and grandchildren, and I ask my colleagues to join me in remembering them.•

IN MEMORY OF LOUISE SHADDUCK

• Mr. CRAPO. Mr. President, on May 4, Idaho lost a pioneer and one of her strongest champions. The legacy of Louise Shadduck will live in the hearts of many Idahoans, particularly for Idaho women now involved in politics or journalism. She blazed trails and inspired action and involvement in the governance of and commentary on our society.

Louise lived an incredible and full life, working as a journalist in the 1930s and 1940s and then shifting to politics where she served on the staffs of historical figures such as Governors Len Jordan and Charles Robins, Senator Henry Dworshak and U.S. Representative Orval Hansen. She was a staunch supporter of Idaho Republicans over the years, but did so with discernment, always making sure to remind those in office in her own way that it was Idahoans who they served, not themselves.

Louise enjoyed people, and they enjoyed her in return. In high school in Coeur d'Alene in the early 1930s, Louise wrote an article for a journalism contest to win a trip to Alaska. According to an old friend, the entire school got together and voted for her article; she won the trip. Louise was a hard worker. Also in high school, Louise and her six brothers took turns driving the Shadduck family dairy milk truck on its route in the mornings before school started. Some afternoons, Louise would invite her friends to pile on to the empty milk crates on the bed of the truck to go to Spokane to catch a movie. She was a pioneer in women's rights, serving as Idaho State Secretary of Commerce and Development in 1958 the first woman in the country in that position. Louise also ran unsuccessfully against Gracie Pfost for Congress in 1956. It was an historic campaign, not only because it was the first time two Idaho women ran against each other in a general election for a national legislative office, but Pfost, the Democrat incumbent, was the first woman to represent Idaho in Congress.

Louise served as executive director of the Idaho Forest Industry Council and received an honorary law degree from the University of Idaho in 1969. She was president of Idaho Press Women in 1966 and was president of the National Federation of Press Women from 1971 to 1973. Louise was an avid consumer of history, news and the world, traveling often and writing. She authored four books about Idaho and was working on a fifth when she became ill. Her mind was always sharp, as was her wit. People could count on her to be honest, forthright and inclusive, even of strangers. Many felt as if they had a second mom in Louise. She was a lover of knowledge and history, arranging family trips to show younger generations where their Shadduck pioneer roots lay. She remembered your name after the first introduction. People were vitally important to Louise, and her thirst for knowledge made her the go-to person for many people when they were researching information about Idaho. She was artistically gifted, and was known for her impromptu illustrations, sometimes hastily sketched in the front of a copy of one of her books and given to a friend.

Much of Idaho is rural. Louise internalized the importance of small-town life and the intrinsic value of people. In a small-town, you get to know just about everyone. You learn to appreciate the fact that people are much more than just faces in a crowd. In today's hurried, populated world, Louise reminded many of us what was truly important—morals, faith, mutual respect, honesty, individuality, and trustworthiness. Louise once told a reporter that people who leave this world without writing their story down means that we have lost a story. While Louise wrote many stories, we have lost an epic with her passing.

I offer my condolences to Louise's family and friends at this sad time.●

HONORING JOHN H. McCONNELL

● Mr. VOINOVICH. Mr. President, I wish to honor John H. McConnell. On April 25, Ohio lost a dear friend and true statesman. Very few people cared as much about Ohio as John did, and his legacy will live on through his tremendous contributions in the state.

Though he found great professional success in his life, John never swayed from his deep-rooted commitment to honesty and integrity in every facet of his life. With just a single load of steel, John founded Worthington Industries in 1955 out of his basement home in Columbus, OH. Since then, Worthington Industries has reached 10 countries, with 63 locations and 8,000 employees. With its main divisions in steel processing, metal framing and pressure cylinders, it generates approximately $3 billion of sales annually.

Above all else, the Worthington philosophy has always been about practicing the Golden Rule. The commitment to good citizenship, civic involvement, and philanthropy is nowhere better represented within the Worthington organization than at the very top level—and that commitment lives on with John's legacy.

Worthington Industries has also been recognized for its unfailing dedication to its employees and their families. In fact, it has been named one of the top 100 best places to work in America. John truly cared about his employees, and that attitude was reflected throughout the entire company.

I worked closely with John when Worthington Industries opened a steel plant in Delta, OH. Honestly, I never worked with anyone more candid and fair than John. When he made a commitment, it was sure—you didn't need a contract with him. He championed public and private partnerships, and as former Governor of Ohio and now U.S. Senator, I found great comfort knowing John was at the head of one of the largest companies in Ohio.

In 2000, Columbus got its first professional athletic team—the Columbus Blue Jackets hockey team. John led the group of investors that brought the team to Columbus, where he served as the team's majority owner. He also established the Columbus Blue Jackets Foundation, which uses the resources of its professional athletes, coaches, and staff to improve the quality of life throughout central Ohio.

John and his wife Peggy were also committed to advancing the care and prevention of heart disease, contributing $7.5 million to develop the McConnell Heart Hospital at Riverside Hospital in Columbus. The hospital still provides exceptional care to those in need and is the leading heart care provider in the Midwest.

John's outstanding leadership has certainly not gone unnoticed. He has been honored with Financial World Magazine's Outstanding Chief Executive Officer of the Year Award, the Horatio Alger Award, the Ohio Governor's Award, the National Football Foundation Gold Medal, the Industry Week award for Excellence in Management, and with a place in the National Junior Achievement Business Hall of Fame.

John was married to his wife Peggy for 59 years, and sadly, they were separated when she passed away in 2005. Perhaps the greatest comfort John's loved ones can take is in knowing that John has been reunited in heaven with his beloved wife. Their enduring love is a model for us all. John will be missed. His family, including his son, John P., daughter, Margaret, and five grandchildren, are in our prayers.●

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6022. An act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

At 4:43 p.m. a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

At 5:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4008. An act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this act.

H.R. 6051. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

At 6:50 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House insists upon its amendment to the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and 2010 through 2013, and asks for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, that Mr. SPRATT, Ms. DELAURO, Mr. EDWARDS, Mr. RYAN of Wisconsin, and Mr. BARRETT of South Carolina, be the managers of the conference on the part of the House.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 32. Joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6194. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close its commissary stores at Darmstadt, Wuerzburg, and Hanau, Germany; to the Committee on Armed Services.

EC–6195. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appeared in the March 2008 edition of the Treasury Bulletin; to the Committee on Banking, Housing, and Urban Affairs.

EC–6196. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12170 of November 14, 1979, with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–6197. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (145)" ((RIN2120–AA65)(Amdt. No. 3267)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6198. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (21)" ((RIN2120–AA65)(Amdt. No. 3235)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6199. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Using Agencies for Restricted Areas R–5303A, B, C; R–5304A, B, C; and R–5306A, C, D, E; NC" ((RIN2120–AA65)(Docket No. 07–ASO–28)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6200. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lexington, OK" ((RIN2120–AA66)(Docket No. 08–ASW–11)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6201. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Rumford, ME" ((RIN2120–AA66)(Docket No. 08–ANE–94)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6202. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Tucson, AZ" ((RIN2120–AA66)(Docket No. 07–ANM–12)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6203. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Farmington, ME" ((RIN2120–AA66)(Docket No. 07–ANE–93)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6204. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Oil City, PA" ((RIN2120–AA66)(Docket No. 07–AEA–10)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6205. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa 'PZL-Bielsko' Model SZD–50–3 'Puchacz' Gliders" ((RIN2120–AA64)(Docket No. 2007–CE–100)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6206. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Model AS 332 L2 Helicopters" ((RIN2120–AA64)(Docket No. 2007–SW–41)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6207. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–8–55; DC–8F–54, and DC–8F–55 Airplanes; and Model DC–8–60, DC–8–70, DC–8–60F, and DC–8–70F Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–122)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6208. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–202)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6209. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–282)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6210. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes and Airbus Model A300–600 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–239)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6211. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes, Model DC–10–15 Airplanes, Model DC–10–30 and DC–10–30F Airplanes, Model DC–10–40 and DC–10–40F Airplanes, MD–10–10F and MD–10–30F Airplanes, and Model MD–11 and MD–11F Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–163)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6212. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation, Ltd Model 750XL Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–097)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6213. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes" ((RIN2120–AA64)(Docket No. 2008–NM–047)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6214. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters" ((RIN2120–AA64)(Docket No. 2006–SW–23)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6215. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Orders TSO–C69, TSO–C69a, TSO–C69b, and TSO–C69c, Installed on Various Boeing, McDonnell Douglas, and Airbus Transport Category Airplanes" ((RIN2120–AA64)(Docket No. 2003–NM–239)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6216. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–102)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6217. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Philipsburg, PA" ((RIN2120–AA66)(Docket No. 05–AEA–21)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6218. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; State College, PA" ((RIN2120–AA66)(Docket No. 07–AEA–06)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6219. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Tappahannock. PA" ((RIN2120–AA66)(Docket No. 07–AEA–04)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6220. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Du Bois, PA" ((RIN2120–AA66)(Docket No. 05–AEA–17)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Muncy, PA" ((RIN2120–AA66)(Docket No. 07–AEA–08)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6222. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Montrose, PA" ((RIN2120–AA66)(Docket No. 07–AEA–11)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6223. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pottsville, PA" ((RIN2120–AA66)(Docket No. 05–AEA–18)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6224. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lewiston, ME" ((RIN2120–AA66)(Docket No. 07–ANE–95)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6225. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; St. Mary's, PA" ((RIN2120-AA66)(Docket No. 05-AEA-20)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Black River Falls, WI" ((RIN2120-AA66)(Docket No. 08-AGL-4)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Springfield, CO" ((RIN2120-AA66)(Docket No. 07-ANM-04)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6228. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wheatland, WY" ((RIN2120-AA66)(Docket No. 07-ANM-10)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6229. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hollister, CA" ((RIN2120-AA66)(Docket No. 07-AWP-5)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6230. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Huntsville, AR" ((RIN2120-AA66)(Docket No. 08-ASW-2)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6231. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Honesdale, PA" ((RIN2120-AA66)(Docket No. 07-AEA-12)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6232. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wheatland, WY" ((RIN2120-AA66)(Docket No. 07-ANM-10)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6233. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lewisburg, PA" ((RIN2120-AA66)(Docket No. 07-AEA-16)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Emporium, PA" ((RIN2120-AA66)(Docket No. 07-AEA-15)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marienville, PA" ((RIN2120-AA66)(Docket No. 07-AEA-13)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Eagle Pass, TX" ((RIN2120-AA66)(Docket No. 08-ASW-3)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; La Pointe, WI" ((RIN2120-AA66)(Docket No. 08-AGL-3)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600, A300 B4–600R, A300 C4–600R, and A300 F4–600R Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-225)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC–6 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-CE-008)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. TFE731–2C, –3B, –3BR, –3C, –3CR, –3D, –3DR, –4R, –5AR, –5BR, –5R, –20R, –20AR, –20BR, –40, –40AR, –40R, and –60 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 2007-NE-14)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135 Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" ((RIN2120-AA64)(Docket No. 2008-NM-001)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6242. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS 355 F2 and AS 355 N Helicopters" ((RIN2120-AA64)(Docket No. 2007-SW-31)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6243. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 45 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-007)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6244. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-146)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6245. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes" ((RIN2120-AA64)(Docket No. 2008-NM-016)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6246. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-179)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6247. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-236)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6248. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-212)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6249. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-292)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6250. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-086)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6251. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-164)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6252. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-105)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-206)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Falcon 2000, Falcon 2000EX, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, Mystere-Falcon 200, and Falcon 10 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-276)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules" ((RIN2120-AA63) (Amdt. No. 473)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules" ((RIN2120-AA63)(Amdt. No. 472)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3261)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3260)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6259. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3259)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6260. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3257)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6261. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3254)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3256)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3253)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3252)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3251)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-112)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures" ((RIN2120-AA65)(Amdt. No. 3258)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6268. A communication from the Assistant Chief Counsel for Hazardous Materials

Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments" (RIN2137-AE02) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6269. A communication from the Chief Counsel, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Launch Barge Waiver Program" (RIN2133-AB67) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6270. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report for fiscal year 2007 relative to progress in conducting environmental remedial action at federally-owned or operated facilities; to the Committee on Commerce, Science, and Transportation.

EC-6271. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 565 Increase Number of Unique Available Vehicle Identification Numbers" (RIN2127-AJ99) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6272. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Montana Regulatory Program" (Docket No. MT-026) received on May 12, 2008; to the Committee on Energy and Natural Resources.

EC-6273. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Distressed Asset Trust Transaction" (Notice 2008-34) received on May 7, 2008; to the Committee on Finance.

EC-6274. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Jacob K. Javits Gifted and Talented Students Education Program" (73 FR 21329) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6275. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report for fiscal year 2007; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3015. A bill to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Ms. MURKOWSKI, Mr. WHITEHOUSE, Mr. COLEMAN, and Mr. LIEBERMAN):

S. 3016. A bill to direct the Attorney General to provide grants for Internet Crime prevention education programs; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3017. A bill to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 3018. A bill to establish a Commission on Federal Criminal and Juvenile Justice Assistance Programs; to the Committee on the Judiciary.

By Mr. SALAZAR:

S. 3019. A bill to amend the Energy Policy Act of 2005 to promote oil shale and tar sands leasing, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mr. THUNE, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. COLEMAN, Mr. STEVENS, and Mr. SMITH):

S. Res. 564. A resolution expressing the sense of the Senate regarding oversight of the Internet Corporation for Assigned Names and Numbers; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself, Mr. BAYH, Mr. ALLARD, Mr. BINGAMAN, Mr. BROWN, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. INHOFE, Mr. ISAKSON, Mr. KENNEDY, Mr. LEVIN, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SMITH, Ms. STABENOW, Mr. STEVENS, and Mr. SESSIONS):

S. Res. 565. A resolution designating May 15, 2008 as Military Kids Day; considered and agreed to.

By Mr. JOHNSON:

S. Res. 566. A resolution designating June 2008 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Idaho (Mr. CRAIG), the Senator from New Hampshire (Mr. GREGG), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Oregon (Mr. SMITH), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kansas (Mr. ROBERTS), the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 1382

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1906

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 2394

At the request of Mr. COLEMAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2394, a bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2523

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2699

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2699, a bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

S. 2748

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2748, a bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2793

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2793, a bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes.

S. 2828

At the request of Mr. BAUCUS, the names of the Senator from New York (Mrs. CLINTON), the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2828, a bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2916

At the request of Mr. CARPER, his name was added as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2957

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2957, a bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes.

S. 2991

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. 2997

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2997, a bill to reauthorize the Maritime Administration, and for other purposes.

S. CON. RES. 75

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of Congress that the Secretary of Defense should take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces.

S. RES. 550

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Pennsylvania (Mr. CASEY), the Senator from Oregon (Mr. SMITH), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 550, a resolution expressing the sense of the Senate regarding provocative and dangerous statements made by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

AMENDMENT NO. 4759

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4759 proposed to H.R. 980, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3015. A bill to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. SMITH. Mr. President, I rise today to introduce a bill to rename the Lakeview Post Office after Dr. Bernard Daly. I am pleased to have my colleague Senator WYDEN join me in this effort by serving as original cosponsor of this bill.

Dr. Bernard Daly was an American country doctor, businessman, banker, rancher, state representative, state senator, county judge, and regent of Oregon State Agricultural College, today's Oregon State University. As early as 1888, Dr. Bernard Daly began actively encouraging young people to apply for college. When families could not afford the tuition, Daly quietly paid the bill.

During a Christmas Eve party in 1894, an oil lamp started a fire in a crowed community hall in the small town of Silver Lake, Oregon. Forty-three people were killed in the blaze, and many more were badly injured. Dr. Daly traveled by buggy from Lakeview to Silver Lake, a distance of 95 miles, over bad, snow covered roads to help victims of the tragedy. It took 24 hours of continuous travel for him to reach Silver Lake. Despite the long journey, he began treating burn victims as soon as he arrived, and continued without rest until everyone had been seen. Dr. Daly saved all but three of the badly burned persons, and his methods of healing were later published in detail in a medical journal. The fire was widely reported and written about in The Oregon Desert. Dr. Daly's efforts to reach and treat the victims earned state-wide recognition and many admirers.

When Dr. Daly died, he gave his fortune to the people of Lake County in the form of the Bernard Daly Educational Fund. Dr. Daly wrote in his will: "It is my earnest desire to help, aid and assist worthy and ambitious young men and women of my beloved county of Lake, to acquire a good education, so that they may be better fitted and qualified to appreciate and help to preserve the laws and constitution of this free country, defend its flag, and by their conduct as good citizens reflect honor on Lake county and the state of Oregon." The fact that his will specifically directed that Daly scholarships be granted to women as well as men was very progressive for that era.

Each year, approximately 40 graduates of Lake County high schools receive Daly scholarships. To date, well over two thousand students from Lakeview and other Lake County communities have used Bernard Daly's generous scholarships to attend college. Dr. Daly's educational trust fund has financed college educations for generations of Lake County, Oregon students, a legacy that continues to this day.

I have received several messages from across the country and even one from Australia supporting the renaming of the Lakeview Post Office after Dr. Bernard Daly. Each one told a story of sincere appreciation for Dr. Daly's generosity.

We urge our colleagues to support this important piece of legislation.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3017. A bill to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today I am introducing with Senator STABENOW the Beaver Basin Wilderness Act, which would permanently protect 11,740 acres within the Pictured Rocks National Park located in Michigan's Upper Peninsula along the south shore of Lake Superior. Also known as the Beaver Basin area, this area comprises about 16 percent of the national lakeshore. The Wilderness designation would ensure that opportunities to appreciate and enjoy nature in a relatively undisturbed state at this national lakeshore are preserved for future generations.

The bill responds to many of the concerns expressed during the 5-year development of the General Management Plan for Pictured Rocks, which included a wilderness study, and involved extensive public involvement. Boats powered by electric motors would be allowed on Little Beaver and Beaver Lakes within the Wilderness area. All motor boats would be allowed to access the miles of the Lake Superior shoreline, as the wilderness area does not include the Lake Superior surface water. Also, the access road to Beaver Lakes and Little Beaver campground is not included in the wilderness area, so vehicles would still have access to this popular area. Importantly, the Wilderness designation would not change the fundamental way this land has been managed since 1981, ensuring continued public access, use, and enjoyment of this land.

It is critical that the highly valued, pristine natural features of the Beaver Basin area remain the treasure they are today. This area provides a unique and distinct landscape that highlights one of the most beautiful backdrops of the Great Lakes, and it is vital that we do all we can to protect it. Significantly, several miles of the North Country National Scenic Trail, also known as the Lakeshore Trail, run through this wilderness area. This bill would help preserve the serene quality of this segment of the trail, and protect the outstanding scenery along the shoreline. The wilderness designation will benefit current and future generations by protecting this natural and undisturbed landscape for the enjoyment of thousands of people in Michigan and across the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beaver Basin Wilderness Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) since 1981, the National Park Service has managed the land designated as the Beaver Basin Wilderness by section 4(a) as a backcountry and wilderness area;

(2) the land designated by section 4(a) as the Wilderness comprises approximately 16 percent of the area of Pictured Rocks National Lakeshore;

(3) the decision to propose this portion of the National Lakeshore as wilderness was made after 5 years of planning, which involved extensive public involvement and culminated in the approval of a new general management plan in 2004; and

(4) the fundamental manner in which the land designated as Wilderness by section 4(a) is managed for purposes of access, public use, and enjoyment will not change as a result of this designation.

SEC. 3. DEFINITIONS.

In this Act:

(1) LINE OF DEMARCATION.—The term "line of demarcation" means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) MAP.—The term "map" means the map entitled "Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary", numbered 625/80,051, and dated April 10, 2007.

(3) NATIONAL LAKESHORE.—The term "National Lakeshore" means the Pictured Rocks National Lakeshore.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) WILDERNESS.—The term "Wilderness" means the Beaver Basin Wilderness designated by section 4(a).

SEC. 4. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Beaver Basin Wilderness".

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) BOUNDARY.—

(1) LINE OF DEMARCATION.—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) SURFACE WATER.—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) FORCE AND EFFECT.—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) USE OF ELECTRIC MOTORS.—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 6. EFFECT.

Nothing in this Act—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; and

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 564—EXPRESSING THE SENSE OF THE SENATE REGARDING OVERSIGHT OF THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Ms. SNOWE (for herself, Mr. THUNE, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. COLEMAN, Mr. STEVENS, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 564

Whereas, more than 35 years ago, the Federal Government began funding research necessary to develop packet-switching technology and communications networks, starting with the "ARPANET" network established by the Department of Defense's Advanced Research Projects Agency (DARPA) in the 1960s;

Whereas, during the 1970s, DARPA also funded the development of a "network of networks", which became known as the Internet;

Whereas the National Science Foundation (NSF) in 1987 awarded a contract to the International Business Machines Corporation (IBM), MCI Incorporated, and Merit Network, Incorporated, to develop "NSFNET", a national high-speed network based on Internet protocols, that provided a "backbone" to connect other networks serving more than 4,000 research and educational institutions throughout the country;

Whereas Congress knew of the vast impact the Internet could have and the requirement of private sector investment, development, technical management, and coordination to achieve that potential, so in 1992 Congress gave NSF statutory authority to allow commercial activity on the NSFNET;

Whereas today the industry, through private sector investment, management, and coordination, has become a global communications network of infinite value;

Whereas part of the ARPANET development process was to create and maintain a list of network host names and addresses, which was initially done by Dr. Jonathan Postel at the University of Southern California (USC), and eventually these functions became known as the Internet Assigned Numbers Authority (IANA);

Whereas Dr. Postel's performance of these functions was initially funded by the Federal Government under a contract between the DARPA and USC's Information Sciences Institute (ISI), however, responsibility for these functions was subsequently transferred to the Internet Corporation for Assigned Names and Numbers (ICANN);

Whereas ICANN performs the IANA functions, which include Internet Protocol (IP) address allocation, Domain Name System (DNS) root zone coordination, and the coordination of technical protocol parameters, through a contract with the Department of Commerce;

Whereas, since its inception, the performance of the IANA functions contract has been physically located in the United States;

Whereas the DNS root zone file contains records of the operators of more than 280 top-level domains (TLDs);

Whereas, as of December 31, 2007, more than 153,000,000 domain names have been registered worldwide across all of the Top Level Domain Names;

Whereas, since 2000, the Internet community has worked toward providing non-English speakers a way to navigate the Internet in their own language through the use of Internationalized Domain Names (IDNs);

Whereas, according to ICANN, of the 905 ICANN-accredited domain name registrars, 571 of them (63 percent) are based in the United States;

Whereas ICANN intends to introduce approximately 900 new Top Level Domains over the next several years;

Whereas, in January 2007, approximately 51,000,000 domain names were registered, but only 3,000,000 were eventually paid for, and more than 48,000,000 were left to expire after the 5 day registration grace period;

Whereas the World Intellectual Property Organization reported in April 2007 that the number of Internet domain name cybersquatting disputes increased 25 percent in 2006;

Whereas a 2006 Zogby Interactive poll of small business owners found that 78 percent of those polled stated that a less reliable Internet would damage their business;

Whereas, understanding that the Internet was rapidly becoming an international medium for commerce, education, and communication, and that the initial means of organizing its technical functions needed to evolve, the United States issued the "White Paper" in 1998, stating its support for transitioning the management of Internet names and addresses to the private sector in a manner that allows for the development of robust competition and facilitate global participation in Internet management;

Whereas the Federal Government is committed to working with the international community to address its concerns, bearing in mind the need for stability and security of the Internet's domain name and addressing system;

Whereas the United States has been committed to the principles of freedom of expression and the free flow of information, as expressed in Article 19 of the Universal Declaration of Human Rights, done at Paris December 10, 1948, and reaffirmed in the Geneva Declaration of Principles adopted at the first phase of the World Summit on the Information Society, December 12, 2003;

Whereas the United States Principles on the Internet's Domain Name and Addressing System, issued on June 30, 2005, stated that the United States government intends to preserve the security and stability of the Internet's Domain Name and Addressing System (DNS), that governments have legitimate interest in the management of their country code top level domains (ccTLDs), and that ICANN is the appropriate manager of the Internet DNS;

Whereas all stakeholders from around the world, including governments, are encouraged to advise ICANN in its decision-making;

Whereas ICANN has made progress in its efforts to ensure that the views of governments and all Internet stakeholders are reflected in its activities;

Whereas the Organisation for Economic Co-operation and Development has issued consumer policy guidelines calling for online businesses to "provide accurate, clear and easily accessible information about themselves sufficient to allow, at a minimum . . . prompt easy and effective consumer communication with the business", and "businesses that provide false contact information can undermine the online experience of a consumer that decides to conduct a WHOIS search about the business";

Whereas the WHOIS databases provide a crucial tool for law enforcement to track down online fraud, identity theft, and other online illegal activity, but law enforcement is often hindered in the pursuit of perpetrators because the perpetrators are hiding behind the anonymity of proxy or false registration information: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) while the Internet Corporation for Assigned Names and Numbers (ICANN) has made progress in the areas of transparency and accountability as directed by the Joint Project Agreement (JPA), the unique role ICANN has in the coordination of the technical management functions related to the domain name and addressing system, and the direct effects of the decisions ICANN makes on thousands of businesses with an online presence and millions of Internet users, make it critical that more progress be made by ICANN in areas of transparency, accountability, and security for improved stability of the Domain Name and Addressing System (DNS) and the Internet;

(2) the private sector's ongoing success in investing, building, and developing the Internet is unparalleled and industry self-regulation must be assured through more effective contract compliance efforts by ICANN;

(3) WHOIS databases provide a vital tool for businesses, the Federal Trade Commission, and other law enforcement agencies to track down brand infringement, online fraud, identity theft, and other online illegal activity, as well as for consumers to determine the availability of domain names and to easily and effectively communicate with online businesses;

(4) increased involvement and participation in various ICANN processes by international private sector organizations should be encouraged;

(5) the United States and other countries should continue to allow the marketplace to work and allow private industries to lead in the management and coordination of the DNS;

(6) the performance of the Internet Assigned Numbers Authority (IANA) functions contract, including updates of the root zone file, should remain physically located within the United States, and the Secretary of Commerce should maintain oversight of this contract; and

(7) ICANN should continue to manage the day-to-day operation of the Internet's Domain Name and Addressing System well, to remain responsive to all Internet stakeholders worldwide, and to otherwise fulfill its core technical mission.

Ms. SNOWE. Mr. President, I rise today to introduce a resolution on the oversight of the Internet Corporation for Assigned Names and Numbers, ICANN. This resolution is the result of the National Telecommunications & Information Administration, NTIA, recently concluding the mid-term review of its Joint Project Agreement, JPA, with ICANN, which is a contract between them for the purpose of transitioning the Internet domain name and addressing system, or Domain Name System, DNS, to a private sector, multi-stakeholder model of leadership.

The JPA required NTIA to conduct this mid-term review to assess the transition and ICANN's progress towards becoming a more stable organization with greater transparency and accountability in its procedures and decision-making. While ICANN has made notable progress in meeting the responsibilities outlined in the JPA, additional improvement and enhancement in specific areas can and should be made.

As a result, it is necessary for Congress to voice the importance of continued U.S. oversight of ICANN. This oversight has provided a strong foundation for ICANN's development and is critical for greater progress in areas such as accountability, transparency, and contract compliance. At the same time, it is imperative that the U.S. as well as other governments maintain a "hands off" approach to ICANN so the private sector can continue to lead in the management and coordination of the DNS.

While ICANN, for the mid-term review, detailed the progress it has made in meeting its commitments under the JPA, it is somewhat premature for the organization to suggest the JPA is "no longer necessary" and it should become independent of U.S. oversight.

In addition, numerous organizations submitted comments to NTIA expressing serious concerns about risks that might develop if the JPA and U.S. oversight of ICANN were terminated. In particular, uncertainty could arise with resolving legal or contract disputes if ICANN relocated to an unknown legal jurisdiction. Also, ICANN could be unduly influenced by a country or group of countries that do not embrace innovation or freedom of expression—basically usurping the private sector's leadership, which would deter critical investment and jeopardize the openness of the Internet.

This resolution provides the required assurance to these concerned organizations and to all businesses around the world in regard to maintaining the security, integrity, and stability of the DNS through continued oversight of ICANN's responsibilities. Specifically, this resolution details key points about the formation of the Internet and domain names, ICANN's efforts, concerns about the growth of domain name abuses, and the United States' transitioning of the DNS to the international community. The resolution then calls for additional improvement to be made by ICANN in areas of transparency, accountability, and security for improved stability of the DNS, as well as more effective contract compliance to ensure the private sector's ongoing success with developing the Internet and industry self-regulation.

Additionally, the resolution voices how vital a tool WHOIS databases are for consumers, businesses, and law enforcement—these publicly accessible databases provide contact information and data on registered domain names, which can assist in establishing trust, resolving disputes, and pursuing online crimes. The resolution also calls for increased participation in ICANN processes by international private sector organizations, and states that all governments should apply a "hands off" approach to ICANN so the private sector's leadership with the DNS can continue unabated.

The resolution concludes by stating the Internet Assigned Numbers Authority, IANA, functions contract should physically remain in the U.S. and that NTIA should maintain oversight of this contract. IANA is the entity responsible for coordinating the Internet's number resources, domain names, and protocol parameters—it is operated solely by ICANN. As well, the resolution states ICANN should continue to manage the operation of the DNS and remain responsive to all Internet stakeholders.

Without question, the Internet's vast impact on the world and this Nation is profoundly indelible and undeniable—there are currently more than 1.3 billion Internet users and more than 165 million websites worldwide. And the Internet is poised to have another remarkable chapter written about its future.

The private sector and ICANN have played an essential role in the development of the Internet and they will continue to do so. The private sector has and continues to make significant investments in the Internet infrastructure as well as with content and applications. Additionally, ICANN may introduce hundreds of new Top Level Domains, TLDs, over the next several years—TLDs are basically domain name suffixes such as .com, .net, .edu, .us, and .mobi that signify a particular class of organizations or country. These possible new TLDs coupled with the migration from Internet Protocol version 4 to version 6, IPv6, which supplies an exponentially larger address space, provides a large expanse for the Internet to grow and for the innovation that will follow.

While the potential of the Internet and the benefits it will provide are infinite, if the stability, integrity, and security of the DNS are compromised in any way, it could be detrimental to the future of the Internet and all its users. That is why it is paramount the U.S. continue to have a watchful eye with ICANN to ensure that those critical areas are not hampered. Therefore, I hope my colleagues will join Senators Thune, Hutchison, Bill Nelson, Coleman, Stevens, Smith, and me in supporting the critical resolution.

SENATE RESOLUTION 565—DESIGNATING MAY 15, 2008 AS MILITARY KIDS DAY

Mr. ROBERTS (for himself, Mr. Bayh, Mr. Allard, Mr. Bingaman, Mr. Brown, Mrs. Clinton, Mr. Cochran, Mr. Craig, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Durbin, Mr. Inhofe, Mr. Isakson, Mr. Kennedy, Mr. Levin, Mrs. McCaskill, Ms. Murkowski, Mrs. Murray, Mr. Smith, Ms. Stabenow, Mr. Stevens, and Mr. Sessions) submitted the following resolution; which was considered and agreed to:

S. Res. 565

Whereas the members of the Armed Forces of the United States are the greatest soldiers, sailors, airmen, and Marines in the world;

Whereas as individuals and as a group, the members Armed Forces of the United States daily place their lives on the line for the United States, both here or abroad;

Whereas the children of these patriots, even the youngest of them, recognize the incredible service their parents provide, and daily face the challenges of military life, with frequent moves, separation from their loved ones, and uncertainty about the future;

Whereas the voices of these children are seldom heard and their own particular sacrifices seldom acknowledged;

Whereas the children of the members of the Armed Forces of the United States have an important creative outlet through the Annual Essay and Art Contest of the Armed Services YMCA;

Whereas the compelling essays and artwork by military children will be published in *My Hero: Military Kids Write about their Moms and Dads*; and

Whereas the strength of character, humor and honesty offered by these children are a hallmark for all of us to follow as we face the challenges of everyday life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the sacrifices made every day by the thousands of families across the country and the world in support of the members of the Armed Forces of the United States;

(2) expresses gratitude for their fortitude, their strength, their compassion, and their expertise;

(3) supports the efforts of the Armed Services YMCA and the many other organizations that work to assist the military families of the United States;

(4) designates May 15, 2008, as "Military Kids Day" in the United States and at military installations throughout the world.

SENATE RESOLUTION 566—DESIGNATING JUNE 2008 AS "NATIONAL APHASIA AWARENESS MONTH" AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON submitted the following resolution; which was considered and agreed to:

S. Res. 566

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this "silent" disability and provides opportunity and fulfillment for those affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2008;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table.

SA 4763. Mr. GRAHAM (for himself, Mr. BURR, and Mr. MCCAIN) proposed an amendment to the bill H.R. 980, supra.

SA 4764. Mr. MCCONNELL proposed an amendment to amendment SA 4763 proposed by Mr. GRAHAM (for himself, Mr. BURR, and Mr. MCCAIN) to the bill H.R. 980, supra.

SA 4765. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4766. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4767. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4768. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4769. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4770. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4771. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4772. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4773. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4774. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4775. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4776. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO UNION DUES FROM ILLEGAL IMMIGRANTS.

(a) PROHIBITION FOR PRIVATE LABOR ORGANIZATIONS.—It shall be unlawful for a labor organization to collect dues or initiation fees from any individual who is physically present in the United States in violation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) PROHIBITION FOR PUBLIC SAFETY LABOR ORGANIZATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, a State law shall be deemed to have failed to substantially provide for the rights and responsibilities described in section 4(b) unless the Authority determines that such law, in addition to meeting such rights and responsibilities, prohibits labor organizations from collecting dues or initiation fees from any individual who is physically present in the United States in violation of the Immigration and Nationality Act.

(2) ENFORCEMENT AUTHORITY.—The Authority may issue and enforce regulations to carry out paragraph (1) in the manner provided under section 5.

(c) DECERTIFICATION OF LABOR ORGANIZATIONS.—

(1) PUBLIC-SECTOR EMPLOYEES.—In addition to any enforcement measures authorized under subsection (b)(2), if the Authority determines that a labor organization has violated any provision under subsection (a) or (b), the Authority shall issue an order that decertifies the labor organization or otherwise notifies the labor organization that the organization will no longer be recognized by the Authority as the exclusive representative of employees for collective bargaining purposes.

(2) PRIVATE-SECTOR EMPLOYEES.—If the National Labor Relations Board determines that a labor organization has violated subsection (a), the Board shall issue an order that decertifies the labor organization or otherwise notifies the labor organization that the organization will no longer be recognized by the Board as the exclusive representative of employees for collective bargaining purposes.

(d) LABOR ORGANIZATION DEFINED.—In this section, the term "labor organization" has the meaning given such term in section 2 of the Labor Management Relations Act (29 U.S.C. 152)).

(e) REQUIRED PARTICIPATION BY LABOR ORGANIZATIONS.—Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (title IV of division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) LABOR ORGANIZATIONS.—

"(A) IN GENERAL.—All labor organizations (as defined in section 2 of the Labor Management Relations Act (29 U.S.C. 152)) shall elect to participate in the basic pilot program and shall comply with the terms and conditions of such election.

"(B) VERIFICATION OF ALL MEMBERS.—Notwithstanding any other provision in this title, each participating labor organization shall use the confirmation system to seek confirmation of the identity and employment eligibility of each member of such labor organization.

"(C) DEADLINE FOR COMPLIANCE.—The verifications required under subparagraph (B) shall be completed—

"(i) not later than 1 year after the date of the enactment of the Public Safety Employer-Employee Cooperation Act of 2007 for all members of the labor organization as of such date; and

"(ii) for individuals who become members of such labor organization after such date of enactment, not later than 14 days after the commencement of such membership.".

SA 4763. Mr. GRAHAM (for himself, Mr. BURR, and Mr. MCCAIN) proposed an amendment to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

Strike the last period in the bill and insert the following:

TITLE I—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND VETERANS

SEC. 101. SHORT TITLE.

This title may be cited as the "Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008".

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The World War II-era GI Bill assisted almost 8,000,000 members of the Armed Forces in readjusting to civilian life after completing their service to the nation. With the

support and assistance of America's colleges and universities, the GI Bill provided incentives that transformed American society, making a college degree a realizable goal for millions of Americans.

(2) In the years following World War II, the GI Bill continued to provide educational benefits for members of the Armed Forces who had been drafted into or volunteered for service.

(3) The establishment of the All Volunteer Force in 1973, and its development since its inception, has produced highly professional Armed Forces that are recognized as the most effective fighting force the world has ever seen.

(4) The Sonny Montgomery GI Bill was enacted in 1984 to sustain the All Volunteer Force by providing educational benefits to aid in the recruitment and retention of highly qualified personnel for the Armed Forces and to assist veterans in readjusting to civilian life. Today, it remains a cornerstone of military recruiting and retention planning for the Armed Forces and continues to fulfill its original purposes.

(5) The All Volunteer Force depends for its effectiveness and vitality on successful recruiting of highly capable men and women, and retention for careers of soldiers, sailors, airmen, and marines, in both the active and reserve components of the Armed Forces, who, with the support of their families and loved ones, develop into professional, dedicated, and experienced officers, noncommissioned officers, and petty officers.

(6) The achievement of educational goals, including obtaining the means to a college degree, has traditionally been a key reason for volunteering for service in the Armed Forces. For members who serve a career in the Armed Forces, this goal extends to their spouses and children and has resulted in requests for the option to transfer educational benefits under the GI Bill to spouses and children.

(7) As in the aftermath of World War II, colleges and universities throughout the United States should demonstrate their and the Nation's appreciation to veterans by dedicated programs providing financial aid.

(8) It is in that national interest for the United States—

(A) to express the gratitude of the American people by assisting those who have honorably served in the Armed Forces and returned to civilian life to achieve their educational goals;

(B) to provide significant educational benefits to provide incentives for successful recruiting;

(C) to motivate continued service in the All Volunteer Force by those members with the potential for military careers and their spouses and children; and

(D) to assist those who serve and their families in achieving their personal goals, including higher education, while progressing in a military career.

SEC. 103. PLAN ON COORDINATION OF CURRENT EDUCATIONAL ASSISTANCE PROGRAMS AND DEVELOPMENT OF ADDITIONAL EDUCATIONAL ASSISTANCE PROGRAMS TO ENABLE CAREER-ORIENTED MEMBERS OF THE ARMED FORCES TO ATTAIN A BACHELOR'S DEGREE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the outstanding men and women who volunteer for service in the Armed Forces and demonstrate through their service the ability, motivation, and commitment to serve as career commissioned officers, noncommissioned officers, petty officers, and warrant officers should be given the opportunities and resources needed to obtain a bachelor's degree before they complete active duty and retire from the Armed Forces; and

(2) every effort should be made by the leaders of the Army, Navy, Marine Corps, Air Force, and Coast Guard to demonstrate to members of the Armed Forces who are willing to serve and study that the dual goals of attaining a bachelor's degree and a distinguished military career are achievable and not mutually exclusive.

(b) PLAN TO COORDINATE AND DEVELOP EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) PLAN REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a plan to make the attainment of a bachelor's degree an achievable goal for members of the Armed Forces who are motivated towards careers in the Armed Forces and who are able and willing to accept the challenges of military duty and pursuit of college level studies.

(2) ADVICE OF THE SERVICE CHIEFS.—The Secretary of Defense shall develop the plan required by paragraph (1) with the advice of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

(3) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Appropriate elements of current programs to assist members of the Armed Forces in obtaining college-level education, including tuition assistance programs, distance learning programs, and technical training and education provided by the military departments, including programs currently administered by the Secretary of Veterans Affairs.

(B) Appropriate elements of current programs to provide members of the Armed Forces with assistance in obtaining college-level credit for the technical training and experience they undergo during their military career.

(C) One or more additional education programs to assist members of the Armed Forces in obtaining a college-level education, including mechanisms for the provision by the military departments of guidance, mentoring, and resources to assist members in achieving their professional military and personal educational goals.

(D) Such additional programs or mechanisms, such as sabbaticals from the Armed Forces or college-level education provided or funded by the military departments, as the Secretary of Defense considers appropriate to assist members of the Armed Forces in making adequate progress towards a bachelor's degree from an accredited institution of higher education while continuing a successful military career.

(E) Such mechanisms for the application of the elements of the plan to members of the National Guard and Reserves as the Secretary of Defense considers appropriate to ensure that such members receive appropriate assistance in achieving their professional military and personal educational goals.

(F) Such elements of current programs of the military departments for in-service education of members of the Armed Forces as the Secretary of Defense considers appropriate to maintain and enhance the recruitment and retention by the Armed Forces of highly trained and experienced military leaders.

(4) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by paragraph (1) not later than August 1, 2009.

SEC. 104. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) INCREASE IN GENERAL RATES AND AUGMENTED RATES FOR EXTENDED SERVICE.—

(1) RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended by striking "on a full-time basis, at the monthly rate of" and all that follows and inserting "on a full-time basis—

"(A) in the case of an individual who served on active duty in the Armed Forces for 12 or more years, at the monthly rate of—

"(i) for months occurring during fiscal year 2009, $1,650;

"(ii) for months occurring during fiscal year 2010, $1,800;

"(iii) for months occurring during fiscal year 2011, $2,000; and

"(iv) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); and

"(B) in the case of an individual who served on active duty in the Armed Forces for less than 12 years, at the monthly rate of—

"(i) for months occurring during fiscal year 2009, $1,500; and

"(ii) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); or".

(2) RATES BASED ON TWO YEARS OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraphs (A) through (C) and inserting the following new subparagraph (A):

"(A) for months occurring during fiscal year 2009, $950; and"; and

(B) by redesignating subparagraph (D) as subparagraph (B).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to basic educational assistance payable for months beginning on or after that date.

(2) LIMITATION ON COST-OF-LIVING ADJUSTMENTS.—

(A) CERTAIN RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(A) of such section (as amended by subsection (a)(1) of this section) for any of fiscal years 2009 through 2011.

(B) OTHER RATES.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(B) of such section (as so amended), or subsection (b) of such section, for fiscal year 2009.

SEC. 105. ANNUAL STIPEND FOR RECIPIENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) ENTITLEMENT TO STIPEND.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020A. Educational stipend

"(a) ENTITLEMENT.—Each individual receiving basic educational assistance under this subchapter who is pursuing a program of education at an institution of higher learning (as such term is defined in section 3452(f) of this title) is entitled to an educational stipend under this section.

"(b) AMOUNT OF STIPEND.—The educational stipend payable under this section to an individual entitled to such a stipend shall be paid—

"(1) in the case of an individual pursuing an approved program of education on at least a half-time basis, at the annual rate of $1,000; and

"(2) in the case of an individual pursuing an approved program of education on less than a half-time basis, at the annual rate of $500.

"(c) PAYMENT FREQUENCY AND METHOD.—The educational stipend payable under this subsection shall be paid with such frequency (including by lump sum), and by such mechanisms, as the Secretary shall prescribe for purposes of this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by adding at the end of the items relating to subchapter II the following new item:

"3020A. Educational stipend.".

(b) EFFECTIVE DATE.—Section 3020A of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the enactment of this Act.

SEC. 106. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "$251" and inserting "$634";

(2) in subparagraph (B), by striking "$188" and inserting "$474"; and

(3) in subparagraph (C), by striking "$125" and inserting "$314".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

(2) NO COST-OF-LIVING ADJUSTMENT.—No adjustment under paragraph (2) of section 16131(b) of title 10, United States Code, shall be made in the rates of educational assistance payable under paragraph (1) of such section for fiscal year 2009.

SEC. 107. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) INCREASE IN RATES FOR EXTENDED SERVICE.—Paragraph (2) of section 16162(c) of title 10, United States Code, is amended to read as follows:

"(2) The educational assistance allowance provided under this chapter shall be the amount as follows (as adjusted under paragraphs (3) and (4)):

"(A) In the case of a member who serves an aggregate of 12 years or more in the Selected Reserve of the Ready Reserve, the amount provided under section 3015(a)(1)(A) of title 38 for the fiscal year concerned, except that if a member otherwise covered by this subparagraph ceases serving in the Selected Reserve the amount shall be the amount provided under subparagraph (B) of this paragraph.

"(B) In the case of any other member, the amount provided under section 3015(a)(1)(B) of title 38 for the fiscal year concerned.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 108. ENHANCEMENT OF TRANSFERABILITY OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF AUTHORITY TO TRANSFER ENTITLEMENT UNDER MONTGOMERY GI BILL.—

(1) IN GENERAL.—Subsection (a) of section 3020 of title 38, United States Code, is amended to read as follows:

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense shall authorize each Secretary concerned to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).".

(2) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended to read as follows:

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces serving on active duty or as a member of the Selected Reserve who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

"(1) has completed six years of service in the Armed Forces; and

"(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.".

(3) LIMITATIONS ON MONTHS OF TRANSFER.—Subsection (d) of such section is amended to read as follows:

"(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraphs (2) and (3), an individual may transfer under this section any number of months of unused entitlement of the individual to basic educational assistance under this chapter.

"(2) In the case of an individual who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement under this section, the number of months that may be transferred by the individual under this section may not exceed the lesser of—

"(A) the number of months transferrable by the individual under paragraph (1); or

"(B) 18 months.".

(4) TIMING, REVOCATION, AND MODIFICATION OF TRANSFER.—Subsection (f) of such section is amended—

(A) in paragraph (1), by striking "without regard" and all that follows and inserting "while the individual is a member of the Armed Forces."; and

(B) in paragraph (2)(A), by inserting "while the individual is serving as a member of the Armed Forces or in the Selected Reserve" after "at any time".

(5) EXCLUSION FROM MARITAL PROPERTY.—Subsection (f) of such section is further amended by adding at the end the following new paragraph:

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.".

(6) OVERPAYMENT.—Subsection (i) of such section is amended—

(A) by striking "(1)" before "In the event"; and

(B) by striking paragraphs (2) and (3).

(7) REGULATIONS.—Subsection (k) of such section is amended to read as follows:

"(k) REGULATIONS.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

"(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

"(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

"(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(8) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 3020. Transfer of entitlement to basic educational assistance".

(9) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3020 and inserting the following:

"3020. Transfer of entitlement to basic educational assistance.".

(b) AUTHORITY FOR TRANSFER OF ENTITLEMENT UNDER RESERVE COMPONENTS EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) SELECTED RESERVE PROGRAM.—

(A) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131a the following new section:

"§ 16131b. Transfer of entitlement to educational assistance

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

"(b) ELIGIBLE MEMBERS.—A member described in this subsection is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

"(1) has completed at least six years of service in the Selected Reserve; and

"(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

"(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

"(1) To the member's spouse.

"(2) To one or more of the member's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

"(2) In the case of a member who has completed at least six but less than 12 years of service in the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

"(A) the number of months transferrable by the individual under paragraph (1); or

"(B) 18 months.

"(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

"(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

"(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of six years of service in the Selected Reserve; or

"(2) in the case of entitlement transferred to a child, both—

"(A) the completion by the member making the transfer of six years of service in the Selected Reserve; and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

"(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16131 or 16132a of this title, as applicable.

"(4)(A) The death of a member transferring entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(B) The involuntary separation or retirement of a member transferring entitlement under this section because of a nondiscretionary provision of law for age or for years of service, as described in section 16133(b) of this title, or medical disqualification which is not the result of gross negligence or misconduct of the member shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

"(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

"(i) OVERPAYMENT.—(1) In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

"(2)(A) Except as provided in subparagraph (B), in the case of a member transferring entitlement under this section whose eligibility is terminated under section 16134(2) of this title, the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of the failure of the member to participate satisfactorily in training as specified in section 16134(2) of this title shall be treated as an overpayment of educational assistance under paragraph (1).

"(B) Subparagraph (A) shall not apply in the case of a member who fails to complete service agreed to by the member—

"(i) by reason of the death of the member; or

"(ii) for a reason referred to in section 16133(b) of this title.

"(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

"(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

"(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

"(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

"(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131a the following new item:

"16131b. Transfer of entitlement to educational assistance.".

(2) PROGRAM FOR RESERVE COMPONENTS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(A) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162a the following new section:

"§ 16162b. Transfer of entitlement to educational assistance

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

"(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Armed Forces who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

"(1) has completed at least six years of service in the Armed Forces; and

"(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

"(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

"(1) To the member's spouse.

"(2) To one or more of the member's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

"(2) In the case of a member who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

"(A) the number of months transferrable by the individual under paragraph (1); or

"(B) 18 months.

"(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

"(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

"(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance as transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection (b); or

"(2) in the case of entitlement transferred to a child, both—

"(A) the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection; and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

"(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16162 or 16162a of this title, as applicable.

"(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

"(i) OVERPAYMENT.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

"(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as result of such transfers of entitlement in that fiscal year.

"(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

"(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

"(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

"(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162a the following new item:

"16162b. Transfer of entitlement to educational assistance.".

(3) FUNDING UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2)(D) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including payments attributable to increased usage of benefits as a result of transfers of entitlement to educational assistance under sections 16131b and 16162b of this title".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2009.

SEC. 109. USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.

(a) USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, as amended by section 104(a) of this Act, is further amended by inserting after section 3020A the following new section:

"§ 3020B. Use of basic educational assistance benefits for repayment of Federal student loans

"(a) IN GENERAL.—An individual entitled to basic educational assistance under this subchapter who is serving on active duty in the Armed Forces may elect to apply amounts of basic educational assistance otherwise available to the individual under this subchapter to repay all or a portion of the outstanding principal and interest on any Federal student loan owed by the individual for the individual's pursuit of a course of education.

"(b) DESIGNATION OF LOANS AND AMOUNTS PAYABLE.—An individual electing under this section to apply amounts of basic educational assistance to the payment of the outstanding principal and interest on Federal student loans shall designate (in such form and manner as the Secretary shall prescribe for purposes of this section) the following:

"(1) Each Federal student loan of the individual for which payment shall be made under this section.

"(2) For each Federal student loan designated under paragraph (1), the monthly amount to be paid under this section.

"(c) LIMITATION ON AMOUNT OF PAYMENTS.—(1) The monthly amount payable with respect to an individual under this section may not exceed the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter at the time of payment of such monthly amount.

"(2) The aggregate amount of basic educational assistance payable with respect to an individual under this section for any 12-month period may not exceed $6,000.

"(d) FREQUENCY OF PAYMENTS.—Payment of amounts of principal and interest on Federal student loans of an individual under this section shall be made on a monthly basis.

"(e) CESSATION OF PAYMENTS.—Payments made under this section with respect to an individual shall cease if the individual ceases serving on active duty in the Armed Forces, effective as of the first month that begins after the date on which the individual ceases serving on active duty in the Armed Forces.

"(f) CHARGE AGAINST ENTITLEMENT.—The period of entitlement to basic educational assistance under this subchapter of an individual for whom payments are made under this section shall be charged at the rate of one month for each payment or aggregate of payments under this section that are equivalent in amount to the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as the Secretary considers appropriate for purposes of the administration of this section.

"(h) FEDERAL STUDENT LOAN DEFINED.—In this section, the term 'Federal student loan' means any loan made under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).".

(2) CLERICAL AMENDMENT.—The table of sections of subchapter II of chapter 30 of such title, as so amended, is further amended by inserting after the item relating to section 3020A the following new item:

"3020B. Use of basic educational assistance benefits for repayment of Federal student loans.".

(b) EFFECTIVE DATE.—Section 3020B of title 38, United States Code, as added by subsection (a), shall apply with respect to educational assistance payable for months that begin on or after the date that is one year after the date of the enactment of this Act.

SEC. 110. EDUCATIONAL ASSISTANCE FOR GRADUATES OF THE SERVICE ACADEMIES AND RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) ACTIVE DUTY PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by adding "or" at the end; and

(C) by adding at the end the following new subparagraph:

"(D) after September 30, 2009—

"(i) receives or has received a commission as an officer in the Armed Forces—

"(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

"(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and "(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking "subsection (c)(1)" and inserting "subsection (c)";

(B) in subsection (c)—

(i) by striking "(1)" after "(c)"; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (e)(1), by striking "subsection (c)(1)" and inserting "subsection (c)".

(b) SELECTED RESERVE PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3012 of such title is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by adding "or" at the end; and

(C) by adding at the end the following new subparagraph:

"(D) after September 30, 2009—

"(i) receives or has received a commission as an officer in the Armed Forces—

"(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

"(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

"(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (c), by striking "subsection (d)(1)" and inserting "subsection (d)";

(B) in subsection (d)—

(i) by striking "(1)" after "(d)"; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (f)(1), by striking "subsection (d)(1)" and inserting "subsection (d)".

(c) AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—Section 3015(c) of such title is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) Paragraph (1) of this subsection also applies to the following:

"(A) An individual entitled to an educational assistance allowance under section 3011 of this title by reason of subsection (a)(1)(D) of such section.

"(B) An individual entitled to an educational assistance allowance under section 3012 of this title by reason of subsection (a)(1)(D) of such section.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 111. OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL.—

(1) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

"§ 3018D. Opportunity for current and certain retired VEAP-era personnel to enroll

"(a) IN GENERAL.—An individual described in subsection (b) who makes an election described in paragraph (5) of such subsection is entitled to basic educational assistance under this chapter, subject to the provisions of subsection (d).

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is an individual who meets each of the following requirements:

"(1) The individual first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces on or after January 1, 1977, but before July 1, 1985.

"(2) The individual, as of the date of the individual's election under paragraph (5)—

"(A) is serving on active duty without a break in service (other than as described in section 3202(1)(C) of this title) since the date the individual first became such a member or first entered on active duty as such a member; or

"(B) is retired from the Armed Forces after serving at least 20 years on active duty in the Armed Forces, which service included service on active duty in the Armed Forces on or after September 11, 2001, and elected not to participate in the program of educational assistance under chapter 32 of this title.

"(3) The individual, before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree, but has not completed the requirements for nor been awarded a bachelor's degree.

"(4) The individual—

"(A) in the case of an individual described by paragraph (2)(A), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; or

"(B) in the case of an individual described by paragraph (2)(B), was discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned.

"(5) During the one-year period beginning on October 1, 2009, the individual makes an irrevocable election to receive benefits under this section pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

"(c) REDUCTION OF PAY; COLLECTION AND PAYMENT OF AMOUNTS.—(1) In the case of an individual described by subsection (b) who makes an election under this section to become entitled to basic educational assistance under this chapter—

"(A) the basic pay or retired or retainer pay, as applicable, of the individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such pay is reduced is $2,700; or

"(B) to the extent that the basic pay of the individual is not so reduced before the individual's discharge or release from active duty as described in subsection (d)(4)(A), the Secretary concerned shall collect from the individual an amount equal to the difference between $2,700 and the total amount of reductions with respect to the individual under subparagraph (A).

"(2) An individual covered by paragraph (1) may at any time pay the Secretary concerned an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under that paragraph and the total amount of the reductions with respect to the individual under that paragraph at the time of the payment.

"(3) Any amounts collected under paragraph (1)(B) or paid under paragraph (2) shall be paid into the Treasury as miscellaneous receipts.

"(4) The total amount of reductions in pay, or of collections or payments, required with respect to an individual under paragraph (1) shall be achieved not later than 12 months after the date on which the individual makes an election under subsection (b)(5).

"(5) No amount of educational assistance allowance under this chapter shall be paid to an individual covered by paragraph (1) until the date on which the total amount of reductions in pay, or of collections or payments, required with respect to the individual under paragraph (1) is achieved.

"(d) LIMITATIONS ON BASIC EDUCATIONAL ASSISTANCE.—(1) The basic educational assistance allowance payable under this chapter to an individual entitled to such educational assistance allowance under this section shall be payable at the monthly rate of basic educational assistance payable under section 3015(a)(1)(B) of this title.

"(2) Basic educational assistance under this section shall be available only for pursuit of a non-degree vocational training program, an associate degree, or a bachelor's degree, but shall not be available for pursuit of a masters degree or other advanced college degree.

"(3) An individual entitled under this section to basic educational assistance under this chapter is entitled to the educational stipend provided under section 3020A of this title.

"(4)(A) Entitlement under this section to basic educational assistance under this chapter is not transferrable under the provisions of section 3020 of this title.

"(B) An individual entitled under this section to basic educational assistance under this chapter is not eligible for the following:

"(i) The use of basic educational assistance benefits under this chapter for the repayment of Federal student loans under section 3020B of this title.

"(ii) Supplemental educational assistance authorized by subchapter III of this chapter.

"(5)(A) Except as provided in subparagraph (B), the provisions of section 3031 of this title shall apply to the use of entitlement under this section to basic educational assistance under this chapter.

"(B) In the case of an individual entitled under this section to basic educational assistance under this chapter who is described by subsection (b)(2)(B), the period during which the individual may use such entitlement expires on October 1, 2019.

"(e) OUTREACH.—The Secretary shall, in coordination with the Secretary of Defense, provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity for current and certain retired VEAP-era personnel to enroll.".

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of such title is amended—

(1) in subparagraphs (A) and (C), by striking "or 3018C(e)" and inserting "3018C(e), or 3018D(c)"; and

(2) in subparagraph (B), by striking "or 3018C(e) of this title" after "section 3018C(e), or 3018D(c) of this title or paid by the individual under section 3018D(c) of this title".

SEC. 112. COLLEGE PATRIOTS GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

"§ 3699A. College Patriots Grant Program

"(a) PURPOSE.—It is the purpose of this section to provide, through a partnership with the Department and institutions of higher education, supplemental educational grants to assist in making available the benefits of postsecondary education to qualified veterans by meeting such veterans' unmet financial need.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a supplemental educational grant program under which—

"(1) an institution of higher education participating in the program voluntarily provides a covered individual enrolled in the institution with the non-Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e); and

"(2) the Secretary provides the Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e).

"(c) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'College Patriots Grant Program'.

"(d) INSTITUTIONAL ELIGIBILITY CRITERIA.—Assistance may be made available under this section only to an institution of higher education that satisfies any criteria specified by the Secretary. Such criteria shall include an agreement or other appropriate assurance from the institution of higher education that—

"(1) the non-Federal share of a covered individual's unmet financial need awarded under this section shall be provided from non-Federal resources, including—

"(A) institutional grants and scholarships;

"(B) tuition or fee waivers;

"(C) State scholarships; and

"(D) foundation or other charitable organization funds; and

"(2) funds made available under this section shall be provided to a covered individual for whom the institution of higher education has made a determination that the covered individual has an unmet financial need, which determination shall be made before including Federal student loans under title IV of the Higher Education Act of 1965 in the covered individual's financial aid package.

"(e) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The Secretary shall not approve an institution of higher education for participation in the College Patriots Grant Program unless the institution of higher education has provided, in the manner required by the Secretary, the following:

"(A) An agreement or other assurance that the institution of higher education will provide the non-Federal share in accordance with this subsection.

"(B) Information on the specific methods by which the non-Federal share shall be paid.

"(C) An acknowledgment that the non-Federal share provided under this subsection shall supplement and not supplant other Federal and non-Federal funds.

"(2) FEDERAL AND NON-FEDERAL SHARES.—Each institution of higher education participating in the program under this section shall select one of the three contribution percentage tiers described in paragraph (3) for purposes of meeting a percentage of the unmet financial needs of covered individuals enrolled in the institution.

"(3) PERCENTAGE CONTRIBUTION TIERS.—

"(A) 25 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $8,000, the non-Federal share shall be 12.5 percent of the unmet financial need and the Federal share shall be 12.5 percent of the unmet financial need, except that the Federal share shall not exceed $1,000; and

"(ii) equal to or greater than $8,000, the Federal share shall be $1,000 and the non-Federal share shall be 25 percent of the covered individual's unmet financial need minus $1,000.

"(B) 50 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $8,000, the non-Federal share shall be 25 percent of the unmet financial need and the Federal share shall be 25 percent of the unmet financial need, except that the Federal share shall not exceed $2,000; and

"(ii) equal to or greater than $8,000, the Federal share shall be $2,000 and the non-Federal share shall be 50 percent of the covered individual's unmet financial need minus $2,000.

"(C) 100 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $6,000, the non-Federal share shall be 50 percent of the unmet financial need and the Federal share shall be 50 percent of the unmet financial need, except that the Federal share shall not exceed $3,000; and

"(ii) equal to or greater than $6,000, the Federal share shall be $3,000 and the non-Federal share shall be 100 percent of the covered individual's unmet financial need minus $3,000.

"(f) REGULATIONS.—The Secretary shall prescribe regulations necessary to implement and administer the College Patriots Grant Program, including regulations establishing the procedures for determining eligibility for the program, applying for supplemental educational grants under the program, and distributing the Federal share provided by the Secretary under the program.

"(g) OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Defense and the Secretary of Education, shall—

"(1) make available to the public on the Internet website of the Department—

"(A) a current list of institutions of higher education participating in the College Patriots Grant Program; and

"(B) information on the extent of participation of each institution of higher education participating in the College Patriots Grant Program;

"(2) make available to the public on the Internet website of the Department information about all Federal and State education benefits that members of the regular components of the Armed Forces, members of the reserve components of the Armed Forces, veterans, and their dependents may be eligible to receive; and

"(3) make available to institutions of higher education information about the College Patriots Grant Program and take appropriate actions to encourage broad participation of institutions of higher education in the program.

"(h) AWARDS FOR INSTITUTIONAL RECOGNITION.—The Secretary may establish and administer an awards program to recognize the extent of an institution of higher education's participation in the College Patriots Grant Program.

"(i) DEFINITIONS.—In this section:

"(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual who—

"(A) is enrolled in an institution of higher education that is participating in the College Patriots Grant Program;

"(B) has such amount of remaining entitlement to educational assistance under chapter 30 or 32 of this title, or under chapter 1606 or 1607 of title 10, as the Secretary may require for purposes of this section; and

"(C) after receipt of any of the educational assistance described in subparagraph (B), has an unmet financial need to attend the institution of higher education for which a supplemental educational grant is sought.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(4) UNMET FINANCIAL NEED.—The term 'unmet financial need' means, with respect to a covered individual, the cost of attendance for the covered individual to attend an institution of higher education participating in the College Patriots Grant Program, minus the sum of—

"(A) grant and work assistance received by the covered individual under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(B) any educational assistance payments received by the covered individual through any programs administered by the Department of Veterans Affairs or the Department of Defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by adding at the end the following new items:

"SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

"3699A. College Patriots Grant Program.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act, and shall apply to terms, quarters, or semesters beginning on or after that date.

SEC. 113. TERMINATION OF CONTRIBUTIONS BY MEMBERS OF THE ARMED FORCES FOR PARTICIPATION IN THE MONTGOMERY GI BILL PROGRAM.

(a) ACTIVE DUTY PROGRAM.—Notwithstanding subsection (b) of section 3011 of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a member of the Armed Forces who first enters on active duty on or after the date of the enactment of this Act and elects to receive basic educational assistance under such section.

(b) SELECTED RESERVE PROGRAM.—Notwithstanding subsection (c) of section 3012 of such title, no reduction in basic pay otherwise required by such section shall be made in the case of a member of the Armed Forces who first becomes eligible for basic educational assistance under such section on or after the date of the enactment of this Act and elects to receive basic educational assistance under such section.

SEC. 114. MODIFICATION OF SERVICE REQUIREMENT FOR EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) IN GENERAL.—Section 16162(c)(4) of title 10, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

"(A) 40 percent in the case of a member of a reserve component who performed active service for—

"(i) 90 consecutive days but less than one continuous year; or

"(ii) an aggregate of one year but less than two years, none of which was continuous service of one year or more;

"(B) 60 percent in the case of a member of a reserve component who performed active service for—

"(i) one continuous year but less than two continuous years; or

"(ii) an aggregate of two years but less than three years, none of which was continuous service of two years or more; or

"(C) 80 percent in the case of a member of a reserve component who performed active service for—

"(i) two continuous years or more; or

"(ii) an aggregate of three years or more.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 115. MODIFICATION OF FORMULA FOR DETERMINATION OF ANNUAL COST ADJUSTMENT IN RATES OF EDUCATIONAL ASSISTANCE.

(a) ACTIVE DUTY PROGRAM.—Section 3015(h) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "With respect to any fiscal year" and inserting "Subject to paragraphs (2) and (3), with respect to any fiscal year"; and

(B) by striking "the percentage by which—" and all that follows through the end of the paragraph and inserting "the percentage increase in the average cost of tuition, fees, room, and board at public four-year institutions of higher education (as determined by the Secretary in consultation with the Secretary of Education and Secretary of Defense) over the one-year period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made.";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) With respect to any fiscal year, in no event shall the increase in rates under paragraph (1) be less than a percentage increase equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding that 12-month period.".

(b) SELECTED RESERVE PROGRAM.—Section 16131(b)(2) of title 10, United States Code, is amended—

(1) by striking "With respect to any fiscal year" and inserting "(A) Subject to subparagraph (B), with respect to any fiscal year";

(2) by striking "the percentage by which—" and all that follows and inserting "the percentage increase in the average cost of tuition, fees, room, and board at public four-year institutions of higher education (as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Education and Secretary of Defense) over the one-year period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made."; and

(3) by adding at the end the following new subparagraph:

"(B) With respect to any fiscal year, in no event shall the increase in rates under subparagraph (A) be less than a percentage increase equal to the percentage by which—

"(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(ii) such Consumer Price Index for the 12-month period preceding that 12-month period.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to fiscal years that begin on or after that date.

SA 4764. Mr. MCCONNELL proposed an amendment to amendment SA 4763 proposed by Mr. GRAHAM (for himself, Mr. BURR, and Mr. MCCAIN) to the bill H.R. 980, to provide collective bargaining rights for public safety officers by States or their political subdivisions; as follows:

Strike in the amendment the word **TITLE** and add the following:

I—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND VETERANS

SEC. 101. SHORT TITLE.

This title may be cited as the "Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008".

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The World War II-era GI Bill assisted almost 8,000,000 members of the Armed Forces in readjusting to civilian life after completing their service to the nation. With the support and assistance of America's colleges and universities, the GI Bill provided incentives that transformed American society, making a college degree a realizable goal for millions of Americans.

(2) In the years following World War II, the GI Bill continued to provide educational benefits for members of the Armed Forces who had been drafted into or volunteered for service.

(3) The establishment of the All Volunteer Force in 1973, and its development since its inception, has produced highly professional Armed Forces that are recognized as the most effective fighting force the world has ever seen.

(4) The Sonny Montgomery GI Bill was enacted in 1984 to sustain the All Volunteer Force by providing educational benefits to aid in the recruitment and retention of highly qualified personnel for the Armed Forces and to assist veterans in readjusting to civilian life. Today, it remains a cornerstone of military recruiting and retention planning for the Armed Forces and continues to fulfill its original purposes.

(5) The All Volunteer Force depends for its effectiveness and vitality on successful recruiting of highly capable men and women, and retention for careers of soldiers, sailors, airmen, and marines, in both the active and reserve components of the Armed Forces, who, with the support of their families and loved ones, develop into professional, dedicated, and experienced officers, noncommissioned officers, and petty officers.

(6) The achievement of educational goals, including obtaining the means to a college degree, has traditionally been a key reason for volunteering for service in the Armed Forces. For members who serve a career in the Armed Forces, this goal extends to their spouses and children and has resulted in requests for the option to transfer educational benefits under the GI Bill to spouses and children.

(7) As in the aftermath of World War II, colleges and universities throughout the United States should demonstrate their and the Nation's appreciation to veterans by dedicated programs providing financial aid.

(8) It is in that national interest for the United States—

(A) to express the gratitude of the American people by assisting those who have honorably served in the Armed Forces and returned to civilian life to achieve their educational goals;

(B) to provide significant educational benefits to provide incentives for successful recruiting;

(C) to motivate continued service in the All Volunteer Force by those members with the potential for military careers and their spouses and children; and

(D) to assist those who serve and their families in achieving their personal goals, including higher education, while progressing in a military career.

SEC. 103. PLAN ON COORDINATION OF CURRENT EDUCATIONAL ASSISTANCE PROGRAMS AND DEVELOPMENT OF ADDITIONAL EDUCATIONAL ASSISTANCE PROGRAMS TO ENABLE CAREER-ORIENTED MEMBERS OF THE ARMED FORCES TO ATTAIN A BACHELOR'S DEGREE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the outstanding men and women who volunteer for service in the Armed Forces and demonstrate through their service the ability, motivation, and commitment to serve as career commissioned officers, noncommissioned officers, petty officers, and warrant officers should be given the opportunities and resources needed to obtain a bachelor's degree before they complete active duty and retire from the Armed Forces; and

(2) every effort should be made by the leaders of the Army, Navy, Marine Corps, Air Force, and Coast Guard to demonstrate to members of the Armed Forces who are willing to serve and study that the dual goals of attaining a bachelor's degree and a distinguished military career are achievable and not mutually exclusive.

(b) PLAN TO COORDINATE AND DEVELOP EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) PLAN REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a plan to make the attainment of a bachelor's degree an achievable goal for members of the Armed Forces who are motivated towards careers in the Armed Forces and who are able and willing to accept the challenges of military duty and pursuit of college level studies.

(2) ADVICE OF THE SERVICE CHIEFS.—The Secretary of Defense shall develop the plan required by paragraph (1) with the advice of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

(3) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Appropriate elements of current programs to assist members of the Armed Forces in obtaining college-level education, including tuition assistance programs, distance learning programs, and technical training and education provided by the military departments, including programs currently administered by the Secretary of Veterans Affairs.

(B) Appropriate elements of current programs to provide members of the Armed Forces with assistance in obtaining college-level credit for the technical training and experience they undergo during their military career.

(C) One or more additional education programs to assist members of the Armed Forces in obtaining a college-level education, including mechanisms for the provision by the military departments of guidance, mentoring, and resources to assist members in achieving their professional military and personal educational goals.

(D) Such additional programs or mechanisms, such as sabbaticals from the Armed Forces or college-level education provided or funded by the military departments, as the Secretary of Defense considers appropriate to assist members of the Armed Forces in making adequate progress towards a bachelor's degree from an accredited institution of higher education while continuing a successful military career.

(E) Such mechanisms for the application of the elements of the plan to members of the National Guard and Reserves as the Secretary of Defense considers appropriate to ensure that such members receive appropriate assistance in achieving their professional military and personal educational goals.

(F) Such elements of current programs of the military departments for in-service education of members of the Armed Forces as the Secretary of Defense considers appropriate to maintain and enhance the recruitment and retention by the Armed Forces of highly trained and experienced military leaders.

(4) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by paragraph (1) not later than August 1, 2009.

SEC. 104. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) INCREASE IN GENERAL RATES AND AUGMENTED RATES FOR EXTENDED SERVICE.—

(1) RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended by striking "on a full-time basis, at the monthly rate of" and all that follows and inserting "on a full-time basis—

"(A) in the case of an individual who served on active duty in the Armed Forces for 12 or more years, at the monthly rate of—

"(i) for months occurring during fiscal year 2009, $1,650;

"(ii) for months occurring during fiscal year 2010, $1,800;

"(iii) for months occurring during fiscal year 2011, $2,000; and

"(iv) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); and

"(B) in the case of an individual who served on active duty in the Armed Forces for less than 12 years, at the monthly rate of—

"(i) for months occurring during fiscal year 2009, $1,500; and

"(ii) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); or".

(2) RATES BASED ON TWO YEARS OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraphs (A) through (C) and inserting the following new subparagraph (A):

"(A) for months occurring during fiscal year 2009, $950; and"; and

(B) by redesignating subparagraph (D) as subparagraph (B).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to basic educational assistance payable for months beginning on or after that date.

(2) LIMITATION ON COST-OF-LIVING ADJUSTMENTS.—

(A) CERTAIN RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(A) of such section (as amended by subsection (a)(1) of this section) for any of fiscal years 2009 through 2011.

(B) OTHER RATES.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(B) of such section (as so amended), or subsection (b) of such section, for fiscal year 2009.

SEC. 105. ANNUAL STIPEND FOR RECIPIENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) ENTITLEMENT TO STIPEND.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020A. Educational stipend

"(a) ENTITLEMENT.—Each individual receiving basic educational assistance under this subchapter who is pursuing a program of education at an institution of higher learning (as such term is defined in section 3452(f) of this title) is entitled to an educational stipend under this section.

"(b) AMOUNT OF STIPEND.—The educational stipend payable under this section to an individual entitled to such a stipend shall be paid—

"(1) in the case of an individual pursuing an approved program of education on at least a half-time basis, at the annual rate of $1,000; and

"(2) in the case of an individual pursuing an approved program of education on less than a half-time basis, at the annual rate of $500.

"(c) PAYMENT FREQUENCY AND METHOD.—The educational stipend payable under this subsection shall be paid with such frequency (including by lump sum), and by such mechanisms, as the Secretary shall prescribe for purposes of this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by adding at the end of the items relating to subchapter II the following new item:

"3020A. Educational stipend.".

(b) EFFECTIVE DATE.—Section 3020A of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the enactment of this Act.

SEC. 106. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "$251" and inserting "$634";

(2) in subparagraph (B), by striking "$188" and inserting "$474"; and

(3) in subparagraph (C), by striking "$125" and inserting "$314".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

(2) NO COST-OF-LIVING ADJUSTMENT.—No adjustment under paragraph (2) of section 16131(b) of title 10, United States Code, shall be made in the rates of educational assistance payable under paragraph (1) of such section for fiscal year 2009.

SEC. 107. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) INCREASE IN RATES FOR EXTENDED SERVICE.—Paragraph (2) of section 16162(c) of title 10, United States Code, is amended to read as follows:

"(2) The educational assistance allowance provided under this chapter shall be the amount as follows (as adjusted under paragraphs (3) and (4)):

"(A) In the case of a member who serves an aggregate of 12 years or more in the Selected Reserve of the Ready Reserve, the amount provided under section 3015(a)(1)(A) of title 38 for the fiscal year concerned, except that if a member otherwise covered by this subparagraph ceases serving in the Selected Reserve the amount shall be the amount provided under subparagraph (B) of this paragraph.

"(B) In the case of any other member, the amount provided under section 3015(a)(1)(B) of title 38 for the fiscal year concerned.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 108. ENHANCEMENT OF TRANSFERABILITY OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF AUTHORITY TO TRANSFER ENTITLEMENT UNDER MONTGOMERY GI BILL.—

(1) IN GENERAL.—Subsection (a) of section 3020 of title 38, United States Code, is amended to read as follows:

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense shall authorize each Secretary concerned to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).".

(2) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended to read as follows:

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces serving on active duty or as a member of the Selected Reserve who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

"(1) has completed six years of service in the Armed Forces; and

"(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.".

(3) LIMITATIONS ON MONTHS OF TRANSFER.—Subsection (d) of such section is amended to read as follows:

"(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraphs (2) and (3), an individual may transfer under this section any number of months of unused entitlement of the individual to basic educational assistance under this chapter.

"(2) In the case of an individual who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement under this section, the number of months that may be transferred by the individual under this section may not exceed the lesser of—

"(A) the number of months transferrable by the individual under paragraph (1); or

"(B) 18 months.".

(4) TIMING, REVOCATION, AND MODIFICATION OF TRANSFER.—Subsection (f) of such section is amended—

(A) in paragraph (1), by striking "without regard" and all that follows and inserting "while the individual is a member of the Armed Forces."; and

(B) in paragraph (2)(A), by inserting "while the individual is serving as a member of the Armed Forces or in the Selected Reserve" after "at any time".

(5) EXCLUSION FROM MARITAL PROPERTY.—Subsection (f) of such section is further amended by adding at the end the following new paragraph:

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.".

(6) OVERPAYMENT.—Subsection (i) of such section is amended—

(A) by striking "(1)" before "In the event"; and

(B) by striking paragraphs (2) and (3).

(7) REGULATIONS.—Subsection (k) of such section is amended to read as follows:

"(k) REGULATIONS.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

"(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

"(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

"(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(8) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 3020. Transfer of entitlement to basic educational assistance".

(9) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3020 and inserting the following:

"3020. Transfer of entitlement to basic educational assistance.".

(b) AUTHORITY FOR TRANSFER OF ENTITLEMENT UNDER RESERVE COMPONENTS EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) SELECTED RESERVE PROGRAM.—

(A) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131a the following new section:

"§16131b. Transfer of entitlement to educational assistance

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

"(b) ELIGIBLE MEMBERS.—A member described in this subsection is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

"(1) has completed at least six years of service in the Selected Reserve; and

"(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

"(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

"(1) To the member's spouse.

"(2) To one or more of the member's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

"(2) In the case of a member who has completed at least six but less than 12 years of service in the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

"(A) the number of months transferrable by the individual under paragraph (1); or

"(B) 18 months.

"(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

"(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

"(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of six years of service in the Selected Reserve; or

"(2) in the case of entitlement transferred to a child, both—

"(A) the completion by the member making the transfer of six years of service in the Selected Reserve; and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

"(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16131 or 16132a of this title, as applicable.

"(4)(A) The death of a member transferring entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(B) The involuntary separation or retirement of a member transferring entitlement under this section because of a nondiscretionary provision of law for age or for years of service, as described in section 16133(b) of this title, or medical disqualification which is not the result of gross negligence or misconduct of the member shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

"(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

"(i) OVERPAYMENT.—(1) In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

"(2)(A) Except as provided in subparagraph (B), in the case of a member transferring entitlement under this section whose eligibility is terminated under section 16134(2) of this title, the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of the failure of the member to participate satisfactorily in training as specified in section 16134(2) of this title shall be treated as an overpayment of educational assistance under paragraph (1).

"(B) Subparagraph (A) shall not apply in the case of a member who fails to complete service agreed to by the member—

"(i) by reason of the death of the member; or

"(ii) for a reason referred to in section 16133(b) of this title.

"(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

"(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

"(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

"(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

"(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131a the following new item:

"16131b. Transfer of entitlement to educational assistance.".

(2) PROGRAM FOR RESERVE COMPONENTS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(A) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162a the following new section:

"§ 16162b. Transfer of entitlement to educational assistance

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

"(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Armed Forces who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

"(1) has completed at least six years of service in the Armed Forces; and

"(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

"(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

"(1) To the member's spouse.

"(2) To one or more of the member's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

"(2) In the case of a member who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

"(A) the number of months transferrable by the individual under paragraph (1); or

"(B) 18 months.

"(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

"(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

"(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance as transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection (b); or

"(2) in the case of entitlement transferred to a child, both—

"(A) the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection; and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

"(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16162 or 16162a of this title, as applicable.

"(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

"(i) OVERPAYMENT.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

"(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as result of such transfers of entitlement in that fiscal year.

"(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

"(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

"(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

"(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162a the following new item:

"16162b. Transfer of entitlement to educational assistance.".

(3) FUNDING UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2)(D) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including payments attributable to increased usage of benefits as a result of transfers of entitlement to educational assistance under sections 16131b and 16162b of this title".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2009.

SEC. 109. USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.

(a) USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, as amended by section 104(a) of this Act, is further amended by inserting after section 3020A the following new section:

"§ 3020B. Use of basic educational assistance benefits for repayment of Federal student loans

"(a) IN GENERAL.—An individual entitled to basic educational assistance under this subchapter who is serving on active duty in the Armed Forces may elect to apply amounts of basic educational assistance otherwise available to the individual under this subchapter to repay all or a portion of the outstanding principal and interest on any Federal student loan owed by the individual for the individual's pursuit of a course of education.

"(b) DESIGNATION OF LOANS AND AMOUNTS PAYABLE.—An individual electing under this section to apply amounts of basic educational assistance to the payment of the outstanding principal and interest on Federal student loans shall designate (in such form and manner as the Secretary shall prescribe for purposes of this section) the following:

"(1) Each Federal student loan of the individual for which payment shall be made under this section.

"(2) For each Federal student loan designated under paragraph (1), the monthly amount to be paid under this section.

"(c) LIMITATION ON AMOUNT OF PAYMENTS.—(1) The monthly amount payable with respect to an individual under this section may not exceed the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter at the time of payment of such monthly amount.

"(2) The aggregate amount of basic educational assistance payable with respect to an individual under this section for any 12-month period may not exceed $6,000.

"(d) FREQUENCY OF PAYMENTS.—Payment of amounts of principal and interest on Federal student loans of an individual under this section shall be made on a monthly basis.

"(e) CESSATION OF PAYMENTS.—Payments made under this section with respect to an individual shall cease if the individual ceases serving on active duty in the Armed Forces, effective as of the first month that begins after the date on which the individual ceases serving on active duty in the Armed Forces.

"(f) CHARGE AGAINST ENTITLEMENT.—The period of entitlement to basic educational assistance under this subchapter of an individual for whom payments are made under this section shall be charged at the rate of one month for each payment or aggregate of payments under this section that are equivalent in amount to the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as the Secretary considers appropriate for purposes of the administration of this section.

"(h) FEDERAL STUDENT LOAN DEFINED.—In this section, the term 'Federal student loan' means any loan made under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).".

(2) CLERICAL AMENDMENT.—The table of sections of subchapter II of chapter 30 of such title, as so amended, is further amended by inserting after the item relating to section 3020A the following new item:

"3020B. Use of basic educational assistance benefits for repayment of Federal student loans.".

(b) EFFECTIVE DATE.—Section 3020B of title 38, United States Code, as added by subsection (a), shall apply with respect to educational assistance payable for months that begin on or after the date that is one year after the date of the enactment of this Act.

SEC. 110. EDUCATIONAL ASSISTANCE FOR GRADUATES OF THE SERVICE ACADEMIES AND RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) ACTIVE DUTY PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by adding "or" at the end; and

(C) by adding at the end the following new subparagraph:

"(D) after September 30, 2009—

"(i) receives or has received a commission as an officer in the Armed Forces—

"(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

"(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

"(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking "subsection (c)(1)" and inserting "subsection (c)";

(B) in subsection (c)—

(i) by striking "(1)" after "(c)"; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (e)(1), by striking "subsection (c)(1)" and inserting "subsection (c)".

(b) SELECTED RESERVE PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3012 of such title is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by adding "or" at the end; and

(C) by adding at the end the following new subparagraph:

"(D) after September 30, 2009—

"(i) receives or has received a commission as an officer in the Armed Forces—

"(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

"(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

"(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (c), by striking "subsection (d)(1)" and inserting "subsection (d)";

(B) in subsection (d)—

(i) by striking "(1)" after "(d)"; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (f)(1), by striking "subsection (d)(1)" and inserting "subsection (d)".

(c) AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—Section 3015(c) of such title is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) Paragraph (1) of this subsection also applies to the following:

"(A) An individual entitled to an educational assistance allowance under section 3011 of this title by reason of subsection (a)(1)(D) of such section.

"(B) An individual entitled to an educational assistance allowance under section 3012 of this title by reason of subsection (a)(1)(D) of such section.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 111. OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL.—

(1) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

"§ 3018D. Opportunity for current and certain retired VEAP-era personnel to enroll

"(a) IN GENERAL.—An individual described in subsection (b) who makes an election described in paragraph (5) of such subsection is entitled to basic educational assistance under this chapter, subject to the provisions of subsection (d).

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is an individual who meets each of the following requirements:

"(1) The individual first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces on or after January 1, 1977, but before July 1, 1985.

"(2) The individual, as of the date of the individual's election under paragraph (5)—

"(A) is serving on active duty without a break in service (other than as described in section 3202(1)(C) of this title) since the date the individual first became such a member or first entered on active duty as such a member; or

"(B) is retired from the Armed Forces after serving at least 20 years on active duty in the Armed Forces, which service included service on active duty in the Armed Forces on or after September 11, 2001, and elected not to participate in the program of educational assistance under chapter 32 of this title.

"(3) The individual, before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree, but has not completed the requirements for nor been awarded a bachelor's degree.

"(4) The individual—

"(A) in the case of an individual described by paragraph (2)(A), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; or

"(B) in the case of an individual described by paragraph (2)(B), was discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned.

"(5) During the one-year period beginning on October 1, 2009, the individual makes an irrevocable election to receive benefits under this section pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

"(c) REDUCTION OF PAY; COLLECTION AND PAYMENT OF AMOUNTS.—(1) In the case of an individual described by subsection (b) who makes an election under this section to become entitled to basic educational assistance under this chapter—

"(A) the basic pay or retired or retainer pay, as applicable, of the individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such pay is reduced is $2,700; or

"(B) to the extent that the basic pay of the individual is not so reduced before the individual's discharge or release from active duty as described in subsection (d)(4)(A), the Secretary concerned shall collect from the individual an amount equal to the difference between $2,700 and the total amount of reductions with respect to the individual under subparagraph (A).

"(2) An individual covered by paragraph (1) may at any time pay the Secretary concerned an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under that paragraph and the total amount of the reductions with respect to the individual under that paragraph at the time of the payment.

"(3) Any amounts collected under paragraph (1)(B) or paid under paragraph (2) shall be paid into the Treasury as miscellaneous receipts.

"(4) The total amount of reductions in pay, or of collections or payments, required with respect to an individual under paragraph (1) shall be achieved not later than 12 months after the date on which the individual makes an election under subsection (b)(5).

"(5) No amount of educational assistance allowance under this chapter shall be paid to an individual covered by paragraph (1) until the date on which the total amount of reductions in pay, or of collections or payments, required with respect to the individual under paragraph (1) is achieved.

"(d) LIMITATIONS ON BASIC EDUCATIONAL ASSISTANCE.—(1) The basic educational assistance allowance payable under this chapter to an individual entitled to such educational assistance allowance under this section shall be payable at the monthly rate of basic educational assistance payable under section 3015(a)(1)(B) of this title.

"(2) Basic educational assistance under this section shall be available only for pursuit of a non-degree vocational training program, an associate degree, or a bachelor's degree, but shall not be available for pursuit of a masters degree or other advanced college degree.

"(3) An individual entitled under this section to basic educational assistance under this chapter is entitled to the educational stipend provided under section 3020A of this title.

"(4)(A) Entitlement under this section to basic educational assistance under this chapter is not transferrable under the provisions of section 3020 of this title.

"(B) An individual entitled under this section to basic educational assistance under this chapter is not eligible for the following:

"(i) The use of basic educational assistance benefits under this chapter for the repayment of Federal student loans under section 3020B of this title.

"(ii) Supplemental educational assistance authorized by subchapter III of this chapter.

"(5)(A) Except as provided in subparagraph (B), the provisions of section 3031 of this title shall apply to the use of entitlement under this section to basic educational assistance under this chapter.

"(B) In the case of an individual entitled under this section to basic educational assistance under this chapter who is described by subsection (b)(2)(B), the period during which the individual may use such entitlement expires on October 1, 2019.

"(e) OUTREACH.—The Secretary shall, in coordination with the Secretary of Defense, provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity for current and certain retired VEAP-era personnel to enroll.".

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of such title is amended—

(1) in subparagraphs (A) and (C), by striking "or 3018C(e)" and inserting "3018C(e), or 3018D(c)"; and

(2) in subparagraph (B), by striking "or 3018C(e) of this title" after "section 3018C(e), or 3018D(c) of this title or paid by the individual under section 3018D(c) of this title".

SEC. 112. COLLEGE PATRIOTS GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

"§ 3699A. College Patriots Grant Program

"(a) PURPOSE.—It is the purpose of this section to provide, through a partnership with the Department and institutions of higher education, supplemental educational grants to assist in making available the benefits of postsecondary education to qualified veterans by meeting such veterans' unmet financial need.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a supplemental educational grant program under which—

"(1) an institution of higher education participating in the program voluntarily provides a covered individual enrolled in the institution with the non-Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e); and

"(2) the Secretary provides the Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e).

"(c) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'College Patriots Grant Program'.

"(d) INSTITUTIONAL ELIGIBILITY CRITERIA.—Assistance may be made available under this section only to an institution of higher education that satisfies any criteria specified by the Secretary. Such criteria shall include an agreement or other appropriate assurance from the institution of higher education that—

"(1) the non-Federal share of a covered individual's unmet financial need awarded under this section shall be provided from non-Federal resources, including—

"(A) institutional grants and scholarships;

"(B) tuition or fee waivers;

"(C) State scholarships; and

"(D) foundation or other charitable organization funds; and

"(2) funds made available under this section shall be provided to a covered individual for whom the institution of higher education has made a determination that the covered individual has an unmet financial need, which determination shall be made before including Federal student loans under title IV of the Higher Education Act of 1965 in the covered individual's financial aid package.

"(e) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The Secretary shall not approve an institution of higher education for participation in the College Patriots Grant Program unless the institution of higher education has provided, in the manner required by the Secretary, the following:

"(A) An agreement or other assurance that the institution of higher education will provide the non-Federal share in accordance with this subsection.

"(B) Information on the specific methods by which the non-Federal share shall be paid.

"(C) An acknowledgment that the non-Federal share provided under this subsection shall supplement and not supplant other Federal and non-Federal funds.

"(2) FEDERAL AND NON-FEDERAL SHARES.—Each institution of higher education participating in the program under this section shall select one of the three contribution percentage tiers described in paragraph (3) for purposes of meeting a percentage of the unmet financial needs of covered individuals enrolled in the institution.

"(3) PERCENTAGE CONTRIBUTION TIERS.—

"(A) 25 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $8,000, the non-Federal share shall be 12.5 percent of the unmet financial need and the Federal share shall be 12.5 percent of the unmet financial need, except that the Federal share shall not exceed $1,000; and

"(ii) equal to or greater than $8,000, the Federal share shall be $1,000 and the non-Federal share shall be 25 percent of the covered individual's unmet financial need minus $1,000.

"(B) 50 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $8,000, the non-Federal share shall be 25 percent of the unmet financial need and the Federal share shall be 25 percent of the unmet financial need, except that the Federal share shall not exceed $2,000; and

"(ii) equal to or greater than $8,000, the Federal share shall be $2,000 and the non-Federal share shall be 50 percent of the covered individual's unmet financial need minus $2,000.

"(C) 100 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $6,000, the non-Federal share shall be 50 percent of the unmet financial need and the Federal share shall be 50 percent of the unmet financial need, except that the Federal share shall not exceed $3,000; and

"(ii) equal to or greater than $6,000, the Federal share shall be $3,000 and the non-Federal share shall be 100 percent of the covered individual's unmet financial need minus $3,000.

"(f) REGULATIONS.—The Secretary shall prescribe regulations necessary to implement and administer the College Patriots Grant Program, including regulations establishing the procedures for determining eligibility for the program, applying for supplemental educational grants under the program, and distributing the Federal share provided by the Secretary under the program.

"(g) OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Defense and the Secretary of Education, shall—

"(1) make available to the public on the Internet website of the Department—

"(A) a current list of institutions of higher education participating in the College Patriots Grant Program; and

"(B) information on the extent of participation of each institution of higher education participating in the College Patriots Grant Program;

"(2) make available to the public on the Internet website of the Department information about all Federal and State education benefits that members of the regular components of the Armed Forces, members of the reserve components of the Armed Forces, veterans, and their dependents may be eligible to receive; and

"(3) make available to institutions of higher education information about the College Patriots Grant Program and take appropriate actions to encourage broad participation of institutions of higher education in the program.

"(h) AWARDS FOR INSTITUTIONAL RECOGNITION.—The Secretary may establish and administer an awards program to recognize the extent of an institution of higher education's participation in the College Patriots Grant Program.

"(i) DEFINITIONS.—In this section:

"(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711).

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual who—

"(A) is enrolled in an institution of higher education that is participating in the College Patriots Grant Program;

"(B) has such amount of remaining entitlement to educational assistance under chapter 30 or 32 of this title, or under chapter 1606 or 1607 of title 10, as the Secretary may require for purposes of this section; and

"(C) after receipt of any of the educational assistance described in subparagraph (B), has an unmet financial need to attend the institution of higher education for which a supplemental educational grant is sought.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(4) UNMET FINANCIAL NEED.—The term 'unmet financial need' means, with respect to a covered individual, the cost of attendance for the covered individual to attend an institution of higher education participating in the College Patriots Grant Program, minus the sum of—

"(A) grant and work assistance received by the covered individual under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(B) any educational assistance payments received by the covered individual through any programs administered by the Department of Veterans Affairs or the Department of Defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by adding at the end the following new items:

"SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

"3699A. College Patriots Grant Program.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act, and shall apply to terms, quarters, or semesters beginning on or after that date.

SEC. 113. TERMINATION OF CONTRIBUTIONS BY MEMBERS OF THE ARMED FORCES FOR PARTICIPATION IN THE MONTGOMERY GI BILL PROGRAM.

(a) ACTIVE DUTY PROGRAM.—Notwithstanding subsection (b) of section 3011 of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a member of the Armed Forces who first enters on active duty on or after the date of the enactment of this Act and elects to receive basic educational assistance under such section.

(b) SELECTED RESERVE PROGRAM.—Notwithstanding subsection (c) of section 3012 of such title, no reduction in basic pay otherwise required by such section shall be made in the case of a member of the Armed Forces who first becomes eligible for basic educational assistance under such section on or after the date of the enactment of this Act and elects to receive basic educational assistance under such section.

SEC. 114. MODIFICATION OF SERVICE REQUIREMENT FOR EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) IN GENERAL.—Section 16162(c)(4) of title 10, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

"(A) 40 percent in the case of a member of a reserve component who performed active service for—

"(i) 90 consecutive days but less than one continuous year; or

"(ii) an aggregate of one year but less than two years, none of which was continuous service of one year or more;

"(B) 60 percent in the case of a member of a reserve component who performed active service for—

"(i) one continuous year but less than two continuous years; or

"(ii) an aggregate of two years but less than three years, none of which was continuous service of two years or more; or

"(C) 80 percent in the case of a member of a reserve component who performed active service for—

"(i) two continuous years or more; or

"(ii) an aggregate of three years or more.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 115. MODIFICATION OF FORMULA FOR DETERMINATION OF ANNUAL COST ADJUSTMENT IN RATES OF EDUCATIONAL ASSISTANCE.

(a) ACTIVE DUTY PROGRAM.—Section 3015(h) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "With respect to any fiscal year" and inserting "Subject to paragraphs (2) and (3), with respect to any fiscal year"; and

(B) by striking "the percentage by which—" and all that follows through the end of the paragraph and inserting "the percentage increase in the average cost of tuition, fees, room, and board at public four-year institutions of higher education (as determined by the Secretary in consultation with the Secretary of Education and Secretary of Defense) over the one-year period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made.";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) With respect to any fiscal year, in no event shall the increase in rates under paragraph (1) be less than a percentage increase equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding that 12-month period.".

(b) SELECTED RESERVE PROGRAM.—Section 16131(b)(2) of title 10, United States Code, is amended—

(1) by striking "With respect to any fiscal year" and inserting "(A) Subject to subparagraph (B), with respect to any fiscal year";

(2) by striking "the percentage by which—" and all that follows and inserting "the percentage increase in the average cost of tuition, fees, room, and board at public four-year institutions of higher education (as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Education and Secretary of Defense) over the one-year period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made."; and

(3) by adding at the end the following new subparagraph:

"(B) With respect to any fiscal year, in no event shall the increase in rates under subparagraph (A) be less than a percentage increase equal to the percentage by which—

"(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(ii) such Consumer Price Index for the 12-month period preceding that 12-month period.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 2, 2009, and shall apply with respect to fiscal years that begin on or after that date.

SA 4765. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING GOOD SAMARITANS.

Any person, who in good faith gratuitously provides emergency care at the scene of an accident or emergency to the victim thereof, shall not be liable for any civil damages for any personal injury as a result of any act or omission by such person in rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, except acts or omissions amounting to gross negligence or willful or wanton misconduct.

SA 4766. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of section 4(b), insert the following:

(6) Providing employers with the right to require random drug testing of its employees.

SA 4767. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

In section 8(b) before paragraph (1) the following and redesignate accordingly:

(1) HARMONIZING WITH FEDERAL LAW.—

(A) EXEMPTION.—Notwithstanding any other provision of this Act, a governor or the legislative body of a State, or a mayor or other chief executive officer or authority or the legislative body of a political subdivision, may exempt from the requirements established under this Act or otherwise any group of public safety officers whose job function is similar to the job function performed by any group of Federal employees that is excluded from collective bargaining under Federal law or an Executive order.

(B) TREATMENT OF CERTAIN EMPLOYEES.—Notwithstanding any provision of State law, supervisory, managerial, and confidential employees employed by public safety employers shall be treated in the same manner for purposes of collective-bargaining as individuals employed in the same capacity by any employer covered under the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

(C) RULE OF CONSTRUCTION.—Notwithstanding any provision of this Act, nothing in this Act shall be construed to require mandatory bargaining except to the extent, and with regard to the subjects, that mandatory bargaining is required between the Federal Government and any of its public safety employees.

SA 4768. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of section 2, add the following:

(5) Because of the critical role of public safety officers in law enforcement, and the high public regard for such employees, such employees should only be represented by organizations that demonstrate a similar regard for the law and inspire the same level of public trust and confidence.

SEC. 2A. PUBLIC SAFETY PROTECTIONS.

(a) IN GENERAL.—A State law described in section 4(a) shall—

(1) provide that no labor organization may serve, or continue to serve, as the representative of any unit of public safety officers if—

(A) any of the labor organization's officers or agents are convicted of—

(i) a felony; or

(ii) a misdemeanor related to the organization's representational responsibilities; or

(B) the organization, or the organization's officers, agents, or employees, encourage, participate, or fail to take all steps necessary to prevent any unlawful work stoppage or disruption by any public safety officers represented by such labor organization; and

(2)(A) provide any political subdivision or individual with the right to bring a civil action in Federal court against any public safety officer that engages in a strike, slowdown, or other employment action that is unlawful under Federal or State law or contrary to the provisions of a collective bargaining agreement or a contract or memorandum of understanding described in section 4(b)(2); and

(B) provide that, in any civil action described in subparagraph (A), a public safety employer may receive damages relating to the strike, slowdown, or other employment action described in subparagraph (A), and that joint and several liability shall apply.

(b) INTERACTION WITH OTHER LAWS.—Notwithstanding the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (commonly known as the "Norris-LaGuardia Act"), or any other provision of law, no Federal law that restricts the issuance of injunctions or restraining orders in labor disputes shall apply to labor disputes involving public safety officers covered under this Act.

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4769. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

Strike section 6 and insert the following:

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

Notwithstanding any rights or responsibilities provided under State law or pursuant to any regulations issued under section 5, a labor organization may not call, encourage, condone, or fail to take all actions necessary to prevent or end, and a public safety employee may not engage in or otherwise support, any strike (including sympathy strikes), work slowdown, sick out, or any other job action or concerted, full or partial refusal to work against any public sector employer. A public safety employer may not engage in a lockout of public safety officers.

SA 4770. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of section 2, add the following:

(_) Police, firefighters, and other first responders are responsible for the protection of life and property and the maintenance of civil order, all of which may be threatened in a labor dispute. Public safety officers covered by this Act should not be subject to any conflict of interest, and the public should be confident that such officers' duties will not be subject to any such conflict.

At the appropriate place, insert the following:

SEC. ___. PUBLIC SAFETY PROTECTIONS.

(a) IN GENERAL.—A State law described in section 4(a) shall provide that no labor organization may serve as bargaining representative for any public safety officers if the labor organization admits to membership, or is affiliated directly or indirectly with an organization that admits to membership, any employee other than a public safety officer.

(b) INTERACTION WITH OTHER LAWS.—Notwithstanding the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (commonly known as the "Norris-LaGuardia Act"), or any other provision of law, no Federal law that restricts the issuance of injunctions or restraining orders in labor disputes shall apply to labor disputes involving public safety officers covered under this Act.

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4771. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. PRESERVATION OF STATE LAWS.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to preempt a State law that provides collective bargaining rights of the type provided for under this Act to public safety officers in political subdivisions of the State, or that provides such political subdivisions with the right to adopt such collective bargaining rights, through a vote of the residents of such political subdivisions in a special referendum election relating to such rights.

SA 4772. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO PREEMPTION OF STATE LAW.

Notwithstanding section 8(a), and any other provision of this Act, nothing in this Act shall be construed to preempt any provision of State law (whether enacted prior to or after the date of enactment of this Act) with respect to the collective bargaining rights of public safety employees.

SA 4773. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

On page 13 of the amendment, between lines 14 and 15, insert the following:

(c) REMEDIES.—If a public safety officer or labor organization violates the prohibition of subsection (a), the Authority, employer, or any other person may file a petition in any United States District Court in the district in which the violation occurred or in the United States District Court for the District of Columbia seeking—

(1) injunctive relief; and

(2) a fine on the labor organization for each day of the violation in an amount equal to 1/26 of the total of the labor organization's annual membership dues, but not less than $2,500 nor more than $20,000 per day.

(d) JURISDICTION.—The Courts of the United States shall have jurisdiction to hear any cause of action under this section.

SA 4774. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

On page 10 of the amendment, between lines 12 and 13, insert the following:

(d) RIGHTS AND RESPONSIBILITIES OF LABOR ORGANIZATIONS.—

(1) LABOR ORGANIZATIONS.—The requirements of titles I, II, III, IV, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 411 et seq.) shall apply to a labor organization in which public safety officers are members to the same extent as such Act applies to a labor organization (as such term is defined in such Act) under such titles.

(2) PUBLIC SAFETY OFFICERS.—The requirements of titles I, II, III, IV, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 411 et seq.) shall apply to a public safety officer to same extent as such Act applies to an employee (as such term is defined in such Act) under such titles.

SA 4775. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

On page 9 of the amendment, line 15, add after the period the following: "State law may make the recognition of the employees' labor organization by any political subdivision of the State contingent upon the results of an election by that political subdivision.".

SA 4776. Mr. BOXER submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MONITORING AND TREATMENT OF FIRST RESPONDERS IN DISASTER AREAS.

(a) IN GENERAL.—Any first responder who suffers health-related conditions or injuries as a result of responding to emergencies in any area which is declared a disaster area by the Federal Government and who does not have health insurance coverage shall be entitled to follow-up long-term health monitoring and treatment provided through the United States Fire Administration and the Department of Health and Human Services.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include—

(1) pulmonary illness, neurological damage, and cardiovascular damage; and

(2) exposure documentation.

(c) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations to implement this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the United States Fire Administration to carry out this section, such sums as may be necessary for each of fiscal years 2009 through 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 10 am., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 9:30 a.m. to hold a hearing on responding to the global food crisis.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 2:30 p.m. to hold a working coffee with Dr. Surin Pitsuwan, Secretary-General of the Association of Southeast Asian Nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled "Addressing the Challenge of Children with Food Allergies" on Wednesday, May 14, 2008. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 10 a.m. to consider the nomination of the Honorable Paul A. Schneider to be Deputy Secretary, U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 3 p.m. to conduct a hearing entitled, "Archives Oversight: Protecting Our Nation's History for Future Generations."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, from 10:30 a.m.–12:30 p.m. in SD–106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Madam President, I ask unanimous consent that Ward Black, Patty Lawrence, and Alan Mackey from my staff be given floor privileges for the duration of the debate on the farm bill conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am going to do some wrap-up and then yield the floor. It will only take me a couple of minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

EXTENSION OF FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. HARKIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6051, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6051) to amend Public Law 110–196 to to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read three times and passed and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6051) was read the third time and passed.

SUSPENDING THE ACQUISITION OF PETROLEUM FOR THE STRATEGIC PETROLEUM RESERVE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6022, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6022) to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6022) was read the third time and passed.

DESIGNATING MAY 15, 2008, AS MILITARY KIDS DAY

Mr. HARKIN. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 565, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 565) designating May 15, 2008, as Military Kids Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 565) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 565

Whereas the members of the Armed Forces of the United States are the greatest soldiers, sailors, airmen, and Marines in the world;

Whereas as individuals and as a group, the members Armed Forces of the United States daily place their lives on the line for the United States, both here or abroad;

Whereas the children of these patriots, even the youngest of them, recognize the incredible service their parents provide, and daily face the challenges of military life, with frequent moves, separation from their loved ones, and uncertainty about the future;

Whereas the voices of these children are seldom heard and their own particular sacrifices seldom acknowledged;

Whereas the children of the members of the Armed Forces of the United States have an important creative outlet through the Annual Essay and Art Contest of the Armed Services YMCA;

Whereas the compelling essays and artwork by military children will be published in My Hero: Military Kids Write about their Moms and Dads; and

Whereas the strength of character, humor and honesty offered by these children are a hallmark for all of us to follow as we face the challenges of everyday life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the sacrifices made every day by the thousands of families across the country and the world in support of the members of the Armed Forces of the United States;

(2) expresses gratitude for their fortitude, their strength, their compassion, and their expertise;

(3) supports the efforts of the Armed Services YMCA and the many other organizations that work to assist the military families of the United States;

(4) designates May 15, 2008, as "Military Kids Day" in the United States and at military installations throughout the world.

NATIONAL APHASIA AWARENESS MONTH

Mr. HARKIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 566, submitted earlier today by Senator JOHNSON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 566) designating June 2008 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 566) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 566

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this "silent" disability and provides opportunity and fulfillment for those affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2008;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—Resumed

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. It is my great pleasure to join my colleagues today to speak about a wonderful bipartisan effort that took a lot of time and effort, a lot of energy, but we all come to the floor tonight to celebrate a very important food policy, conservation policy, energy policy to the country. And certainly there are many people to thank.

It is wonderful to see a member of the Agriculture Committee as Presiding Officer this evening. Mr. President, we thank you for your efforts.

I certainly have to thank our chairman. We would not be here without our chairman and his passion and his patience in working through what has been an extremely challenging effort but one that—pardon the pun—has borne fruit and vegetables. So we are very pleased. It was great.

I know Senator CHAMBLISS is not here, but what a wonderful partner in all of this as well. I know he is somewhere in the building.

I wish to say to Senator CRAPO before he leaves that it has been wonderful to work with him on issues related to specialty crops and conservation, and also his wonderful leadership on the endangered species legislation.

There were 250 different organizations, from environmental organizations to businesses, that all came together. That alone is a feat. So I congratulate the Senator.

Standing next to Senator CRAPO, of course, is Senator ROBERTS, who comes with such passion and experience himself, having led farm bills. Despite his razzing me about cherries all of the time, and asparagus, we are going to get you healthy by giving you a lot more fruits and vegetables as a result of this wonderful bill.

So there are a lot of people to thank—Senators BAUCUS and GRASSLEY for their efforts on the Finance Committee, leading us. I am proud to serve on both committees, as is the distinguished Presiding Officer, who has been in a spot on both Finance and Agriculture to help bring this all together.

Also, we would not be here without Senator CONRAD and the incredible knowledge he and his staff have in crunching the numbers and being able to bring us to this point in so many ways. So thank you to him as well and, of course, our House colleagues, Chairman PETERSON and Ranking Member GOODLATTE and Chairman RANGEL.

I also wish to say a special thank-you to a gentleman I have come to call a friend, Congressman CARDOZA, who was my partner on the issue of specialty crops in the House. I very much appreciate all of his efforts as well.

Of course, I have to say thank you to Senator REID. We would not be here if our leader had not focused on this and provided the kind of leadership at the right times to be able to bring people together and to once again provide us time on the floor, when time is a precious commodity here as there is so much to be done. So I wish to thank Senator REID for always getting the priorities right in terms of what is in front of us.

Then I finally, on a personal note, wish to thank two terrific, hard-working members of my staff: Chris Adamo, who has worked every part of this bill for months and months, and Oliver Kim, who did such terrific work on the nutrition title for me. So I wish to thank both of them.

This was not, as I said before, an easy negotiation. But we are very proud. I am very proud—I know we all are—of the end result. We have created new opportunities for food and nutrition, significant new opportunities. We have new investments in renewable energies—certainly important to jobs in the great State of Michigan and around the country as well as creating energy independence. We strengthened our research efforts.

I am proud to have led an effort that began with our research institutions, our land grant colleges proposing something called CREATE-21. We used that structure to be able to put in place a research structure to be able to focus more on the competitive research and other important changes in this bill as well.

We also put in permanent disaster assistance. Due to some weather very recently in Michigan, unfortunately, we may be finding ourselves needing some of the disaster assistance for some of our specialty crops. I am hopeful we will not but, weather being what it is, having a permanent disaster assistance program is very important. I think it is important to have it paid for and have it part of our policy. So I am pleased we have that as well.

There is also an incredible conservation title that is in this bill, as well as rural development and, of course, our support for our Nation's farmers, while at the same time we achieve significant reforms.

When you put it all together, it is an incredible picture of many pieces coming together to create the right kind of values and priorities and the right kind of policy. I hope we will pass this conference report as we passed the original Senate farm bill and as the House has passed the conference report with an overwhelming majority. We will then send a very strong message to the White House that we have incredibly strong bipartisan support, and we are hopeful, in fact, that we will see the same support in the end from the White House. Even though we have certainly received comments to the contrary, we hope we will send a very strong message and that they will come together and join with us and the overwhelming number of Members who have worked so hard and supported this policy.

We have agreed on a monetary framework that has been talked about before that is $10 billion above the baseline, above the last farm bill. We actually started with fewer dollars, $58 billion less than last time because of commodity prices and so on. So there has been a lot of work on the financial side to have a way for us to be able to create some new investments. And it is significant that those investments were done not by raising revenue or raising taxes but by making reforms, by making changes within farm policy. That is very significant.

I think it is also a credit to everyone involved that the $10 billion in new spending all goes to food and nutrition programs—all of it; in fact, a little bit more than that, $10.35 billion. That is extremely significant in terms of where our values and priorities are.

It is important as well to indicate, as colleagues have, that 73 percent of the farm bill goes to food and nutrition programs for America's families, primarily through the Food Stamp Program but through other critical programs as well.

I can tell you, coming from Michigan, where we have been hard hit as it relates to the economy and what has happened in the global economy to manufacturing and so on, we have a lot of folks who never thought they would need help, a lot of folks who have worked hard their whole lives and have lost their jobs and now find themselves in a situation that, in order to feed their families, they need some help. They paid taxes their whole lives, and now they are in a situation where they need to have some assistance. In fact, we have one out of eight people—one out of eight—in Michigan today who is eligible for food stamps because of the recession and the economy. I am proud we have recognized the fact that we need to make sure in America that food assistance is available at times of hardship when families need it.

We have also talked about other programs. In the nutrition title, the school snack program is also critical in terms of supporting our fruit and vegetables growers. We are talking about expanding a program so that children in schools all across Michigan and all across the country will have the ability, rather than going to the vending machines, to be able to have a fresh apple, fresh blueberries, fresh strawberries, plums, asparagus, celery, be able to eat fresh fruits and vegetables, which we know is so important for their own health and growth as well as a way to support our growers. With this program, 81,000 Michigan students will be able to receive fresh fruits and vegetables as a result of the policies we have set up.

There are also emergency food programs, community food banks, seniors' farmers markets to be able to allow senior citizens to have coupons to buy fresh fruit and vegetables. This is very significant.

I wish to also mention and say a special personal thank-you to a member of my family who has advocated so strongly for these food programs, my daughter Michelle, who works for the Capital Area Community Services office in Lansing, MI. She works with low-income families and seniors every day. On more than one occasion, I have been e-mailed while we were working on the farm bill, with my daughter expressing great concern about the small number of items available for senior citizens when they come in once a month for food. She is giving me lists of two potatoes, dried milk, rice, small little lists, and then she says, "Mom, these are seniors. Can't we do better than this?" Well, I am proud to say that with what we are doing here now, we are going to be able to do better than that. I think personally there is something wrong when we have these senior programs and they can't get fresh milk or bread, which is not part of those programs. So I wish to thank Michelle for pushing and pushing me to remember what it is like for people who are having to live under the funding and the policies we put forward.

There are many titles of the farm bill. Every title is significant. Every title affects Michigan. I come from a State that everybody thinks of as automobiles. And we are proud of our auto heritage, our manufacturing heritage, but our No. 2 industry is agriculture. We have more diversity of crops than any other State but California, and we are very proud of that as well. And while our specialty crops—our fruit and vegetable growers—are over half of what we grow, we also have corn and soybeans and sugar beets and livestock and milk as major components of Michigan agriculture.

I am proud to have helped author this bill, which maintains a strong safety net and improves policies for all of our farmers and our ranchers. Michigan is rural in many ways. Around Michigan, up north, the Upper Peninsula, all of Michigan, we benefit greatly by the rural development title. I do not think there is a community in Michigan that has not, in some way, benefited by the rural development title.

I am very excited about the energy title and what we have been able to do. The energy title really is not only about supporting growers but about creating economic opportunities, jobs, and also addressing the issue of gas prices and dependence on foreign oil. With billions of dollars in new money for both titles, I know we can help grow jobs as well as grow sources of energy—both incredibly important.

One of the most significant energy policies is the new cellulosic ethanol tax credits. I know that our Presiding Officer has been a very strong proponent of this as well. This tax incentive will build upon corn ethanol, with new cellulosic-based fuels that can be made with a variety of organic sources such as wood, with the great woods of the Upper Peninsula in Michigan, to switchgrass or agricultural waste. These new sources of ethanol will also alleviate the burden on corn and food prices, as we know.

Furthermore, in Michigan, this new tax credit will provide certainty and an incentive for investors like Mascoma, which is a partner with General Motors on a cellulosic ethanol project; New Page, which is in the Upper Peninsula and is partnering now to create commercially produced cellulosic ethanol and, again, jobs in Michigan.

The farm bill also has one of our Federal Government's strongest environmental investments, something that I know, among many passions, has been the passion of our chairman, and we would not have the conservation title we have if it were not for our chairman.

This is significant for natural resources across the Nation, but in Michigan it is really crucial, not only to our farmers who use the conservation title, but we have any number of ways, whether it is preserving wetlands or whether it is focusing on water quality or wildlife in the Great Lakes. This is extremely important to us, protecting land and open spaces. Overall, the $4 billion in new spending for conservation is vital for us in wetlands, grasslands, forests, and maintaining some of our best stewards of the land, our farmers and our ranchers.

I am extremely pleased to have included language that makes it clear that we can use dollars from the conservation title to focus on soil erosion, runoff, and other issues that address the challenges of our Great Lakes, a very important national resource.

Of course I am especially proud of the new farm bill specialty crop title. I think my colleagues have gotten tired of me talking about specialty crops, but I am very grateful for the fact that half of the growers in the country, half of our cash receipts in the country come from what are called specialty crops, fruits and vegetable growers, other specialty items, and they have not had a place in other farm bills in our history. So I thank the chairman again for working with me to create the specialty crop title. These are growers who have not asked for direct payments, but they do ask that we recognize and support them to be successful in a number of areas.

They have unique and significant challenges with pests and disease, with trade barriers, with marketing, disaster relief, the need for research. We know there are important things we can do to support fruit and vegetable growers. We have all together, counting disaster assistance, a little over $3 billion that will go toward the area of specialty crops. I have to say that when we started this process, we put together a bipartisan letter with 36 Members of the Senate asking, in fact, that we invest $3.3 billion in specialty crops. We pretty much hit that number at the end of the process. I am very grateful to all colleagues who joined together in that effort.

These new funds will help the Nation and Michigan. For example, Michigan orchards will benefit from competitive research grants that will provide much needed support for efforts to research alternative pesticides and solutions for new diseases. This is incredibly important because the FDA zero tolerance policy for insect and larva in fruit is something our growers have to address. Alternative pesticides have to be found by 2012 to allow cherries and apples to continue to be marketed in the United States. This is a very real challenge, and this bill will help them address that. The cherry industry has invested millions of its own dollars in partnering with my alma mater, Michigan State University. This partnership will be in a very competitive position to tap into these new dollars for specialty crop research.

USDA's ability to aid growers in times of surplus has been strengthened significantly by this title. The addition of value-added products to section 32, our commodity purchase program, will be of great help to Michigan growers. Our cherry growers, for example, in fact had a surplus year and a promised $8.1 million purchase is coming soon. It is helpful to know in the future this program will be stronger and even better.

Finally, let me stress the fruit and vegetable snack program. Michigan's dried cherries are the single most popular dried fruit served in the program, according to the USDA's own 2004 evaluation. This new market expanding the fresh fruits and vegetables program is something they are very excited about. There is no question this will focus on and contribute to the health and welfare of our children. There is much in this specialty crop package for both growers and consumers. I am grateful for colleagues supporting this effort.

Again, this is a bill that has reforms. It speaks to the future. I would say when we look at not only the safety net that is important for our growers, our ranchers, but when we look at new energy opportunities, food and nutrition support for our families, particularly now in challenging times, a major effort in conservation to protect our land and water, and to provide the ability to protect forests and lands for the future, rural development research, on and on, this is a bill that touches every family, not only those in rural America.

We specifically included some items such as community gardens to help those in cities who live in areas that unfortunately have been now dubbed food deserts, where the local store doesn't have fresh fruits and vegetables. It is not something they are able to get. But being able to support community groups to have community gardens so, again, fresh fruits and vegetables are available, is something that is part of this bill.

In every way, this is a bill deserving of a strong bipartisan vote. It is an example of a complicated process that people came together to work very hard on. I am very proud of Senate colleagues. We stuck together. We pushed very hard for what we believed was the right set of values and priorities. We were able to achieve it. I encourage and urge colleagues tomorrow to join with us in support of this very important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, the hour is late. Obviously, the galleries are very nervous and full of people who wish to go home. The aggie press covering this momentous event is tired, writing furiously, as I was. And the chairman of the committee, we are trying his patience as he has been sitting here all these hours listening to members of his committee discuss the farm bill. I thank the chairman for his perseverance. I thank the distinguished ranking member, Senator CHAMBLISS, who, I understand, like Elvis, has left the building, but his presence is still here. So I shall try to be brief.

I rise today to speak on the farm bill conference agreement and, most importantly, to stand up and support production agriculture. I want to associate myself with the remarks of the Senator from Arkansas who gave a very good speech on the value of production agriculture. Apparently our Nation enjoys, but too many times simply does not appreciate, whether it be the national media or some in this Congress or whether it be observers of agriculture program policy, the modern-day miracle known as U.S. agriculture. That used to be a staple of all agriculture speeches. I think we need to repeat it—the modern miracle that provides the cheapest and highest quality food supply in the world.

We have heard claims throughout the debate that since commodity prices are high, we don't need farm programs. That has been in the print of many a newspaper and the subject of several topics within the national media, on television, radio. Those who would make these claims do not understand agriculture or the challenges our farmers and ranchers face. I doubt seriously if they have ever set foot on any farm ground. Prices were high in the past and, as quickly as they rose, they fell. We could very well see history repeat itself. This is precisely why we need a farm bill to begin with, a farm bill that provides an adequate safety net so producers can compete in the global marketplace, producers especially in high-risk States such as Kansas, who contribute so much, 350 million bushels of wheat a year, maybe 400 million, and many other grain products, a big beef State.

These producers may barely scrape by for 2, 3, 4, and even 5 years due to inclement weather. High-risk agriculture is what we call it. But the benefits are great. Then 1 year they make it big. When they do, they are able to pay down some debt and maybe upgrade the equipment they have been using for 15 years or they can take their wife and kids on the first vacation they have been able to afford in years to take time to enjoy. Yet as soon as they get a little bit of breathing room, unfortunately, some in the media and other critics claim our producers are taking advantage of taxpayers, and they are getting rich, especially farms that farm a lot of acres. It seems to me now that we have a new criteria. If you are a large farmer, meaning if you farm a large number of acres, you are automatically rich, which is simply not the case. What other business do you know of that can sustain such prolonged periods of loss only to hold out for 1 year of reprieve? That is why we need a safety net in our farm programs. That is it in a nutshell, to help producers weather the storms of instability in the marketplace.

It is the deficiency in the safety net protections for wheat and sorghum, our producers of sorghum and wheat in this conference agreement, that does give me pause. That certainly doesn't come as any surprise to any member of the committee who has taken the time to listen to this member. As a Senator from a State with high-risk agriculture, many of our current farm programs simply don't work for my farmers when they have no crop to harvest. This is especially true of target prices and loan rates. However, two programs have worked. In recent years direct payments, which should be called safety net payments and crop insurance, have been a lifeline for Kansas farmers and their lenders. Yet title I of this agreement increases target prices and loan rates, the same programs that do not help producers when disaster strikes and they have no crop to harvest, while at the same time cutting the safety net payments or what is called a direct payment and crop insurance.

Back in 2002, we discovered that the countercyclical program, when we were considering that bill and I made the same speech on the floor at that particular time, would not have provided assistance in 9 of the previous 17 years in Kansas. That is over half the time. My question was, why support a farm bill that does not help your State, one of the biggest producing States in over half the number of years as we went back the 17 years? And those 9 years represented some of our toughest years in regard to weather in that period. Since that time, because of a prolonged drought and late-season freezes, the countercyclical and the loan programs have simply failed to provide assistance to Kansas producers, even when they didn't get a crop. Direct payments or safety net payments and crop insurance did provide the support.

Unfortunately, these key programs are treated as a bank in the conference report. Even though both the House and Senate passed bills that kept this direct payment completely intact, the conference report reduces this producer support in years 2009, 2010, and 2011. Some of my colleagues here and in the House have stated publicly they would like to see the direct payment ended altogether and rely on the countercyclical program. Again, it simply has not worked in most of the years that it has been in effect on behalf of my State of Kansas. These statements did create an atmosphere in which moving forward was difficult and at times very frustrating. Thankfully, we were able to protect salvage farmers who were getting ready to head into the fields and harvest their 2008 winter wheat crop.

I am pleased the conferees worked with me and with others to ensure that our producers would not face cuts to these direct payments in 2008. Long ago these producers signed operating notes with their lenders for this crop year. They should not have the rules of the game changed now. I am pleased we prevented that from happening.

Historically we had kept the crop insurance legislation separate from the farm bill, but that changed in 2002. Unfortunately, it does continue in this bill. I think it should be a separate bill. I remember all the hard work Senator Bob Kerrey and I worked on in regard to that bill. It was separate then. Perhaps we can do that down the road. Last time around we took $2 billion out of crop insurance. I warned at that time that that was a dangerous road to take. This time the crop insurance program offers close to $6 billion for the benefit of other programs in the bill. So we are taking from crop insurance, using it as a bank for other programs. This is going to have an effect on producers and providers, and don't let anybody tell you differently. While these cuts may not unravel the program in low-risk States, they are dangerously close to doing so in high-risk States. You know very well I am talking about doing an excellent job of representing Colorado, the neighboring State, to the west.

I am also concerned our producers will have to pay their premiums earlier, beginning in 2011. This means they may have to secure credit to cover the payment. I am hopeful that since we have a few years before this takes effect, we can get it fixed before it does hit farmers on their balance sheets.

Notwithstanding my concerns for the commodity and the crop insurance sections of this bill, let me emphasize that there are strong, positive provisions in this conference report that will go a long way to benefit not only Kansas but the entire Nation. I thank Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY and their staffs for fighting so hard to ensure that the tax title of the Senate bill remained in the conference report.

I am honored to serve on the Finance Committee under their leadership, just as I am honored to serve on the Agriculture Committee. They often take hits from all corners around here because of their efforts to work together. But it is because of their bipartisanship that we have been able to show the American people that we can work together to get things done in Washington.

They have fashioned an agricultural tax relief package that provides targeted tax relief for farmers and ranchers. It encourages significant investments in conservation, it decreases our reliance on foreign energy, and it invests in our rural communities.

Of particular importance to many of us is a provision that does correct an inequity in the Tax Code that harms retired and disabled farmers when they receive the Conservation Reserve Program payments. I and many others on both sides of the aisle have worked for years to get this fixed.

We also help agricultural businesses manage the growing costs of securing agricultural pesticides and fertilizers. While important to farmers and agricultural businesses, these can also be used for illegal purposes. They have in the past, including the manufacture of explosives, and other drugs very harmful, more especially to young people. Those of us in the heartland who remember the attack on Oklahoma City in 1995 know this risk all too well. Having served on the Intelligence Committee, I know all too well about this risk.

Also included in this title is important tax assistance for a community called Greensburg, KS. Ten days go, we marked the 1-year anniversary of the EF–5 tornado—a mile and a half wide—an EF–5 tornado that literally wiped the town off the Kansas prairie. I have seen tornado damage. Serving in the Armed Services, I have seen tornado damage. I have never seen anything like this, destroying literally 95 percent of this community of 1,500 people. The grade school, high school, city hall, hospital, water tower, fire station, every church, and all but three businesses in the town were completely destroyed. Lives were lost in this storm.

In the aftermath of this devastation, Senator BROWNBACK and I put together a very modest and temporary tax relief bill to help residents and small businesses pick up the pieces and rebuild Greensburg. This tax relief mirrors many of the same provisions Congress approved to help those affected by Hurricanes Rita and Katrina.

Some in the House actually questioned why this legislation was necessary and why it belonged on a farm bill. It belonged in the farm bill because this is a rural development and rural revitalization issue. The provisions in the package will help residents rebuild the 1,000 homes that were damaged or destroyed and will help the 113 small businesses in Greensburg to rebuild and grow their businesses.

This tax legislation represents exactly what our Government should do to help in times of extreme need, and it belongs in this bill. Frankly, the House should have passed it a year ago, as the Senate did originally on May 25, 2007.

The tax title of this conference report is a solid win for rural America, and it is a major reason why I will support this legislation—despite my concerns with the commodity title and crop insurance, which I have already gone over.

I also thank the chairman of the Agriculture Committee and the ranking member, Senator CHAMBLISS, for working with me to address my concerns with regard to the Rural Utilities Service's broadband loan program. The reforms included here represent a rare bipartisan and consensus-driven effort to bring broadband Internet to more Americans.

As has been noted by others, the conference report makes significant investments in conservation programs that are popular in Kansas, such as EQIP and the Open Fields program that Senator CONRAD and I have been working on for years.

I am also pleased to see the investments made in nutrition policy, specifically the provisions which encourage our schoolchildren to eat more whole grain foods. Whole grain products are an excellent source of fiber and provide nutrients that help reduce the risk of heart disease.

Finally, the bill includes two sections that are extremely important to Kansas.

First, through the livestock title of this bill, we have ensured that competition is protected in the marketplace and that producers will continue to be able to market their livestock as they see fit. I am also pleased the livestock title allows for the implementation of the COOL program, the country-of-origin labeling program, in a way that does not require additional burdensome paperwork on our producers in the beef industry. The beef industry is nearly a $6-billion-a-year industry in Kansas. The livestock title of the bill helps us ensure it will continue to be an important part of our State's economy.

The research title of this bill also includes an important provision to allow DHS to continue plans to build a new National Bio and AgroDefense Facility, NBAF.

The research that will be conducted at this facility will be crucial in protecting our livestock and commodity industries, human health, and the overall health of our Nation's economy. I thank the chairman and ranking member for helping to ensure this provision was included in the conference report.

So, Mr. President, as I have said before, this is not the best possible bill. But it may be—and I think is—the best bill possible under extremely difficult circumstances. Certainly the chairman understands that.

While I am not pleased with the way our Kansas wheat and sorghum producers are treated in this bill, I am worried that no farm bill or revisiting the farm bill in the next year or two may lead to an even less desirable outcome.

You have heard of "The Last Picture Show." This may be "The Last Farm Bill." The fact is that we do have important provisions in this bill. We also have producers who, in a few short days or weeks, will be in the fields harvesting their 2008 winter wheat crops. They need—no, they deserve the predictability and stability of a long-term bill. It is time to let them know the rules of the game.

I wish, Mr. Chairman, we could seek unanimous consent simply to pass the bill tonight and thereby relieve the President of any decision he might have to make in terms of a possible veto, even though the vote in the House was certainly overwhelming on behalf of the bill.

With that, I thank my chairman for his patience.

I thank you, Mr. President, for your patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak of my support for the conference report on the farm bill. I am delighted to follow my colleague, Senator ROBERTS, who supports the bill, who has served on the conference committee and has been a longtime worker and writer of farm bills. I think this is probably Senator ROBERTS' fifth or sixth farm bill. So I am delighted to follow in his wake here and to support the same farm bill.

I wish to commend my colleagues, Senator HARKIN and Senator CHAMBLISS, for their leadership on this issue. I am proud to represent an agriculture State, along with Senator ROBERTS, and I am proud to represent Kansas producers and their interests here in Washington. I am proud to be here representing my dad and brother who are full-time farmers and people who both use the farm bill and swear at it from time to time as well, complaining about different of its provisions that are in the farm bill that hit them in an adverse way.

Still, I think overall this is a good farm bill. I think some of the highlights of the farm bill are the expansion of ethanol and the cellulosic ethanol field. It is an area we are seeing now—with grain prices rising and people being concerned about the competition between food and fuel moving into cellulosic—that makes enormous sense, and I think it is clearly one of the ways of the future we need to go.

The expansion of biobased products that is in the bill, the expansion of the conservation area in the bill, with a keen interest in the environment that continues to grow in the country in its importance and its importance to farmers—I think those are all highlights of the bill.

I think weak aspects of the bill are its treatment, particularly in my State, toward wheat and sorghum producers. I think those are weak aspects of this bill.

So I think, overall, as my colleague from Kansas said, we need to get some certainty of a bill done, and it is way past time for that to take place—way past time. The extensions that have been taking place are an insult to producers who have to have some form of planning on the horizon to be able to move forward. They do not just buy inputs on a whim. They have to have some planning on the horizon for buying fuels, for being able to buy fertilizers and chemicals, and, obviously, with us doing this in May, this spring planting season is over in many places and certainly in the waning weeks in others. We need to get this done.

Much has been said about this farm bill. It has been well over 2 years in the making. I do not believe it is a perfect farm bill. No bill ever is. But I believe it is a bill we need to pass. My producers back home simply want a bill passed. That is what I continue to hear more and more: We just want to see a bill passed. They are tired of the constant wrangling back and forth, and they are not pleased with the commodity title that has been cut. Neither am I. But they would rather have the certainty that this bill represents than continue living under 1- or 2-week extensions.

I would like to focus on reasons why I am supporting this farm bill.

First—and one of the provisions noted by my colleague—the tax package attached to this bill has a lot of provisions my farmers and ranchers should be able to take advantage of. There are several programs and incentives for young and beginning farmers, as well as mandatory funding for rural micro-entrepreneurs.

This is an issue I have been focused on for several years, along with my colleague from North Dakota, Senator DORGAN. We and many others have put forward the New Homestead Act, trying to target the outmigration from rural areas, and to cause and to help investment in rural communities, to help stem this tide of outmigration. While we have not been successful in passing that New Homestead Act yet, I am pleased that many of the initiatives in this farm bill are taken from or mirror those provisions in the New Homestead Act. I think they will help in the outmigration progress that is a big problem in my State, that is a big problem, I know, in the chairman's State, in Iowa, as well.

Another piece of the tax package I am pleased is in this bill is the provisions to help Greensburg, KS, rebuild. My colleague from Kansas noted this is a town that was nearly wiped out. Ninety percent of the town was wiped out. The President has visited there twice. He most recently gave the commencement address at the high school, less than 2 weeks ago.

It is heartening to see the heart of the people in rebuilding. You knew from when you saw Greensburg right after the tornado hit and when you met with the people that this town was coming back, that the will and the spirit of the people were there. They are building it back green. It is really fascinating to see the number of small-scale and large-scale windmills that are in the town, the number of green construction sites and buildings that are going up. They want this town to be green Greensburg, and they are doing it. It is a very interesting thing to see.

I was visiting with the John Deere dealership there, and he was showing me all of the green features they are putting in. This will be the most environmentally sensitive John Deere dealership in the country. You can say: Well, I am not sure if that title means a whole lot, but it is going to be a model for dealerships around the country in the farm equipment business. They are excited about it, and I am excited for them.

This bill contains tax provisions that my colleague from Kansas, Senator ROBERTS, has worked hard to get passed. They passed this body three times but have never made it into law. With this bill, they will become law and go into practice.

I am also pleased there are several initiatives in this bill to develop the biofuels and biobased products. The agriculture industry is now a food, fiber, and fuels business. For years, this has been the dream of people in agriculture: to expand the base of the industry from food and fiber to food, fiber, and fuels. Well, that has now taken place. That is now here.

You travel across my State, you travel across the chairman's State, and there have been enormous investments in ethanol and the expansion of that industry, and it has been a great industry. I realize recently a lot of people have taken to hitting at ethanol. I would ask them, when they go to the gas pump and they are filling up and they are looking at how high this price is, that they would consider that price would be 25 to 40 cents higher without ethanol. Do they want that?

I would note as well that the price of corn is not the culprit on the rising food prices. It has had an impact, but quite modest for what people are experiencing, and it is keeping down your fuel prices in an ecologically sound way. I think we can expand that ecologically sound fashion with the cellulosic base. So I would hope in the future you would not only have a corn stream going into the ethanol plant but you would have a corn stover or fodder stream going into that same ethanol plant that would build and create ethanol out of both cellulose and out of the grain as well. That can happen with this title here.

I think one of the key provisions is loan guarantees and a new production tax credit of $1.01 per gallon for cellulosic ethanol that will be available through December of 2012. I think this is a key provision and a very helpful provision in this bill.

We have been able to make numerous everyday household items recently out of agricultural products. Not only do these products reduce our need for petroleum, they also provide a new market for farmers in rural areas to tap into.

For instance, the Kansas Polymer Research Center at Pittsburg State University in Pittsburgh, KS, has been studying, developing, and patenting ways to use various soybean oils to replace petroleum products. The foam rubber in car seats now, they have a patent to be able to make that—and it is being made in some places or soon will be—out of soybean oil rather than out of oil products. They have come up with ways to use soybean oil to create new chairs, materials in carpet, and even green concrete. Now, the color of the concrete is not actually green, but it is using soybean oil providing a new market for our farmers and is up to four times stronger than regular concrete. I am pleased to see this is being supported in the bill.

As I mentioned, I think cellulosic ethanol is one of the key titles of the bill. One of the Nation's first cellulosic ethanol plants is being built in Hugoton, KS. I am pleased it is there. I look forward to the further development of cellulosic ethanol, and this bill helps us get there.

Finally, while it is not specifically legislated through this bill, it is my hope the USDA will hold "New Uses Expos" around the country to showcase these bio-based products that we clearly have been targeting the Congress to do and to expand with; that the marketplace can expand with, that this title does, that this bill does, and we need to show those products off in many places around this country and around the world as a further greening of the United States and the use of the agricultural industry in expanding its base. This simply makes sense. Not only is the Federal Government required to procure bio-based products when available and affordable, but these are the types of innovative ideas that we should be pushing our agricultural industry to further develop. We all want our farm economy to move toward a more market-based system, and these new uses provide us with that opportunity.

In the livestock title, I would like to also add that I am pleased to see it is going to allow our livestock producers to produce for a market and not create artificial barriers so the producer cannot get closer to the consumer. There were provisions that were being suggested before that would block our producers, our livestock producers, particularly our beef producers in Kansas, from being able to get closer to the consumer and thus more of the consumer dollar back to the farmer. Those are not in here, and I am very pleased the livestock title does not contain those and has worked with the producers, the livestock producers, to help them out.

These are just a few reasons I am supporting this bill. I think the circumstances have been very difficult, but I believe it is a bill worth supporting. I wish to congratulate the chairman and ranking member, Senator CHAMBLISS, for their leadership on a very tough issue and on a tough farm bill, and it is time to get it passed.

Mr. President, with that, I yield the floor, and I note the absence of a quorum.

Mr. President, I will withhold that for just a minute.

The PRESIDING OFFICER (Mr. HARKIN). I thank the Senator from Kansas.

The Senator from Colorado is recognized.

Mr. SALAZAR. Parliamentary inquiry: Are we in a quorum call?

The PRESIDING OFFICER. No. We are on the bill, and the Senator is recognized for up to 26 minutes.

Mr. SALAZAR. Thank you very much, Mr. President and Mr. Chairman. Thank you so much.

Let me first say thank you to all of the people who have worked on this legislation in this body. Tonight is a night to celebrate what can be done when people come together and work for a common effort. To the chairman of the Agriculture Committee, the distinguished Presiding Officer, I will only say it is his patience which is the kind of patience of Job which has gotten us here tonight on the evening before we pass the conference report on the farm bill and get it moved forward to finality. It takes someone such as the Senator from Iowa who is the only U.S. Senator who still lives in the same house that he was born in, who really understands what it is like to be a salt-of-the-earth farmer and rancher, to move forward with the kind of patience and leadership to finally be at the point where we are going to get this historic farm bill across the finish line. So I wish to thank him, as well as Ranking Member CHAMBLISS for his leadership.

This has been a work long in progress. I remember some 3 years ago beginning some of the first conversations about the rewrite of the farm bill. I fondly remember the chairman of the Agriculture Committee, Senator HARKIN, coming to the State of Colorado to hold the very first hearing on this farm bill which is here before us tonight. For that, the producers, the nutrition programs, the hunger programs, the farmers and ranchers of the State of Colorado and of this Nation will always be grateful.

I also wish to say thank you to Senator BAUCUS and to Senator GRASSLEY, the chairman and ranking member of the Finance Committee. I have the privilege of sitting on both the Finance Committee and the Energy Committee. At the end of the day, how both committees were able to work together to develop a package that is one that we will be rightfully proud of is in part a great tribute to both Chairman BAUCUS, as well as Senator GRASSLEY, for their work.

I also wish to thank Senator CONRAD for his leadership in understanding the numbers. He is in a unique situation as the chairman of the Budget Committee and is the one who understands the Federal budget perhaps better than anybody else in this entire Chamber. I wish to thank also the others who served on the conference committee and who labored so hard to get this bill across the finish line, and to my colleagues on the Finance Committee, as well as on the Agriculture Committee, for all of their great work.

Across the hallway, on the other side of this Capitol, I wish to thank Chairman PETERSON of the House Agriculture Committee and Chairman RANGEL for his hard work as well, and Congressman SALAZAR, a member of the Agriculture Committee, one of the salt-of-the-earth, true farmers still here in Washington, DC, who still wears the calluses on his hands from the work that he does on tractors and out in the fields. I thank him for his leadership.

Finally, in terms of thanking leadership, it is important for us also to recognize that we would not be here were it not for Senator HARRY REID, our majority leader, because it was through his efforts that he steadfastly continued to push for us to get a final farm bill. His multiple meetings with Speaker PELOSI and with the leadership in the Senate in the committees to try to get us across the finish line is something we must honor and we must pay tribute to because without his leadership, we would not be here tonight.

I also wish to briefly say thank you to my wonderful staff and to the producers of the State of Colorado, to Grant Leslie, my legislative director, Brendan McGuire, to Tommy Olsen, and to all of my State staff and Washington staff who worked so hard on this bill.

I strongly support this farm bill conference report and I wish to thank everyone who has worked on this bill. It is a bill which is bipartisan, forward-thinking, a balanced package, and it is one which I think will pass overwhelmingly tomorrow.

There is a lot riding on this farm bill. This is a bill that helps families put healthy and safe food on their tables. It helps kids get fresh fruits and vegetables for their lunches. It helps protect our land and our water. It helps us build a clean energy economy so vital to the national security of America and of the 21st century. Nowhere, however, is the farm bill more important, of course, than on farms and ranches in small towns and rural communities all across our Nation. Today, more than half of the counties in America are designated as rural counties. Mr. President, 44 of the 64 counties in my State of Colorado are defined as rural counties. For the last 8 years, many of these counties which are home to 50 million Americans have, in my view, been largely ignored by Washington, DC—ignored in its policies and ignored in its priorities. This farm bill sets us on the right track and in a new direction.

We can see the effects of Washington's neglect in places such as my native Conejos County, one of the poorest counties in the entire United States of America where almost a quarter of the residents today still live below the poverty line. You can also see the difficulty in rural America on many of the Main Streets across the country, including Main Street of Brush, CO, where you can drive down Main Street and probably half of the businesses and stores have been closed down. The population in all of those counties across all of the eastern plains of my State has been declining.

The truth is, the rural communities across our country are struggling. Median income in rural counties is around $11,000 less than the national median—$11,000 less than the national median. So country cousins and city cousins, when they compare their average per capita income, they know if you happen to live in that part of the country, you are going to end up making about $11,000 less than if you happen to live in the city.

Jobs in many rural areas across America are disappearing. Hospitals and health clinics are closing. Schools have declining enrollments, and young people everywhere across rural America have to leave to find opportunities elsewhere. It is an exodus that takes place from rural America into urban America day after day, year after year, decade after decade.

Of the 1,729 rural counties in the Nation, 865—that is about half of those counties—lost population between 2000 and 2005. This map shows all of those red counties which have been losing population between those years, and it is those counties in all of America that we try to address to provide a new direction, a new hope, a new opportunity and optimism for rural America in this farm bill.

In my view, rural America has been forgotten for far too long, and passing this farm bill is of the utmost urgency. This legislation will help bring new life, new energy, and new opportunities for farmers and ranchers and for small town populations all across America. As a reminder of the importance of our farms and ranches in rural communities for our food supply in our society, I have for a long time since my days as attorney general in Colorado had a sign on my desk that says: "No Farms, No Food."

Today, I have that sign on my desk in Washington, DC. I think it is always important for all of us to understand the importance of agriculture and the food security of this Nation to take every opportunity to remind the world and to remind our fellow 300 million American citizens that our food security ought never to be taken for granted.

Tonight, this legislation, which has been led by Chairman HARKIN, is making that statement across America: No Farms, No Food. I will tell my colleagues that anyone who goes without food for a day or two will recognize how important our farms are to America's food security.

Unfortunately, I don't think the President of the United States has understood what is at stake. I hope he doesn't veto this bill. He has said multiple times that he will, even though his administration has had ample opportunity and has been at the table of negotiations and dialogue on the farm bill for many years now. So I am hopeful at the end of the day, this President, who at least in pictures is from Crawford, TX, would understand what those rural communities—including the community of Crawford, TX, and the communities across all of rural Texas—that signing this farm bill is an important way for him to stand and say rural America is, in fact, important.

I am proud of this bill before us. The farm bill will spur the clean energy revolution that is already underway on our farms and fields across America. It will help us reach the goal of producing 25 percent of our energy from renewable resources by the year 2025. There was a provision that was included in the 2007 Energy bill which we passed out of this Senate and signed by the President which Senator GRASSLEY and myself worked on during that Energy bill. This farm bill will stimulate rural development because in a number of different ways it will provide the stimulus needed for rural development to move forward, but in particular broadband, which is really needed in the 21st century for rural America to advance, is included and addressed in this bill in a major way.

This farm bill—thank you, Mr. Chairman of the Agriculture Committee—is also the strongest conservation farm bill in the history of the United States of America. It will help in an unparalleled way, unprecedented way to protect our lands, our water, and our air for future generations to come.

This farm bill also makes significant major investments in nutrition. Some of these changes are long overdue, including the changes to the food stamps program. This bill will help make sure we have healthy and safe food on dinner tables all across our country.

Finally, this bill will bring a better balance and certainty to agricultural markets, while closing loopholes and carrying out needed reforms for our farm programs.

Through a set of smart investments, this bill will help America build a clean energy economy that has its roots in America's farms and fields. I predict that in the decade ahead, we will see rural America and agriculture start to bloom and flower as it embraces the new energy frontier. With the $1 billion in the farm bill devoted to energy programs and an additional $403 billion in tax incentives for the production of renewable energy, farmers will be able to apply for grants to develop biorefineries and improve the handling, harvest, transport, and storage of feedstocks for biofuels.

This bill includes tax credits for small wind turbines and cellulosic biofuel production, and it stimulates research into the methods and technologies that will allow the most productive lands in the world to provide more and more of our energy.

On rural development, this farm bill lays the infrastructure to rural broadband and micro business loans, for accelerating economic development in rural areas. The bill includes $150 million for important rural development initiatives, including the $15 million for the Micro Enterprise Loan Program, a provision I was honored to work on with Senator BEN NELSON from Nebraska. The program will also provide technical assistance and small grants and loans to beginning rural entrepreneurs. The micro loans will provide incentives for beginning entrepreneurs to open their businesses in rural communities, thereby creating jobs and increasing the rate of rural migration. According to the Leeds School of Business at the University of Colorado, microenterprises account for about 30 percent of the jobs in 37 of the State's mostly rural counties. These types of important programs are essential to economic development.

In my view, this is the strongest conservation bill in the history of farm bills, building on the 2002 farm bill by investing an additional $4.4 billion in conservation programs. Non-Federal agricultural and forest lands occupy 1.4 billion acres here in the mainland of America. That is about 70 percent of the land in the lower 48 States.

We all consume the air, the water, and open space, and enjoy them all, so it makes sense that the farm bill should provide some incentive for farmers and ranchers to deliver these public goods, along with all the other products they grow.

That is why the farm bill increases spending on conservation programs by $7.9 billion, including increasing funding to important programs such as the one developed by the chairman of the Agriculture Committee, the Environmental Quality Incentive Program, EQIP, increasing the amount by $3.4 billion. It provides $1.3 billion to the Wetland Reserve Program and extends the Conservation Reserve Program by 32 million acres to be enrolled in the program from 2010 to 2012, all of which have been very successful programs in the State of Colorado.

This is a picture of an EQIP conservation innovation grant at work in my State of Colorado. These farmers from the Saint Vrain and Boulder Creek watersheds are learning new practices that reduce tillage and increase yields from those farmlands. At the end of the day, these farmers went home with new ways to boost their bottom line, while reducing erosion. These programs work. The EQIP program works. We know that we, as a nation, will benefit from them.

On nutrition, sometimes people forget that the largest investments in this farm bill don't actually go to the commodity programs or the energy programs or to any of the other titles of the farm bill; they go for nutrition. Nutrition programs receive two-thirds of the funding of this bill. This farm bill does some wonderful additional things for nutrition and for hunger, including the more than $10 billion for nutrition programs that will reduce hunger and provide kids with healthy meals. That is $10 billion above what had been provided before. That is a significant investment in nutrition.

I am particularly proud we are able to expand the chairman's Fresh Fruit and Vegetable Program in all 50 States, including my State of Colorado. That means that in my State—my small State of Colorado—80,000 Colorado kids are going to get fresh fruits and vegetables in their school lunches. This will reduce childhood obesity, increase productivity in school, and it will teach the habits of a healthy lifestyle.

In food production, there are benefits to rural development, energy production, but this farm bill also ensures continued production of safe, healthy food right here at home.

Growing up on our ranch and farm in the San Luis Valley in southern Colorado taught me how tough it is to make a living off the land. You work sun up to sundown all year. You cannot take Sundays off. It is a 7-day-a-week job—most of the time 365 days a year. You try to raise a good crop or a healthy herd, and then without anything you can do to prevent it, a disaster comes, something such as disease, drought, hail, or flooding, which can wipe it all away. I still remember when hailstorms would hit our farm. My mother would take and pour a salt cross outside of our house in the hope that somehow the hail would forego destroying our wheat and our alfalfa and other crops, because that was our only way of subsisting. We have gone beyond the cross here, although we all have faith. We have moved forward with the creation of a disaster program that, hopefully, will help us address the issue of disaster in rural America.

I know the time is late. I want to make a quick comment about some of the reform efforts about which some have criticized this farm bill, including the White House. I think those criticisms are wrongly placed. I think there may be additional reform we can do and may do at another time with the farm bill. But it is important to note we have included reform in this farm bill. This farm bill requires direct attribution of payments to individuals, rather than "entities" so that there is 100 percent transparency about who is receiving farm program payments.

The bill eliminates the three-entity rule and also includes a provision that I helped with to eliminate the "cowboy starter kits," which will prevent the distribution of commodity support payments for land that has been subdivided for houses or transferred to nonagricultural uses. This is an important fix.

I conclude by saying that those of us who have had the privilege of being a part of rural America can appreciate how important agriculture in our rural communities is to our country. That is why I am hopeful the President's threat to veto the bill will be reconsidered.

The farm bill is not only about farms, it is about our future. It is about the entrepreneur who wants to build a biofuels plant in eastern Colorado; it is about the third grader who, for the first time, will get fresh fruits and vegetables for lunch; it is about the mother who wants us to reduce our dependence upon foreign oil so her children do not have to fight a war far away in the Middle East. It is about all of us who want to make sure we have a strong and secure America.

We have a lot at stake in the passage of this farm bill. I urge my Democratic and Republican colleagues to join us and send a strong statement about the importance of rural America, our food security, and our energy security in an overwhelming vote on the conference report tomorrow.

On my part, I will be very proud to take this farm bill back to the State of Colorado and go throughout the great State of Colorado and meet with those who care about rural America and the food security of this country, and who care so much about nutrition, and to talk to them about how it is that after 2½ years of hard labor, we have finally gotten to the end of the journey and we have a farm bill of which we can all rightfully be proud.

I thank the Presiding Officer and I thank the chairman of the Agriculture Committee.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I believe there are no more speakers on the farm bill tonight, or I should say the food, conservation and energy bill. I will close by thanking all of the speakers tonight who spoke so eloquently and strongly for this bill. I thank them for their diligence and interest in and so many of them for their efforts in bringing us to this point. It truly is a bipartisan bill.

A lot of times while I am traveling around Iowa and other States, people will come up to me and say: Can't you people get together and quit your bickering and get something done? I am sure the Presiding Officer has heard that, too. We have all heard that. Well, this is a time when we did that. We did get together in a bipartisan fashion on our committee and we worked hard. We got it through our committee in a day and a half. In December, we had the vote here and we had 79 votes for the farm bill. You cannot get much more bipartisan than that. So we did it. We worked together.

Tomorrow, we will have another hour and a half of debate, evenly divided, on the bill. There will be at least one motion, which has already been made, on a point of order. I don't know if there will be any others tomorrow morning. Then we will proceed to final passage. I will have more to say tomorrow morning.

Again, I thank all of the members of the Agriculture Committee on both sides of the aisle. I can honestly say each member of our committee had a hand in this bill in one way or the other, or on certain parts of it—some more than others in different parts. The Presiding Officer, my good friend from Colorado, Senator SALAZAR—if he had one fingerprint on this bill, it would be the energy title and all the great work he did to help focus us on getting more in the bill for biomass energy, that is, energy from cellulose—to begin the process of moving us toward more clean, renewable energy in this country. I thank the Senator from Colorado for all of his hard work in that area. However, the Senator also had a lot to do with the nutrition title, to make sure that was a good title to help low-income Americans.

Everybody on our committee had a hand in this. I am privileged to chair a great committee.

This is a committee of caring people. I know each of them. I can say that characterization applies on both sides of the aisle. These are people who care very deeply about fighting hard to represent the minority of Americans who live on our farms and our ranches and in our small towns and communities. But for, I think, the interest and involvement of the members of this Agriculture, Nutrition and Forestry Committee, the legislation that is passed here would leave a lot of our rural people on the sidelines.

Let's face it, we don't have the votes here on farm and rural issues like we used to in the old days. So it falls on the shoulders of those of us on our Agriculture Committee who represent agriculture and people who live in rural America, it falls on us to make sure their voices are heard and their concerns are addressed.

That is why I say I am privileged to chair a committee of caring people, who care very deeply about those minority of Americans who work out there on farms and ranches every day, get up, feed the livestock, plant the crops, harvest the crops, who never know from one day to the next what the weather is going to bring or what foreign involvement may mean to markets or what effect a crop failure or abundant crop in another country has on this country and on our markets and prices. Agriculture is different. A lot of people say: Why do we have farm programs? We don't have a program for this business or that business. It is because agriculture is so unique. It is sort of the wellspring of everything else in our society—the production of our food and fiber, for the health of our country, and for our exports.

I was listening to the President of the United States give his State of the Union Address earlier this year. I heard him say, there was one passage—I will never forget—he reminded us that last year our trade deficit had shrunk. I had hoped to hear him say in the next sentence, thanks to our nation's farmers because were it not for the exports of our agricultural commodities, our trade deficit would be much worse than it is.

Again, I thank everyone for all of their statements. I thank all the members of our committee. We will be here tomorrow morning, and we will have a final vote. I hope we will have a strong vote. I hope we can beat our 79 votes that we had in December. The House today had 318 votes. So I hope we have an equally strong vote in the Senate tomorrow.

ORDERS FOR THURSDAY, MAY 15, 2008

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, May 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the conference report to accompany H.R. 2419, the Food, Conservation, and Energy Act, as under the previous order; I further ask unanimous consent that the mandatory quorum under rule XXII with respect to the cloture motions filed be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HARKIN. Mr. President, under the previous order, tomorrow there will be 90 minutes for debate on the conference report prior to votes. Senators should expect at least two rollcall votes beginning as early as 11 a.m.

As a reminder, under rule XXII, there is a 1 p.m. filing deadline for first-degree amendments to H.R. 980, the collective bargaining legislation.

Tomorrow, Senators should also be prepared for votes in relation to appointing conferees to the budget resolution conference.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. HARKIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:45 p.m., adjourned until Thursday, May 15, 2008, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 14, 2008*

The House met at 10 a.m.

The Reverend Hank Wilkins IV, St. James United Methodist Church, Pine Bluff, Arkansas, offered the following prayer:

Almighty God of love and mercy, God of power and God of might, today we pray the understanding to always seek Your wisdom and justice. It is through Your authority, righteously administered, that our leaders are enabled to govern this Nation with laws enacted for our betterment.

And so today we pray for Your spirit, that they might be properly guided by Your divine charity and an unassuming faithfulness.

Give both counsel and courage to the leaders of this great body and its Members, as well as other government leaders of these United States of America.

May they always seek Your purpose and the well-being of this great people. Grant now Your unfathomable protection, that they lead our country with the honesty of providence and the integrity of high ideals.

We ask all this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oregon (Mr. WALDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. WALDEN of Oregon led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND HANK WILKINS, IV

The SPEAKER. Without objection, the gentleman from Arkansas (Mr. ROSS) is recognized for 1 minute.

There was no objection.

Mr. ROSS. Madam Speaker, today, I rise to recognize my dear friend, Rev. Dr. and State Senator Hank Wilkins IV, of Pine Bluff, Arkansas, who just delivered our opening prayer and is our guest chaplain of the day.

Rev. Dr. Wilkins' deep faith and dedication to his community and State is an inspiration to all of us who know him.

Throughout his 31 years in the ministry, Rev. Dr. Wilkins has emphasized the need for faith in our daily lives.

I'm proud to have had the distinct honor to serve with Hank in the Arkansas State legislature. As both senior pastor of St. James United Methodist Church and as an Arkansas State Senator, Reverend Wilkins puts the people he represents first and is a true ambassador for Arkansas.

It's been a blessing for me to know Hank and his wife, Phyllis, and their family, and I hope that this message of compassion, this prayer of compassion and respect for others will be one that we all strive to achieve.

As we go about doing the work of the people, let us remember the prayer Rev. Dr. State Senator Hank Wilkins delivered on the floor of the United States House of Representatives on this day.

CALENDAR WEDNESDAY

The SPEAKER. Today is the day of Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the committees.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

PASS THE FARM BILL

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, during the past year, I had the high honor of working with Republicans and Democrats alike in the House Agriculture Committee to bring forward a new reform-minded bill, one that would be great for the health of the American people and Wisconsin's agricultural economy.

I'm pleased to be able to say the farm bill has the overwhelming support of Members of Congress, the farming communities everywhere, and business leaders alike.

The new farm bill we intend to pass today will be good for our health and our economy, and as a physician, I'm pleased to say that it will begin to move our children's diets away from carbohydrates and more towards the healthier choices, including fruits and vegetables.

It will also reward work instead of wealth by dramatically reducing income caps for those qualifying for direct payments.

More importantly, this bill will determine what farmers plant, what they grow, and ultimately, what we eat and what we look like.

The new farm bill also rewards the use of cellulosic biofuels which will help ease the strain on rising food prices.

I urge all of my colleagues to support it in the strongest fashion.

COUNTY PAYMENTS FOR HARNEY COUNTY

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, by refusing to renew the county payments program, Congress, this Congress, has broken its pledge to rural areas all across this country, such as Harney County, Oregon.

County payments account for 70 percent of the road budget in Harney County, in part because 78 percent of Harney County is Federal land. That's an area nearly the size of New Jersey.

Now, imagine if the tax revenue from 78 percent of the land in New Jersey suddenly dried up. It would be paralyzing, just as paralyzing as the loss of county payments is proving in the rural West.

Harney County Judge Steve Grasty said, "It is now so bad that we've got fewer road crew employees than snow removal equipment. Our road department is now 50 percent of its historic staffing level."

H.R. 3058 would give some relief to this problem and would help keep the roads open in Harney County and schools open across the West.

Yet the Democratic leadership in the House has held this bill hostage on the Union Calendar since January 15. Today is day 120 that this bill could have been brought to the floor and voted on. It is a bipartisan bill. The lead sponsor is my colleague from Oregon (Mr. DEFAZIO).

Keep the commitment to these rural communities. Pass H.R. 3058.

HONORING ASIAN PACIFIC AMERICAN HERITAGE MONTH

(Mr. SCOTT of Virginia asked and was given permission to address the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, I rise to speak in honor of Asian Pacific American Heritage Month. As a member of the Congressional Asian American Pacific American Caucus, and as the only Member of Congress with any Filipino ancestry, I'm pleased to speak on the floor today in honor of this great month.

Since the early 1800s, the AAPI community has played a vital role in the development and growth of this country. I'd like to take just a moment to highlight one of the many contributions that the AAPI community has played in American history, and that is, the accomplishments of the Filipino American veterans during World War II.

Members of the Commonwealth of the Philippines' military fought tirelessly for the United States during World War II. The invaluable service that the members of the military helped provide us the necessary support to defeat the Japanese empire in the Pacific.

Last year, Congressman FILNER introduced, and I cosponsored, the Filipino Veterans Equity Act, which will ensure that the Filipino veterans who served in World War II will receive the veterans benefits promised to them over 60 years ago. We need to pass this bill as soon as possible.

□ 1015

SECOND LIFE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, Second Life, it's not just a new job or a new start, it's a virtual world online with over 6 million people. Run by the San Francisco company Linden Lab, Second Life allows anyone in their world to do anything. And the labs make $1 million each night.

And what is offered in Second Life? My staff found rooms leading people to commit suicide, satanic worship, buying assault weapons, leading human sacrifice, and rape rooms; game players choose to rape or be raped. This content is totally inappropriate and leads to the objectification lessons that are especially inappropriate for young boys.

Linden Lab claims that it provides a teen area, but the fine print of their user agreement clearly states that adults prowl in the children's area and children are in the adult area.

Second Life's K Street lobbyists say, "Trust us," but I think we should trust informed and aware parents. I urge Members to join me in a letter to the Federal Trade Commission worrying about the dangers of Second Life.

NATIONAL TOURISM WEEK

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. I'd like to welcome our guests in the gallery today because this week is the 25th anniversary of National Tourism Week.

As co-chair of the Congressional Tourism Caucus, along with my cochair JON PORTER of Nevada and nearly 100 Members of Congress, we recognize the importance of the tourism industry to our national economy and to our local communities.

It is the fastest growing industry in the world. From mom and pop restaurants to local unique shops to local State and national parks to this Capitol, which is a tourist attraction, there is so much to experience in this great country.

The tourism industry also shows America's best face. Travelers experience warm, friendly and compassionate people that make up our country. This person-to-person contact between different cultures can help dissolve stereotypes and misconceptions. As Mark Twain once said, "Travel is fatal to prejudice, bigotry and narrow-mindedness."

So remember that while our economy grows, tourism plays a multibillion-dollar aspect of that, employing more than 7.5 million people. I hope you will join me in welcoming the representatives of the tourism industry that are here this week and celebrating National Tourism Week.

The world is a book, and those who do not travel read only one page.

HONORING OUR WORLD WAR II VETERANS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, I am pleased today to welcome to Washington, DC, a special group of World War II veterans from Georgia's Sixth District. These proud patriots are here for one remarkable day as part of the Honor Flight Program.

Thanks to the generosity of the Roswell Rotary Club, these men and women will have the opportunity to visit the stirring World War II memorial built in their honor and to pay their respect to fallen comrades at Arlington National Cemetery.

As young Americans, these proud patriots showed courage and compassion, answering the call to serve at a time of great need. Through amazing sacrifice, they are responsible for the preservation of our treasured American way of life. Our community is extremely proud to be home to so many of the brave veterans who fought for freedom at a critical moment in our history.

Mr. Speaker, on behalf of Georgia's Sixth District, I offer our deepest appreciation. And I know that my colleagues will join me in welcoming our veterans to our Nation's capital and thanking them, these soldiers of the greatest generation, for their invaluable service.

MATERNAL MORTALITY

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the fact that more than half a million women die in what is the most natural of processes and what should be one of the happiest, pregnancy and birth, is totally unacceptable and should call everyone in this world to action. But for simple and inexpensive medication, adequate trained providers, and because of poverty and poor sanitation, but mostly from the lack of an adequate global response to this tragedy, a mother somewhere dies every 60 seconds.

These same factors, in addition to lack of access and other social determinants of health, also cause maternal mortality rates among black women in the United States to be three to four times higher than that of white women. Because of this, the United States ranks 41st in the world, with many poorer countries having lower mortality rates.

Reducing maternal mortality is the fifth Millennium Goal and we are so far from reaching it. Last year, Johnson & Johnson and the Government of Norway stepped up in a big way to help.

Just having celebrated Mother's Day, this is a good time for other companies and other countries, especially ours, to make sure we meet this goal and keep our, and all, mothers alive.

NATIONAL POLICE WEEK AND NATIONAL PEACE OFFICERS MEMORIAL DAY

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, as we take time to recognize the contributions of more than 900,000 Federal, State and local law enforcement officials who serve this Nation and the more than 18,000 who have lost their lives over the years, I want to express my deep appreciation to the law enforcement officials who keep the residents of the First District of Ohio safe and secure.

Each day, police officers put their lives on the line to ensure that our laws are enforced and our communities are safe. Too often their critical work goes overlooked and underappreciated.

I would like to thank those who dedicate themselves each day, as well as honor those who have fallen in the line of duty, for their sacrifices and dedication to our families, our communities, and our Nation.

I urge my colleagues to recognize the efforts of law enforcement officials in their communities and nationwide by supporting National Police Week and National Peace Officers Memorial Day.

CALLING ATTENTION TO MATERNAL HEALTH

(Ms. McCOLLUM of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to add my voice in support for keeping women around the world alive by ensuring they have access to basic maternal health care services.

We are blessed to live in a country where women can access prenatal and obstetric care, but that's not the case everywhere. In fact, more than half a million women die every year of pregnancy-related causes, along with nearly 10 million newborns and infants. Most of these deaths are preventable and needless.

All women deserve the right to go through pregnancy and childbirth without fear of losing their life. Basic access to maternal health care is a human right that must no longer be ignored.

I want to thank Congresswoman CAPPS for sponsoring House Resolution 1022, which recognizes the need for quality health care for moms in the U.S. as well as around the world.

Mr. Speaker, I urge my colleagues to honor mothers by investing in the necessary health care to keep them healthy and alive.

COAL

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Mr. Speaker, our Nation's industrial revolution was powered by coal, and with the current state of our energy market, coal should receive the attention it deserves. It is an important energy source for our country.

Coal is the United States' most abundant and efficient fuel source, and we hold over one-quarter of the world's coal reserves. The energy content of the Nation's coal reserves exceeds that of all the world's known oil reserves. In my home State of Ohio, we have reserves that will last for 250 years.

Coal provides more than half the electricity consumed by Americans. And work is currently being done in my district to develop coal gasification, which is a process that increases the efficiency of coal within a closed system.

The current Democratic leadership in Congress refuses to invest money into the coal gasification process, while China at the same time is investing $24 billion into the same technology.

We must embrace all forms of energy to keep our economy and products competitive with the rest of the world.

IMPROVING MATERNAL HEALTH

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, this past weekend we celebrated Mother's Day. I was fortunate enough to celebrate with my children and grandchildren. Sadly, many women never get the chance to celebrate this day with their family.

Throughout the world, a woman dies every single minute in childbirth. I think most of our congressional colleagues would be shocked to learn that this problem isn't faced by women in developing nations alone. The United States ranks 41st in the world, lower than all other industrialized nations, when it comes to maternal mortality. Let us use this opportunity, while Mother's Day is fresh in our minds, to renew our commitment to improving maternal health both at home and abroad.

I thank the 117 of our colleagues in the House of Representatives for cosponsoring House Resolution 1022, a resolution underscoring our challenges and urging us all to support the goal of a safe and healthy childbirth for every mother and baby here in the United States and all around the world.

DOMESTIC FUEL PRODUCTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. On April 24, 2006, while campaigning to become Speaker of the House, the Democrat leader said, "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

On the day the Democrats took control of Congress in January of 2007, gas in my home State of Pennsylvania was averaging $2.37 a gallon. Today, it's averaging over $3.75 a gallon.

Many people have taken to calling this $1.38 increase the "Pelosi premium." This Congress has yet to do anything substantive to help American families who are paying nearly $4 a gallon at the pump.

The Democrats in Congress have been voting against increasing domestic oil and natural gas production as well as domestic refining capacity for years. This is a matter of supply and demand. We have billions of barrels of oil in Alaska and in the deep waters off the Outer Continental Shelf right here in the United States. Yet, due mostly to the Democratic opposition, we have been unable to access these vast resources. We should take steps now to increase production.

IN HONOR OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

(Ms. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I rise today to commemorate May as Asian Pacific American Heritage Month.

There are over 15 million Asian Americans living in the United States, from the early Chinese, Japanese, Korean and Filipino immigrants to recent Vietnamese, Laotian and Hmong communities. The United States has benefited many ways from the contributions of these diverse cultures.

Through the telling of the Asian Pacific American experience, we illuminate the quality of opportunity that makes our country the wonderful place it is. From community involvement to business entrepreneurship, many Americans of Asian descent came to this country with very little and have been able to achieve the American Dream.

Asian Americans have also played a critical role in protecting our freedoms. During World War II, the Federal Government chose to intern 120,000 Americans of Japanese descent, including my mother and father and their entire families. The country learned the importance of balancing civil liberties with national security, and today, more than ever, we must be aware of the significance of this fine balance.

I am proud to honor the courageous Americans who fight against injustice and recognize the strength and vibrance of our country.

FARM BILL

(Mrs. MUSGRAVE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MUSGRAVE. Mr. Speaker, today we're going to be talking about the farm bill. There will be many criticisms of the farm bill, but I proudly stand in support of this farm bill. Rural America is looking to us to make sure that there is a safety net for agriculture in this country.

Reforms were asked for by our Speaker and by people on both sides of the aisle. This farm bill increases funding to food banks when they're suffering—dire need right now—it increases funding by $1.2 billion.

The farm bill increases funding to conservation programs. These programs are very important to people around the Nation. And we know that farmers are the very best stewards of the land. It provides incentives for them when they implement innovative soil and water conservation programs.

The farm bill increases investment in alternative energy research. We know that one of the number one concerns of America right now is that we lessen our dependence on foreign oil. But I believe the most important thing about this farm bill is that it does provide Americans with a safe and reliable food supply.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3121. An act to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, as a proud associate member of the Congressional Asian Pacific American Caucus chaired by a great leader, Congressman MIKE HONDA of California, I rise today to join my colleagues in celebrating Asian Pacific American Heritage Month.

Countless Asian Pacific Americans have contributed to our history, culture and economy. We could not be the Nation that we are today without the contributions of the Asian Pacific American community.

My home State of California has the largest and fastest growing Asian American population with 4.6 million people. I represent a wonderful and diverse mix of Asian Pacific Americans who are proud of their cultural heritage and who share a strong link to people in their home countries. We have many festivals that share music, food, dance, culture, art and customs with the entire Bay Area.

On behalf of my constituents, I also want to take this moment to express my great sadness for the recent tragedies that just occurred in Burma and China. My heart and prayers go out to the millions of people who have been affected by these natural disasters.

I especially want to extend my condolences to the families who have lost loved ones. The people of my district and I will do everything we can to help with the relief and recovery efforts during this tragic time.

□ 1030

MAJOR GENERAL CHARLES D. BARRETT

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Mr. Speaker, I rise today to recognize the life and astounding contributions of Major General Charles D. Barrett, a resident of the 29th Congressional District of New York, who recently died.

Major General Barrett began his military career early in life, enrolling in the ROTC program while a student at Cornell University. He entered active duty in 1956 and served as a shop officer and company commander for 17 months with the Eighth Army in Korea.

During his four-plus decades of service to this country, he accumulated many honors, including the Distinguished Service Medal, the Meritorious Service Medal, and the Army Commendation Medal. These medals exemplify the service, sacrifice, and the courage of this hero and represent Major General Barrett as a man who put his country before himself, a man who answered the call when the Nation needed him most, and a man who represented the best that America had to offer.

Major General Barrett served his country with pride, with honor, and with bravery, and there is nothing more noble than a person who is willing to commit themselves to a cause as important as defending our country.

Today I honor Major General Charles Barrett and all the brave men and women who volunteer to fight for what is good and right about our country.

FUND SCIENCE, NOT WEAPONS OF WAR

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, today or sometime this week, this House will vote on additional funds for the wars in the Middle East, Iraq and Afghanistan. I wish there was an opportunity for me to vote for funds to support our troops in Afghanistan, who are making an effort in defeating the Taliban and seeking out Osama bin Laden, the perpetrators of 9/11. However, the bills are drawn together; so I will vote "no."

And I feel at this time we know the war in Iraq is going in the wrong direction, but I also know that there are catastrophic illnesses and diseases on mankind and womenkind in our world, and a great country should use its resources for the best purposes, not weapons of war but use our science and our intelligence to find ways to conquer disease.

I had polio when I was a child, and if we had put more money into helping Jonas Salk, maybe I would not have had polio. It was months after Salk's vaccine was introduced.

I lost a friend to cancer last week, Thomas Boggs. There will be a time when people lose friends to cancer that could have been cured if we had put more money into research earlier. Diabetes, Parkinson's, heart disease. In Memphis we have St. Jude Children's Hospital looking for cures to illnesses and diseases.

A great country should do great things. I encourage us to not fund war but to fund science.

ISRAEL'S 60TH ANNIVERSARY

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, it was 60 years ago today that nothing short of a miracle occurred. A nation arose in a day seemingly in fulfillment of the words of the Prophet Isaiah. That nation is the State of Israel.

In 70 A.D., Rome sacked Jerusalem, and the diaspora of the Jews occurred. History teaches that when a people are five generations removed from their homeland, the nation ceases. Yet after 2,000 years, Israel was reborn and today has reclaimed its language, people, and has once again become a land flowing with milk and honey.

May God bless Israel. Happy 60th birthday to the State of Israel and many, many more.

RECOGNIZING ASIAN PACIFIC AMERICAN HERITAGE MONTH

(Mr. HONDA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HONDA. Mr. Speaker, as Chair of the Congressional Asian Pacific American Caucus, I rise today to recognize Asian Pacific American Heritage Month, the month of May.

As we celebrate the contributions and achievements of our community, I also want to pay special attention to the 250,000 Filipino World War II veterans President Roosevelt called into military service on July 26, 1941.

Of the 22,000 surviving Filipino veterans, I want to highlight Faustino "Peping" Baclig. Peping was one of the 75,000 Filipino and U.S. soldiers subjected to the 90-mile Bataan Death March. He survived the Japanese atrocities and fought side by side with the Americans only to have his service as a U.S. national and a veteran denied by the 1946 Rescission Act passed by Congress.

We now have a unique opportunity to undo the injustice of that act and give them recognition of a grateful Nation that their service to our country is just as equal as the soldiers with whom they stood shoulder to shoulder on the field of battle.

I urge my colleagues to join me in supporting the Filipino Veterans Equity Act.

ISRAEL'S 60TH ANNIVERSARY

(Ms. SUTTON asked and was given permission to address the House for 1 minute.)

Ms. SUTTON. Mr. Speaker, I rise today to offer my heartfelt congratulations to the State of Israel on the occasion of its 60th anniversary. Since its declaration of independence, Israel has stood as a strong ally and friend of the United States. This friendship stems from the commonalities that led to our respective foundings and our shared hopes for the future of the global community.

In forging a new nation, Israel established a home for people that were targeted for extermination and ostracism in other lands. From an arduous beginning, Israel's rise has come to mirror our own. Hailing from more than 100 countries on five continents, Israel's population exudes a diversity of culture and ideas. Israel has flourished through the development of a diverse and technologically advanced economy and has come to exemplify the best of what a democracy can be.

Our countries have stood by one another in peace and in war. And we will continue to stand together in fighting terrorism and threats from stateless actors and rogue nations.

I congratulate and celebrate with Israel and am proud to be part of the continued friendship between our countries.

THE FARM BILL

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, I didn't plan to take any time today, but we will be debating the farm bill later today, and the rule that has come to the floor does not allow anyone to claim time in opposition to the bill; so those of us who are opposed to this $300 billion piece of legislation cannot even stand up and oppose the bill unless we get time, if they are generous enough to give it to us, from those who support the bill. Now, if I were wanting to hide what's in this bill, that's what I would do too.

This legislation allows multimillionaires to still collect farm subsidies. Under this legislation you can still make $2.5 million as a couple in farm and nonfarm income and still collect subsidies. I would have a closed rule or a highly structured rule as well if I had this in a bill and wanted to hide it.

This bill needs to be rejected today. I hope we will all vote against the farm bill.

HONORING ASIAN PACIFIC AMERICAN HERITAGE MONTH

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, in honor of Asian Pacific Heritage Month in which our Nation pays a special tribute to the contributions of some 15 million of our fellow Americans who are of Asian Pacific descent, I want to honor in particular the thousands of our Asian Pacific Americans who serve in the Armed Forces of our Nation. In particular, Mr. Speaker, the sacrifices of some 10,000 nisei or Japanese American soldiers who fought for our Nation in the field of battle during World War II.

It was a time in our Nation's history when there was so much hatred, bigotry, and racism placed against Japanese Americans; yet despite all this, leaving their parents, their brothers and sisters, their wives behind barbed-wired fences in these concentration camps that were established, the White House accepted the request of over 10,000 Japanese Americans who volunteered to join the Army. As a result, two combat units were organized, the 100th Battalion and the 442nd Infantry Combat Group.

Mr. Speaker, the military records of the 100th Battalion and the 442nd Infantry are without equal. A 314 percent casualty rate, receiving over 18,000 individual declarations, most of them posthumously: some 20 Congressional Medals of Honor, 33 Distinguished Service Crosses, 560 Silver Stars, 9,480 Purple Hearts. That's quite a record, Mr. Speaker.

President Truman was so moved by their bravery in the field of battle as well as the contributions and the courage of the African American soldiers who fought during World War II that President Truman issued an executive order to finally desegregate all branches of the armed services.

MATERNAL MORTALITY

(Ms. MOORE of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to enthusiastically support House Resolution 1022, a resolution recognizing maternal health as a basic human right of all women. How appropriate it is to stand here a week after Mother's Day in support of this commonsense initiative.

One in eight women in Afghanistan die due to complications resulting from pregnancy in childbirth. One in eight. And it's the same story in many countries around the world.

But, unfortunately, this is not just a Third World problem. Although the United States is a leader in medical technology and innovation, it has one of the worst rankings for maternal mortality in all the industrialized nations. We come in at a dismal 41st place, which means that a mother and her baby have a greater chance of survival in Kuwait or Croatia than they do in the United States.

In a relatively wealthy country, pregnancy should not be a death sentence. There are inexpensive and effective solutions that can significantly reduce the rates of maternal mortality, and I look forward to working with the Women's Caucus.

CELEBRATING BOTH MOTHER'S DAY AND ASIAN PACIFIC AMERICAN HERITAGE MONTH

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I feel very fortunate today to be able to celebrate both Mother's Day as well as the Asian Pacific American Heritage Month.

My mother-in-law was born on Molokai, has Filipino Hawaiian and Chinese ancestry and has 14 brothers and sisters spread from Hawaii to the Philippines. And she helped instill in my daughters the heritage and the values of family, hard work, and indomitable spirit. And I feel blessed to have those particular values from the Asian American community instilled in my children.

This is a great country. To have that kind of heritage and that kind of ancestry in my family now is what makes this country so great. So I get to celebrate Mother's Day and I get to celebrate Asian Pacific American Heritage Month.

IN SUPPORT OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, I rise in support of Asian Pacific American Heritage Month, and some of the things I want to talk about are personal and some are of a public policy nature.

I never cease to admire the courage of my parents in bringing our family to this country, to a new country, a new language, a new culture. And interestingly enough, I have never been really able to say that to them in person across the kitchen table, and it's easier for me to say it right here on the House floor.

There are other lessons that are important, and one of them has been referred to earlier, the internment of the Japanese Americans during World War II. It is not an old, cold, dead issue. We passed the Military Commissions Act just before the 2006 elections. It substantially restricted habeas corpus for all Americans. And just as we apologize to Japanese Americans for the internment during World War II, someday we'll be apologizing for actions taken under the Military Commissions Act.

So some of the lessons learned from the Asian Pacific American experience are positive ones, and others are cautionary ones that we should continue to remember.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2419, FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1189

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report without intervening motion except (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture and (2) one motion to recommit.

☐ 1045

UNFUNDED MANDATE POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 1189 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the conference report which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona and a Member opposed, the gentleman from California (Mr. CARDOZA), each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I raise this point of order realizing that it is a bit of a stretch. The reason that we have this point of order in law is to guard against unfunded mandates being levied on the States. In this case, there are a lot of unfunded mandates being heaped upon taxpayers. I realize, as I said, this is a stretch. But I have to do this today because the rule that is before us does not allow anybody opposed to the bill to claim time in opposition to the bill.

Now how is it that a bill of this import, a bill that will spend over the next 10 years about $300 billion, is not important enough to allow those who are opposed to the bill to claim time in opposition to it? Instead, the structured rule before us today allows time to be split between the majority and the minority. Now those who will be controlling that time are people who are in support of the bill. How is it that we can discuss a bill this large, this important, that spends this much money, and that heaps this kind of burden on the taxpayer, yet again, without having a real discussion?

When we have a bill before the House, we have time called "general debate." In this case, general debate is between those in the majority who support the bill and those in the minority who support the bill. Now how is that debate? Why is it that the Rules Committee can't see fit to actually allow people who are opposed to the bill to claim time in opposition to it?

With that, I would love to hear an explanation from the Rules Committee why we have a structured rule that does this.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

This point of order is about whether or not to consider the rule and ultimately the underlying conference report. In my opinion, it is simply an effort to try to kill this bill without any debate, without an up-or-down vote on the conference report itself. It is nothing more than procedural roadblocks, something the other side has been using a fair amount recently. I don't believe it will work.

The gentleman has talked about the fact that he is not able to speak in opposition. The gentleman had an hour's worth of debate the other day on a motion to recommit. It is also my understanding that the chairman is working with the opposition to allow them time to discuss the bill within the rules that were set up.

This conference report is far too important, Mr. Speaker, to be blocked by a parliamentary tactic. We have worked on this bill for nearly 2 years and have accomplished what many of us thought was an impossible feat by bringing it to the floor.

Make no mistake about it. The Republican obstruction will ensure that a farm bill will not pass during this Congress. So despite whatever roadblocks the other side tries to use to stop this bill, we will stand up for America's hardworking farmers, for the hungry and for the millions of other Americans who will benefit from this farm bill.

We must consider this rule, and we must pass this important conference report without further delay.

Mr. Speaker, it is my understanding I have the right to close. But in the end, I will urge my colleagues to vote "yes" to consider this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Again, I realize this bill has been in discussion for a couple of years. And I will come to that a little later as we talk about why earmarks had to be airdropped into the bill at the last minute. If we have been discussing this bill for 2 years, then couldn't we actually discuss these earmarks that were to be added to the bill instead of airdropping them into the conference report when nobody in the House or nobody in the Senate had even seen them? So it is hardly a defense to say that we have been discussing this for 2 years, nor is it a reason to deny those who are opposed to the bill an opportunity to actually claim time in opposition.

Let me read from the House rules. If the floor manager for the majority and the floor manager for the minority both support the conference report or a motion, one-third of the time for debate thereon shall be allotted to a Member, Delegate or Resident Commissioner who opposes the conference report or motion on demand of that Member, Delegate or Resident Commissioner.

We waived that. And we are not doing it. And let me tell you why I think that is the case. Now if I were supporting this bill, and I had been touting this bill as some big reform to our farm programs, I would flat be plumb embarrassed to bring this bill to the floor in its current form. I would be embarrassed.

What has got most of the attention, the problem that we all note, that everybody across the country realizes, is how in the world can we have a situation where multimillionaire farmers are collecting subsidies courtesy of the taxpayer?

And the real effort in here, what the President wanted, what others wanted, and what many of us here in the House argued for, was to put a cap on how much income you can have and still receive subsidies. The President suggested $200,000 adjusted gross income. Remember, adjusted gross income is your income minus expenses. All of us here collect a salary of about $169,000. By the time we deduct things for mortgage interest, medical expenses and charitable contribution, it brings that down by at least one-third, maybe even one-half. Under this legislation, a farm couple can have farm income and nonfarm income totaling $2.5 million and still receive direct payments under this legislation.

Now, if I were bringing a bill to the floor and had touted this bill as reforming, man, I would want to hide that as well. I would not want somebody to be able to stand up and say, how is it that a multimillionaire farm couple can still collect subsidies from the taxpayers? So I commend the Rules Committee and those who are in support of the bill for actually putting a rule together that minimizes opposition that can be raised and that the only way people can stand up and oppose and be guaranteed time in opposition is to use a maneuver like raising a point of order against the bill.

I should mention there are other problems with this and other reasons why this rule should not go forward. We are waiving PAYGO rules. Now one thing the majority said when they came into power is we will not waive PAYGO. We are going to live by PAYGO. When we give money out, we have to make sure that that many money is in the Treasury or we won't do it.

This waives PAYGO because there is simply no way you can be in compliance with PAYGO and pass a $300 billion farm bill. And in this case, the writers of the legislation did something very creative. They actually went baseline shopping. What PAYGO says is that you have to take the current baseline, the most current baseline of spending, and total up your spending in the bill based on that current baseline.

Instead, what the authors of this legislation did was said, oh, let's go to last year's baseline because we spent less money then and it means we can spend more money in this legislation. Baseline shopping. It is as if I were to say, I don't want to pay so much in taxes this year. So I am going to use last year's wages that I was paid, and I am going to report that instead. Now if I did that, I would be thrown in jail. But we are allowed to do this here. We are allowed to say, we will take whatever baseline we want as long as it allows us to spend more money in the legislation. And then when the bill comes to the floor, we will just waive the rule that required us to be honest in terms of bringing legislation that complies with PAYGO.

I would love an explanation from the Rules Committee as to why PAYGO was waived in this regard.

And I would reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I am happy to respond to my friend from Arizona with regard to the PAYGO issue even though that is going to be addressed in the rule and not in this motion that he has brought forward now.

I didn't raise a point of order in your motion so you can have plenty of time to speak.

Let me tell you also that the chairman and the ranking member have, in my understanding, provided 10 minutes to both the Republic and Democratic opposition to this bill out of their time today. So we will be complying with the rules of the House. It is my understanding there will be 20 minutes in opposition.

With regard to PAYGO, the Senate and the House have adopted different rules. In the 1990s when the House and Senate had statutory PAYGO, both Chambers had the same rules with regard to PAYGO. The House rules talk about one issue with PAYGO. The Senate rules with another.

In this rule, we have tried to reconcile, we started this bill and actually passed it in a conference report, or we passed it out in chief from the Agriculture Committee to this floor and to a conference committee in 2007. That work was not completed in 2007, and thus we have this bill on the floor today.

There are many reasons why this bill didn't get finished in 2007. But because we have different rules in the House and Senate, we have decided that in order to make this bill work and achieve a conference report that we can bring to this floor that we will be discussing this further as we discussed the rule. But we have dealt with that in the rule.

I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Arizona has 3 minutes. The gentleman from California has 6½ minutes.

Mr. FLAKE. I will gladly yield to my colleague from California on the Rules Committee for a question.

Did we waive the PAYGO rules in this rule?

Mr. CARDOZA. We have accommodated the Senate PAYGO rules as we have moved forward. And it is my opinion that this is a technical situation because we started this bill and passed this bill off the floor in 2007.

Mr. FLAKE. Reading from the House rules after the beginning of a new calendar year——

Mr. CARDOZA. Mr. Speaker, I raise a point of order.

I believe we are supposed to be talking about the unfunded mandates in this bill. If the gentleman would like to talk about the PAYGO rules, we should talk about this when we bring up the rule which that is germane to.

The SPEAKER pro tempore. The gentleman should confine his remarks to the question of order.

Mr. FLAKE. I can well understand why the other side does not want to talk about PAYGO and why I should confine this debate to unfunded mandates because PAYGO was, in fact, waived here. PAYGO was waived. And were it not waived, it would be subject to a point of order, the same point of order that the gentleman is lodging against this debate right now. So I can understand that. And I guess we will have to go with the flow.

There is another point of order that will be raised shortly with regard to the waiver of the earmark rules that we have in place as well.

So let me get back. This is an unfunded mandate on the taxpayers, of course. According to the Environmental Working Group, the Federal Government handed out $13.4 billion in farm subsidies to 1.4 million recipients, $11.2 billion of which related to various commodity support programs, programs that the underlying bill simply does not change.

The taxpayers have a huge unfunded mandate here that we are going to be paying off for a very, very long time.

With that I will gladly yield the balance of my time to the gentleman from Wisconsin (Mr. KIND).

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 1½ minutes.

Mr. KIND. Thank you, Mr. Speaker.

I thank my friend and colleague for yielding me a little bit of time to speak on his motion.

There is one, I think, serious concern that many of us who have been advocating reform under the commodity title, the so-called commodity subsidy programs, and that is what was done with the two subsidy programs now where funding currently isn't going out. And the reason it is not going out under the loan deficiency program and the counter cyclical program is because market prices are high.

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That's a good thing, because farm income is good, debt to asset ratio has never been better in farm country.

But what this bill proposes to do, instead of holding those programs constant, they are actually increasing the loan rate under the loan deficiency program and the target price under the countercyclical program, which means that if things do turn south in farm country, if prices do drop—and we know how cyclical agriculture can be, and these are safety net programs—those programs will trigger much sooner and at a much greater expense than what I fear is being accounted for right now in this bill.

That, I think, speaks to the unfunded mandate concern that the gentleman from Arizona and myself, and others included, have in regards to the so-called reforms that we are just not seeing under the commodity title, not when they go in the opposite direction with the LDP and the countercyclical programs by dialing up the loan rate and the target prices of those two programs and triggering them at a much earlier time and at a much greater expense for the taxpayers of this country. There is a whole lot of other reform that we felt were justifiable and reasonable under the commodity title.

Quite frankly, we don't get there. In fact, if you look at the payment limitation caps that exist under the direct payments, it would only affect two-tenths of 1 percent of farmers in this country, hardly the type of reform we would like to see.

Mr. CARDOZA. Mr. Speaker, I would like to say that we will deal in the debate on the bill chiefly with regard to what the level of reforms is.

I would just like to tell my colleagues and my friends from both Arizona and Wisconsin that there are, in fact, significant reforms. In fact, if you take the ratio when this bill was first brought up in 2002, you have a situation where the nutrition part of this bill, versus commodities, was by a ratio of 2–1, $2 for nutrition for every dollar of commodity payments.

In this particular act that we are going to be bringing to the floor later today, it is my understanding, and my work with regard to the reforms, that there have been so many reforms put into this bill that the nutrition title versus the commodity payments is actually a 5–1 ratio at this point. I would say that indicates, as just one of many indicators, that you will see as we conduct this debate the significant reform that has happened in this bill.

I believe this is good work. I am very proud to be a part of bringing this bill to the floor. I believe it complies with the House Rules, and, I, again, want to urge my colleagues to vote "yes" on this motion to consider, so that we can pass this important piece of legislation today.

Mr. Speaker, I yield back the balance of my time and ask for an "aye" vote.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 1189 under clause 9 of rule XXI, because the resolution contains a waiver of all points of order against the conference report and its consideration.

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates clause 9(b) of rule XXI.

Under clause 9(b) of rule XXI, the gentleman from Arizona and the gentleman from California each will control 10 minutes of debate on the question of consideration.

Following the debate, the Chair will put the question of consideration as follows: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, this second point of order, and I will be calling for a vote on this one, is raised because of earmarks that have been airdropped into the legislation.

As the gentleman mentioned, this is not a new bill. This is not something that just popped up last week and that there was a need to add $1 million for the National Sheep and Goat Industry Improvement Center, but that was something that had to come up at midnight and be dropped in when nobody had seen it in either the House or the Senate.

This bill has been under consideration for a long, long time, and yet, still, we have earmarks that have been airdropped into the legislation, a number of them. Now, the gentleman may say in defense, we have listed the earmarks that have been airdropped in.

It is true that some have been listed. If all of them were listed, why would we waive all points of order against the bill? If the majority was confident enough that all earmarks have been listed, then we wouldn't have waived the points of order against it. I will speak specifically about a few of these earmarks.

But let me just mention some of them that are in the bill. There is authorization language for a National Products Research Laboratory. Again, this was airdropped in at the last minute when it hadn't been in the House version of the bill, hadn't been in the Senate, it was airdropped into the conference report. There is authorization language for a Policy Research Center, authorization language for Housing Assistance Council.

Now, what that has to do with the farm bill, I am not sure, and the problem is, we will never know until the bill was passed because it was airdropped in at the last minute.

That's the problem that the majority party correctly identified when they took control of this body, that we have a problem with earmarks, and they are being dropped in at the last minute without notice.

That's why decent rules were actually put in place to try to curb this abuse. The problem is, in this rule, we are waiving those rules. We are waiving those rules so the old practice can continue on just like it always has.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

As my colleague knows, this point of order is about whether or not to consider this rule and the underlying conference report for the farm bill. This point of order today is just another effort, in my opinion, by the other side of the aisle to block this critical legislation that we have worked on for nearly 2 years.

They don't want to debate, and they don't want to vote on this conference report. They simply want to obstruct through a parliamentary tactic.

I want to make it very clear that the farm bill fully complies with the earmark disclosure rules contained in clause 9 of rule XXI. I would suggest to those raising the point of order that they look in the statement of managers, and they will see a list of the earmarks. If they can't find that list, we will be happy to provide it for them.

Mr. Speaker, I urge my colleagues to vote "yes" and to consider this important rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I find it ironic that we are being accused on this side of trying to stifle debate on the bill, that we don't want debate on the bill when I am here to argue against a rule that waives these points of order and a rule that also does not allow opposition to claim time.

Now, the majority will say, well, we will yield you time now. Now that we have been caught on this, we will yield you some time. That's not the same as controlling time.

When I control time, I can yield time to my colleagues. If I am yielded time, I can't do that. I don't control time in opposition.

Our House Rules say that if both the majority and the minority are in favor of the bill for the leadership, that somebody opposed to the bill has a right to claim time in opposition.

That was not done here. With a bill this important, you wonder why that has happened.

Back to the earmarks, the gentleman mentioned that there is a list of earmarks that was listed, it's right here, a number of them. Now why in the world we had to have more than a dozen earmarks airdropped into a bill that has been under consideration for the past 2 years, I simply don't know.

But when you read some of them, you kind of wonder why, like I said, Housing Assistance Council, Sun Grant Insular Pacific Sub-Center, Desert Terminal Lakes, Nevada. This is all we know about them.

If you dig into them, you might find something untoward, you might not, but the fact is we don't have time to do that. That's why we have earmark rules that give us time to actually vet them. Those rules are being waived here, and we should not be doing that.

Let me mention also, the gentleman said they are all listed. They aren't. There is quite a controversial earmark in this legislation that does not show up on the list. It's a $250 million tax refund to the Plum Tree Timber Company. Now, this is an earmark that allows the Nature Conservancy to purchase that from the Plum Tree Timber Company.

Now, the Plum Tree Timber Company, as I understand, is not mentioned in the legislation, it is simply described. It would be like saying I am going to give a subsidy to the gentleman who stands 6-feet tall, weighs 175 pounds, has blue eyes and his middle name is John, but we won't say the rest of it.

That's exactly what we are doing here. In an effort to get around the scrutiny that might come if somebody actually said now why is a subsidy actually going to the Plum Tree Timber Company.

It is no wonder that the rules have been waived here. If I had something like this in this bill, I would waive the rules too, because I wouldn't want anybody to talk about it. I would also not want anybody who is opposed to the bill to claim time in opposition to it.

If I were sponsoring this legislation that I said reformed the farm subsidy program to make sure that multimillionaire farmers don't continue to get subsidies on behalf of the taxpayer, I would hide it as well. I would do exactly what the Rules Committee has done here and the supporters of the legislation have done.

Because under this legislation, a farm couple earning as much as $2.5 million in adjusted gross income, that's your income after expenses are taken out, can still receive direct payments under this legislation.

Also, the other subsidy programs, rather than reform or to get rid of the loopholes that were allowing people to get extra subsidies, we simply waive the limits there. This is called reform?

I mean, is it any wonder that the rules have been waived and debate has been stifled here on this critical legislation?

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield such time as he may consume to the chairman of the committee, who I believe has done a fabulous job in bringing this bill to the floor, COLLIN PETERSON of Minnesota.

Mr. PETERSON of Minnesota. I thank the gentleman.

Mr. Speaker, I haven't seen the entire list that's being talked about here, but a couple of the things that have been mentioned are not earmarks, and I don't know why the gentleman continues to characterize them as such.

First of all, this is not an earmark, it does not define Plum Creek. What it says is that these bonds can be used for any habitat conservation plans that protect native fish or any forest land covered by these habitat conservation plans.

We know of at least seven habitat conservation plans that would qualify under this provision. So, therefore, it's not an earmark. The Cedar River Watershed Habitat Conservation Plan in King County, Washington, the Plum Creek Timber plan, which is also in Washington, the Washington Department of Natural Resources Forest Practices Habitat Conservation Plan in Washington, the West Fork Timber plan in Washington, the Plum Creek Native Fish Habitat Conservation Plan in Montana and Idaho, Green Diamond and Pacific Lumber, both in California.

So this is not an earmark, because any of these would qualify. There are probably more that we don't know about. Now, this was in the Senate bill, so I don't know what you are talking about airdropped.

A couple of the others that I heard you mention were also in the Senate bill, and there is another one that you characterize as an earmark, which is not an earmark, and that's the salmon recovery disaster plan which was a plan that was actually first passed in the 2006 Congress by the Republican majority, was implemented in 2006. Fifty million dollars at that time was put out to the people that were in the commercial fishing industry, primarily off the coast of California.

At that time there was a partial shutdown of the salmon season. Now, this year, we have a complete shutdown of the salmon season all along the coast from California to Oregon to Washington State. So it's much broader, and it not only shut down the commercial fishing, it shut down the recreational fishing in those areas.

What we are doing is replenishing this disaster fund with money that is exactly similar to what was done, what was in the statute and it was actually disbursed in 2006, because the disaster is much bigger this year than it was in 2006 because we had a partial shutdown. Now we have an entire shutdown of three States.

So this is clearly not an earmark, this is in the disaster title of the farm bill that goes along with the other disaster provisions that are in the farm bill. You know, I don't know, I guess because apparently some people think that being against earmarks is popular and, whatever, they try to make this into an issue.

But a number of the provisions that were raised by the gentleman are clearly not earmarks. The House bill that passed out of here had no earmarks.

We had to deal with the other body, and we took some provisions from the other body, because that's how a conference works. You know, there is a lot worse stuff that was in that bill that we took out. I just want to clear the record that a number of things being talked about here are not earmarks, and I would encourage my colleagues not to support this point of order.

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Mr. FLAKE. The gentleman mentioned the National Marine Fishery Service earmark. It was added at the last minute. It may have been in a 2006 bill, but it wasn't in this bill until it was air dropped into the conference report. Now $170 million, that may well be a disaster there, but why in the world, if it is a disaster, why isn't it covered?

Mr. PETERSON of Minnesota. Would the gentleman yield?

Mr. FLAKE. I would.

Mr. PETERSON of Minnesota. The House bill didn't have a paid-for disaster provision in it, the Senate bill did. And so when we molded these together, we put these disaster provisions in, and we paid for them, the first time that we actually paid for a disaster with pay-as-you-go money, and we included the California disaster in the process and paid for it.

This is not a new program. As I said, it is not an earmark, and it was brought in because we were dealing with a disaster. This is clearly a disaster. Any place that you have a complete shutdown of a commercial fishery, they are going to be in asking for help from the Federal Government. That is appropriate. This was brought in, the permanent disaster program from the Senate, and funded when we molded them together.

Mr. FLAKE. Reclaiming my time, I thank the gentleman for the clarification. I still would point out we have a $3.8 billion permanent disaster title added to the bill; and still, in addition to that, we are funding these kinds of programs directly and specifically.

The gentleman can argue that it is not an earmark. I think that a casual or a tortured reading of this would both say this is an earmark when you are naming a specific entity to receive a specific amount of money and when it wasn't in the House bill, that is an earmark. So there is a good reason for this point of order.

The gentleman said, and let me go back to the PAYGO issue. The gentleman mentioned that this rule he thinks is in compliance with PAYGO. Let me read what this conference report says and see if anybody can decipher this.

Mr. CARDOZA. Mr. Speaker, the gentleman raised a point of order with regard to earmarks, not with regard to the issue of PAYGO. That will be discussed in the rule itself. It will be germane to that later discussion.

The SPEAKER pro tempore. If the gentleman may confine his remarks to the question of order.

Mr. FLAKE. If I might respond, the gentleman, after he raised his last point of order went on to talk about the reforms in the bill which clearly didn't have anything to do with the unfunded mandates language that I had raised or that I had talked about or that he had raised a point of order for. Clearly, I understand that they don't want to talk about this. I understand that. That's why the rules are waived. But to stand now and to raise a point of order against my point of order because I am not addressing specifically the question that they want to address or that they would rather dispose of is, I think, a little spurious.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California has 5 minutes and the gentleman from Arizona has 1 minute.

Mr. CARDOZA. Mr. Speaker, when the gentleman says we talked about other issues in the last point of order, I was trying to be gracious with regard to the time and the discussion and allow the gentleman to speak. I raised an issue on the point of order on PAYGO because we are going to discuss that in the rules discussion, in the discussion of the rule.

I would just remind the gentleman that in the time he has taken on these two points of order, he will probably have discussed this bill more than any other Member on the floor, even after we agreed to give him 20 minutes of debate on this topic. So I think that the gentleman thus protests too greatly, and I reserve the balance of my time.

Mr. FLAKE. I thank the other side. You notice the words used, that we have graciously agreed to give them. Under the rules, the House rules, those who are opposed to the bill are required to be given the chance to claim time in opposition, not to be at the whims and graciousness of those who support the legislation. That's why we have rules, and that's why in this case the rules have been waived.

I understand completely if I had waived the PAYGO rules, when so many on that side of the aisle, bless their hearts, have been diligent sometimes on raising the issue of PAYGO and saying we shouldn't violate it, if I had violated PAYGO and waived it like this, I would want to waive every rule as well and stifle all the debate I could because it is embarrassing, frankly.

I don't have time to yield.

I would just say in my remaining 15 seconds, we have a bill that deserves a lot more debate than it is getting. This is important legislation. We are waiving PAYGO rules, and let me just say what this rule says: Therefore, while there is a technical violation of clause 10 of rule XXI, the conference report complies with the rule. It says there is a technical violation, but we have complied. It simply doesn't make sense.

I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I want to emphasize that this conference report fully complies with the earmark rule. In my opinion, it fully complies with the spirit of PAYGO.

Mr. Speaker, I would now like to yield to the chairman who would like to respond on that question as well.

Mr. PETERSON of Minnesota. I thank the gentleman, and I wasn't going to prolong this, but just like I had to take issue with saying earmarks were there that aren't there, I take very much issue with your saying we are waiving PAYGO. We are not waiving PAYGO. We are not waiving PAYGO in this bill. We are meeting PAYGO requirements based on the 2007 baseline which is what we started the bill under. This is what the rules are in the Senate.

Let me explain my point first, and then I will be happy to yield.

So the Senate has a rule that says under whatever baseline you start off with, that you continue under that baseline with the bill until a new budget resolution is passed by both the House and the Senate. For whatever reason, the House has a different rule when we adopted that, and it says once you file the Budget Committee report in the House, not when it is passed, if a new baseline comes along, you are supposed to use that. But clearly, we cannot write a bill of this magnitude and this scope having two different baselines. We can't have one baseline in the Senate and another baseline in the House. That is number one.

Number two, the common practice around this place has always been to follow this rule, that we always use the baseline that we started off with. That is what we have done for years. So all we are doing is complying with what the Senate rule is because we have to do that and it makes sense. We are not trying to waive anything. We are not trying to get around anything. This bill, it meets PAYGO requirements and it meets it under the 2007 baseline which is what we started the bill under. And we are not waiving PAYGO.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. PETERSON of Minnesota. I would be happy to yield.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding, and I would just like to make this point. This rule provides for waivers of other rules. Last night when we were up in the Rules Committee——

Mr. CARDOZA. Mr. Speaker, I control the time under the remainder of my motion, and I believe the gentleman is discussing the rule.

I don't yield, and if the gentleman from Washington would just suspend for a moment, I just would like to say that I do not yield because we are talking about a whole different topic here. I would like to make sure that we consider the point of order that has been raised directly by the gentleman from Arizona and not make this a wide-ranging debate with regard to the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that each side receive an additional 2 minutes so we may discuss this issue.

Mr. CARDOZA. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. CARDOZA. Mr. Speaker, I urge my colleagues to vote "yes" on consideration on this point of order, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 189, not voting 16, as follows:

[Roll No. 309]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner

Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bonner
Bono Mack
Carney
Cramer
Crenshaw
Cubin
Cummings
Gerlach
Hinojosa
Lewis (KY)
Mack
Myrick
Rush
Sali
Sullivan
Weller

□ 1151

Messrs. HELLER of Nevada, CULBERSON, ADERHOLT, McHENRY, DOGGETT and Ms. GINNY BROWN-WAITE of Florida changed their vote from "yea" to "nay."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. RYAN of Wisconsin. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. RYAN) is recognized.

Mr. RYAN of Wisconsin. Clause 10 of rule XXI, the so-called pay-as-you-go point of order says that it is not in order to consider a bill if it increases the deficit if applied today over a period of fiscal years 2008 through 2013 and the period of fiscal years 2008 through 2018. The effect on the deficit is determined by the Budget Committee relative to the most recent baseline supplied by the Congressional Budget Office "used in considering a concurrent resolution on the budget."

Mr. Speaker, according to the Congressional Budget Office relative to its March 2008 baseline, the Farm Bill will increase the deficit by $2.9 billion over the period of fiscal years 2008 through 2018. But if using last year's outdated 2007 baseline, CBO states that it would decrease the deficit by about $100 million over that same period, 2008 through 2017.

Mr. Speaker, under clause 10 of rule XXI, which baseline provided by CBO is the most recent and should therefore be used by the Budget Committee in order to determine pay-as-you-go compliance, the March 2007 baseline or the March 2008 baseline?

The SPEAKER pro tempore. Whichever one is required under clause 10 should be the one used by the Committee on the Budget.

Mr. RYAN of Wisconsin. Mr. Speaker, further parliamentary inquiry.

Does the rule not state that it is the most recent CBO baseline?

The SPEAKER pro tempore. Whichever one is required under the alternate branches of clause 10 shall be the one used by the Committee on the Budget.

Mr. RYAN of Wisconsin. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized.

Mr. RYAN of Wisconsin. Mr. Speaker, according to clause 10(a) of rule XXI, in advising the Chair, the Budget Committee must use "the most recent baseline estimates supplied by the Congressional Budget Office . . . used in considering a concurrent resolution on the budget."

Mr. Speaker, has Congress considered the concurrent resolution on the budget this year?

The SPEAKER pro tempore. The answer is "yes." The House has considered a concurrent resolution on the budget.

Mr. RYAN of Wisconsin. Further parliamentary inquiry, Mr. Speaker.

Isn't it true that the concurrent budget resolution on the budget for fiscal year 2009 considered by the Budget Committee and considered and passed by the House uses the most recent baseline which is the March 2008 baseline?

The SPEAKER pro tempore. The Chair is not aware of which baseline is current.

Mr. RYAN of Wisconsin. Further parliamentary inquiry.

The rule providing for the consideration of the conference report to accompany the Food Conservation and Energy Act of 2008 includes a waiver of all points of order against consideration.

Does that waiver include a waiver of clause 10 of rule XXI, the pay-as-you-go point of order, and in addition, to all points of order under the Congressional Budget Act? And does this mean that a Member of Congress may not raise a point of order against consideration of the bill even if it is in violation of the PAYGO rule, Budget Act points of order, or the concurrent resolution on the budget?

The SPEAKER pro tempore. That calls for an advisory opinion. The pending resolution proposes to waive any point of order, so this is a matter for debate.

Mr. RYAN of Wisconsin. Mr. Speaker, further parliamentary inquiry.

Does this waiver of these points of order mean that the PAYGO rule and the Budget Act points of order are also waived and therefore, a Member may not raise a point of order against consideration of the bill on those grounds?

The SPEAKER pro tempore. If the pending resolution were adopted, then any point of order would be waived.

Mr. RYAN of Wisconsin. Mr. Speaker, further parliamentary inquiry.

The Rules Committee report accompanying the rule provided for consideration of the conference report contains an explanation of waivers and states: "While there is a technical violation of clause 10 of rule XXI, the PAYGO rule, the conference report complies with the rule."

Mr. Speaker, my inquiry is this: Is it possible to be in violation of the PAYGO rule yet comply with the rule at the same time?

The SPEAKER pro tempore. The gentleman may engage his colleagues in debate on the pending resolution on that point.

Mr. RYAN of Wisconsin. We plan on doing that, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1189.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1200

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1189 provides for consideration of H.R. 2419, the Food, Conservation, and Energy Act of 2008, the continuation of the Farm, Nutrition and Bioenergy Act of

2007 which we passed off this floor in September of 2007.

Mr. Speaker, the conference report rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and it also provides one motion to recommit.

It should also be noted that despite the blanket waiver, the conference report does not violate clause 9 of rule XXI.

Furthermore, I want to point out that the conference report uses the CBO 2007 baseline, the year in which the bill passed both the House and the Senate, and under that baseline, CBO has determined that this conference report will not increase the deficit in either of the years 2008 through 2012 or in the years 2008 through 2017 scoring window.

Therefore, while there is a technical violation of clause 10 of rule XXI, this conference report complies with the rule by remaining budget neutral with no net increase in direct spending. In other words, Mr. Speaker, this bill does not increase the deficit and it is PAYGO compliant.

Mr. Speaker, as chairman of a subcommittee on the House Agriculture Committee, and as a member of the Rules Committee, I'm pleased to offer the Farm, Conservation, and Energy Act conference report for consideration today. This bipartisan conference report represents the blood, sweat and tears of many Members of the House and Senate Agriculture Committees, including myself. I would be remiss if I did not single out a few individuals at this time.

First, I must recognize Chairman COLLIN PETERSON, without whom this farm bill would have never been completed. His unwavering dedication to seeing this bill through to completion should be an example to us all, and I am indeed grateful for his commitment, especially in the face of tremendous adversity.

I also want to thank Ranking Member GOODLATTE, Leader HOYER, and certainly, not least, our Speaker of the House, Ms. PELOSI, for their steadfast commitment to creating a farm bill that we can all be proud of and to stand behind, and because of her leadership, there is, in fact, significant reform in this bill.

It is hard to believe, but we actually started this process nearly 2 years ago, starting with traveling to nearly every corner of this country to hear directly from farmers and ranchers from all walks of life about what they needed in a modern farm bill. We took these wide-ranging comments to heart and crafted a fiscally responsible, equitable and unparalleled farm bill.

I wish I could say that it was all a walk in the park. The House and the Senate passed their respective bills in 2007, and since January of this year, Members of the House and the Senate have been hammering out a compromise. There have been many battles, but in the end, this conference report is something I believe this House should be very proud of.

While people didn't get everything they wanted, the country got what it needed. That speaks volumes about the quality of this bill and tells me we ended up in exactly the right place.

The Farm, Conservation, and Energy Act builds upon the past successes of Federal farm policy by maintaining the farm bill's safety net, while at the same time providing for substantial increases in conservation, nutrition and energy.

However, I'm most proud of the $2.3 billion in new Federal investments for specialty crops, an industry that has been uniformly neglected in previous farm bills despite comprising nearly 50 percent of total farm gate value.

Furthermore, this farm bill contains unprecedented reforms to commodity programs by revising program eligibility and strengthening payment limitations.

Through major changes to the crop insurance program, we have also increased government efficiency and reduced the waste, fraud and abuse identified in the current farm programs.

More importantly, this bill is completely paid for. Through PAYGO, Democrats are fulfilling our promise to live within our means like every household in America is forced to do, and I believe the PAYGO rules, Mr. Speaker, made this a leaner, meaner and better bill, despite the complexities that the new rules presented at times.

We pledged to stop writing blank checks with reckless abandon and shouldering our country's needs on the backs of our children and grandchildren. Make no mistake about it, Mr. Speaker, this legislation adheres to the spirit of PAYGO, proving that it can be done.

Mr. Speaker, our farmers have the capacity for immeasurable innovation and success, and they deserve the Federal Government's commitment that's included in this bill by supporting this farm bill.

Mr. Speaker, I look forward to telling my constituents of the 18th District of California that the United States Congress has accomplished what many thought was an impossible feat in coming to an agreement on a farm bill.

Mr. Speaker, I strongly and wholeheartedly urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from California (Mr. CARDOZA) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, this rule provides for consideration of a final farm bill, a farm bill that is over 7 months late. It was supposed to be completed last September when the old farm bill law expired. It's long past time for Congress to be voting on a final farm bill, and the one the House will consider today is far from perfect.

It spends billions more than it was supposed to. Mr. Speaker, in fact, despite this being called the farm bill, nearly 75 percent of the spending in this bill doesn't even go to agriculture or farming. It goes to pay for government food assistance programs. Mr. Speaker, let me repeat that. In fact, despite this being called a farm bill, nearly 75 percent of the spending in this bill doesn't even go to agriculture or farming. It goes to pay for government food assistance programs. To me, that is very concerning.

There's also considerable dissatisfaction with the income limitations being too high for farmers who may receive payments under this bill.

There are also concerns that while commodity prices in the marketplace have risen since the last farm bill, the guarantees in this farm bill have also gone up.

There are also special interest provisions that are unrelated to farming or food stamps that have been stuck on this bill.

Now, Mr. Speaker, I agree that this farm bill is very far from perfect, but like many of my colleagues in the House, I must measure this bill by the impact on my constituents in my district.

And as the representative of one of the most diverse and productive agricultural areas in this country, I will vote for the farm bill because it does more to support the specialty crops that are grown in my district than any other farm bill in history.

I must point out that the assistance provided for the specialty crops grown in my district are not direct subsidy payments or handouts. What matters most to farmers and growers in central Washington are research dollars and help in opening up new markets abroad. Specifically, I'm pleased that the farm bill includes a new initiative to fund research projects for these specialty crops.

The conference report also expands the successful fresh fruit and vegetable SNACK program to children in all 50 States. This worthwhile program provides fresh fruits and vegetables for schoolchildren.

The Market Access Program is also very important in central Washington and something that I've worked very hard on to support for many years. The Market Access Program, or MAP, assists our agriculture community in expanding access to markets overseas.

For far too long, American farm products have had difficulty getting into foreign countries, and sometimes are unfairly blocked outright. Fair market access and fair trade agreements help our farmers compete, and the MAP program has proven this to be very successful.

While I will vote to pass this farm bill, Mr. Speaker, I strongly oppose this unfair rule because it shuts down fair opportunities for debate and votes on the House floor and because, Mr. Speaker, it waives new anti-earmark and PAYGO rules written just last January, a year ago last January, by the Democrat majority.

And already today, Mr. Speaker, we have had a great deal of discussion on PAYGO and the ramifications. We heard it says it complies with the spirit of PAYGO and so forth.

Let me just make a point of what happened last night in the Rules Committee. In the Rules Committee, there is a provision in this rule that waives all points of order. We had discussion up there on PAYGO. So the ranking member of the Rules Committee, Mr. DREIER, offered an amendment to keep all the waivers, all the waivers in the farm bill with the exception of the PAYGO provision that was adopted just a year ago last January by the new majority. That amendment simply said if there's no problem with PAYGO, then why not keep that provision in there. It was voted down, Mr. Speaker, on a direct party-line vote.

So it appears what has happened here in this instance—because I think the rules are very clear. I think Mr. RYAN from Wisconsin pointed out exactly where we are on this and what the procedures are. Apparently what we have done—and this to me I think is probably unprecedented—we have adopted Senate rules in the House for consideration of the farm bill. Maybe that's a pattern that we will see hopefully in other things that we'll debate, like, for example, maybe having more debate on issues because the Senate does have unlimited debate under their house rules. So, if we're going to start adopting Senate rules, maybe we ought to do that on the debate area.

Mr. Speaker, a conscious decision has been made to break the PAYGO rules to increase spending by several billions of dollars.

The farm bill, Mr. Speaker, is long overdue, and I'm disappointed that a bill that provides new levels of recognition to specialty crops, as I pointed out in my earlier remarks, from central Washington is coming before the House with so many other questionable provisions within the bill.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, the gentleman from Washington complains that nearly 75 percent of this bill goes to a nutrition program. I would submit to the House that if Republican policies with regard to the economy weren't what they were we wouldn't have to be increasing the nutritional support for our citizens.

At this time, Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I want to thank the gentleman from California for yielding me time.

I rise today in strong support of the rule we are considering on the conference report to H.R. 2419, the Food, Conservation, and Energy Act.

Mr. Speaker, this important conference agreement outlines the funding for our country's agriculture policy, its conservation approaches, and its nutrition programs. These initiatives touch each of us in some way. Whether we're from a rural area, suburban or urban area, the farm bill has impact on every single one of us.

As a farmer's daughter, I understand how the food we produce is truly the backbone of our country. I am proud of our Nation's commitment to a strong farm economy and a long-standing tradition of providing a safe and secure food supply, not only for our country but for the world.

That is why I support this bill. From the $10 billion increase in nutrition programs to the $7.7 billion increase in conservation funding, this legislation provides for our entire country. I've spoken to our producers, and this legislation gives them the safety net they need to continue producing the food supply our Nation relies upon. I am pleased with the balance and vision in this bill, and that is why I will strongly support it.

I'd like to thank Chairman PETERSON and Ranking Member GOODLATTE for all of their work on this bill. The chairman has shown exceptional leadership and patience through this process. This bill turns the page and helps start a new era of farm and nutrition policy.

I also want to thank Chairman PETERSON and the committee for their inclusion of provisions of the House-passed Regional Water Enhancement Program. By including the Sacramento River Watershed as a national priority in the conference report, my region will be able to preserve farmlands, as well as provide a comprehensive approach to ground and surface water.

Our initial focus should be on building a strong consensus on conservation and its value for our region. We have a truly unique opportunity to shape the vision for the watershed from the beginning. This will help ensure that we build upon solid, local input.

Mr. Speaker, I am happy to be standing here today in support of this well-crafted bill. I ask my colleagues to support the rule and the final passage of the farm bill conference report.

□ 1215

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield as much time as he may consume to the ranking member of the Rules Committee, Mr. DREIER of California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And I thank him for his very thoughtful statement, as always, in his management of the rule.

I want to begin by extending congratulations to all of those who have worked long and hard on this important conference report, Mr. CARDOZA, and I see Mr. HASTINGS here, I know are strong supporters of it. And I know that there is, in fact, some bipartisan support for this measure, but I will say that I personally am troubled with it and I am going to be voting "no" on the conference report when we get to that point for a number of reasons.

I do feel very strongly that as we look at the international food crisis that exists with over a billion people on the face of the Earth facing either malnutrition or out-and-out starvation, it seems to me that we need to take very strong and bold steps to address that. I don't think that dramatically expanding the food programs and feeding is the solution to the problem of a billion people who are facing malnutrition and starvation. I happen to think there are a number of very important factors that unfortunately this farm bill doesn't address.

First and foremost, it's key, as we look at the fact that developing nations in the world have failed to open up their markets so that they can get onto the first rung of the economic ladder, they are preventing us from having the opportunity to address that crisis of starvation and malnutrition. Similarly, we in the United States and the European Union have unfortunately provided two-thirds of the farm subsidies that exist in this world. And guess what? That creates a great distortion and further diminishes the opportunity for those developing nations to address this very important malnutrition and starvation crisis facing one billion human beings. And so I just don't believe in any way that this measure effectively addresses that.

And I think, again, as a number of people have said, if we were to see the European Union diminish its level of subsidization, then we would do that. I was very happy in the Rules Committee last night that for the first time our good friend from Minnesota, the distinguished chairman of the Agriculture Committee, did indicate that he would ultimately support that. In the past he hasn't, as I know he has said publicly and in conversations that I've had with him privately on that.

But nevertheless, it's imperative for us to show leadership on the issue of dramatic taxpayer subsidization of the agriculture sector of our economy. It is just plain wrong. And I hope very much that my colleagues, based on that, if they sincerely want to address this starvation crisis facing a billion people, they will oppose this measure.

Now, there was an interesting debate, Mr. Speaker, that took place earlier on and has been going on. And Mr. HASTINGS made a very, very compelling argument. Now, this is all inside baseball. I know our colleagues understand it, and there are maybe some outside of this Chamber who are following this debate. And it looks like it's very arcane. I mean, we've got copies of the rules manual and we're looking at this whole question of PAYGO and 2007 versus 2008. Well, this comes down to a very simple and easily understood issue, and let me put it this way:

Yesterday we had a debate on whether or not we should, in fact, prevent 70,000 barrels a day of oil from going into the Strategic Petroleum Reserve. And the idea behind that was, of course, if we do increase the supply of energy, prices might come down. Well, guess what? The people whom I represent in southern California would very much like to be able to pay maybe $2.50, $2.75 a gallon. And you know what? If you go to last year, they were able to pay significantly less than $4 a gallon for gasoline.

Well, how does that relate to the debate that we're having right here? Very simply. What is it that our colleagues in the majority are calling for? And that is, to use last year's numbers, to use last year's numbers, not this year's numbers, in this debate. So that's what it comes down to, Mr. Speaker. It is just plain wrong. I would like to pay 2007 prices when I go to the pump and fill up, and unfortunately I can't. And you know what? This majority should recognize their responsibility in the exact same way.

Now, as Mr. HASTINGS said, last night in the Rules Committee I offered what I thought was a very thoughtful amendment to the rule. Everyone continued to say this is PAYGO-compliant, this complies with PAYGO. Well, in one single sentence in the report, Mr. Speaker, they, in fact, provide the most confusing explanation. It says, "Therefore, while there is a technical violation of clause 10 of rule XXI, the conference report complies with the rule by remaining budget neutral with no net increase in direct spending." What does that mean? So it begins by saying there is a violation, and then it says there isn't. I mean, it is so confusing.

Now, the amendment that I offered said, okay, if the majority is, in fact, complying with the PAYGO requirements, what they should do is they should say that they don't need to protect the item, clause 10 of rule XXI, which very clearly states that they must be using this year's numbers. And so, Mr. Speaker, as you said in your ruling—or your predecessor in the Chair said, Mr. PASTOR, who was serving as acting Speaker at the time, we're having a debate on this. And it's obvious that it can be confusing. But I bring it right back to the issue of the desire that the people who we represent, that they would love to pay last year's gasoline prices, but it can't be done. And in the exact same way this is being mishandled. It is just wrong.

And so procedurally we're bringing up a bad conference report. And so I urge my colleagues to vote "no" on this rule, which, also, is a lockdown rule, I should say, and very, very unfair in its treatment of the rights of the minority—not that anyone cares about that. But procedurally and institutionally I think that there should be some concern about the fact that it's a lockdown rule, and if it does pass, it will allow us to bring up what I think is a bill that has some good things in it, but on an overall basis will not deal with the very important challenges that we face.

So I urge a "no" vote on the rule and a "no" vote on the conference report.

Mr. CARDOZA. Mr. Speaker, I appreciate the comments of my colleague from California. I would just like to reiterate that this bill and this rule fully complies with the Senate PAYGO rules and it is totally in keeping with the spirit of PAYGO by complying with the 2007 PAYGO baselines as my Republican colleague, Mr. NEUGEBAUER, said last night when he presented the rule to the committee as the Republican ranking member at that time, and his words were that this bill is fully PAYGO compliant.

Mr. Speaker, at this time, I would like to yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. McGOVERN. I thank the gentleman for yielding and for his work on this bill.

Mr. Speaker, from my point of view the farm bill conference report is a mixed bag. There are many things in this farm bill that I don't like. I don't like what I consider to be an extravagant disaster assistance program. I don't like the minuscule cuts to direct payments, and I don't like the unnecessary subsidies. And I don't like the fact that this bill reduces the mandatory funding for the McGovern-Dole International Food for Education and Child Nutrition program by $756 million.

This is a program that is close to my heart, Mr. Speaker, a program that is proven to work. Named after George McGovern and Bob Dole, this program feeds hungry children around the world in a school setting. The only thing crueler than not feeding a hungry child is to feed that child for a while and then stop. And that's what has happened, unfortunately, in this process and it's flat wrong.

I would like to insert a recently published Washington Post Op-Ed written by both Senators McGovern and Dole into the CONGRESSIONAL RECORD at the end of my statement.

Let me be clear, this is not the end of our fight for funds for McGovern-Dole. And I look forward to working with the appropriators and the authorizers to ensure that there is proper funding for this program in the upcoming appropriations bill. I believe it is a moral imperative.

Mr. Speaker, this is not the bill that I would have written. And, Mr. Speaker, I suppose that I could find enough reasons to justify a vote against this conference report. But when I look at the whole bill, I have concluded that a "no" vote is the wrong vote to take today. And let me explain why I will vote for this bill today.

Thanks to the leadership of Speaker PELOSI and Congresswoman DELAURO and Chairman PETERSON, this bill includes the most sweeping expansion in the domestic anti-hunger safety net ever. This bill will do more to fight hunger in America over the next 5 years than anything Congress has done in decades. Over $10 billion will go to improve the food stamp benefit, to provide fresh fruits and vegetables to children in schools around this country, and to invest in America's food banks.

Over 73 percent of the spending in this bill will fund the anti-hunger safety net. Damage that has been done over the years, the erosion of both the food stamp benefit and the emergency food assistance system, for example, is fixed in this bill.

Mr. Speaker, the nutrition title of the farm bill is not perfect, but it is very, very good. I'm voting for this bill on the strength of these improvements, and I urge my colleagues on both sides of the aisle to do the same.

These enhancements will improve the lives of real people around the country, people who desperately need help putting food on their tables in this time of spiking energy costs and rising food prices. This bill will help more than 10 million people afford an adequate diet, including over 200,000 people in my home State of Massachusetts. Unfortunately, though, it will not end hunger in America, and it won't end hunger around the world.

Mr. Speaker, I believe strongly that hunger is a political condition. And I believe we can end hunger here at home and around the world if we find the political will to do so. But ending hunger will take leadership, leadership to stand up to the powerful special interests that don't care about ending hunger, leadership to stand up for the people whose interests aren't always represented here in the halls of Congress, leadership to simply do the right thing. And ending hunger is doing the right thing.

The face of hunger here in America is not one of sunken eyes and swollen bellies. No, the hungry in America are our neighbors, our children's classmates, and the seniors we see every day. Some serve in the military, and others take their kids to soccer and baseball practice all over this country.

The face of hunger is the face of too many in America, but that doesn't have to be the case any longer. This bill, the effort put forth by the anti-hunger community, that deserves such great credit, and by many Members of Congress is just a start. With a continued and dedicated effort, this can truly be the beginning of the end of hunger.

This bill is a solid down payment on our efforts to end the scourge of hunger in America once and for all, and for that reason alone it deserves our support.

[From the Washington Post, May 6, 2008]

A SLAP AT SCHOOLCHILDREN

(By George McGovern and Bob Dole)

How can the world's hungriest schoolchildren be denied meals while the farm bill being debated in a House-Senate conference provides millions in subsidies for wealthy farmers? That's what Congress proposes. In all fairness, it should not become law.

We are puzzled that Congress wants to increase overall farm bill spending by billions of dollars yet reduce by more than 90 percent the mandatory funding to feed hungry children. The program at issue saves lives and has a proven ability to break the cycle of poverty and hopelessness in poor countries.

We are not expressing disagreement because the program, supported by Presidents Bill Clinton and George W. Bush, bears our names. We believe, simply put, that a costly humanitarian mistake would be made. Funding for the program would go from $840 million over five years to $60 million this coming year. After that, there would be no guarantee of funding at all. The $840 million in funding represents less than 1 percent of the proposed total spending in the farm bill. At a time when increasingly high food prices are pushing millions of families around the globe deeper into poverty, we must step up, not reduce, our efforts to feed hungry schoolchildren.

For just a few cents a day per child, the McGovern-Dole Program has made a critical difference in the lives of children and communities worldwide, promoted American values in the most positive terms, and helped achieve U.S. foreign policy and national security goals. By providing meals to children who attend school in the poorest countries, the program increases attendance rates and student productivity and gives hope to a new generation of impoverished children around the world. The impact on young girls is particularly important. As their school attendance increases, they marry later and birthrates are reduced.

During our careers in public service, we were honored to assist U.S. efforts to reduce hunger at home and abroad. Americans should be proud of the bipartisan progress our country has made. As a nation, we must not retreat from the compassion we've shown when the world's poorest children needed us most. We respectfully ask farm bill conferees to restore the $840 million in mandatory funding for the McGovern-Dole Program. Our nation must not turn its back on the world's poorest. On the contrary, we must demonstrate again that the United States will continue to be a nation of compassion.

As former senators, we both know how difficult it is to put together and pass sound farm legislation. We also know, as does every member of Congress, how important it is to help take care of the world's neediest and most vulnerable children. We believe that a vast majority of the proposed farm bill beneficiaries share our view. Americans care and will respond positively if this needed change is made.

George McGovern, a Democrat, was appointed a U.N. global ambassador on world hunger in 2001. Bob Dole, a Republican, is a former Senate majority leader.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased my friend from California said we are complying with Senate rules, but I believe this is the U.S. House of Representatives, and the fact is we have waived the House PAYGO rules.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I rise today in opposition to this rule.

I find it fascinating that our Speaker, when she became our Speaker, said that we were going to have the most open democratic Congress in the history of America, and yet we have a rule coming to the floor that doesn't even allow dissenting voices to speak in general debate.

Our Speaker also at one time said the 110th Congress will commit itself to a higher standard, pay-as-you-go, no new deficit spending. But instead, we waive the PAYGO rule. And we baseline shop. I know that's inside baseball, but as the gentleman from California said, it's kind of like deciding you're going to pay last year's gasoline prices. Well, I wish we could do that.

And now we have the whole question of earmarks. Our Speaker at one time said that she would just as soon do without earmarks. Instead what we have are airdropped earmarks, secret earmarks coming in in a conference report that nobody can challenge, including one, apparently, according to press reports, that was requested by none other than the Speaker of the House.

And so for all of these reasons, Mr. Speaker, this rule ought to be defeated. This is too important of legislation to come before us to be treated in such a frivolous manner.

Now, let's talk about the matter at hand, the actual substance of the bill. At a time when we're looking at some of the worst food inflation in the last two decades, what do we have coming before us, Mr. Speaker? A bill that will pay out billions of dollars of taxpayer subsidies to a select group of farmers. You know, it kind of begs the question, Mr. Speaker: Why do we have a farm subsidy program?

You know, I'm thinking about all the people who are going to have to pay these billions of dollars in taxes to subsidize a select group of farmers. You know, I think about the auto mechanic in Mesquite, Texas; I think about the guy working at the grocery store in Mineola, Texas; I think about the school teacher or the factory worker in Garland; where is their government subsidy program? Why are we bestowing billions of dollars in subsidies on this one select group?

□ 1230

This is a relic of the New Deal. We are paying out money to millionaires. We are teaching more people to be reliant upon government programs. Now, Mr. Speaker, we need a farm program. We just don't need a farm subsidy program.

Let me tell you what farmers in the Fifth Congressional District of Texas that I have the honor of representing need. They need some relief in their energy cost. The energy that it takes to run their tractors, their combines, their farm equipment, and the cost of diesel, they need some relief there.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman's time has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. HENSARLING. And yet there is absolutely nothing that our friends do on the other side of the aisle to produce any American energy, to get us any more independent, to have independent American energy.

Also, we benefit one set of farmers at the cost of another. This continues the ethanol mandates. It continues the tariff on imported ethanol. Now, if you've got a bunch of corn growers, it may be very good for them. I would say they're in high cotton, but I guess they're in high corn. But it's not too good for the cattle raisers, not too good for the poultry people. It's not too good for the hog farmers or the other livestock people who are all of a sudden seeing their feed prices almost triple. What are we doing for them?

Then let's talk about trade. Ninety-six percent of the world's consumers live outside of America, and yet this is an anti-trade Congress under Democrat leadership. You had the Colombian Trade Agreement totally one way. Farmers and ranchers want to export, and they're being disallowed the opportunity to do that.

The SPEAKER pro tempore. The gentleman's time has again expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman another 30 seconds.

Mr. HENSARLING. So we need a farm bill that promotes trade, Mr. Speaker.

Next, we need death tax relief for our farmers and ranchers. Somebody in the Fifth Congressional District worked his whole life building a farm and told me, "Congressman, after the government takes theirs, there's just not enough to go around." You shouldn't work your whole life building a family farm only to have Uncle Sam take 55 percent. We need income tax relief. That's what a farm bill needs to help the true agricultural producers. Not a subsidy program, an assistance program for those who work hard.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my good friend from California for yielding time.

Mr. Speaker, I rise today in vigorous support of this rule. I would like to thank Chairman PETERSON, Chairwoman DELAURO, Chairman RANGEL, and Mr. GOODLATTE, who I feel have crafted a sound bipartisan compromise bill for all of us to support, and they are to be complimented for their hard work during these fiscally challenging times.

The underlying legislation makes important reforms that benefit farmers across our Nation and assist many industries which are the economic engine of the congressional district that I'm privileged to serve. The bill before us today is an important achievement for the State of Florida and for the constituents that I serve.

As many of my colleagues know, I represent, along with my colleague from Florida (Mr. MAHONEY), the second largest sugar-producing district in the country. The Florida sugar industry has a $3.1 billion economic impact on the State of Florida, and I thank the committees for including the provisions that assist this important industry.

I also thank the committees for including the Pollinator Protection Act, which I authored and which was carried by Mr. CARDOZA, who is carrying this rule and working with me. This act authorizes funding to conduct research on colony collapse disorder to prevent the continuing decline of the pollinator population. People, if there ain't no bees, there ain't no food.

Finally, this bill addresses rising food prices here at home and overseas by substantially increasing funding for nutrition programs and food banks and promoting duty-free imports in the Caribbean, thanks to Mr. RANGEL, and to Haiti, where citizens are forced now to eat mud cakes to survive.

Having worked as a boy in farms, I understand firsthand how food gets to the table. I am proud to say that this bill serves our farmers well.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, we've detailed many of the problems with this rule, one of the worst aspects of which is that, as has been mentioned, it allows a bit of time travel here for the purpose of going back and choosing another baseline that allows you to actually comply with PAYGO rules. That should not be allowed under the rule, and that's why the PAYGO rules are actually waived in this bill. For all the talk on the other side about PAYGO compliance, if this bill was PAYGO compliant, the PAYGO rule would not have been waived.

The same goes with earmarks. More than a dozen earmarks were added, airdropped into the bill; yet we still have a waiver because we know there are likely other earmarks added in the bill as well. So we want to protect against that.

Also, I mentioned about the rule. It stifles debate. I don't know of another example where a conference report has come to the floor, particularly one of this magnitude, where those who are opposed to the bill have not been given the opportunity to claim time in opposition. Instead, we have to rely on the good graces of those who support the bill to actually be yielded time to actually speak in opposition to the bill.

Finally, Mr. Speaker, we have a real problem in this country in terms of entitlements. We're going to have to reform Social Security and Medicare. Tell me how, tell me why anybody out there, outside of the beltway, should believe that we are capable of doing that kind of reform when we can't tell a farm couple making up to $2.5 million in adjusted gross income every year, that's income after expenses, if we can't tell them that the subsidy party is over? How are we ever going to reform entitlements? I asked that of my party; I ask that of the Democrats. How in the world can anybody take us seriously here if we can't have a farm bill that reforms the subsidy program?

Mr. CARDOZA. Mr. Speaker, I yield 1½ minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the Ways and Means Committee, without which we could not have done this bill.

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, the pride I want to express is, as being a member of the Agriculture Committee, which I also serve on, a day like today makes me especially proud of that membership because what is before us is a collaborative product, the majority, the minority, arm in arm, working this through to build the best farm bill we possibly could. A bill that attends to the nutrition needs of our country; a bill that provides the safety net for family farmers; and a bill that safeguards the highest quality, most affordable food supply in the Western world. This collaborative effort would not have been possible but for the leadership of Chairman PETERSON, who, at every step of the way, wanted to be inclusive in his leadership style, having not just the majority but the minority fully involved in writing this bill.

I also salute BOB GOODLATTE, ranking member of the committee, because he could have walked away, could have said we're just going to do the partisan thing on this bill, but, no, instead played a very important role substantially improving the product of this bill, by virtue of BOB GOODLATTE's contribution and the contribution of the members of his caucus on the Ways and Means Committee.

Our farmers are putting into the ground the most expensive crop in the history of U.S. agriculture. I had a farmer tell me last week that running three tractors to get his crop in was running a $10,000-a-day fuel bill. They've got horrific exposure. They need the protection of this farm bill. Please adopt it.

Mr. HASTINGS of Washington. Mr. Speaker, I am at this time pleased to yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I would like to join my colleague in a little colloquy.

I understand you're going to offer a previous question on this rule?

Mr. HASTINGS of Washington. If the gentleman would yield, I am going to urge my colleagues to vote against the previous question so that we can amend the rule, not replace the rule, amend the rule so that we can discuss energy prices and legislation to bring the price of gasoline at the pump down.

Mr. SHIMKUS. And I would assume a way in which we would do that would be to bring in more supply?

Mr. HASTINGS of Washington. It would be based on supply and demand. The gentleman is exactly correct.

Mr. SHIMKUS. I want to thank my colleague.

Mr. Speaker, one of the best things we can do for the family farmer in this economy is to lower energy costs. And that's why I'm coming to the floor because I am excited about my colleague's previous question to bring on more supply.

Now, I was pleased to see that my friends on the other side have accepted the supply debate, and we did that yesterday with great acclamation, saying that bringing in 70,000 barrels of crude oil onto the market would lower gasoline prices, your quote, not mine, between 5 cents to 25 cents.

Well, just imagine if we brought a million barrels of crude oil onto our market, a million barrels from U.S. territory. And I think that's what my colleague is going to bring in the previous question, because 1½ years ago, the price of a barrel of crude oil was $58. Today the price of a barrel of crude oil is $125.09. I'm telling you the public is starting to wake up. I'm hearing it from soccer moms. I'm hearing it from labor individuals. They understand that the cost of energy is too high. The price of diesel has doubled.

In an agricultural country, my farmers are trying to get their corn in. It's been really wet. And it's diesel fuel. Diesel fuel has doubled. We've got small local truckers going on strike because they can't afford to fill up the tractor-trailers because diesel costs are too high. Why are diesel costs too high? Because we won't open up any supply.

I think the previous question will be an opportunity to open up supply on U.S. soil, and maybe we will get a chance to talk about opening up supply on the Outer Continental Shelf.

You all agreed to it. Supply will lower prices, based upon our vote yesterday. But that was 70,000 barrels. Our challenge is to bring a million barrels, locally produced crude oil and natural gas. Because we can't sustain these high prices. We can't sustain them in the family farm.

And that's why I'm excited to be here today to continue to raise this debate on the price of a barrel of crude oil.

Another thing we could do is take our locally produced coal——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. SHIMKUS. I want to thank my colleague for yielding.

Because we want to highlight the Arctic National Wildlife Refuge, a coastal plain the size of South Carolina, a drilling platform the size of Dulles Airport. We want to address the Outer Continental Shelf, both on the east coast and the western seaboard and the eastern gulf. We want to address coal-to-liquid technology, where we take coal underneath the soil or on our upper plain, build a refinery, U.S. jobs; operate a coal mine, U.S. jobs; build a pipeline, U.S. jobs; and lower the cost for jet fuel so that we can have U.S. jobs.

Mr. CARDOZA. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), who absolutely has been an undying advocate on behalf of those who need it the most, those who are going hungry in our country.

Ms. DELAURO. I thank the gentleman from California for yielding, and I thank him for his perseverance in this effort as well.

Mr. Speaker, I rise to support the rule and the underlying bill, historic change that will meet the nutritional needs of all Americans.

I want to thank the Speaker for her vision and clear priorities on this bill and Chairman PETERSON for his tireless leadership and perseverance. Thank you for welcoming my input on something so critical as the nutrition title.

Today, as the country faces rising food costs, food banks cannot handle the demand, and families struggle just to keep up. Today 35.5 million Americans live in households where not everyone has had enough food in the United States of America.

With this bill we are finally taking the right steps to provide people with a fighting chance, ending the erosion in food stamps by increasing the standard deduction and the minimum benefit, which has been frozen at $10 for the past 30 years, then indexing them to inflation. Commitments to help almost 11 million people, families with children, seniors, and people with disabilities.

Yet the current administration is looking for ways to undermine the legislation. The administration has argued against expanding eligibility by excluding retirement, education savings, and combat pay when determining that eligibility.

□ 1245

What does it say when our soldiers who fight so bravely for our Nation abroad are forced to scrape and scrounge for food upon their return?

And this bill does more. It increases funding for the Emergency Food Assistance Program, including an immediate infusion of $50 million to address supply shortages as more families than ever are relying on food banks, soup kitchens and food pantries for help. There is also a dramatic increase in funding for the fruits and vegetables snack program for our schools giving more children greater access to healthy fresh fruits and vegetables at school. And we are providing $84 million in funding for the McGovern-Dole program which helps reduce child hunger, promotes education and represents a powerful opportunity for our Nation to export goodwill around the world.

I urge my colleagues to support this bill. For too long we have failed to meet our obligations as a Congress and as a Nation, failed to act while too many Americans have gone without adequate food, healthy food, and are facing hunger in our Nation today. Today, we can begin to do something about it.

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire again how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 7 minutes remaining. The gentleman from California has 11 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time to allow more equity in the time.

Mr. CARDOZA. Mr. Speaker, I was remiss when I introduced my colleague, ALCEE HASTINGS from Florida, for his undying support and work with regard to specialty crops. He was joined in this effort by the gentleman from Florida (Mr. MAHONEY) who has been just a stalwart in helping me get the specialty crop title into this bill. And I would like to yield 1½ minutes to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Thank you, Chairman CARDOZA.

Mr. Speaker, I would like to begin by thanking Chairman PETERSON and thanking Chairman CARDOZA for their tireless resolve to bring this historic legislation to a vote today. I also want to thank Commissioner Bronson and my good friends and colleagues, ALLEN BOYD and ADAM PUTNAM, for their work in delivering to the ranchers, farmers and growers of Florida the best farm bill in history.

This farm bill, in combination with the energy bill already signed into law, completes the foundation upon which Florida will build a biofuels industry that will power America's engines and make us more secure. It means more jobs for our State. It means our children will be able to stay in rural Florida and have jobs for the future. This farm bill, after more than 70 years, begins to give Florida's growers and farmers parity with commodity crops.

In Florida, we grow over 270 different varieties of specialty crops. I welcome this $1.3 billion investment in new programs that supports research, pest management, trade promotion and nutrition for the industry.

Finally, this bill makes an investment in our environment by making an additional $7.9 billion available for conservation programs. This bill brings farmers and environmentalists together to protect our land, our waters, and one of our Nation's greatest treasures, the Everglades.

As a Blue Dog Democrat, I am especially proud that we have been able to accomplish all of the above without having to raise taxes or go into debt. We don't have to mortgage the farm to pay for this farm bill.

Thank you, Mr. Speaker.

Thank you, Chairman CARDOZA, for all of your work on behalf of the farmers and growers of Florida.

Mr. HASTINGS of Washington. Once again I will continue to reserve, Mr. Speaker.

Mr. CARDOZA. Mr. Speaker, I yield 1½ minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Thank you, Mr. Chairman.

Mr. Speaker, I rise today to urge my colleagues to support the rule on the farm bill. Chairman PETERSON and Ranking Member GOODLATTE have worked hard to put together this bipartisan bill that helps working class families struggling with the soaring cost of food. On balance it is a good bill for nutrition and for the small farmers of the Northeast.

The bill will also help my home State of New Hampshire because it includes the Northern Border Regional Development Commission Act. I introduced this bill to help the struggling communities in the north country of New Hampshire and the region. The commission will help bring investment, leadership and focus to the north country's economic development efforts.

Thirty-six counties in four States that would become part of this commission have poverty levels above the national average, median household income that is more than $6,500 below the national average, persistent unemployment fed by constant layoffs in traditional manufacturing industries, and a significant out-migration and loss of younger workers.

The recent announcements of mill closures in Groveton, Gorham, Berlin and Littleton, New Hampshire, confirm a clear, persistent pattern of economic distress in this region and across the northern border.

The people of the north country need a new start and more resources to rebuild their communities for a new economy. The northern border commission, coupled with other efforts, will help revitalize the region and rebuild communities which need our help.

Mr. Speaker, I urge passage of this rule. The people of New Hampshire's north country, and the northeast northern border region are counting on us.

Mr. HASTINGS of Washington. I will continue to reserve, Mr. Speaker.

Mr. CARDOZA. Mr. Speaker, I would now like to yield 1½ minutes to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. I thank the gentleman from California for yielding his time. I would like to thank our chairman, COLLIN PETERSON, and Ranking Member GOODLATTE for their hard work on this good, bipartisan piece of legislation that does a lot of good things.

It enhances conservation. It provides a safety net that our farmers need to do the work that is so important to this country. It does some very exciting things with energy. And in the end, it allows these small family farms that make up most of southern and eastern Ohio to meet their margins in a very difficult profession. But it does something more than that. It helps meet the growing needs associated with poverty; rising food prices, a diminishing manufacturing base, rising costs of living.

Seventy-five percent of this bill is devoted toward nutrition, being mindful of the fact that most of those who will be fed pursuant to the nutritional programs of this bill constitute the working poor. In my district many of the counties have poverty rates exceeding 20 percent and unemployment rates at 6 or 7 percent. This means that thousands of people in my district alone are working full-time but can't afford to feed their families. This bill will help mitigate that crisis.

This bill is good for farmers. It helps diminish the effects of poverty and fight the ever-growing fight against poverty in this country and will allow for the farmers of this country to continue to provide the safest, cheapest and most abundant source of agriculture on the planet.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to talk about the energy issue also. There are some good things in this bill for our farmers. I especially think the dairy provision was well done. Dairy is very important to Pennsylvania.

I was in the food business 26 years of my life. I know how people struggle with their family budgets. But let me tell you, the farmers are reeling with fertilizer costs. Why are fertilizer costs doubling and tripling year after year? And why is 50 percent of our fertilizer now being imported? Because of natural gas costs. Ninety percent of the cost of ammonia fertilizer is natural gas, clean, green natural gas. This Congress refuses to produce natural gas in this country. There has never been a gas well that polluted a beach. Look at this chart. Off-limits. Off-limits. Off-limits. There should be another one in the middle. There should be one up here in Alaska.

We have said that we are not going to produce fossil fuel. Natural gas is a fossil fuel. We are not going to produce oil.

Our farmers need relief. They need affordable energy to drive their tractors, to dry their grain after they harvest it, and to buy their fertilizer.

Folks, this country's economic future, not just farming, but our ability to manufacture, our ability to heat our homes this winter—right today, we are putting $11.50 natural gas in the ground for next winter's use. Last year at this time, it was $6.50 to $7. Do the math. That's a 40 to 50 percent increase in natural gas costs.

We have lost half of the fertilizer factories in America. That's why our farmers are now using foreign fertilizer. That's why it is costing them 300, 400 and 500 percent more than it did just several years ago. Folks, we have to produce energy in America if we are going to farm and have affordable food, if we are going to manufacture products and if we are going to have an economy that competes in the global economy.

We are not in a sole economy any more. We are in a global economy. We have to compete.

In America, we pay $125 for oil. Everybody does. But we have had the highest natural gas prices in the world for 8 years. And the margin is increasing because we refuse to produce energy for America. All of these other debates are going to be academic. We won't have factories. We won't have successful farmers. We'll be buying foreign fertilizer to grow products in this country. We'll be buying foreign tractors to produce our farms. We'll be driving foreign cars because we won't have a manufacturing base left.

Clean, green natural gas is the answer.

And we need to open up. And we need to drill for oil, too. There has never been a natural gas well that has harmed us economically and environmentally. Clean, green natural gas.

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

The committee has taken this bill as far as they can. There are some modest reforms; as they nibbled around the edges. But the fact is, with the passage of this bill, most farmers will still get no help. Most conservation needs will be unmet. And we are going to continue to give money to people who don't need it, up to $2.5 million of farm and unrelated farm income and as over the last 12 years, 75 percent of the direct payments went to just 10 percent of the largest farmers. We don't need to that.

To add insult to injury, section 1619 will hide information under the Freedom of Information Act so the American public won't even know the facts. This is wrong. We can do better. We can stop giving assistance to the richest of farmers. We can redirect it to further strengthen nutrition and the environment.

I strongly urge a rejection of the rule and the bill. And if the President has the fortitude to veto it, I hope people will join us in bipartisan support to sustain the veto.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. CARDOZA. Mr. Speaker, I ask how much time is remaining on either side.

The SPEAKER pro tempore. The gentleman from Washington has 4 minutes remaining. The gentleman from California has 5½ minutes remaining.

Mr. CARDOZA. At this time I would like to yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding.

Mr. Speaker, despite a President that has been unwilling to negotiate in good faith, the Agriculture Committee, on both sides of the aisle, has produced a solid compromise. And for the first time, under Chairman COLLIN PETERSON's leadership, this House has provided authority for the agricultural interests of this country to lead America forward into a new energy age.

The committee also has provided $1 billion to secure specialty crop production in America for a change, to try to stunt foreign imports, while also providing critical increases for farmers markets to help empower local family farmers. And while there are some trade provisions that were airdropped into this bill, not by the Agriculture Committee that should have been considered in a different manner, the agriculture provisions of this bill are critical for transforming our economy into the 21st century.

In a world of increasing trade deficits and economic instability, the production of food, fiber, forestry and now fuel, are all critical for protecting America's economic independence, and her food security.

I want to congratulate Chairman PETERSON for his incredible leadership. He is the right man at the right place at the right time. I urge a "yes" vote on the rule and on the base bill. I thank the gentleman for yielding me the time.

Mr. HASTINGS of Washington. I reserve my time.

Mr. CARDOZA. Mr. Speaker, at this time I would like to yield 2½ minutes to the gentleman without whose leadership on the bill we simply would not be bringing the bill to the floor today, the chairman of the Committee on Agriculture, the gentleman from Minnesota (Mr. PETERSON).

☐ 1300

Mr. PETERSON of Minnesota. I thank the gentleman.

Mr. Speaker, I rise today in support of the rule and the underlying bill. This has been a long, drawn-out process. It has been a long time since last July when we first passed this bill out of the House.

I want to first of all commend my ranking member and good friend and colleague, Mr. GOODLATTE, for the tremendous work that he did on behalf of this bill and his caucus. As was said earlier, this bill is a much better bill because of the involvement of Mr. GOODLATTE and the great work that he did. I very much thank him for sticking with us here to the end.

We obviously would have preferred to have been here earlier, but this was a difficult bill to work out because of all the competing interests, and the fact that we started off with $58 billion less in baseline than we had back in the 2002 bill.

In order to make all the accommodations for the different folks that were interested in improvements in this bill, we had to find additional resources outside of the Agriculture Committee, which caused additional problems. We had to deal with a much different bill in the Senate, where you had a lot of powerful committee chairmen that brought issues into the bill that were not in the House bill.

We have worked through all of that, and we have produced a product here that I think it isn't perfect, but satisfies, in most cases, the different interests in this bill. We maintain a safety net for farmers along the lines of what we have had in the past.

I, personally, would like the safety net to be stronger than it is, but it's what can be accomplished at this point. We have $10 billion of new spending above the baseline in this bill, and that $10 billion is—I guess money is fungible, but the increase in this bill for nutrition is $10.3 billion. You could say that we have improved the nutrition funding to the amount of new money that's put in the bill. This is money going into the food shelves, food banks that right now are empty and very much needed. There is a new fresh food and vegetable snack program for kids in low-income schools, and there is improvement in food stamps.

We have a good bill that has a lot of other components. I urge my colleagues to support the rule and support the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding.

Mr. Speaker, I realize how difficult it is to put a farm bill together in this place, but this truly represents a missed opportunity. The so-called reforms that are being advocated under the commodity subsidy title would only affect, at best, two-tenth's of 1 percent of farm entities throughout the country.

With an adjusted gross income limit of $2.5 million, these income limits don't even apply to the loan deficiency program or the countercyclical program, two of the three subsidy programs that exist today. At the end of the day we should produce a farm bill that's less market and less trade distorting and more responsible to the American taxpayer.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the ranking member of the Agriculture Committee, who, along with the chairman of the Agriculture Committee, their persistence was such to bring this product to the floor.

Mr. GOODLATTE. I thank the gentleman for yielding.

I just want to say to all of my colleagues that this has been, as the chairman described, a very long and arduous process that began more than 2½ years ago by listening to farmers and ranchers and other people all across the country and holding a multitude of hearings there, and here in Washington as well. It began under my chairmanship. I have never seen anybody who has pursued the passage of legislation as tenaciously and with such dedication, but also listening to so many different people, as the chairman of the committee has done.

Mr. Speaker, as a result, this is not your father's farm bill, nor is it even the farm bill that passed out of this House last summer. This farm bill has more reform than any farm bill that the Congress has ever taken up. It imposes payment limitations on farmers and those who own land and have substantial nonfarm income alike and is well worth consideration in this body, and I urge its passage.

Mr. CARDOZA. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this rule provides for a farm bill that is 7 months overdue, and I want to again commend Chairman PETERSON and Ranking Member GOODLATTE for their persistence in bringing this product to the floor.

But there is another concern for farmers in our country that this Democrat Congress is totally neglecting, and that's addressing skyrocketing gasoline, diesel and energy costs. The cost of running a tractor, trucking products to market, and running a farm has risen dramatically since Democrats took control of Congress, and they have done nothing to help farmers, truckers or millions of Americans hurt by rising fuel costs.

One of the principles of the farm bill is ensuring that America does not become dependent on foreign nations for our food supply. We, as a country, have fertile fields that can produce as much food as our country needs to eat and even export billions of dollars of foodstuffs overseas. But we, as a country, are not using our energy sources like farmers use our fields.

For decades, our country has been handicapped by not tapping into our existing oil reserves. The effort to develop just a tiny portion of ANWR has been fought and blocked to the detriment of America's energy independence and with high prices that we are now paying at the pump.

Today I urge my colleagues to defeat the previous question so this House can finally consider solutions to rising energy costs. By defeating the previous question, I will move to amend the rule, not rewrite it, just amend it, to allow for consideration of H.R. 5984, the Clean Energy Tax Stimulus Act of 2008, introduced by Mr. BARTLETT of Maryland, as well as "any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Arctic National Wildlife Refuge."

With diesel and gasoline prices going up and American farmers having to cope with these skyrocketing costs, it's time for Congress to act. The Democrat majority has refused time and again to act. We can act by defeating the previous question.

Defeating the previous question will be simply to allow the House to debate rising energy prices. The farm bill will still be considered and voted upon.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to do something about rising fuel costs, and the way to do that is by voting to defeat the previous question.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Chair will note that the gentleman from California has 90 seconds remaining.

Mr. CARDOZA. Mr. Speaker, this is a once-in-a-lifetime bill that will meet our country's needs. Every major group, commodities, specialty crops, nutrition groups, conservationists and others support this bill. A "yes" vote on this rule and the underlying bill is a vote for America's hungry, a vote for our environment, a vote for United States' energy independence, and a vote to deliver on our long-standing commitment to rural America.

Mr. Speaker, I ask all of our colleagues to support this rule and to support the underlying bill. I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1189 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and contolled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Arctic National Wildlife Refuge. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 1189; motion to suspend the rules on H. Res. 1134; and motion to suspend the rules on H. Res. 1176.

The vote was taken by electronic device, and there were—yeas 232, nays 188, not voting 13, as follows:

[Roll No. 310]

YEAS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne

Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bono Mack
Cramer
Crenshaw
Cubin
Gerlach
Lewis (KY)
Mack
McDermott
Myrick
Rush
Schmidt
Stark
Weller

☐ 1335

Messrs. LAMPSON and TIM MURPHY of Pennsylvania changed their vote from "yea" to "nay."

Messrs. INGLIS of South Carolina, SHAYS and JOHNSON of Illinois changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 310, I missed the vote because I was talking to military officers from the U.S. Army War College. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 193, not voting 12, as follows:

[Roll No. 311]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)

Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bono Mack
Cramer
Crenshaw
Cubin
Gerlach
Lewis (KY)
Mack
Myrick
Paul
Rush
Schmidt
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

☐ 1345

Mr. TIM MURPHY of Pennsylvania changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MENTAL HEALTH MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1134.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and agree to the resolution, H. Res. 1134.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 312]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bono Mack
Cramer
Crenshaw
Cubin
Gerlach
Lewis (KY)
Mack
Myrick
Paul
Rush
Schmidt
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

☐ 1353

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL TRAIN DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1176.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1176.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 313]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer

Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Andrews
Bilbray
Bono Mack
Braley (IA)
Cramer
Crenshaw
Cubin
Gerlach
Gilchrest
Hooley
Kagen
Lewis (KY)
Mack
Myrick
Paul
Rush
Schmidt
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

☐ 1401

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING A MINORITY MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1196

Resolved, That the following Member is, and is hereby, elected to the following standing committees:

(1) COMMITTEE ON NATURAL RESOURCES.—Mr. Scalise; and,

(2) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Scalise.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5534

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 5534.

The SPEAKER pro tempore (Mr. ROSS). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CONFERENCE REPORT ON H.R. 2419, FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I call up the conference report on the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1189, the conference report is considered read.

(For conference report and statement, see proceedings of the House of May 13, 2008, at page 8545.)

The SPEAKER pro tempore. Pursuant to House Resolution 1189, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 10 minutes of my time to the gentleman from Wisconsin (Mr. KIND) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it's been a long road to get to this point, and I want to start off by thanking Mr. GOODLATTE, the ranking member of the committee, again for his great work; my subcommittee chairmen, who started this process off; the ranking members on the Republican side; my friends on the Ways and Means Committee, Mr. RANGEL especially, Mr. POMEROY, for their hard work to get to this point; the Speaker for backing us up and helping us keep on track here to get to a final consideration; and for all of my colleagues in the House for being patient and working with us and giving us your input.

We have come to a point where I believe we have a good bill that should be supported by all Members of this Congress from both urban, suburban and rural areas.

I have here a chart that shows how the current farm bill spending is going to be allocated on a 10-year basis, which is what we have to go by.

Nutrition in this new Food, Conservation, and Energy Act is 74 percent of the spending over the next 10 years in this food bill, commodities are 16 percent. Back in 2002, these numbers were 65 and 35 or something. Conservation is 7 percent; and energy and the specialty crops, the other items, are 3 percent.

This shows on another chart how we got to those numbers. We had a $58 billion reduction in our baseline. What happened, before we started because the prices were up and the amount of money going out to farmers was down, so we started off $58 billion in the hole. We were provided $10 billion from our friends in the Ways and Means Committee of additional spending over the baseline, and this is how that spending was allocated out.

Nutrition was more than the $10 billion of new money that was put in the bill, $10.3 billion; conservation, an additional $4 billion; specialty crops, $2.3 billion; and in the commodity title, we actually had a reduction. In addition to the $58 billion that we reduced, we had another $3.6 billion that we took out of the commodity title to help put money into these other areas.

Having done that, we still have an adequate safety net for farmers. It's very much like the current law that we have been operating under. We have made some minor changes, and we have brought the AGI limits down from $2.5 million to $500,000 on non-farm income, $750,000 on farm income. So we've made some reform, not as much as some people would like, but more than others would like. We got both sides a little bit upset so I think we're doing something pretty close to what we should.

And to show you how the allocation is based on what the 2002 bill was and what the current bill is, this shows in yellow the 2002 bill and in the kind of purple color the current bill. In nutrition, you can see there's a substantial increase. Conservation, the commodity title is down, and energy is up a little bit.

So we have I think a balanced bill that maintains a safety net. It includes a new disaster program that is paid for. This bill is paid for. The $10 billion comes out of a custom user fee extension which is not a tax increase, which has allowed us to have a bipartisan bill.

We've put a bill together here that I think addresses what people are concerned about in this country. It has a loan guarantee program for cellulosic ethanol.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PETERSON of Minnesota. I yield myself an additional 1 minute.

It has a bioenergy reserve program to allow us to learn how to grow switch grass and how to harvest it and store it and move it; woody biomass so we can get cellulosic ethanol going.

We have for the first time significant money in for fruits and vegetables, which are 50 percent of the agriculture in the United States.

We have country-of-origin labeling. It's going to be mandatory on fruits and vegetables and meats starting September 30. We have interstate meat shipment, another issue that's been hanging on for 20 years.

We've solved a lot of problems in this bill. We have a bill I think that covers all the interests in the country, and we have a bill that we should all be proud to vote for in this House.

Again, I want to thank all my colleagues for their hard work and look forward to having a strong vote on this and encourage you all to support this bill.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that 10 minutes of the time allocated to me be granted to the gentleman from Arizona (Mr. FLAKE) so that he can manage that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself 2 minutes.

I rise today in support of the farm bill conference report. I thank the chairman and all of the other members of the Agriculture Committee on both sides of the aisle for working in such a bipartisan spirit to produce good legislation. I also thank my staff and the majority staff for their hard and, I know to them, seemingly endless work on this legislation.

This farm bill contains solid reforms while addressing a variety of issues including forestry, rural development, renewable energy, nutrition, conservation, research, specialty crops, and livestock and still maintains the safety net necessary to ensure a safe, reliable and affordable domestic food supply. This farm bill is a good work product, and I am proud of the work we have done.

The bill contains more reforms than any previous farm bill, eliminating payments to millionaire farmers, eliminating the three-entity rule, and increasing the efficiency of the crop insurance program among numerous other reforms.

It's 100 percent PAYGO-compliant and is fiscally responsible, scoring $4 billion less than the House bill and $5 billion less than the Senate bill. I think you would be hard-pressed, Mr. Speaker, to find a conference report in the history of this body that came back scoring less than the House and Senate bills. That is a significant achievement, and I think it would be foolish to overlook the positive changes this farm bill has undergone.

When we talk about the farm bill, many believe that the Congress is voting on a $288 billion bill that goes directly to farmers. The truth is that only 17 percent of the farm bill spending is devoted to farm programs, while nearly 70 percent goes to the nutrition title alone. In fact, there is very little farm in a farm bill anymore.

In 2002, the farm program funding comprised just three-quarters of 1 percent of the Federal budget. Today, farm program funding accounts for just one-quarter of 1 percent of the Federal budget, a twofold reduction in just 5 years.

Agriculture policy is essential to the lives of every American, and it is important that the policy we formulate is responsible, effective and at a low cost to the taxpayer.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds.

This bill meets those requirements. I support the farm bill because I believe American agriculture is vital to our national security, health and way of life, and I urge my colleagues to join me in supporting this important legislation.

I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, it's planting season back home in Wisconsin. I still represent one of the largest agricultural producing districts in the entire Nation. Our farmers need a new farm bill. They need to know what the rules are that they have to work and live under.

But we need to do a farm bill the right way, not the wrong way, one that maintains an important safety net for family farmers across the country and is also responsible to the American taxpayer.

Unfortunately, I kind of feel like Paul Harvey here in the well today about to give the rest of the story. This farm bill could be summed up in simple words, it's a missed opportunity. In fact, it could be summarized by the phrase: Where's the beef? Where's the real reform?

Why do I say that? Let's take a look for a second at the so-called reforms under the commodity subsidy programs. By the time you include off-farm and on-farm income and allow double entities, dual entities on the same farm, and their adjusted gross income, you have adjusted gross income up to $2.5 million and you still qualify for taxpayer subsidies. That would constitute approximately two-tenths of 1 percent of farm entities throughout the country that might be affected by these so-called reforms under the direct payments.

Now let's remind ourselves, these direct payments are $25 billion, that go out over the next 5 years, regardless of price, regardless of production. It's not a safety net. It's an entitlement program that each and every one of us will have to go home and look our taxpayers in the eyes and try to explain to them why some of their tax dollars are going to go to a farm entity with an adjusted gross income of $2.5 million.

□ 1415

If you look at the loan deficiency program and the countercyclical, the two other subsidy programs that currently exist, we went in the wrong direction rather than the right direction with reform.

There will still be allowed double dipping under the loan deficiency program. And the loan rates are being increased rather than decreased. And under the countercyclical, the target prices are going to be increased. What does that mean? It means that they will be triggered much earlier and will cost the taxpayer much more if prices start to decline.

One of the reasons there is less funding under the commodity title is because we're at a record time of commodity prices throughout the country. In fact, since the last time the farm bill was on the floor last year for consideration, you look at the five major commodity titles, and they have gone up tremendously since that time: Wheat, an additional 126 percent; soybeans up 57 percent; corn up 45 percent; cotton, 32 percent; and rice, 31 percent. Those are the main subsidized crops that we have throughout the country. Yet, instead of going forward with some reasonable and imminently justifiable reform to tighten up these programs so it is more justifiable to the taxpayer, they're going in the opposite direction.

I always believed that we had the capability, in light of current market prices, to produce a farm bill that maintains an important safety net for our family farmers but in a way that's less market and less trade distorting and is also justifiable to the American taxpayer.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. KIND. I yield myself an additional 30 seconds.

Unfortunately, this farm bill falls short on that worthwhile goal. And unfortunately it's the American taxpayer who is currently facing increased costs of food and fuel that will be paying more over the next 5 to 6 or 7 years by the time we get a chance to look at the next farm bill and talk about the reforms that may be needed.

I led an effort 5 years ago under the last farm bill for some commonsense reforms. People back then said wait for the next one, it's coming. Well, I've been here long enough to understand that tomorrow never comes, and today is the opportunity we have, in light of current market prices, to do the right thing.

I would encourage my colleagues to vote "no" on the farm bill.

Mr. PETERSON of Minnesota. Mr. Speaker, I am going to recognize my good friend, Mr. RANGEL, but before I do I would like to recognize Mr. HALL for a colloquy.

Mr. HALL of New York. Thank you, Mr. Chairman, for recognizing me in a colloquy regarding this bill, which I do support.

Mr. PETERSON of Minnesota. I would be happy to engage in a colloquy with my friend from New York.

Mr. HALL of New York. I thank the chairman for his prior support of a muck soils conservation program. Unfortunately, this House language did not survive in conference.

Existing programs like CREP do not address the needs of muck farmers, like the black dirt farmers in Orange County, New York. In the Hudson Valley, this has led to full retirement of soil and rent inflation.

The needs that would have been addressed in the House bill remain. Proposed administrative changes in future CREP contracts will not address impacts of contracts that are in place today and will be for several years. These are ongoing challenges for farmers in my district and throughout the northeast, growers of specialty crops and producers of muck crops who have been thrice underserved by previous farm bills.

Again, I thank the chairman and ask if he would be willing to continue working with USDA on solutions that will meet conservation goals and address unintended economic consequences of existing programs.

Mr. PETERSON of Minnesota. I thank the Congressman from New York for his remarks and his work on this issue.

These are, indeed, some serious concerns about the implementation of the New York CREP and its impact on the gentleman's muck farmers. It is my understanding that USDA and the State of New York have taken steps to ensure that any new enrollments will not have such negative impacts.

The conference report under consideration directs the Secretary to work with the producers in New York's muck soil areas to use existing programs to help implement farm bill conservation programs on acres still under production.

I look forward to continuing to work with the Congressman from New York on this issue in the future.

With that, Mr. Speaker, I would like to yield 2 minutes to my good friend, the gentleman from New York, the chairman of the Ways and Means Committee, without whose tremendous work we wouldn't be here today. So, Mr. RANGEL, we very much appreciate, on the Agriculture Committee, your effort, and you, Mr. POMEROY, as well, to help us get this bill to the final end.

Mr. RANGEL. I know that some of you may wonder why an old man like me from Harlem would have an interest in the ag bill, but when I hear my distinguished colleague from New York talk about muck farming, it's very important to us as a farm State that we be involved in those type of things. But the truth of the matter is that, while I recognize there are times to be quiet and to listen and look intelligent, I had EARL POMEROY right there at my side asking, what are they talking about?

I've learned a lot about trust funds that I didn't even know existed—and some of you didn't know. But the truth of the matter is that, while I recognize that Mr. KIND was looking for a bill that, as a person that concerned themselves in agriculture, that at the end of the day we have to play the cards that have been given to us. And so I do know the good that has come out of this bill and the pride that I got as a Member of this Congress and seeing the work that Mr. PETERSON has been able to do, working with the Republicans on the other side, in all parts of the bill, in all parts of the leadership on the House and on the Senate side and with them. And I'm telling you, if all of us could have the optimism that he has displayed in the last few years about the salvation of our country, we would have no problems.

It was like a big jigsaw puzzle, and each time he told me we got the last piece there, and when he plugged it in, something even bigger dropped out. We buried this bill so many times, but I'm glad to see that, through the bipartisanship, the friendship, and the cooperation, we will be able to give this country and the world a product that we're proud of, a product that our farmers have worked on to be able to be the food basket not only of the world, with special provisions, but of the many people in our great country that are so in need of food. I'm proud to be a Member and proud to be a part of this.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, I say this regretfully, but this bill is an absence of leadership. This bill shows that we're not leading, that America is not leading, that the new majority is not leading.

Why do I say that? The new majority brought this bill to the floor and they waived PAYGO. They swept PAYGO under the rug and they're violating PAYGO in two places in this bill alone. They'll say, we're trying to conform with the Senate PAYGO rules. Well, that does so at the very expense of the House PAYGO rules. What I find interesting is, right after this bill is passed they're bringing up the new budget resolution, which if that passed before this bill passed would violate the Senate PAYGO rules. How convenient.

The point is this: We're sweeping money under the rug; this bill is hiding $23 billion in extra costs, it's not even measuring the amount of payment increases and price increases that are in here. But where this is really a loss in leadership is, I don't think the American taxpayer, who is having a hard time making ends meet today, who is stretching their paycheck really far with high gas and food prices, likes the idea that we're going to give couples earning $2.5 million subsidies for growing agriculture. Why are we giving agriculture subsidies to multimillionaires? This does not reflect the values that the taxpayers sent us here to achieve.

More to the point, Mr. Speaker, this will hurt the family farmers. That's what a farm bill ought to be about, helping family farmers, not corporate farmers. But by doing it this way, we're making it harder to open up markets for our family farmers so they can sell their corn, their beans, their dairy, and all their other products in foreign markets. Ninety-seven percent of the world's consumers don't live in this country, they're in other countries. We should open those markets for their products.

This bill, with its huge subsidies, closes those markets, it hurts the Third World from being able to lift their life out of poverty, and it wastes taxpayer dollars. And all you have to do is look at the rule that passed that says, "Waive PAYGO one more time. The rules don't apply. Let's hide all this extra spending."

This, among many other reasons, is why people should vote against this bill.

Mr. GOODLATTE. Mr. Speaker, at this time, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. LUCAS), a ranking member of one of our subcommittees.

Mr. LUCAS. Mr. Speaker, I rise today to offer a few brief observations about H.R. 2419, the farm bill.

Now, let me preface my comments by noting that this is a representative democracy. And while I may not always agree with the actions of this body, I am obligated to vote the will of my Oklahoma constituents.

My farmers and ranchers want a farm bill. They know how important it is to have a comprehensive Federal farm policy for both producers and consumers of American's food and fiber. They've watched as the majority leadership of this body ordered the cut of $300 million of direct farm commodity support. And soon they will figure out that a single—maybe earmark is not the proper phrase, a single project in this package will spend almost $250 million to subsidize the land purchased by a private entity.

They know that the committee had no new money to spend on production agriculture when we started to write this bill. And they will be amazed when they realize that the majority leadership of the House demanded and received $10 billion in new government nutrition programs.

They thrived under the flexibility of the last two farm bills. They understand that raising target prices and loan rates is a step back to the old days of Federal Government making planting decisions for them.

Mr. Speaker, it's not hard to read between the lines. The elected leaderships of my farm groups back home fear that this is the best that this body is capable of with this House leadership. And they are frightened of all the leading candidates for President.

I understand the fear my fellow farmers and ranchers in Oklahoma have for the future of agriculture, and at their request I will vote for this, as we would say back home in Oklahoma, "half a loaf." But this process and this policy, I fear, aren't good for American food producers or American food consumers.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to my vice chairman and the distinguished chairman of the Conservation, Credit, Energy, and Research Subcommittee, Mr. HOLDEN from Pennsylvania.

Mr. HOLDEN. I thank the chairman for yielding to me and I rise in support of the conference report. But I also rise to congratulate and commend our chairman and ranking member for a job well done.

This is a bipartisan product. This committee, we very seldom have partisan disagreements, but we have regional differences, and this bill reflects those regional differences. It also reflects that all of us had to give, all of us had to compromise. Every title of this bill is a compromise that all of us worked together so that we can accomplish.

In title I, we were able to maintain the safety net at the same time to have reform written into this law. Title II on conservation, an increase of $4 billion of investment in conservation programs.

Everyone is talking about the price of energy in this country, and for the first time in an ag bill we have a significant investment in energy. We have a loan guarantee program for cellulosic ethanol that's going to allow us to begin to wean ourselves off dependency on foreign energy.

And the nutrition title in this bill is over a $10 billion increase in investment in nutrition programs in the Department of Agriculture. This is a good bipartisan agreement, and I urge its adoption.

Mr. KIND. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, as I indicated, I represent one of the largest agriculture districts in the Nation, western Wisconsin. We do a lot of corn, a lot of soybeans, a lot of beef cattle, obviously a lot of dairy. I've got a 200-acre farm myself, and we rotate corn and soybeans, have some beef cattle on it. One of the additional concerns I have with the subsidy programs is how skewed it is to the very biggest entities.

Over two-thirds of these commodity subsidy programs are going to the 10 percent largest entities in agriculture today. Why is this a problem where I'm from? Well, a lot of these big entities are using the additional subsidy money to gobble up the family farms that exist around them. It's driving up land prices in Wisconsin and making it virtually impossible for new beginning farmers to enter agriculture.

If you look at the reforms that are being touted in this farm bill before us today, they just don't meet the test of time. The income limits that apply currently to direct payments, by the time you count dual incomes on the same farm go as high as 2.5 million in adjusted gross income. That's after expenses. That's after all the cost of doing business is deducted out. And according to last year's tax returns, for those who filed a Schedule F Farm Income Report for tax purposes, these reforms that are being touted today might affect two-tenths of 1 percent of farm entities throughout the country, two-tenths of 1 percent. Give me a break. And the income limits have been lifted for the other two subsidy programs, the loan deficiency program and the countercyclical program.

And to top it all off, they've created the granddaddy of all earmarks in this Permanent Disaster Fund, which we all know, based on past history, is going to be a very targeted, very regional dispersion of this new Disaster Relief Fund.

□ 1430

Now, when you think about the fact you've got three existing subsidy programs already, LDP, counter-cyclical, the direct payments, you throw on top of that the crop insurance subsidization that goes on in the farm bill, why do we need to add another layer of entitlement funding with this new disaster relief program? But we all understand how these farm bills come together. They usually go above baseline. They have to come to the Ways and Means Committee to find offsets in order to pay for it.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. KIND. Mr. Speaker, I yield myself an additional 30 seconds.

They come up with enough money to throw at enough groups, at enough individuals, at enough programs in order to buy people off around here. And it's the reform effort that's the first casualty in this entire process. We saw it 5 years ago. We're seeing it today. My fear is we're going to see it 6 or 7 years from now when the next farm bill is up for consideration.

It is a missed opportunity. The President is right. We ought not be giving taxpayer subsidies to wealthy individuals at a time of record-high commodity prices in the marketplace.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to recognize the chairman of the Specialty Crops, Rural Development and Foreign Agriculture Subcommittee, the gentleman from North Carolina (Mr. MCINTYRE) for 1 minute.

Mr. McINTYRE. Mr. Speaker, this bill is a victory for farmers, a victory for communities, a victory for rural America.

As chairman of the Rural Development Subcommittee, I'm pleased that this conference report contains strong rural development title that supports small business, expands access to broadband, and addresses the critical infrastructure backlog at the USDA. I'm very excited that this conference report also authorizes regional development economic commissions across the country to put a Federal focus on jobs and economic development.

At a time when our economy is struggling, the authorization of the Southeast Crescent Authority, or called the Southern Regional Economic Commission in this bill, represents a great opportunity to help our rural communities thrive for generations to come. It will also help small business through the new Rural Entrepreneur and Microenterprise Assistance Program that will provide technical and financial assistance to businesses employing less than ten people, which are the fastest generators of new jobs.

Mr. Speaker, I am pleased that we have an opportunity to move rural America forward and no longer leave it behind with business and economic opportunity, and that's what this farm bill does. And may Congress follow suit to do the same.

Mr. FLAKE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, sometimes here in Washington, we tend to drink our own bath water and believe our own press releases. And to hear some of the debate here, you would think this is the best bill in the world and that everybody out there has got to support it.

Let me just read a couple of editorials from around the country to give you an idea of how this bill is being played outside of Washington:

The Columbus Dispatch: "The current compromise version of the farm bill includes little retreat from the subsidy program that for decades has bled taxpayers, fattened the already fat, distorted market incentives, soured U.S. trade, hurt the environment, and done little for family farmers."

The San Francisco Chronicle: "From the fiscal watchdog perspective, this bill is a sign that the new Democratic leadership is as profligate as the Republican leadership it replaced. Make that more profligate . . . The $286 billion farm bill is good politics only because the millions of taxpayers who are paying the bill are not pushing as hard as the relatively few who benefit."

The Albany Times: "Corn prices are up. Same for flour. That means farmers are enjoying boom times . . . So why would Congress even think of giving more generous subsidies?" That's a good question.

The Spartanburg Herald-Journal: " . . . The fact that reform has failed, and Congress is about to pass a renewal of the same failed, wasteful subsidies, is a testament to all that's wrong with politics in Washington . . . Congress has reached a House/Senate compromise bill that will continue to take money from you and other families struggling with high food prices to further enrich big corporate farmers who are already earning record prices for their crops."

The Dallas Morning News: "The legislators negotiating the new farm bill evidently don't do their own grocery shopping. Otherwise, they'd have seen the dramatic rise in food prices. And they'd have done more than trim only $400 million from the $26 billion in direct-payment subsidies they're planning for farmers . . ."

We can do a lot better than this. I want to associate myself with the comments of Mr. KIND from Wisconsin. Taxpayers expect more.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time it's my pleasure to yield 2 minutes to the distinguished gentleman from North Carolina (Mr. HAYES), a ranking member on the Agriculture Committee.

Mr. HAYES. I thank the gentleman for yielding.

Mr. Speaker, I rise today to support this farm bill and especially to thank Chairman PETERSON and Ranking Member GOODLATTE and really especially the incredible members of the House Republican and Democrat staff for their tremendous work on this very difficult legislation.

However, I must oppose a provision that should not be in this conference report.

Mr. Speaker, our Nation needs an agriculture policy for the 21st century. Anyone who is paying attention to their grocery bill lately can see that things are changing around the world and in this country. It's showing up in the price of food. If you're keeping up with the news, the changes we are seeing in higher prices are being played out as full-blown food shortages in other parts of the world. Sound agriculture policy is not just about our economy; it's a key component in our national security.

Mr. Speaker, we need this legislation, and I support the passage of the agriculture provisions. But there is a provision that was added late in the process that has nothing to do with agriculture, nothing to do with farmers or our food supply. It's a provision that will liberalize our current trade practices with Haiti.

Mr. Speaker, I don't know what the impact of this Haiti provision will be. Two of the leading textile groups say the impact will be minimal while the positive benefits of the farm bill will be much greater. While I would reject this policy change under any procedure, this Haiti provision was added without hearings, without any debate. Mr. Speaker, out of principle I don't think this is the time or the place to add this trade provision with Haiti. And, therefore, to make that point, I am going to cast a "no" vote on the farm bill conference report today.

Mr. Speaker, let me be very clear. My vote today is to protest this Haiti provision, but my goal is to ensure passage of the farm bill. I know there's a veto threat from the White House. If the President decides to follow through, I will be there voting to override him because we need this update for our Nation's policy.

Mr. Speaker, after a very lengthy conference process, I am pleased to report significant victories in the ag portion of this bill. As the Ranking Member of Livestock, Dairy and Poultry, I worked with my colleagues to eliminate or water down many of the Livestock Competition issues that were included in the Senate passed Farm bill. Most importantly, we were able to defeat the inclusion of the ban on packer ownership. This ban would have been detrimental to North Carolina and the livestock industry across the nation.

The economic adjustment assistance program for textile mills is another significant provision included in this bill. This important provision will provide critical assistance to textile manufactures for the modernization of equipment and operations. This is a priority for our leading domestic textile organizations including the National Council of Textile Organizations, the Cotton Council and the American Manufacturing and Trade Action Coalition.

The White House or anyone else watching, should not read my "no" vote today as opposition to passage of the agriculture provisions in the Farm Bill. Our Nation needs updated agriculture policy. As a member of the Agriculture Committee and conferee to this bill, I had a hand in shaping these changes. We ultimately need to get this done, and I will be there to make sure it does.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize the distinguished chairman of the Livestock, Dairy, and Poultry Subcommittee, who is responsible for having the first-ever livestock title in the farm bill, the gentleman from Iowa (Mr. BOSWELL) for 1 minute.

Mr. BOSWELL. Thank you, Mr. PETERSON, for the time.

Mr. Speaker, I rise in support of this conference report. And I would just say to my friend Mr. KIND, we all want the whole loaf of bread but sometimes we take a few slices, and you have to know that lots of reform has taken place.

As chairman of the Livestock, Dairy, and Poultry Subcommittee, working with my ranking member over here, Mr. HAYES, we have got the first-ever livestock title. It offers producers much-needed protections and ensures fairness and transparency within the marketplace.

I'm proud of this bipartisan bill. It also has a strong title for the dairy industry. Together we were able to bring producers and processors together on issues that have divided the industry for years. We were able to bring together the National Milk Producers Association and the International Dairy Food Association, with their excellent leadership, to avoid a very controversial issue in the dairy forward pricing program. Also, in the dairy title we ensure our dairy producers have an adequate safety net and our dairy industry continues to thrive.

The farm bill will provide a safety net for farmers and increase conservation efforts so that we can protect the land for future generations.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield the gentleman an additional 10 seconds.

Mr. BOSWELL. Everybody, every man, woman, and child, has a vested interest in the farm bill. We have access to the most plentiful, safest, least expensive food in the world. Mr. RANGEL gets it. Mr. ACKERMAN gets it. We should all get it.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, Indiana is agriculture, but Hoosiers on and off the farm also believe in fiscal discipline and reform. And it's for these reasons that I regretfully express my opposition to this farm bill, the Food, Conservation, and Energy Act of 2008.

During my years of service on the House Agriculture Committee, I have sought to be a voice for Indiana family farmers and an advocate for reform. I have worked to advocate changes in this legislation. And I want to express my profound appreciation to Chairman PETERSON and to Ranking Member GOODLATTE for including provisions in this farm bill that will save Indiana jobs and create new opportunities for farmers across the Midwest. While I differ ultimately in the support for the final product, I respect deeply these two men and am grateful for their work on behalf of these issues.

I'm opposing the farm bill because I believe it's fiscally irresponsible and does not contain the kind of reforms in American agriculture that these times demand. This bill fails to reduce government subsidies to farmers, fails to encourage market-based reforms to the Nation's agricultural policy, and fails to promote international trade. It also fails to meet our Nation's farm policy needs within our own budget guidelines.

The farm bill being considered today will actually increase the size and scope of government and will cost taxpayers more than $650 billion over the next 10 years. In comparison with the previous farm bill, this bill will cost $65 billion a year as opposed to the $45 billion before. It is in effect a 44 percent increase in spending.

And let me say I support family farming and I loathe the demagoguery of many who criticize farm subsidy programs, ignoring completely the real world input costs that American farmers face. But this bill still goes too far, in my judgment. It will continue to allow married couples with household incomes up to $2.5 million to receive subsidies. Subsidy payments oftentimes, under this legislation and previous bills, are concentrated in the hands of a few with the top 10 percent of recipients receiving nearly two-thirds of all farm payments.

There are other problems with this bill as well. It will allow farmers to lock in price support payments at the lowest possible market price and sell their crops at the highest price. And the bill also ignores the plight of consumers facing skyrocketing food prices by making a bad sugar program worse.

Mr. Speaker, I come to the floor with a sense of melancholy about this, having been on the Agriculture Committee during development of the last farm bill and coming from the great State of Indiana. It has always been my ambition to support Indiana farmers, to support them with Federal policy that enables farmers to sustain the American cutting edge in global agriculture. But I have always sought to do that in a way that protects our Federal budget and protects the American taxpayer at large.

It's for those reasons that I am opposing this farm bill legislation and urge my colleagues to do likewise.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 1 minute to the gentleman from Missouri (Mr. HULSHOF).

Mr. FLAKE. Mr. Speaker, I will yield 1 minute to the gentleman from Missouri (Mr. HULSHOF).

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 2 minutes.

Mr. HULSHOF. I thank the tag team here for allowing me this time.

Mr. Speaker, I rise in support of this conference report, and I commend my friend for his patience and his persistence in bringing to this body this consensus product.

I realize that fewer and fewer Americans have a direct connection to the land. One reason is because it's becoming quite tough to make a living in production agriculture. And certainly that disconnect to rural America is evident here on the floor of the House. Dwight Eisenhower once said, "Farming looks mighty easy when your plow is a pencil and you're a thousand miles away from the cornfield."

Or to put it another way, Mr. Chairman, I quote from the saying on the plaque in your office that says, "If farming were easy, Congressmen would do it."

Well, I am a farmer. I'm the son of a farmer. I'm the grandson of a farmer.

Agriculture runs in cycles, and sometimes those cycles are pretty volatile. In September of 2005 during our corn harvest after Hurricane Katrina, the price of corn at a river terminal in Southeast Missouri was $1.40, and I don't recall anybody other than yours truly coming to the floor to extol that fact.

□ 1445

Yesterday, that same bushel of corn would have brought $5.97 at least on the Chicago Board of Trade, and even that isn't a windfall. And because we know that it is 47 percent more this year to plant one acre of corn in Missouri than it was last year, fertilizer is up 112 percent. Grain contracts and loans are getting harder to come by. Debt has increased by 30 percent in the last 5 years. We know farming looks a lot today like it did before the crash of the 1980s.

And we also know with all respect to those who talk about profligate spending, that about three-quarters of the farm bill dollar in this bill will not go to farmers but to the equally noble goal of ensuring that Americans have enough to eat. And quite frankly I expect that most of the farm payments to production agriculture in this bill will never have to be paid because the market price is going to be above the trigger level.

Mr. Speaker, I rise in support of the farm bill. In doing so, I thank my good friend Chairman PETERSON for bringing a bill we can all support to the floor. I must say that without his leadership, we would have never reached this point.

This, Mr. Speaker, is the last farm bill I will vote on as a Member of this great House. And as I do so, I think of my dad, the founder of my family's farm. He built our farm using not Government handouts but hard work, business savvy and penny-pinching.

By creating this successful small business he was able to save just enough to plant the next year's crop and send his only son to college. Many who oppose this bill would probably point to my dad as one of those rich farmers who doesn't need a safety net. In response, I quote Dwight Eisenhower, "farming looks mighty easy when your plow is a pencil and you're a thousand miles from the corn field."

Those of us who actually farm, know farming isn't easy. We know that it now costs $534, or 47 percent more than last year, to plant 1 acre of corn in Missouri and we know fertilizer is up 112 percent from last year. We know that farming looks a lot like it did in the 1970s.

For those who don't remember, during the 1970s we had conditions much like today; healthy world demand took prices to all-time highs. Many farmers cashed in their land's equity and bought new land to chase these high prices. Then Government policies changed, including the grain embargo to the Soviet Union after their invasion of Afghanistan, and the market crashed.

I remember that policy well; it was the first time I realized that factors beyond our farm gate could determine the fate of our farm. I later learned that it nearly cost us our farm.

Ultimately, the crash of the 1980s caused thousands of farms to go under and when they did they took with them 300 agricultural banks, countless business that depended on farmers, and even some entire rural communities.

The similarities to today are striking. Today farm debt sets a new record every year, increasing 30 percent, or $52.8 billion, in the last 5 years. The price of land has once again risen to 1970s-esque highs, climbing 67 percent since 2003.

Now I am not saying that we can expect a crash, I don't know what the market will do over the next few years—no one does. What I am saying is that now is not the time to support irresponsible cuts to the safety net.

Now I know, the opponents of the farm bill will say they don't support irresponsible cuts, they only want "reform." There is reform in this bill, there is a lower income cap, there are reforms to the loan programs and the bill does away with the three-entity rule.

I know, the reformers will counter by saying these reforms don't go far enough. But if their reform plan—the Kind-Flake Amendment—would have passed and prices would have declined during the life of the farm bill, then "most of the farms and ranches would not be able to survive the erosion in farm income," according to the independent Agriculture and Food Policy Center at Texas A&M University.

The bottom line is that Chairman PETERSON has engineered an excellent compromise. It provides $209 billion for food stamps and school lunches. The bill also provides $25 billion for conservation programs, including enough funding to enroll nearly 13 million acres, or an area the size of West Virginia, into the Conservation Security Program. And the bill provides $35 billion to help farmers stay afloat.

The good news is if prices stay at their current level, most of those authorized dollars will never have to be paid. The safety net in the 2002 Farm Bill cost $20 billion less than what it was projected to cost, because commodity prices stayed high.

This bill is not a windfall; it is a basic safety net for our farmers. This safety net costs each taxpayer 6 cents a day. In return, farmers provide the safest, most abundant food supply at the lowest cost—just 11 percent of our income goes toward food, the lowest total in the world.

So I ask all of my colleagues to support this compromise. I am sure every Member can find things to oppose in this bill, there are certainly parts I oppose and I know there are even parts of the bill that Chairman PETERSON opposes. But at the end of the day, we cannot allow the perfect to be the enemy of the farmer. Support the farm bill.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize the chairman of the General Farm Commodities and Risk Management subcommittee, the outstanding chairman from North Carolina (Mr. ETHERIDGE) for 1 minute.

Mr. ETHERIDGE. Mr. Speaker, let me commend the chairman and ranking member for their hard work. And I stand in support of this conference report.

This truly is a bipartisan piece of legislation that the House Agriculture Committee has produced and one that affects every citizen in this country.

Agriculture is the number one industry in my home State of North Carolina. It is responsible for $66 billion in income and employs almost one-fifth of the State's workforce.

Mr. Speaker, it is critical that we have a stable farm policy in this country, not just for North Carolina, but for every child that participates in the nutrition program, for every food bank and for every school lunch program.

The bill increases the funding for the Nation's nutrition programs by over $10 billion, provides over $1.1 billion for renewable energy, and increases funding for conservation efforts by $6.6 billion.

And for new and growing sectors of agriculture like organic foods, we have included, for the first time, mandatory funding for specialty crop research and marketing.

And we are able to do all this while ensuring that the safety net for our farmers remains intact, ensuring that no matter what, our citizens will always have a stable food supply.

Mr. FLAKE. I yield 1 minute to the minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding.

Mr. Speaker and my colleagues, I have been around the House Agriculture Committee for nearly 18 years. The chairman and I came together. We are good friends, and so is the ranking Republican, Mr. GOODLATTE. And I know they have worked hard to produce this bill.

But clearly, most Americans think that Washington is broken. And this farm bill frankly is another example of that. I know there is some reform in this bill. But when you begin to step back and look at the bill, we didn't get anywhere near the reform that I think most Americans would expect.

At a time when we have got the highest commodity prices that we have seen in a generation, you would think that we would take a slightly different approach to the farm bill. But unfortunately, because of the process, because of the negotiations, it didn't happen. I just want to point out what I would describe as the most egregious part of this.

I, or one of my designees, will have a motion to recommit this conference report. And it is no secret that politicians have traditionally used and abused the farm bill for their own pet projects. There are three pet projects in this bill that I am going to single out in my motion to recommit.

One, it would strip out the "Trail to Nowhere," a land swap that was airdropped into the bill by the senior Senator from Vermont. The language would require the U.S. Forest Service to sell portions of the Green Mountain National Forest exclusively to Vermont's Bromley Ski Resort. And believe it or not, to accommodate this obscure demand, portions of the Appalachian National Scenic Trail may have to be moved. They are actually going to move the Appalachian Scenic Trail, possibly have to move it, because we are going to sell this land to a ski resort. I don't think the taxpayers ought to have to bankroll this boondoggle.

Secondly, our motion will strip out a $170 million earmark for the salmon industry that was airdropped into this bill in secret. The provision was never considered in the House. It was never considered in the Senate. One hundred seventy million dollars to bail out salmon fisheries. Now you should also note that after Hurricane Katrina, when the entire gulf coast fishing industry was annihilated, they actually only got $126 million from the Federal Government to fix their fisheries. I don't think taxpayers ought to be required to put up the money for an airdropped earmark that was brought into this bill never having been considered in either body.

Finally, our proposal would strip out a $250 million earmark secured by the chairman of the Senate Finance Committee, the gentleman from Montana. This earmark, incredibly enough, is targeted for forests to house fish. Yes. We are going to target a forest that houses fish, incredibly, what we would call "forest fish." Only one forest in the country happens to have fish in it. And it just happens to be based in Montana, located in Montana where the Senator is from. I don't think the taxpayers ought to have to pay $250 million to take care of forest fish.

Listen, the American people are struggling with the high cost of living, whether it is the cost of gasoline, the cost of food, trying to make sure that they have got health care, concerned about whether they have a job tomorrow or will be able to afford their home mortgage. And here we are moving a farm bill that has earmarks in it that just don't pass the straight-face test.

And so I would ask my colleagues, if you think that this is a wise use of taxpayer funds, you can go ahead and vote against this motion to recommit. But I would invite my colleagues on both sides of the aisle, if you think that taxpayer funds could be spent more wisely, vote for the motion to recommit, and let's make this bill a better bill. We can do better.

Mr. KIND. Mr. Speaker, at this time I would like to yield 2 minutes to a strong advocate of reform and for a strong conservation title in this farm bill, my good friend from Oregon, EARL BLUMENAUER.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership.

I heard my friend from Missouri talk about the lack of connection to rural America. And I think that is, in fact, the case. And we are missing an opportunity with this farm bill to try to strengthen it because this farm bill continues to shortchange most farmers. It will fail to fund the majority of the environmental programs that go lacking. And most farmers will continue to get nothing, nothing from this bill. The richest 10 percent will get two-thirds to three-quarters of the total direct farm payments.

There are a number of things in this bill that I like, that I have been working for since the last farm bill to help provide some support for people who grow food, not just the five big commodities. I am glad that there is an increase in nutrition. But the reason the President should, and I think will, veto this bill has nothing to do with the good stuff. It is time to reform the farm bill, to reduce to $200,000 limit on AGI to qualify for subsidy. That is what the President is arguing for. That is the right thing to do. It is something that we ought to be able to have a bipartisan majority to support.

It will save the taxpayers money. It will enable us to fully fund the environmental programs that are so critical, particularly for small and medium-sized farmers and ranchers. We don't have to shortchange nutrition. The nutrition provisions ought to be strengthened with money we save from unneeded payments to the rich.

We have lots of money that is flowing to the richest farmers in America who don't need it. That's wrong. In fact, they have assumed that this bill is so egregious, I invite any of my colleagues to look at section 1619. The authors of the bill carve out an exemption to the Freedom of Information Act so that the recent Circuit Court ruling that would open this up to a spotlight is off limits.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. KIND. I yield the gentleman 30 additional seconds.

Mr. BLUMENAUER. We should not drop a veil of secrecy over this bill. We should open it up. Let the American public know what is in it. If for no other reason, the notion that we are going to play a game of "hide-the-marble" with them, and not be honest about the true cost and the true benefits is another illustration of what is wrong with this bill, why the President should veto it, and why each and every Member should sustain that veto.

We can do a lot better for less money to help more farmers and ranchers. And I urge my colleagues to do so.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize the distinguished chairman of the Department Operations, Oversight, Nutrition, and Forestry Subcommittee, one of our outstanding chairmen, Mr. BACA of California.

Mr. BACA. Thank you very much, Mr. Chairman, for yielding. I want to thank our chairman, COLLIN PETERSON, for his leadership. I want to thank the minority ranking member, Mr. GOODLATTE, in supporting this historic farm bill which I strongly support. As Chair of the Department Operations, Oversight, Nutrition, and Forestry Subcommittee, I am strongly supportive of this bill that increases nutrition by $10.364 billion.

Right now, there are 38 million Americans who do not have enough food to eat. This farm bill helps these people. It fights hunger in America by making an historic investment in nutrition programs that will help 13 million American families. This will help an additional 10 million Americans, including 320,000 working poor families, 380,000 elderly and disabled, plus our veterans. This will help put food on the table for many individuals that don't have food.

This farm bill also ensures that low-income elementary school children will have access to fresh fruits and vegetables in schools by expanding the USDA snack program to all 50 States leaving no child behind who is left hungry.

I ask you to support this farm bill. It is an important farm bill. I urge everyone to vote for it.

Mr. FLAKE. I yield myself 1 minute.

We have mentioned the generous subsidies that still flow to multimillionaire farmers. Let me just put that in perspective in this legislation. With this legislation, a farm couple earning $2.5 million in combined on-farm and off-farm income is still eligible for hundreds of thousands of dollars in farm payments. Yet an urban couple earning a little more than $17,800 or owning more than one vehicle can become ineligible for food stamp benefits.

Now I am not making an argument that we should raise the threshold for food stamp benefits. But look at the difference here. How in the world can you justify having a farm couple with on-farm and off-farm income of $2.5 million still eligible for hundreds of thousands of dollars in subsidies? It is simply indefensible.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, may I ask how much time is remaining.

The SPEAKER pro tempore. The gentleman from Virginia has 12½ minutes remaining. The gentleman from Minnesota has 6¼ minutes remaining. The gentleman from Arizona has 15 seconds remaining. The gentleman from Wisconsin has 1½ minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to say to my friend from Arizona that if you know of the farm couple where each person has $500,000 in off-farm income and each has $750,000 in farm income, the two limits we have imposed, down from $2.5 million to $500,000 for nonfarm income and never before limited to $750,000, I would like to meet that couple, and then we will fix that problem.

I yield to the gentleman from New York 1 minute.

Mr. KUHL of New York. Mr. Speaker, I would like to join my colleagues in congratulating Chairman PETERSON and Ranking Minority Member GOODLATTE in bringing this bill to the floor in very difficult times. I rise in support of the farm bill conference agreement.

Agriculture is one of the most important industries in New York State, believe it or not. In the 29th District alone, there are over 6,000 farms covering more than 1.2 million acres and employing thousands of workers. Annually, the farm economy generates over $360 million in my district alone.

During the writing of the farm bill, I hoped to address some of the most pressing issues facing New York farmers without destroying important provisions for other States, districts or industries.

☐ 1500

The committee held a field hearing in my district, where we heard about issues such as extending the MILC program, increasing funding for specialty crops such as apples and grapes, enhancing conservation programs such as FRPP and EQIP, augmenting nutrition and food assistance policy, and utilizing our crops to assist in developing a strong renewable energy portfolio.

This bill makes historic investments in priorities to strengthen the fruit and the vegetable industry and expands a variety of things like the snack program. I hope my colleagues will support it.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize one of the members of the conference committee, a valuable member of our committee, Mr. SCOTT of Georgia, for 1 minute.

Mr. SCOTT of Georgia. Mr. Speaker, let me just say, is this a perfect bill? No, but is it a good bill, yes. It's a good bill for the people of America in response precisely to their needs now.

The American people are concerned about high food prices, this brings it down. They are concerned about high gas prices, this bill brings it down. One of the most pressing areas that this bill does good on, it corrects a major injustice to African American farmers by passing a bill which includes $100 million to set up a fund so that these black farmers can have their day in court, something they fought for for years.

It also has money in here to set up research grants for predominantly African American land-grant colleges of 1890, Florida A&M University, agriculture, mechanical; Arkansas A&M

University, agriculture, mechanical; North Carolina A&T, agriculture and technical. These schools were grounded in agriculture. But, yet, because of past discrimination, the black farmers and black colleges have been denied.

This good bill corrects that. We must pass this bill and make sure that this bill passes.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. NEUGEBAUER) who is a subcommittee ranking member on the Agriculture Committee.

Mr. NEUGEBAUER. Mr. Speaker, I rise in support of the Food, Conservation, and Energy Act of 2008.

There have been a lot of figures and a lot of terms thrown around in this room today about payment limits and adjusted gross income, but let's really talk about what this bill is about, and what this bill is about is feeding and clothing the American people, to making sure that they continue to have access to the safest, highest quality products in the world. By the way, they are also the most affordable.

Now, one of the things that some people talk about is all of these rich farmers. Now, I will tell you it's very interesting. If it is as lucrative as everyone says, why is the number of farmers in America dropping? Go to a Farm Bureau meeting some evening in west Texas and see how many young farmers are dying to get into the farming business, or even have the capacity to get into the farming business.

I think it's also interesting, when we look at this bill, that about 70 percent of this bill has to do with providing an opportunity for those people that need a little extra helping hand to make sure that they do have a quality meal during the day, and that is in some of our food stamp and nutrition programs. Yet only 12 percent of this bill has anything to do with growing something.

Now, let me tell you that if you are going to feed and clothe people, I want everybody to know that those things just don't show up at the department store and the grocery store. Somebody actually has to produce it. We have hardworking farm families all over America that are fulfilling that commitment.

Let me tell you, it's difficult, the prices that some people have been talking about, well, the prices of these commodities are up. Yes, they are up, but let me tell you, look back 2 or 3 years ago when a lot of people wouldn't plant certain commodities because they couldn't make any money doing it.

The other question about this bill is, yes, it's about making sure Americans have quality agricultural products, but it's also about who is going to provide it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. NEUGEBAUER. We have to make a decision today. In this energy situation this country is in, we are relying on other people to provide energy for America. Are we going to let American agriculture die so we have to let other countries feed and clothe America? I don't think the American people want that.

I urge my colleagues to vote for this bill.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 1 minute to the gentleman from Iowa (Mr. KING), a member of the committee.

Mr. KING of Iowa. I thank the gentleman from Virginia for his hard work and the chairman for his hard work.

Mr. Speaker, I will hit a quick list in my 1 minute. This bill cuts direct payments. We should not do that. That's green box, and that helps us stay in compliance with WTO.

It cuts a blenders' credit on ethanol. We should not do that, because that slows capital investment into ethanol production from corn.

It requires Davis-Bacon wage scales, which will reduce the numbers of ethanol plants we can build from five with the same money down to four. It imposes union scale in the countryside. We should not do that.

It has in it Pigford farms, which the gentleman spoke to, that's ripe with fraud. I will prove that over the months as it unfolds.

The other side of this coin is—you have to ask and answer this question—how does this bill get better if it fails here on the floor of this Congress? What comes out of the House and the Senate in a better configuration? Does it get better or does it get worse?

If you can paint a scenario by which it gets better, then you vote "no." If you paint a scenario by which it gets worse, you vote "yes."

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield 1 minute to the gentlelady from South Dakota (Ms. HERSETH SANDLIN), a valuable member of our committee.

Ms. HERSETH SANDLIN. I want to congratulate the chairman and the ranking member of the full committee for this conference report.

Mr. Speaker, in addition to the important reforms and preserving the safety net and the commodity title as well as important increases in the nutrition and conservation titles, I worked with the chairman of the full committee during the House version of the markup to place an emphasis on beginning farmers and ranchers. This conference report includes a number of important provisions, including reauthorizing tax-exempt bonds to provide low-interest loans to beginning farmers and ranchers, increasing the loan limit for them from $250,000 to $450,000 and indexing that limit amount for inflation. There are also important provisions in the credit and research titles of this conference report for beginning farmers and ranchers.

The energy title is another area that as Mr. HOLDEN, the chairman of the Subcommittee on Conservation, Credit, Energy and Research, pointed out, the loan guarantees for advance biofuel production plants, reauthorizing the Rural Energy for America Program which provides the loans, loan guarantees and grants for producers to purchase and install on-the-farm renewable energy systems, establishing a forest bioenergy program; and, of course, championed by the chairman of the full committee, the biomass crop assistance program.

I encourage all of my colleagues for these reasons, as pointed out by many other colleagues, to support the conference report.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to recognize the gentleman from California (Mr. COSTA), another outstanding member of our committee, for 1 minute.

Mr. COSTA. I, too, want to congratulate the chairman and the ranking member for an effort that has extended now over 2½ years.

Mr. Speaker, certainly the measure before us, the Food, Conservation, and Energy Act of 2008, reflects a bipartisan compromise and consensus not easily gained.

I represent three of the country's most productive agricultural counties in the Nation. In my district alone, farmers grow over 300 various crops, which oftentimes are referred to as specialty crops, fruits, vegetables all sorts of diversified good food in America.

For the first time the important segment of American agriculture is being recognized, not in the form of subsidies, but in support of research, competitiveness programs, focusing on pest and disease prevention efforts. Not only does this help our growers, but it helps our consumers to ensure availability of safe, healthy fruits and vegetables for our citizens, a diet that's based upon good science.

Our farmers are working hard to implement better environmental stewardship programs, but they face continued challenges as it relates to air quality concerns and water shortages. This makes improvements in those areas as well.

Is this bill perfect? Certainly not, but it represents a hard-fought compromise.

I urge my colleagues to support the conference report.

Mr. GOODLATTE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, much has been said about whether or not there is reform in the legislation.

Let me point out that there is very substantial reform. We have caps on adjusted gross income limits on farmers and on nonfarmers. We require direct attribution of benefits. We reform the dairy and sugar support programs. We create revenue-based countercyclical programs. We address the beneficial interest problem. We reform the crop insurance program, and we eliminate the three-entity rule.

Those of you who are not in agriculture may wonder what some of those things are. They are all significant reforms resulting in this. For those who say we are not making cuts in the commodity programs, this orange bar represents payment for commodity programs under the last 3 years of the so-called Freedom to Farm Act, which some have touted as being more reform oriented in agriculture, $24.7 billion a year.

During the last farm bill, the 2002 to 2007 farm bill, it averages $12.1 billion per year. The projected average cost for the current farm bill that we are debating right now, $7.6 billion a year, less than one-third of what was spent per year under the Freedom to Farm program. This is real reform, these are real cuts in the commodity title for America's farmers and ranchers.

This gives you an illustration of what we are talking about, what we are debating about. This thing that looks like a pin, this little tiny slice of overall total Federal spending, is what goes to commodity programs, one-quarter of 1 percent of the Federal budget, down from three-fourths of 1 percent during the first year of the 2002 farm bill.

You might say we are dancing on the head of a pin when we have this much debate about reform for one-fourth of 1 percent of the farm programs.

I urge my colleagues to support this reform legislation.

Mr. FLAKE. Mr. Speaker, in my very short time remaining, let me simply say that we have a huge problem with entitlements in this country, one of which is the entitlement, direct payment system for farmers. This is not serious reform, when you are still paying farmers that make up to $2.5 million in subsidies from the taxpayer.

I urge a "no" vote on the bill.

Mr. KIND. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, with all due respect to the gentleman from Virginia, he really is an expert on these programs, but he knows as well as anyone the reason commodity spending is down is because commodity prices are up.

Two of the three subsidy programs are based on the amount farmers are getting in the marketplace. But that can all return in a heartbeat, and he knows it.

The fact is that you need a few Members of Congress here today to stand up and say the emperor has no clothes. As I said from the beginning, where's the beef, where's the real reform?

When you still allow taxpayer subsidies going to a farm couple with an adjusted gross of $2.5 million, that's not reform. When you lift the income limits under the LDP and the countercyclical program, that's not reform. When you increased the loan rate and the target price, it's not reform.

You have marginal reform with the crop insurance. Instead of having a farm bill today that has reasonable reform for taxpayers throughout the country, and has the great conservation title for the 21st century, or the healthy food bill of the 21st century, it's more status quo. It's more wait for 5 years, we will do it then.

Well, those 5 years never come. The time has never been better today, and the President is right. We should not be spending taxpayer subsidies for wealthy individuals at a time of record prices in the marketplace. When people are facing increased food and fuel costs, let us not do this to the American taxpayer and use their money needlessly.

I encourage my colleagues to vote "no." We can do better. I know we can do better in producing a bill that provides a safety net for family farmers but is also responsible to the American taxpayer.

Mr. GOODLATTE. Mr. Speaker, at this time it's my pleasure to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly thank the gentleman for yielding and certainly appreciate his work and the chairman's very, very diligent work on this bill.

Mr. Speaker, I rise in very strong support of the 2007 farm bill. This bipartisan legislation will ensure a secure food supply and the continuance of a strong agricultural sector. A very important part of that agricultural sector in my district, actually, is the production of sugar beets, which is helped greatly by this bill.

□ 1515

The increase in sugar loan rates, the first since 1985, is widely supported by Michigan farmers.

Also including sugar producers in the development of alternative energies I think is very important and can help to make them an integral part of developing energy resources that will only help consumers and reduce our dependence on foreign sources of energy.

While the sugar program faces some criticism, which we have all heard on the floor today, I think it is important that Members be reminded that this program comes at little or no cost to the taxpayers.

As well, our specialty crop farmers will also be protected in this bill while ensuring that the wealthiest farmers are not receiving government subsidies.

I don't believe anyone understands more about how to strengthen our agricultural sector than farmers themselves, so I certainly listened, as I am sure all Members did, to our local farmers while this bill was being negotiated and I sought their input and their counsel, and I am glad that much of what they stated was needed was included in this legislation and they strongly support this final product.

I believe this bill is a great example of bipartisan compromise, and I also believe it is good for the future of American agriculture and thereby our entire Nation. I would urge my colleagues to support this critical legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize for 1 minute the distinguished Speaker of the House without whose support and backing we wouldn't be here today. From the start when she came to Farm Fest a couple years ago until now, she has become an agriculture expert. We appreciate her involvement.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I want to congratulate the distinguished chairman of our Agriculture Committee for his important work in bringing this legislation to the floor today. I also want to commend Mr. GOODLATTE for his leadership as well, so we can come to the floor with bipartisan legislation that will help lower food prices, invest in energy independence, support conservation, and recognize the importance of specialty crops.

I want to commend Mr. KIND also for his leadership. It is very important for us to reform the farm subsidy programs in our country. I think where we have a disagreement is I think this bill is a good first step in that direction. I don't think we will ever see another bill that will look this way. And when we come to the place where our situation is addressed again in a bipartisan way on the next farm bill, I think your work will be repaid. But I hope, Mr. KIND, that you take some satisfaction in the fact that from your leadership and advocacy, this farm bill is moving in the right direction. I too am not satisfied that it does enough in terms of farm subsidies, but I want to talk about what it does do.

And what it does do is much better because of the leadership of Mr. GOODLATTE, our distinguished chairman Mr. PETERSON, the work of the chairman of the Ways and Means Committee who just did a phenomenal job. Chairman RANGEL did a phenomenal job on his aspect of the bill. And Mr. POMEROY, who serves on both the Ways and Means Committee and the Agriculture Committee, was a wonderful bridge in terms of these initiatives. I also commend Congresswoman HERSETH SANDLIN for her leadership, and all of our colleagues who are here today, including Mr. HOLDEN who is number two on the Ag Committee. All across America, we are proud of the work that has been done.

In California, we are proud of the work of Dennis Cardoza, a member of the Ag Committee, representing some new ideas about fresh fruits and vegetables and how they should be part of this initiative. We on the coast, to my colleague Mr. SCOTT, we wanted to see some initiatives about fresh fruits and vegetables and specialty crops, and they are contained in here. And I commend Congresswoman ROSA DELAURO for her incredible work on the nutrition piece of this.

As part of the Agriculture Committee, Mr. BACA was a leader in terms of the nutrition piece, and Congresswoman DELAURO as Chair of the Appropriations Subcommittee on Agriculture was an important voice and strong leader and advocate for increasing the nutrition initiatives in this legislation. If there was one reason for Members to vote for this bill, it would be to support the nutrition piece of it, but there are other reasons as well.

I talked about how it could lower grocery prices. Time magazine recently had this on its Web site, four ways the farm bill could lower grocery bills. First with the disaster relief, a $3.8 billion program for farmers hit by drought and flooding could speed up compensation, allowing them to bring crops to market faster.

Cuts in ethanol subsidies. Demand for corn-based ethanol has increased corn prices. This bill cuts the producers' tax credit and creates a subsidy for more efficient cellulosic ethanol made from stalks, grass, and wood rather than from corn.

Food stamps. Payments to those on assistance will be more responsive to inflation. The minimum monthly benefit will increase from $10, where it has been since 1977, and may I say, probably since they put this out.

The final bill has strong support for the food pantries, food banks throughout America. Now if you go to a food bank, you will see a sign that says you can only come one time a month to pick up food because the shelves are bare in those food pantries. This bill will go a long way to filling those shelves. So for emergency food assistance, this program would supply food banks and pantries and could add up to $100 million more in funding per year as more Americans affected by the sluggish economy visit its distribution centers.

Some people in our country are concerned as our economy is in a downturn, they are concerned about losing their jobs. Many people are concerned about losing their homes; but almost everyone is concerned about losing his or her living standard. The purchasing power of middle-income families has been reduced while costs have gone up for necessities like gasoline and groceries and health care and education. The issue of gasoline and groceries are addressed somewhat, one more than the other, in this legislation.

In terms of energy, high energy costs are a contributing factor to our high food prices, which is why the Food and Energy Security Act, which this is, will help reduce gas prices and ensure that America's family farmers fuel America's energy independence. Think of this. We are talking about energy independence, and with this legislation we take a step for America's farmers to fuel America's energy independence, following up on the work we did last year in the energy bill.

It makes a $1 billion investment in energy independence. In addition to that, it takes a critical step in transitioning from biofuels, from corn as I mentioned, and creates a new tax credit that will provide a $400 million investment in cellulosic biofuels. These efforts will ensure that we send our energy dollars to the Midwest instead of to the Middle East.

In terms of conservation, the bill recognizes that those who work the land, America's farmers and ranchers, are great stewards of the land. The farm bill improves access to and funding for initiatives that take environmentally sensitive lands out of production. It encourages environmentally friendly practices on working lands, and it invests $5.4 billion to preserve farm and ranchland, improve our air quality, our water quality, and enhance soil conservation and wildlife habitats on working lands.

Others have mentioned the issue of specialty crops. For the first time, the farm bill makes an historic investment in specialty crops, especially important to my State of California, and as I have said, those of us living on the coast as well as in the rest of America. It provides $1.3 billion in mandatory spending. This investment was made possible by the leadership of Congressman DENNIS CARDOZA of California who has worked to ensure that the producers who account for more than half of all crop value in the United States are now represented in our farm policy. Producers who provide one-half of all crop value in the United States are now represented in our farm bill.

Specifically this bill invested $365 million in specialty crop block grants, $230 million to create a new dedicated research program for specialty crops, $377 million to create a new initiative for early detection prevention and eradication of emerging pest and disease. I know that Mr. THOMPSON of California has a special interest in this aspect of the legislation.

The bill takes a critical step toward reforming farm programs, not enough I agree, Mr. KIND, by eliminating payments to the ultra-rich and closing loopholes that for decades have allowed some to evade farm-payment limits. This is the most significant reform in farm policy in more than 30 years. This Food and Energy Security Act will ensure that future farm bills will never again look like this.

Thanks to the efforts of Chairman PETERSON and many others who have made this historic investment in energy independence and nutrition assistance, this bill's effects will also be felt far from farm country. As George Washington our first President whom we visit every day when we come to the Chamber said, "I know of no pursuit in which more real and important services can be rendered to any country than by improving its agriculture." Well, we were an agrarian society then, but there is still a great deal of truth in that statement today.

With this legislation we will help families facing high food prices; fuel our Nation's energy needs with American-made, renewable energy; and be better stewards of the land and protect our environment. In addition to all of that, we will have fresh snacks, fresh fruit and vegetable snacks for our children in the schools.

I urge my colleagues to support this new direction in American farm policy. I urge an "aye" vote. Again, I salute Mr. PETERSON and Mr. GOODLATTE for their leadership. It is wonderful for us to have this bipartisanship on the floor today.

Mr. GOODLATTE. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Virginia has 4½ minutes remaining. The gentleman from Minnesota has 2¼ minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to give one of my minutes to the gentleman from Minnesota.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Speaker just mentioned the bipartisanship in this legislation, and that is very true. But this legislation is not bipartisan because many Republicans will be supporting a Democratic bill, this legislation is bipartisan because it was crafted by both Republicans and Democrats throughout the conference process, and this legislation is very, very different than the legislation that passed the House last summer which I voted against primarily because there were tax increases to pay for the legislation. There are no more tax increases paying for this legislation. In fact, this legislation is paid for by a means that is acceptable to both sides and acceptable to the administration.

But there are more reforms in this legislation that Republicans prevailed upon our Democratic colleagues on in the conference. The effort to prohibit States, most particularly the State of Indiana, from being able to seek outside help to reform their flawed food stamp program was removed from this bill, and so now not just Indiana but all

50 States will be able to continue to use appropriate means to modernize their food stamp programs.

Davis-Bacon provisions in the Northern Border Economic Development Commission, the Southeast Crescent, and the Southwest Border Regional Commissions, those Davis-Bacon provisions have been removed from this legislation.

An effort to undermine the Welfare Reform Act of 1996 by providing increased food stamp benefits to adults, able-bodied adults without dependents was removed from this legislation.

And anticompetition livestock provisions, which were very troubling to many Members on this side of the aisle and on the other side of the aisle as well, were removed.

So while there are certainly advocates for each of those provisions in this bill, this bill is bipartisan because we worked together to give on both sides to make sure that we came up with a good farm bill that could command strong bipartisan support.

□ 1530

This bill promotes energy independence by expanding investment in cellulosic biofuels and helping move away from corn-based ethanol. It cuts the ethanol subsidy by 12 percent. It's fiscally responsible because it contains no tax increases and is PAYGO compliant. It boosts conservation programs benefiting our environment. It aids food banks and nutrition in our schools in its nutrition programs. It preserves the farm safety net and assures that we continue to have the safest, most affordable, most abundant food supply in the world. This is real reform. This is a real farm bill for the 21st century.

I urge my colleagues to support this bipartisan legislation.

I want to thank, again, the chairman of the committee, the chairmen of the subcommittees, the ranking members on my side of the aisle, but most importantly, the staff on both the majority and the minority side who worked many, many, many weekends over the last 2½ years, but particularly in the last few months, to craft this legislation, to address all of the concerns that were raised, to go down blind alleys, find that something didn't work, come back up, find a different way to make it work, and to reach this point today, the staff has helped make that possible.

I urge my colleagues to support this important legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I want to echo Mr. GOODLATTE's comments. I have a list of all of the staff members, majority and minority, that I would like entered into the RECORD to honor their work. You think we've been through a process here. It's nothing compared to what the staff has done, and so they deserve our thanks. And they're going to, hopefully, get a little bit of rest now once we get this over with.

To follow on Mr. GOODLATTE's comments, there's a lot of reform in this bill that I would call real reform, as opposed to ginned-up reform that's been done by different folks. We have made huge changes in the conservation programs that are going to make those programs work a lot better in the future, work for more different parts of the country.

We have a new revenue-based countercyclical program that we're going to try out on an optional basis for the next 5 years that may be the new future direction of the farm bill, depending on how it works out. So we've got a lot of reforms in this bill that never get talked about because all anybody wants to focus on is AGI.

Well, I don't have any problem putting an AGI limit on nonfarmers, because, frankly, I don't think they should be in farming in the first place. We've got enough capital in agriculture. We don't need folks from outside of agriculture coming in and being involved. That's my personal opinion.

But, you know, we've got a $500,000 limit. We'd have gone lower, but that's as far as we could get.

We put a limit on farmers, on farm income for the first time, in spite of the fact that this is the only part of business people in this country that are getting benefits from the Federal Government that are requiring an AGI, that I know of. I don't know why farmers get singled out and nobody else does, why we don't have an AGI on oil companies and whoever else is getting benefits from the Federal Government. That continues to mystify me.

But I just have to clarify, you know, people keep manipulating these statistics. We've fixed some of that in this bill as well, which I would call reform. But as to what Mr. GOODLATTE said earlier, we have a $500,000 hard cap on nonfarm income. So I suppose that if you earn $500,000 as a doctor or something, your wife earned $500,000 as a doctor, and then you had a farm and you earned $750,000 as a farmer, and your wife had a real farm and earned $750,000 you could get to $2.5 million. But I think you need to understand that, in order for you to qualify for that, you're going to have a real genuine farm, and it has to be your income, certified by a CPA or a lawyer, and if it's not, if they do it wrong they're going to go to jail and you are, too.

So I think the likelihood of anybody getting to this $2.5 million limit is almost nonexistent. That is a bogus argument that's being put out there, being ginned up by people that want to keep this fight going on.

So if you want to put a $200,000 cap on everybody that gets money from the Federal Government on AGI, then we'll be right there with you. But I don't think that's going to happen.

Just like we tried to put AGI limits on conservation. We had a revolt. Some of these conservation groups that have been pushing these payment limits, as soon as we said we're going to have the same limit on them as farmers, we had a revolt.

This is a good bill. It's got a lot of reform. I thank everybody. We'll appreciate a good vote to get this over with.

Majority Staff: Andy Baker, Christy Birdsong, Wynn Bott, Aleta Botts, Claiborn Crain, Jack Danielson, Nona Darrell, Adam Durand, Nathan Fretz, Alejandra Gonzalez-Arias, Chandler Goule, Tony Jackson, Craig Jagger, Tyler Jameson, Keith Jones, Martha Josephson, John Konya, Scott Kuschmider, Rob Larew, Merrick Munday, Clark Ogilvie, John Riley, Sharon Rusnak, Lisa Shelton, Anne Simmons, April Slayton, Cherie Slayton, Debbie Smith, Kristin Sosanie, and Jamie Weyer.

Minority Staff: Patricia Barr, Brent Blevins, Bryan Dierlam, Mike Dunlap, John Goldberg, Alise Kowalski, Kevin Kramp, Scott Martin, Josh Maxwell, Pam Miller, Rita Neznek, Bill O'Conner, Pelham Straughn, and Pete Thomson.

Fellow/Intern: Rob McAfee, Rachel Huhn, Randi Hughes, Jennifer Spraberry, Olivia Vickers, Melinda Cep, and J.D. Hale.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of H.R. 2419, the 2008 Farm Bill Conference Report. This bill provides a breakthrough for the Chesapeake Bay by providing an unprecedented level of funding to aid in the cleanup of this national treasure. H.R. 2419 provides, for the first time, a bay specific program to ensure that farmers in the watershed will get their fair share of conservation funding. The Conference Report provides $188 million, over 5 years, in bay-specific conservation funding. Moreover, the bill includes a baseline of funding in the amount of $438 million over 10 years. This will enable the program to be extended at the expiration of this 5-year bill. Additionally, the Chesapeake Bay Foundation estimates that farmers in the bay watershed will be eligible for an additional $252 million in national program funding in working land programs in addition to conservation set-aside programs. This funding will be over and above the annual conservation funding in the last year of the previous farm bill that provided $80 million to the Bay watershed.

I want to thank the chairman of the Agriculture Committee, COLLIN PETERSON, and the chairman of the Conservation Subcommittee, TIM HOLDEN, for the programs and funding that they have provided to assist farmers in controlling sediment and nutrient runoff into the Chesapeake Bay. Moreover, the program would not have been possible without the support of the many Members of Congress on the Chesapeake Bay Watershed Taskforce. In addition, the work of the Chesapeake Bay Foundation, in providing technical assistance and grass roots support, was essential to the success of the establishment of this program. The Chesapeake Bay Commission also provided assistance in the crafting of an initial legislation, CHESSEA, that helped galvanize the support of Members who are committed to restoring the health of the Bay.

The Chesapeake Bay is the largest estuary in the U.S. Its watershed includes 66,000 farms with an estimated 8.5 million acres of land. The watershed contains 150 tributary streams and rivers. The watershed spans 6 States and the District of Columbia. Almost half of the nitrogen and phosphorus pollutant load in the bay is caused by agricultural runoff—from fertilizer and animal waste.

In 1987 there was the first attempt to clean up the bay with an agreement between the States and the Federal Government. The goal was to clean up the bay by 2000. When the deadline passed, a more detailed agreement was developed and the leaders of Maryland, Virginia, Pennsylvania, the District of Columbia, and the EPA pledged to fix the bay's water, its oyster population, its beds of underwater grass, and other environmental indicators by 2010—which will require the reduction of 110 million pounds of pollution.

Every environmental assessment indicates that the 2010 deadline will not be met and that the environmental condition of the bay is continuing to deteriorate. A recent report by the Chesapeake Bay Program's Health and Restoration Assessment found that most of the bay's waters are degraded, the bay's critical habitats, like grasses, are at risk and that many of the bay's blue crabs, striped bass and oyster populations are below historic levels. This bill provides the much needed resources to restore the Chesapeake Bay to its original vitality.

NATIONAL CONSERVATION

In addition to the conservation funding for the bay, this bill boosts conservation programs by $7.9 billion, to nationally reduce soil erosion, enhance water supplies, improve water and air quality, increase wildlife habitat and reduce damage caused by floods and other natural disasters. Moreover, fruit and vegetable producers will have their own place in the farm bill for the first time and will benefit from more than $1.3 billion for new programs that support research, pest management, and trade promotion to help the industry.

NUTRITION

Nearly three-fourths of the farm bill before us today, an additional $10.4 billion in new spending, goes to nutrition programs that help 38 million American families afford healthy food. These critical food stamp provisions will help about 11 million people by 2012. Households with children receive 77 percent of food stamp benefits. Moreover, during this time of fiscal austerity for many families in our Nation, this bill provides much-needed support to emergency feeding organizations, such as food banks, food pantries, and soup kitchens, by increasing funding for TEFAP by $1.25 billion—with $50 million for immediate shortages at food pantries. The farm bill also will assist schools in providing healthy snacks to students, with $1 billion for free fresh fruits and vegetables. Finally, it provides international nutrition assistance by providing $60 million, in addition to the existing Food for Peace international aid program, to purchase emergency food aid overseas and provides an additional $84 million for the McGovern-Dole International Food for Education and Child Nutrition Program for infant, child, and school nutrition programs in underdeveloped countries.

RENEWABLE FUELS

The farm bill we are considering today will assist Congress in promoting the development of biofuels from noncorn sources. The Renewable Fuels Standard that was part of the 2007 Energy law requires that two-thirds of our fuel needs be met by nonfood feedstocks for biofuels, such as switchgrass and woodchips. The farm bill takes another critical step in transitioning biofuels beyond corn—by reducing the current tax credit for corn-based ethanol by 6 cents per gallon and creating a new tax credit to promote the production of cellulosic biofuels. Moreover, the farm bill invests $1 billion in renewable energy, focusing on new technologies and new sources, including $320 million in loan guarantees for biorefineries that produce advanced biofuels and a new program to encourage the production of new biomass for cellulosic ethanol and other energy production, helping producers learn how to harvest, store, and transport biomass to bioenergy facilities.

CRITICAL REFORMS

The Conferees have made many reforms to commodity subsidies in this bill. Commodity programs account for less than 13 percent of the farm bill. This bill will reduce the cap for nonfarm income by 80 percent, to $500,000, and puts in place the first-ever cap for farm income at $750,000 for fixed direct payments. The bill reduces direct farm payments by $300 million; the Administration proposed increasing these fixed payments by $5.5 billion, even though they are paid out regardless of farm prices. The bill also closes a loophole (the three-entity rule) that for decades has permitted the collection of double the farm payment limits by collecting cash on more than one business. Moreover, it includes tax reforms to limit the use of farming losses to reduce their taxes on nonfarm income.

I applaud the Conferees for these reforms. Unfortunately, these measures do not go far enough. I would have preferred the elimination of subsidies to wealthy agri-business interests in their entirety. We need to continue to work to reduce the reliance of our farm program on commodity supports that often benefit the farmers who need support the least.

CONCLUSION

However, the Commodity Title is included in a comprehensive bill that contains many good programs, including: the Chesapeake Bay conservation provision, as well as significant funding for farm conservation across the Nation. Moreover, the robust nutrition program that aids the disadvantaged here and abroad, coupled with the recognition of specialty crops and the inclusion of the proper incentives to increase the production and refinement of renewable fuel from nonfood sources are extraordinary advancements that are worthy of support. I believe that, on balance, this bill provides many worthwhile benefits which prompt me to cast my vote in support of this Conference Agreement.

Mr. BACA. Mr. Speaker, the nutrition title in the Conference Report for the 2008 Farm Bill is a monumental achievement for the millions of Americans who struggle to put enough healthy, nutritious food on the table. I know it's not always easy to make ends meet and to put food on the table each day. I've walked in those shoes, and I've sat at that table. But with this bill we start to fulfill our responsibility to our neighbors. We have improved and strengthened food stamps and other important nutrition programs for our children and seniors. I want to take a few minutes to expand upon some of the accomplishments that are in this nutrition title.

First off, we have updated the name of the program. The new name will be SNAP: The Supplemental Nutrition Assistance Program. We needed a new name because there are no places left in this country where food stamps actually are "stamps." Instead, like with other modern transactions, people swipe their cards at the store to access their benefits. This has been a huge success for reducing fraud and stigma in the program. We hope and expect that the new name and new image for the program will help us to continue to chip away at the stigma that keeps some proud people, especially senior citizens, from signing up for help in paying for their groceries and puts them at risk of hunger.

The name reflects the fact that the program provides a "supplement" to help people afford an adequate diet when their own resources are not quite enough. We also say "nutrition," instead of "food," because the program is about more than just food. It has got a vibrant nutrition education component to help our low-income population learn about healthy diets and make the choices that will improve their health status over their lifetimes. So I'm very proud of this new name for food stamps: an established program that is one of the best Government programs we've got. Let me be clear, however, that in changing the name and eliminating food stamp coupons we did not intend to make any other policy changes to the program.

I think the biggest single accomplishment in the nutrition title is to end the decades of erosion in the value of food stamp benefits. We're all aware of the rising gas and food prices of recent months and the bite they've taken out of the pocketbooks of most Americans. But for many low-income Americans the squeeze has been getting tighter for decades, as the value of their food stamps has been able to purchase less and less food with each passing year. Food stamp benefits average only $1 per person per day. It's not easy to purchase a healthy, nutritious diet on such a limited amount.

So in this bill we have addressed this problem. We made critical improvements, and, for the first time in the program's history, we have ensured that, in every aspect, the food stamp program keeps its purchasing power over time. We raise the standard deduction from $134 to $144 and index it for inflation. That is an important accomplishment. It helps about 10 million people afford more food—families, seniors, people with disabilities—all types of low-income food stamp recipients are helped by this change. We raise the minimum benefit, and index it for inflation. We uncap the dependent care deduction so that families can deduct the full cost of the child care they so desperately depend on to hold down their jobs. And we index the asset limits. We don't know what the future will hold. Hopefully, the high inflation of the past months will shortly subside as the country gets back on track. But we now can rest assured, as never before, that if there is substantial inflation our low-income families and senior citizens won't lose out on food.

For me what this bill really is about is people. It's about our senior citizens who have worked hard their whole lives and deserve better than to face the fear of hunger in their last years. It's about children, who come home from school and look to their parents to put a nutritious meal on the table.

One of the groups that will be most helped are our Nation's senior citizens. We were able to increase the minimum benefit, which goes predominantly to senior citizens, from $10 to about $14 a month. This is the first increase in almost 30 years in the minimum benefit. I would have liked to have increased it even more, but this change will help make it worthwhile for some of our seniors who qualify for a low benefit to participate in the program. We did this by setting the minimum benefit at 8 percent of the thrifty food plan for a single person. Because USDA adjusts the thrifty food plan every year for increases in food prices, so too will the minimum benefit now adjust. In addition, because of higher food prices in some places, like Alaska, Hawaii, and some of the territories, seniors in these places will now also see a modestly higher minimum benefit. For example in some parts of Alaska, the minimum benefit will be as high as $25 per month.

In this bill we've also excluded retirement accounts from assets and indexed the asset limits to inflation. These changes will help seniors and working families to save for the future. It makes no sense to require people who fall on hard times to virtually liquidate all of the savings they've managed to put away in order to get help paying for groceries for themselves and their families. Our seniors, especially, may have no ability to replace these savings, and as a result, no cushion to deal with unexpected expenses. And a working family who is forced to spend down savings now will be that much closer to poverty in their older years. So this is an important change for the long-term ability of low-income individuals to move toward financial independence and for our senior citizens to be able to retain an ability to support themselves in their retirement.

But I also want to reaffirm that we did not take away, as President Bush proposed, the State option in the food stamp program to design a more appropriate asset test at the State level. In my home State of California the legislature and Governor have been working together to design an "expanded categorical eligibility" program that will revise the asset limit for many food stamp recipients and make it easier for them to save for the future. I hope that other States consider this option, and I urge USDA to work with other States to promote this important policy.

In another major improvement for senior citizens, we have expanded to seniors a State option from the 2002 farm bill that dramatically reduces paperwork requirements. This policy is known as "simplified reporting" and it will allow seniors to participate without filing paperwork for 12-month periods, unless they have a major increase in their income that makes them ineligible for food stamps. I urge USDA to make this option as simple and streamlined for seniors and States as possible, and to find ways to insulate food stamp benefits from interactions with other programs that low-income seniors participate in, particularly Medicaid.

Finally, we have heard reports that despite the overwhelming success of the electronic benefits, some seniors can find the technology confusing. For those at the minimum benefit who receive maybe only $10 to $20 a month, we've heard concerns that if they don't use their benefits fast enough those benefits can be taken away—or moved "offline"—sometimes in as short a period as 3 months, with the senior citizen not understanding why this has occurred. I don't think this is a very common problem, but it is understandable that a senior citizen might want to store up small benefits to use at one shopping trip every few months, rather than have to keep track of the card every month. This bill allows States to move benefits off-line after 6 months of inactivity, but requires them to notify the household and restore the benefits within 48 hours upon request. This benefit reinstatement should be a simple process, and States should aim to help seniors navigate it, so we don't have our seniors being bounced around an EBT call center trying to figure out what happened to their food stamp benefits.

For children and families, the biggest change we make is the increase and indexing of the standard deduction which will significantly boost the ability of low-wage workers to afford food for their families, especially over time. More than $5 billion of the nutrition title's 10-year investment go to this change, which primarily benefits families with children.

We also lift the limit on the dependent care deduction. This change will help about 100,000 families who pay out-of-pocket child care costs above $175 per child per month, or $200 for infants, by recognizing that money that is needed to pay for child care so that a parent can work is not available to purchase food. On average, families who are helped will receive an additional $40 a month, or $500 a year, according to the Congressional Budget Office. The dependent care cap has not been raised since the early 1990s, despite the increases in the costs of safe, reliable child care. Families incur all types of costs in order to secure child care for their children, and USDA should continue to allow all of these expenses to count toward the deduction—such as transportation costs to and from day care and the cost of informal care. Finally, as States roll this out to the 100,000 families currently on the program, it is important that they make it easy for eligible families to claim the new deduction. Families shouldn't have to make extra trips to the food stamp office or be at risk of losing benefits if they fail to claim a new higher deduction. A household should never have its benefits cut or reduced because of a failure to document child care expenses, but should be given a full opportunity to receive the higher deduction if they have expenses above the current capped amounts.

We hear all the time that despite the importance and success of the food stamp program, for most families the benefits run out before the end of the month. That is why it is so important that we provide more than $1.2 billion in this farm bill for additional food purchases for emergency food organizations, like church food pantries and soup kitchens, to feed our families and seniors. We provide $50 million in additional funds this year to help meet food banks' needs in light of rising food costs. And, we increase the basic Emergency Food Assistance Program annual funding level to $250 million. That amount will be adjusted for inflation in future years to ensure that this program does not lose any of its food purchasing power.

Another important provision for our children is a provision that ensures that children who receive food stamps can automatically, or "directly" be certified as eligible for free meals. The eligibility rules for the two programs overlap: Virtually every child who receives food stamps is eligible for free meals. So making that connection in an automated way can save the family from falling through the cracks or from having to file duplicative paperwork. Unfortunately, too many States and schools don't currently make the connection adequately. So this bill requires USDA to report to Congress annually on each State's progress in directly certifying food stamp recipients for free school meals, and asks for USDA to report on best practices among the various States and school districts. This is a provision that is about good Government—there is no reason the Government can't make these connections, instead of requiring school administrators and families to be responsible for duplicative paperwork.

In addition to my role as Agriculture's Subcommittee Chair on Operations, Oversight, Nutrition, and Forestry, I also have the great pleasure to assess this bill from the perspective of my role as the chairman of the Congressional Hispanic Caucus. More than 5 million Latinos, or more than 10 percent of the Latino population, receive food stamps each month. Food stamps constitute 25 percent of total monthly income for a typical Latino family that participates in the Food Stamp Program. All of the changes that I have just described will benefit low-income Latinos who rely upon this program.

I must take one moment to express my deep personal disappointment that we were not able to restore food stamp benefits to all legal immigrants who are currently ineligible for the program. Keeping food assistance from hard-working immigrants with whom we live side by side is simply wrong and I will not stop fighting until we fully repeal the benefit cuts to legal immigrants enacted in 1996.

In spite of this major setback, we have achieved a number of important improvements for the Latino community. First, USDA will conduct a study on the possibility of bringing the Commonwealth of Puerto Rico back into the national Food Stamp Program. Since 1982 Puerto Rico has received a fixed block grant amount for food assistance, rather than be a part of the U.S. program like the 50 States, the District of Columbia, Guam, and the Virgin Islands. This block grant does not take into account changes in economic or demographic conditions, such as unemployment or the number of people who are in need of food assistance.

The poverty rate in Puerto Rico, 45 percent, is more than three times the national poverty rate. However, because of the block grant, Puerto Rico cannot afford to provide benefits to all households poor enough to qualify for benefits using Food Stamp Program standards. Instead, they have been forced to impose rigid eligibility criteria. For example, a family of four with net income above about $600 a month, or 34 percent of the Federal poverty level, cannot get any food assistance in Puerto Rico. The same family living in California, or any other State on the mainland, could have almost three times as much income and still be eligible for food assistance. An elderly person living alone faces an income limit of $192 per month—just 23 percent of the poverty level.

Clearly, some of our most vulnerable American citizens are at risk of being denied food assistance they greatly need. It seems just plain wrong to knowingly leave some Americans with insufficient food. With this study we hope to get a better understanding of what the local conditions are in Puerto Rico, in terms of food costs, poverty and other programmatic factors so that we can figure out how to address the issue in the next farm bill, or earlier if possible.

Another important achievement of the bill is to ensure that both Federal statute and regulations have the full force of law, ensuring that clients who do not receive adequate service under these rules and standards may bring suit. Recently, a district court in Ohio dismissed a case brought against the State to enforce the Department's regulations for serving people whose primary language is not English. I can't speak to whether the case had any merit, but my colleagues and I were surprised and disturbed to learn about the court's dismissal. We felt that it was critical to clarify in this bill that it has always been Congress's intent that the program's regulations should be fully enforceable and fully complied with to the same extent as the statute. The farm bill, therefore, clarifies that the Department's rules on serving non- and limited-English speaking people have the force of law and create rights for households.

Beyond the issue of bilingual access rules, this legislation makes clear that the Department's civil rights regulations are among those which have the full force of law and which households have the right to enforce. Discrimination is not acceptable in any form or at any point in the food stamp certification process. Households should not be assisted, or not assisted, approved or denied for any reason other than an individual assessment of their need for help or their eligibility by the state. I am pleased to be playing a role in making clear that the Committee and the Congress wish the program to be administered in compliance with the Food Stamp Act and its regulations.

I'd like to also talk about a somewhat related matter that we did not manage to agree to include in this farm bill, much to my disappointment. I worked hard to include in the House bill, and shepherd through the conference negotiations, a provision that would have strengthened the longstanding policy in the food stamp program that certification and eligibility decisions should be done by State employees, rather than private companies. We would have added to the traditional restrictions around merit systems and provided specific exceptions for certain activities, such as outreach. In recent years the Bush Administration has let two States, Texas and Indiana, experiment with using private companies to collect and review food stamp applications and conduct the sensitive eligibility interview. In my view, these projects are not consistent with current law or good sense. These experiments have been disastrous to the States' treasuries but, more importantly, to the vulnerable families and senior citizens who rely on food stamps and found their applications delayed or improperly denied. Some people even had their private, personal information shared inappropriately. The activities involved in determining eligibility—and ineligibility—for food stamps should be public functions and should not be governed by profit motive or a company's responsibility to its shareholders.

While the House voted to include this provision in the Conference agreement, the Senate did not because of opposition from the other party and a veto threat from President Bush. I regret this outcome and I am determined to not drop this issue until we have restored the proper balance to food stamp administration.

But I urge my colleagues to not forget, that separate from this "privatization" issue, in recent years States have been experimenting with a wide variety of changes to food stamp policies and practices that incorporate new technologies and modern business practices. For example, some States are using technology to create new pathways to apply for and retain benefits such as food stamps, health insurance, and child care, including online applications, online program redetermination or recertification, phone interviews, and call centers where changes in circumstances can be reported.

On the one hand, creating ways for families to participate in these programs without having to travel to a human service office can expand access and save time and money for States and families alike. In fact, in this bill we've created a new option for States to accept food stamp applications over the telephone. No doubt technology offers numerous opportunities for improved customer service and simpler application and retention processes.

On the other hand, if these processes are not well-designed, evaluated, and implemented, then families can face new access barriers. Moreover, some States are exploring these options at the same time that they are reducing human service staffing and closing local welfare offices. These steps can create new access barriers for certain groups of families and need to be carefully monitored. And I am concerned because neither States nor USDA appear to be asking the important questions about what has been the effect of these technological changes on access for food stamp households, particularly vulnerable populations like seniors, people with physical or mental disabilities, or people who do not speak English proficiently. The Government Accountability Office (GAO) last year published a report that found that USDA has not sufficiently monitored the States' "modernization" efforts in terms of their effects on program access, payment accuracy, or administrative costs.

So in this bill we have included several provisions to require that States that are eager to pursue modernized systems are pausing to ask the necessary questions about how to ensure that the new systems are designed in such a way that they are effective tools for connecting eligible families to benefits. In this bill we require USDA to establish standards for when States are making major changes in program operations and to monitor the effects on households, especially the types of households I just mentioned. I urge USDA to do this in a way that yields useful information so that States can refine and improve their systems to make them as accessible as possible to all clients.

Another provision requires States to adequately pilot test new computer systems before they go full-scale. This responds to situations where States have implemented new computer systems without adequate testing. This occurred even though some at USDA knew that there were weaknesses in the system and that serious benefit delays and errors were likely to occur. We also included a provision the Administration suggested to require States, instead of households, to repay any overissuances that occur because of one of these preventable major systems failures.

Finally, in light of all of the modernization changes and the potential access to sensitive information that new players may have, we strengthened the Act's privacy protections to ensure that anyone receiving confidential information for appropriate program purposes cannot then share that information with a third party. In addition to our fears that too many people may have access to private food stamp information as a result of new technology, we were also concerned that clients have not been able to access their private records. We heard about clients in Texas, who had their benefits cut off, or who never were able to obtain benefits, and could not get access to their case records in order to pursue claims against the State. That is unacceptable. We also clarified that despite all of the changes in how States are storing and maintaining client records, clients can access these records in litigation. These changes are not in conflict because confidential records would continue to be unavailable to the general public and others not having a legitimate reason relating to program administration.

Another concern I have is about two new provisions that would disqualify certain people from food stamps for misusing their benefits. One relates to situations where a recipient of food stamps intentionally uses food stamp benefits to buy a product, like water, that is in a disposable container that can be redeemed for cash, then discards the product and redeems the container in order to obtain the cash deposit. The other new disqualification addresses individuals who intentionally purchase food with food stamp benefits in order to resell the food for a cash profit. I agree that both of these practices are contrary to the purposes of the food stamp program in assisting people in obtaining an adequate diet and it's appropriate to address them in this bill. However, I caution USDA to implement them in a way that ensures that only those who intended to defraud the system in these manners be disqualified. I do not want to see innocent people—who may simply have bought groceries for a neighbor or relative be caught up as somehow engaging in fraud under this provision.

My concerns here are not completely without precedent. In this bill we are revisiting and clarifying a different disqualification rule that was enacted in 1996, and that has, in fact, ensnared innocent people and denied food stamp benefits in inappropriate ways. The intent of the law was to aid law enforcement and prevent criminals who are fleeing to avoid prosecution from receiving food stamps. Unfortunately, in practice, the provision has disqualified innocent people who had their identities stolen, or who have outstanding warrants for minor infractions that are many years old and where the police have no interest in apprehending and prosecuting the case.

So in this bill we direct USDA to clarify that people should only be subject to disqualification if they are actively fleeing law enforcement authorities who are, in fact, interested in bringing them to justice.

In addition to the very important changes we have made to the food stamp program and new funding for food banks through TEFAP, the bill would expand and improve the Fresh Fruit and Vegetable Program under the Richard B. Russell National School Lunch Act. This program has been receiving $9 million a year in mandatory funds and operates in 14 States. (Three Indian tribes also operate the program.)

Under the conference agreement, mandatory funding would increase to $40 million for the 2008–2009 school year and continue to grow. By 2012, the program would be funded at nearly eight times its current size: $150 million each year, with annual adjustments for inflation in years after that.

In addition to providing increased funding, the conference agreement takes important steps to target program funds to elementary schools with a significant share of low-income children. Our goal is to provide free fresh fruits and vegetables to all elementary schools in the country where more than half of the children are eligible for free or reduced price school meals. This program should expose a whole new generation of children to a healthy way of eating.

To sum up, I am extremely proud of the work that our Committee and our Congress have undertaken in the nutrition title of the farm bill. With these changes, we are building a healthier better fed population. As a result, we are taking a few important steps towards a stronger future for our children and our communities.

Mr. CARSON of Indiana. Mr. Speaker, I rise today in support of H.R. 2419, the Food and Energy Security Act of 2007. This bipartisan piece of legislation will better reflect our values, strengthening American agriculture to meet the 21st century needs of the United States and the world with a safe, stable food supply.

I want to commend the work of the chairman of the House Committee on Agriculture, Colin Peterson, as well as the Senate chairman, Mr. Harkin. Both men diligently worked to reconcile the differences in both the House and Senate versions of the bill. All of that hard work has paid off. This bill will ease the strain of rising food prices for millions of families, take a first step on much-needed reforms to farm payments, and make a substantial commitment to land conservation and to the fruit and vegetable industry.

Mr. Speaker, while these are important and positive provisions of this bill, I am particularly pleased with the nutrition titles of the bill. An additional $10.4 billion in new spending will be allocated for nutrition programs that help 38 million American families afford healthy food. In addition, there are many updates in the food stamp programs that reflect the current state of our economy. These critical food stamp provisions will help about 11 million people by 2012.

In particular, the reforms found in this bill benefit those individuals who need help. The bill helps these individuals adequately cover food expenses and sustains participants in the Food Stamp Program for the entire month. It also increases the minimum benefit for food stamp recipients, which is especially important for our senior citizens in need. I am also particularly proud that the 2008 Farm Bill extends the Commodity Supplemental Food Program, CSFP, of which my grandmother, the late Representative Julia Carson, was a champion. It is important to help the many low-income elderly individuals in need of additional assistance who are reluctant to apply for food stamps.

The legislation also goes far in addressing the health and nutrition needs of our children by increasing funding by $1.02 billion for the USDA Snack Program. Aiding schools in providing healthy snacks to students during afterschool activities and expanding the program to all 50 States is something that Congress must do.

Mr. Speaker, I am also in support of the final bill because of its provisions addressing ethanol. It goes without saying that ethanol is helping to reduce fuel prices at the pump. The prices are almost 15 percent lower from where they might be if biofuel producers were not increasing output. The farm bill also invests $1 billion in renewable energy focusing on new technologies and new sources, including $320 million in loan guarantees for biorefineries that produce advanced biofuels and a new program to encourage the production of biomass for cellulosic ethanol and other energy production, helping producers learn how to harvest, store, and transport biomass to bioenergy facilities.

I am also highly supportive of the bill's increased funding for the Emergency Food Assistance Program, TEFAP, by $1.26 billion. I believe in providing commodities and other resources to States to help stock food banks. It is important that Congress continue to provide much-needed support to emergency feeding organizations, such as food banks, food pantries, and soup kitchens by increasing this funding for TEFAP.

Mr. Speaker, from increasing conservation programs by $7.9 billion, to containing provisions that help us meet global food shortages, this is a good bill. The bill is fully paid for and prevents further increases to the national debt. It expands food security programs, protects our vital natural resources, promotes healthier foods and local food networks, and reforms commodity and biofuel programs to reflect the priorities of the Nation.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of the farm bill conference report. I would like to commend conference committee members for tackling the tough issues, offsetting costs, and producing a conference report that I can support.

To be sure, this is not a perfect bill. Yet, in my estimation, no amount of negotiation could produce a conference report that all would agree is perfect. Rather, what has emerged is a farm bill that is good for my home State of Colorado and good for the country.

For starters, this bill will provide millions of American families with access to healthy food. Nearly three-quarters of the bill's cost will support nutrition programs, including food stamps and emergency food assistance programs, as well as an initiative to provide fresh fruit and vegetables as healthy snack alternatives for a generation of schoolchildren currently battling an epidemic obesity problem.

This farm bill will help Colorado continue to lead in the development of homegrown energy programs that we need to help free us from our national addiction to oil and protect our environment. It increases investments in renewable energy technologies, while reducing the burdensome tax credit for corn-based ethanol and creating a new tax credit for the production of more efficient cellulosic biofuels.

Rural America can plant their fields with confidence, thanks to the farm bill's new disaster relief program, and this provision of the bill also might significantly lower future grocery bills by speeding up compensation for farmers subject to natural disaster and allowing them to bring crops to market faster.

In addition, American consumers will have added confidence knowing that this farm bill mandates critical food labeling for our meat supply, including country of origin, and improves oversight of USDA's enforcement of rules governing meat packers and stockyards.

Along with promoting safe food and renewable energy production, this legislation increases spending for conservation programs by nearly $8 billion. These programs will help protect agricultural lands from urban sprawl; enhance and protect our natural resources; encourage public access to private land; and protect sensitive wetlands and grasslands, areas that are especially vulnerable in Colorado's eastern plains.

Of particular interest to Colorado is that the farm bill includes provisions similar to those in a bill—H.R. 1182—I introduced dealing with the tax treatment of exchanges of mutual ditch stock. Mutual ditch companies are unique to Colorado and are organized for the mutual benefit of shared water rights rather than for profit. This provision allows for tax-free exchanges of shares of these mutual ditch companies.

Another measure included in the farm bill, which I supported during consideration in the House Natural Resources Committee, will protect domestic timber producers by stopping the flow of illegally logged foreign timber imported into the United States.

This bill will also help bolster America's international standing by helping to meet global food shortage demands. America is already the world's largest provider of food aid, but recent riots in developing nations around the world have shown that we must increase our efforts. This legislation will provide additional funding to purchase emergency food aid overseas, and reauthorizes the McGovern-Dole

International Food for Education and Child Nutrition Program for infant, child and school nutrition programs in underdeveloped countries.

As I said before, this bill is not perfect. I applaud the conference committee for trimming subsidies for already wealthy farmers, but I would prefer tighter reform of these programs, especially at a time when consumers must sacrifice to afford increasing food costs. And any legislation of this size and scope—especially when it is developed as a compromise between the two Chambers—is likely to include provisions that might not deserve to pass on their own.

Taken in whole, however, the farm bill conference report successfully addresses the most important food and agricultural issues facing the Nation today, and fully pays for all new spending initiatives. I agree with the editorial board of the Denver Post, which wrote, "this latest version of the Farm Bill is good for the entire country," and I urge my colleagues to support it.

Mr. MCHUGH. Mr. Speaker, I rise today in support of the conference report to H.R. 2419, the Food, Conservation and Energy Act of 2008. At this time, I would like to recognize the hard work of the Gentleman from Minnesota, Mr. PETERSON, the gentleman from Virginia, Mr. GOODLATTE, and the other conferees that culminated in the conference report before the House today. I also would like to take a moment to mention several items of interest to my constituents in northern and central New York.

Very simply, I could not overstate the importance of dairy farming to the economy of New York's 23rd Congressional District, which I represent. In fact, its importance is readily apparent when one considers that the 2002 Census of Agriculture reported there were 1,989 dairy farms with 188,305 milk cows in the 11 counties that comprise the district. Accordingly, I am pleased that the conference report extends and expands the Milk Income Loss Contract, MILC, Program, continues the Dairy Price Support and Dairy Indemnity Programs, and reauthorizes the Dairy Export Incentive Program.

The conference report also includes a provision to create a Northern Border Regional Commission, which I have been working on a bipartisan basis with the gentleman from Maine, Mr. MICHAUD, and others to enact because it will help further economic development. There is no question this assistance is needed, particularly when one considers that in 2000, seven of the 11 counties I have the privilege of representing had poverty rates in excess of the national rate of 12.4 percent and three—Franklin, Oswego and St. Lawrence counties—had poverty rates in excess of 14 percent. Similarly, from 2004 to 2006, eight of my constituent counties had unemployment rates in excess of the national average.

I was also pleased that the conference report will provide $466 million for the Specialty Crop Block Grant Program, $10 million annually for efforts to address colony collapse disorder in honey bees, grants and guaranteed loans for broadband development, tax incentives for agricultural businesses to enhance chemical security, and at least $1.19 billion for the Emergency Food Assistance Program. Finally, the conference report increases the amount available for direct loans to farmers and authorizes $120 million to fund pending rural infrastructure programs of importance to my constituents such as the Water and Waste Disposal Grants and the Rural Water and Wastewater Circuit Rider Programs.

Mr. OBERSTAR. Mr. Speaker, I commend my good friend and colleague from Minnesota (Mr. PETERSON), chairman of the Committee on Agriculture, for his leadership in bringing the Conference Report on H.R. 2419, the "Food, Conservation, and Energy Act of 2008," to the House. His outstanding work and dedication over the past year and a half have culminated in this important legislation, which includes critical authorizations for farm programs and addresses vital nutrition, conservation, and economic development needs across the Nation.

This Conference Report makes great strides in the fight against hunger by providing an additional $10.4 billion for nutrition programs, which help 35 million low-income families. For the first time in 30 years, the legislation increases the minimum benefit under the Food Stamp Program, which keeps 26 million of our Nation's poorest individuals from going hungry, and indexes the benefit amount to inflation. The Conference Report also provides an additional $1.3 billion for the Emergency Food Assistance Program to provide food banks, soup kitchens, and other emergency feeding sites with much needed resources. The Conference Report also includes $50 million for 2008, which is available immediately to address food shortages at a number of food banks.

The Conference Report also contains a number of provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure, particularly economic and infrastructure development, which I strongly support. The House-Senate agreement voted on today represents a major step forward in delivering critical economic and infrastructure development assistance to the most chronically poor and economically distressed regions of the country. The Conference Report reauthorizes two existing regional economic development commissions and establishes three new regional economic development commissions in economically distressed areas of the Nation.

Section 6026 of the Conference Report reauthorizes the Northern Great Plains Regional Authority through fiscal year 2012 and provides $30 million per year to fully establish this Commission and fulfill the mission Congress intended when it was first authorized in FY 2002. The counties eligible for assistance under the Northern Great Plains Regional Authority, including those in my district, will greatly benefit from the grant funds and planning provisions included in the Conference Report. Section 6025 reauthorizes the Delta Regional Authority, DRA, through FY 2012 at current funding levels of $30 million per year, and includes 12 additional Louisiana parishes and Mississippi counties in the DRA.

The Conference Report also authorizes three new commissions—the Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission—through FY 2012, at an authorization level of $30 million per year for each Commission. I commend Congressman HODES, Congressman MICHAUD, Congresswoman SHEA-PORTER, and other Members representing the Northeast region of the United States for their strong support of regional economic development and for their persistence in bringing this important issue to the attention of Conferees on the farm bill.

These three Commissions are established under a unified administration and management structure as developed in the Regional Economic and Infrastructure Development Act of 2007 (H.R. 3246). We moved this bill expeditiously through the Committee on Transportation and Infrastructure to the House floor, where, on October 4, 2007, it passed by a strong vote of 264–154. These administrative and management procedures are modeled after the highly successful Appalachian Regional Commission, provide for a consistent method for distributing economic development funds, and ensure a comprehensive regional approach to address problems of systemic poverty in the Nation's most severely distressed areas.

The Conference Report on H.R. 2419 also makes a number of important improvements to conservation programs, including increasing investment in conservation programs that take environmentally sensitive land out of farming and encourage environmentally friendly practices on working farmland. Water conservation provisions under the jurisdiction of the Committee on Transportation and Infrastructure in the final legislation include the creation of a new Chesapeake Bay Watershed Program, which provides a commitment of resources from the Department of Agriculture to restore, improve, and protect water quality throughout the Chesapeake Bay watershed; and reauthorization of the Watershed Protection and Flood Prevention Act through 2012.

I am also pleased that the Conference Report includes a provision which I strongly support to assist small logging companies who are facing bankruptcy because they are not able to pay off their contracts on National Forest System land. The language contained in Section 8401 gives the Chief of the Forest Service the right to cancel or redetermine a qualified timber contract, and will help a number of small businesses who are suffering, particularly in light of the current housing downturn.

I am proud to lend my support to this important effort and commend Chairman PETERSON for his commitment and determination in getting this legislation to the President's desk.

Mr. BUTTERFIELD. Mr. Speaker, I rise today to strongly support the Food and Energy Security Act of 2007 and I congratulate the Committee on providing a bill that includes needed and critical reforms that improve access to food and nutrition, provide more equitable access to research funding and renew America's commitment to conservation.

This bill correctly focuses on the people who need the most help. In fact, nearly three-quarters of the bill will be directed to nutrition programs that will assist 38 million American families afford healthy food. It updates that Food Stamp program and increases funding for food banks, food pantries and soup kitchens.

I am particularly encouraged that the bill increases agricultural research funding for Historically Black Colleges. This is important because minority institutions are usually left out when it comes to Federal research funding. As an example, I point to a Government Accountability Office study conducted in 2003 which indicated that 1890 Land Grant institutions received less than 2 percent of the competitive funding available from the U.S. Department of Agriculture. This bill represents a step in the right direction.

The bill also provides for mandatory funding of the 2501 Socially Disadvantaged Farmers and Ranchers Outreach Program. This should help to slow the troubling trend of significant land loss by African American and other socially disadvantaged producers.

Additionally, the bill significantly boosts spending for conservation programs to reduce soil erosion, enhance water supplies, improve water and air quality, increase wildlife habitat and reduce damage caused by floods and other natural disasters.

Of particular interest to my home State of North Carolina, fruit and vegetable producers will have their own place in the Farm Bill for the first time. The bill includes more than $1.3 billion to support research, pest management, trade promotion and nutrition for the industry.

Also of interest to North Carolina, this bill takes another important step in moving biofuels beyond focusing on corn. It reduces the current tax credit for corn-based ethanol by 6 cents per gallon and creates a new tax credit to promote the production of cellulosic biofuels.

While the Farm Bill may not be perfect, the good far outweighs any shortcomings.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007, better known as the Farm Bill. This measure, which reauthorizes federal agriculture and nutrition programs for five years, reflects Rhode Island's priorities: protecting our farmers and surrounding environment and caring for the most vulnerable members of our society.

There has been much discussion about reforming the Farm Bill, particularly with regard to how payments are structured to producers of certain commodities like cotton, rice and sugar. H.R. 2419 begins this process by lowering the annual adjusted gross income of farmers eligible for subsidies from $2.5 million to $750,000 and also excludes farmers making more than $500,000 from non-farm income. This structure will prevent millionaires from receiving farm subsidy benefits, and will also make payments transparent. While I believe we should go further with reform, I look forward to building on this restructuring in future legislation.

This legislation increases funding by nearly $8 billion for the conservation title, which includes programs important to Rhode Island, such as the Environmental Quality Incentive Program, the Farm and Ranchland Protection Program, and the Wildlife Habitat Incentive Program. I am also pleased that H.R. 2419 includes funding for specialty crops, which will benefit our fruit, vegetable and nursery crop farmers. These farmers, who make up a large percentage of Rhode Island's farming landscape, will now receive equal assistance and access to conservation programs.

H.R. 2419 includes over $10 billion in increased funding for the nutrition title, which includes food stamps and other programs aimed to combat hunger and improve nutrition for children, the elderly and low-income Americans. Unfortunately, these members of our society face a stigma when they realize they must turn to the government for assistance, and this Farm Bill works to end that by renaming the Food Stamp Program as the Supplemental Nutrition Assistance Program and replacing food stamp coupons with Electronic Benefit Transfer cards. This bill also reauthorizes programs such as the Community Food Projects program, which awards grants to nonprofit groups that establish community food projects targeted to low-income individuals, and the Senior Farmers Market Nutrition Program, which provides vouchers for low-income seniors to purchase fruits and vegetables at farmers' markets.

This measure also increases funding for school nutrition programs, including the Fresh Fruit and Vegetable Program, which will help purchase fruits, vegetables and nuts, and create more avenues for produce to flow from local farmers to schools. This is especially important in Rhode Island, where state lawmakers and local organizations have already taken the initiative in improving the eating habits of our students. In 2007, 26 of 38 RI school districts participated in the Farm to School Program, where produce is purchased from local farms. This Farm Bill will help those school districts continue in a healthy direction.

H.R. 2419 also helps northeast dairy farmers, including those in Rhode Island, by extending the Milk Income Loss Contract Program, which compensates dairy producers when domestic milk prices fall below a certain level. Further, this measure encourages the expansion of renewable energy research and production, contains a new section for horticulture and organic agriculture, and includes funding to make sure our food supply is safe and stable.

Mr. Speaker, this is not a perfect bill; however, this Farm Bill helps farmers meet growing environmental challenges, gives consumers more healthy food choices, and promotes critical renewable energy development. It was also imperative that the Farm Bill take into consideration the country's current economic state. This bill will help stock food banks across our country by increasing funding to the Emergency Food Assistance Program by $1.26 billion. I look forward to passing this measure into law.

Mr. STARK. Mr. Speaker, I rise today in opposition to a Farm Bill Conference Report (H.R. 2419) that will continue our wasteful agricultural policy for another five years. It is a rare day indeed that I agree with President Bush, but he is absolutely right to have issued a veto threat of this bill.

With farm income and food prices at or near record highs, now is the perfect time for reform. Unfortunately, this conference report, while masquerading as a reform package, simply tinkers around the edges of our bloated agri-business subsidies. Our current "farm policy" is little more than corporate welfare, with benefits flowing to large corporate operations at the expense of small farmers, both here and abroad, who actually need help. Under current policy the top 10 percent of recipients received 75 percent of all subsidies, while 67 percent of farms receive nothing. This is not good for rural communities, small farms, or taxpayers.

At best, this conference report represents "half a loaf," as the group Bread for the World has said. The conferees got the nutrition title right and I commend them for it. There are important changes to the eligibility rules for the food stamps program as well as a raise in the minimum benefit. These changes, along with increases in funding for emergency food aid will have a real impact on the millions of families who are struggling to put food on their tables. If all this bill contained were the nutrition title, I would proudly support it. For all the conference accomplished on nutrition, they failed in greater measure on reforming farm subsidies.

Proponents of the conference report argue that it represents "reform." They can't be serious. Under this so-called reform, farmers filing jointly could have an adjusted gross income, AGI, of $2.5 million, or $1 million if their only source of income is farm-related and they could still receive subsidies. This amounts to cutting off only 0.3 percent of farmers from the dole. The report does nothing to means test countercyclical payments. Furthermore, the report creates an entirely new $4 billion permanent disaster program that is not only wasteful and redundant, but will also encourage pushing marginal and environmentally sensitive land into production. This is not reform.

Real reform would mean eliminating all subsidizes for corn-based ethanol, which have driven up food costs around the world. Real reform would mean ending direct payments except for farmers who actually need assistance. By passing this bill, Congress is missing a golden opportunity to enact real reform. We should not wait another five years to make our farm policy equitable and responsible. By rejecting the conference report we can begin the important work of enacting a fair Farm Bill. I urge all of my colleagues to vote no.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Conference Report on H.R. 2419, the Food and Energy Security Act of 2007.

With the U.S. economy faltering and food prices rising, this conference agreement takes critical steps to reduce hunger, ensure that healthy foods are included in federal nutrition programs, and meet the nutritional needs of many low-income Americans.

To help low-income families hit especially hard by high food prices, this legislation invests more than $7.8 billion in the food stamp program, now renamed the Supplemental Nutrition Assistance Program.

This commitment will slow the erosion of food stamp benefits caused by increasing food prices, provide food assistance to recipients without requiring them to spend down their education savings accounts and retirement plan assets, and increase food assistance to households with high child care expenses.

The bill also invests $1.25 billion in commodity purchases for food banks, which will strengthen emergency food assistance programs' efforts to serve needy families.

Our nation is facing a growing child obesity epidemic—an issue that demands strong efforts to improve the quality and nutritional value of foods offered through school meal programs.

H.R. 2419 includes important provisions that will expand children's access to healthy foods during the school day, and that will help inform our efforts to reauthorize the nation's child nutrition programs next year.

I am also pleased that this report increases the volume of fresh fruits and vegetables available through federally-supported domestic nutrition programs, and, as part of that, invests more than one billion dollars in expanding the fruit and vegetable snack program.

Thanks to this significant investment, the snack program, targeted primarily to low-income children and to schools that disproportionately serve low-income families, will now provide thousands of students in every state with greater access to healthy foods.

This bill also supports local food systems and farm-to-school programs by encouraging child nutrition programs to use a geographic preference when purchasing foods—allowing schools and other programs to select more nutritious agricultural products such as fresh fruits and vegetables, dairy products, eggs and meat.

In addition, it will require the U.S. Department of Agriculture to conduct a national survey of the foods purchased by the school lunch programs.

Science and research overwhelmingly tell us that providing our children with healthy, nutritious foods from the earliest years on is one of the best things we can do to help our children succeed.

I am very pleased that all of the child nutrition provisions throughout this bill retain a focus on providing healthier foods and nutritional benefits as supported by scientific research.

When we last reauthorized the child nutrition programs in 2004, we required children in low-income households receiving food stamps to be automatically enrolled for free meals at school through a process known as "direct certification."

This simplification reduces work for school administrators, eliminates a duplicative application process for low-income families, and improves the accuracy of the school meal enrollment process.

We had hoped that school districts, states, and the USDA would do everything in their power to make sure that every eligible low-income child would benefit from this simplification. Unfortunately, the evidence to date indicates that the implementation of this provision has been inconsistent.

The USDA must act more aggressively to help states and school districts reach all children who could benefit from this coordination of efforts. This bill will ensure that we get information from USDA that will allow us to monitor this progress and promote best practices through their new annual reports on direct certification.

While this conference report contains many positive accomplishments, I am disappointed that it does not include a proposal from the House-passed bill that would ensure that public employees conduct eligibility determinations for food stamp benefits.

Without this proposal, the food stamp determination process will now be open to for-profit companies, many of which may be more focused on boosting efficiency and revenue than serving the best interests of vulnerable Americans.

The House provision would have re-established longstanding and productive public-private partnerships that help ensure that the right balance of private contractors and public employees are included in this process. It is frustrating that this was excluded from what is otherwise a very strong conference report.

By making the right investments to strengthen the quality of foods provided to our Nation's children, this bill is a down payment on a healthier future for this country.

I would especially like to thank Chairman PETERSON, Congressman GOODLATTE, and Senators HARKIN and CHAMBLISS for their hard work on this conference agreement.

The House Education and Labor Committee is committed to building on this effort to improve child nutrition in this country, and to ensure that the National School Lunch Program, the School Breakfast program, and the special supplemental nutrition program for women, infants and children (WIC) are available to all eligible children and families.

I urge the passage of this bill.

Mr. HOYER. Mr. Speaker, I want to commend Chairman PETERSON for working tirelessly over the past year and a half to craft this farm bill—legislation that may not be perfect, but which takes our Nation in a new direction in agriculture policy.

This farm bill makes important reforms in the commodity title, while continuing to provide a safety net for our small- and mid-sized farmers—farmers like those I represent in southern Maryland.

The bill tightens payment limits, eliminates loopholes that have been exploited to get around those limits, and makes payments transparent by requiring direct attribution to a single individual.

I am proud that this bill takes important steps to ensure that our children and those in need will have the resources they need to live healthy lives.

Its nutrition title includes more than $10 billion to better stock food banks and pantries, provide healthy snacks to schoolchildren, and reform the food stamp program by tying it to inflation.

It is important to note that this bill also makes record investments in conservation, renewable energy, and rural development, which will enable our producers to better protect our environment and bolster economic development in our rural communities.

I am particularly pleased that this legislation includes $438 million in direct assistance over the next 10 years to help our farmers in their ongoing efforts to be good stewards of the Chesapeake Bay.

While we have been able to make some strides in our efforts to restore this magnificent estuary, it is clear that there is much work to be done.

Recently, the University of Maryland Center for Environment Science issued a report card which rated the bay's health a C-minus.

Ironically, this slight improvement over the previous year was largely due to drought conditions that limited nutrient and sediment runoff into the bay.

The funds included in this farm bill will help farmers throughout the watershed control erosion and reduce sediment and nutrient levels. Their efforts will help enhance, restore, and conserve this ecologically significant habitat.

The legislation also directs the Secretary of Agriculture to give special consideration to producers in specific, targeted river watersheds, including those of the Potomac and the Patuxent.

Our concerted effort to restore these significant tributaries will go a long way to bolstering the health of the great body of water into which they all empty—the Chesapeake Bay.

Finally, I want to express my support for the Enhanced Use Lease Authority Pilot Program. This program seeks to create a national model at the National Agricultural Library and our Nation's flagship agricultural research facility—the Beltsville Agricultural Research Center. This program will enable them to partner onsite with public and private facilities to enhance the mission of USDA–ARS and address much needed facilities upgrades in a timely and efficient fashion.

Again, I want to congratulate Chairman PETERSON on this bill—a farm bill that will be noted for putting America's agricultural policy on the right track and laying the foundation for more far reaching reforms in the future.

I urge my colleagues to join with me in supporting this legislation.

Mr. SKELTON. Mr. Speaker, as a representative of rural Missouri, let me take this opportunity to share my support for the 2008 farm bill.

I commend Chairman PETERSON and Ranking Member GOODLATTE for producing a balanced and bipartisan bill that would bring a level of stability to commodity markets and ensure farmers throughout the United States can make long-term business decisions.

Important to farm families in the Show-Me State, the 2008 farm bill would extend the farm program safety net for producers while also reforming eligibility requirements and strengthening payment limitations for those who receive farm program payments. While I cannot overemphasize the importance of having a safety net in place to help farmers recoup some expenses associated with agricultural production and to ensure they are not put out of business if markets collapse, I am pleased that reforms were made to address some concerns of the administration and other farm program critics.

In addition to ensuring a strong safety net, the farm bill would make historic commitments to food security and nutrition, expand conservation, promote rural development, streamline agricultural research, and invest in renewable energy.

The farm bill would make essential commitments to the health of the American people and would help families in need by boosting nutrition funding by over $10 billion. In Missouri and elsewhere, food pantries are short of food and low-income Americans are having a difficult time affording groceries. The legislation would allocate resources to food banks, modernize the food stamp program, expand farmers' markets, extend food programs for low-income senior citizens and pregnant women, promote student health, and fight obesity.

The farm bill would expand popular conservation programs designed to preserve farmland, improve water quality, and enhance soil conservation, air quality, and wildlife habitat. In Missouri, the Conservation Reserve Program, the Environmental Quality Incentives Program, and the Wetlands Reserve Program, among others, have allowed farmers to more easily address conservation problems and comply with expensive, but important, environmental regulations.

By expanding USDA rural development loans and grants, the farm bill would foster critical investments in small town America. The measure would improve rural Internet broadband access, expand first responder and emergency medical services in rural areas, and authorize grants for weather radio transmitters to alert rural citizens about coming storms. It would also provide grants for drinking water and wastewater improvements, foster rural small business development, and provide for greater value-added loans and grants for small farmers.

With respect to research and development, the farm bill would create a National Institute of Food and Agriculture within the U.S. Department of Agriculture, USDA, to maximize coordination throughout USDA's research agencies. The bill would also create the Agriculture and Food Research Initiative to stimulate business development and access to capital in rural America and create the Energy Research Program to improve research on the production and sustainability of biofuels, like ethanol and biodiesel. Additionally, the bill would address concerns raised by livestock producers and others regarding the high cost of corn by slightly reducing the corn ethanol producers' tax credit and creating a subsidy to accelerate commercialization of advanced biofuels, like cellulosic ethanol.

Also important to Missourians, the farm bill would continue price supports for dairy farmers and increase funding for fruit and vegetable producers. It also contains the first-ever Livestock Title, which would increase market access for small, state-inspected meat processing plants, better protect producers who have contracts with livestock firms, and better enforce the Packers and Stockyards Act. Additionally, the legislation would require that all meat sold to American consumers have a country-of-origin label. But, importantly, this labeling agreement represents a compromise that would simplify record keeping and other requirements associated with the law.

The farm bill would also prohibit the closure or relocation of county Farm Service Agency offices for 2 years, would encourage additional funding directed to Historically Black Colleges, like Lincoln University in Jefferson City, and would establish an Office of Homeland Security within USDA to better protect our Nation from terrorist attacks aimed at America's agricultural sector.

The people of Missouri and Americans from all walks of life do well by the 2008 farm bill. I am pleased to lend my support to it and hope it will pass the House with broad, bipartisan support. I further hope that the President of the United States will reconsider his threat to veto the farm bill, which would be a disservice to rural Americans and to low-income citizens of our Nation who would benefit from the bill's commitment to food security.

Mr. BERMAN. Mr. Speaker, I rise in strong support of the nutrition title of the pending conference report. It includes many urgently needed improvements to our food assistance programs for low-income people.

As a senior member of the Judiciary Committee, I am particularly pleased to see this title includes language to correct a couple of problems that have arisen relating to the enforceability of the act and to ensure that no further problems exist.

The Food Stamp Act has long been recognized as fully enforceable on behalf of active and prospective participants. This history of enforceability is comparable to that of securities regulations, which the courts have long accepted. When, many years ago, a panel of the Fifth Circuit found no private right of action under the Food Stamp Act in a case brought by a pro se plaintiff, several other circuits, and ultimately the Fifth Circuit en banc, rejected that conclusion. Had they not done so, I have no doubt we would have intervened.

Recently, a couple of Federal courts cast doubt on this long-held principle, one by finding the Department's regulations on bilingual service unenforceable and another by forcing plaintiffs to meet the high standards for supervisory liability when suing a State to enforce the act and regulations against local agencies. I am pleased that this legislation overrules both of those decisions.

More broadly, the legislation recognizes that lawsuits by individual households or classes of household to enforce their rights under the act and regulations are an important part of the program. There now should be no doubt, if there ever was any, that all provisions of the act and regulations that help individuals get food assistance, or that protect them from burdens in their pursuit of food aid, are intended to create enforceable rights, with corrective injunctions or back benefits, the latter subject to the limitations in the act, as appropriate.

The act does not require States or the Department only to exercise reasonable efforts or to substantially comply with its requirements and those in the regulations: it gives each individual a right to be treated as the act and rules provide. The act and regulations have an unmistakable focus on the benefited class of participants and prospective participants, they are written in mandatory, not precatory terms, and they are concerned with the treatment of individuals as much as they are with aggregate or system-wide performance.

I cannot imagine how Congress could be any clearer in this regard. I anticipate that we will have no further confusion concerning the enforceability of the act and regulations.

Mr. BACHUS. Mr. Speaker, because I believe that this legislation represents a missed opportunity to modernize the regulation of our Nation's futures and securities markets, I am unable to sign this conference report.

Section 13106 of the conference report directs the members of the President's Working Group on Financial Markets, the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve, the Chairman of the Securities and Exchange Commission, SEC, and the Chairman of the Commodity Futures Trading Commission, CFTC, to work to ensure that by September 30, 2009, the SEC and CFTC take action under their existing authorities to permit risk-based portfolio margining for security options and security futures products. Depending on when this bill is approved and signed into law, the agencies would have roughly 16 months to achieve this directive. Because the SEC and CFTC have a fundamental disagreement over how to proceed, there is no guarantee that a legislative directive to reconcile their differences will yield a breakthrough in what has become a long-standing turf battle between the two agencies over this issue.

Chairman FRANK, Mr. KANJORSKI and I proffered a solution to this regulatory impasse during conference that would create a clear pathway the agencies must follow in order to realize a state-of-the-art portfolio-based margining system for customers of broker-dealers. Our targeted amendment to the Securities Investor Protection Act, SIPA, would extend Securities Investor Protection Corporation, SIPC, insurance to futures positions held in a portfolio margining account under an SEC-approved program, thereby significantly advancing the goal of risk-based portfolio margining.

Our amendment is consistent with recent recommendations by the Treasury Department in its Blueprint for a Modernized Financial Regulatory Structure, which found that "the realities of the current marketplace have significantly diminished the original reason for the regulatory bifurcation between the futures and securities markets." As Treasury has recognized, there are many policy issues—portfolio margining included—where a lack of action has placed U.S. markets at a competitive disadvantage to other markets that do not draw the same artificial distinctions between securities and futures products.

Portfolio margining recognizes the risk-reducing effects of offsetting or hedged positions in calculating customer margin. Thus, a portfolio margin system should align a customer's total margin requirement, the amount of money they have to put up in order to fund their investment positions, with the actual risk the customer is taking.

Today, the portfolio margin rules already allow futures positions on broad-based securities indexes such as the S&P 500 to be used to hedge offsetting securities positions such as options and exchange traded funds on the same index. There is uncertainty about how these existing portfolio margin rules fit within the regime that protects investors in the event of the liquidation of their broker-dealer. SIPA governs such liquidations, which specifically excludes futures from the definition of a "security." Single stock securities futures are not excluded as they are both futures and securities.

Consequently, if a broker-dealer carrying portfolio margin accounts failed, its customers' net equity claims would not include the value of futures positions in a portfolio margin account. This could result in situations where gains in the futures positions are not allowed to offset losses in the securities positions, thereby reducing the protection the customer would be entitled to under SIPA. It also would create severe operational challenges as the customers' futures positions would need to be unwound separately from the offsetting securities positions.

Some have argued that the Financial Services Committee's approach to solving this problem would somehow prejudice the so-called "one-pot/two-pot" debate over whether futures should be allowed to be kept in a securities account. It does not. Allowing futures into a securities account would still require action by the CFTC. Our language would simply provide uniform investor protection in the event of a liquidation of a broker-dealer with portfolio margin accounts for whatever assets are in the securities account.

I am disappointed that the CFTC and the Agriculture Committee rejected the Financial Services Committee's proposal, the adoption of which would enhance the competitiveness of the U.S. markets and streamline financial services regulation. While I will not be able to sign a conference report that does not incorporate our language, I will continue to work with Mr. KANJORSKI and other members of the Financial Services Committee to eliminate inefficiencies and redundancies in our current financial regulatory regime that place U.S. firms at a competitive disadvantage internationally.

Mr. HALL of New York. Mr. Speaker, I thank the chairman and congratulate him on successfully bringing this conference report to the floor after many months of hard work and committed effort. I also thank him for his prior support for inclusion of a muck soils conservation program to address serious challenges being faced by the farmers in my district and throughout the country. Although such language was included in the version of this bill passed by the House, it was unfortunately not able to survive the conference negotiations.

Currently available conservation programs have shown that they do not specifically address the needs of farmers who produce crops on muck soil. The existing Conservation Reserve Enhancement Program, CREP, seeks to prevent erosion and protect water quality through a voluntary retirement program. In areas like the Hudson Valley, this has created unintended consequences including the full retirement of productive soil and inflationary pressures on rental rates.

The program included in section 2303 of the House version of the bill, which would have sought to meet conservation goals with practices that would also keep these lands active and address local rent pressures, will not become law as part of this bill, but the needs it was meant to address remain. Similarly, efforts to make changes in future CREP contracts at the administrative level will not address the rent inflation that has been created in places like Orange County, NY, by contracts that are in place today and will have standing for several years.

The issues of unintended land retirement and rent inflation are ongoing challenges for farmers in my district, who as farmers in the Northeast, growers of specialty crops, and producers of muck land crops have been thrice underserved by previous farm bills.

The chairman has been extraordinarily understanding and supportive of efforts to address these challenges. Again, I thank him for his efforts and ask if he would be willing to continue our work on this issue and to work with USDA on solutions that will meet the conservation goals of farmers on muck soils and address the unintended economic consequences of existing programs.

Mr. STEARNS. Mr. Speaker, I rise today to urge my colleagues to oppose H.R. 2419, a $289 billion bill which will subsidize wealthy farmers and agribusiness, increase welfare benefits, violate pay-go rules, and will not dent our current energy needs, all paid for by the American taxpayer.

Folks, this country is facing an impending entitlement crisis. In the next few years millions of baby boomers will begin to retire and begin collecting Social Security and Medicare benefits. However, the Congressional Budget Office projects that Social Security will begin to pay out more in benefits than it takes in payroll taxes by 2020, and Medicare spending, that is already 13 percent of our Nations budget, will double over the next 10 years. Yet, this Democrat lead Congress sees fit to grant farm subsidies to farmers who are making up to $2.5 million in income per year.

As crop prices soar, American farm incomes are achieving record highs. Since enactment of the last farm bill in 2002, key crop prices have grown as much as 281 percent, and total farm income has more than doubled. More and more farmers are now multimillionaires. With $20 billion in increased spending, this bill irresponsibly wastes taxpayer dollars by subsidizing an industry whose profits are soaring. The evidence is clear; the Department of Agriculture estimates that the 2007 farm income was $87.5 billion, which totals a 48 percent increase from the previous year's level of $59 billion.

The search for alternative energy sources is vital to our country's national and economic security. However, this farm bill will extend tax and tariff subsidies for ethanol, while keeping in place the Federal ethanol mandate. This has directly resulted in the price of a bushel of corn in this country to triple and has failed to ease our energy crisis. The ethanol mandate to produce alternative energy has pushed up the prices not only of corn, but also of crops such as soybeans that have been abandoned by many farmers during this current corn-planting bonanza. Despite these steep price increases, large subsidies for these crops will continue under this wasteful bill and rising food costs will continue to be thrown upon our citizens.

I support our country's farmers and agree that a Federal farm program should be in place to alleviate farming poverty. However, with crop prices rising to record-breaking levels, and farm incomes doubling over the past 7 years, I cannot support a bill that seeks to subsidize multimillionaire farmers on the backs of tax paying Americans.

Mr. CONYERS. Mr. Speaker, section 12017 of H.R. 2419, the Food, Conservation, and Energy Act of 2008, amends the Federal Crop Insurance Act. Among other things, the changes provide that, during periodic renegotiations with USDA's Federal Crop Insurance Corporation regarding the standard reinsurance agreement for the FCIC's crop insurance program, approved insurance companies may consult with each other, and collectively with the FCIC.

As chairman of the Judiciary Committee, I would like to provide a bit of background, and to sound a cautionary note.

For a number of years, insurance companies participating in providing reinsurance to the FCIC—that is, providing back-up insurance to the insurance being provided by the FCIC—did indeed consult with each other, and collectively with the FCIC. This occurred most recently in the 1997 renegotiation. In fact, the insurers apparently used a common agent to negotiate the terms of the agreement on their behalf.

I understand that that experience may have led USDA's Risk Management Administration, which runs the FCIC, to begin reconsidering whether joint discussions were a good idea from a competitive standpoint, in achieving the best result with the taxpayers' dollars that the FCIC was spending in the reinsurance marketplace. In any event, the RMA evidently discussed the matter at some length with the Justice Department's Antitrust Division, and came away with the clear conviction that joint negotiations are anticompetitive—as experience under the antitrust laws confirms time and time again.

As a result of its new understanding, the RMA restricted the kinds of collaborative consultations it would permit during the 2004 renegotiation.

Some may believe that the RMA either went further than it needed to in 2004, or that it may go further in future renegotiations, prohibiting consultation even on aspects of the renegotiation that not only are not competitively sensitive, but where the antitrust laws recognize that cost-saving efficiencies can be gained without harm to competition. To the extent that that has been a concern, the new language being added to the Federal Crop Insurance Act may help clear the way for that kind of competitively benign consultation.

I wish to emphasize, however, that the new language does not create an antitrust exemption, or alter the antitrust laws in any way. The Supreme Court has aptly referred to the antitrust laws as the Magna Carta of our free enterprise system, and has said repeatedly that exceptions to those laws are not to be lightly inferred. Therefore, any insurer wishing to engage in consultations pursuant to this new authorization should be careful to do so in compliance with the antitrust laws.

Some observers have raised the question whether some of the conduct that could be at issue here might be covered under the McCarran-Ferguson Act's antitrust exemption for the business of insurance, to the extent that such business is regulated by State law. It is far from clear, however, that reinsurance being provided to the USDA's FCIC for its federally administered crop insurance program is in fact regulated by State law. And even if it were, the McCarran-Ferguson Act does not apply to the antitrust prohibitions against boycott, which can all-too-easily be implicated when competing firms start coordinating their negotiation-related activities and strategies. These are serious violations of the law, and those who would seek to avoid the pitfalls here would be well advised to seek appropriate antitrust guidance.

Mr. HILL. Mr. Speaker, I have sponsored legislation to allow farmers who grow fruit and vegetables for processing to opt out of farm programs on an acre for acre basis without limitation. That legislation would reduce farm program costs and improve the environment by allowing more extensive crop rotations. I am very pleased that the conference report takes a step toward that proposal by establishing a pilot project to allocate 75,000 acres of new authority for production of fruit and vegetables for processing in specified Midwestern states. USDA has broad discretion in administration of this pilot project to meet the objectives of the pilot project. The conference report does not specify a procedure for allocation of the pilot project acreage or other administrative matters, such as reallocation of unused acreage allocations among States. However, USDA is clearly required to establish rules to assure that this additional fruit and vegetable production authority will not be abused. Only fruit and vegetables under contract for processing are to be produced under this authority. USDA is to assure that all of the crop produced is delivered to a processor and that the quantity of crop delivered under the original contract, the contract in existence upon Farm Service Agency certification, does not exceed the quantity that is produced on the contracted acreage. Further, the effects of the pilot project and FAV restrictions on the specialty crop industry, both fresh and processed, are to be evaluated. These restrictions are intended to ensure protection of the objectives of the pilot project, not to compel food waste or excessive regulatory burden. Further, the conference report includes an important statement of policy indicating that in the next recalculation of base acreage, fruit and vegetable production will not cause a reduction in farmer's base acreage. While this is a timid step in reducing restrictions on production of fruits and vegetables, I commend this step in the right direction.

Ms. LEE. Mr. Speaker, I rise in support of H.R. 2419, the Food, Conservation, and Energy Act of 2008.

Mr. Speaker I must state from the beginning—I have never been a strong supporter of the previous farm bills that we have considered.

I and many of my constituents have long believed that the Federal Government wastes far too much taxpayer money on subsidizing farmers and farm programs.

While it is true that many small scale farmers should be protected during cyclical downturns, far too much Federal funding is spent subsidizing large scale agribusiness and wealthy farmers who don't need our support.

That being said, I appreciate the efforts of the committee to address some of the unnecessary spending in this bill. However I had hoped they would have gone further to reform farm bill programs.

The reason I am able to support the conference report is because it does include a very robust nutrition title that provides $10.361 billion in funding which will support 38 million families to purchase healthy foods.

Among the key nutrition items included in the bill:

The food stamp program is modernized to help an additional 11 million people by 2012.

The Emergency Food Assistance program is expanded and indexed for inflation to help support food banks, soup kitchens and homeless shelters.

The bill also provides $1 billion to help schools provide free fruits and vegetables to schoolchildren.

These and other improvements to nutrition programs in the farm bill will provide much needed funding to groups like the Alameda County Community Food Bank and the Berkeley Food and Housing Project in my district.

The conference report is also supported by a number of organizations, including the California Association of Food Banks, California Food Policy Advocates, California School Employees Association, National Council of Jewish Women, Congressional Hunger Center, AARP, ACORN, Families USA, National Association of Social Workers, National Association of Counties, and the Center for Law and Social Policy.

Mr. Speaker, despite my concerns about continuing unnecessary subsidies, I believe the robust nutrition title in the conference report deserves our support.

Mr. HOLT. Mr. Speaker, I rise today to commend the Conference Committee for its hard work on the Farm Bill, and for all of the improvements the final bill makes to existing nutrition, conservation, organic farming and other important programs. But I also must express my great disappointment that, in this year of record crop prices and soaring agricultural profits, we have let a precious opportunity go by to implement real reform to the extremely outdated commodity and price support programs in the bill.

The good news today fills a long list. According to the USDA, more than 11 percent of U.S. households are food-insecure. Today, we will approve more than $10 billion in funding for programs that provide American families with low cost, healthy food, including more than $1 billion for The Emergency Food Assistance Program and more than $1 billion for the USDA Snack Program. This bill also increases the minimum benefit for food stamp recipients and excludes retirement and education savings accounts from the assets to be considered in determining eligibility. And I am particularly pleased to see that it includes $5 million in funding annually for Community Food Projects grants, which funding I have previously urged Congress to maintain and which I engaged in a colloquy about with the gentlelady from Connecticut Ms. DELAURO in connection with the Fiscal Year 2008 Agriculture Appropriations Bill.

Similarly, the bill before us today will authorize almost $8 billion in conservation funding, including increasing funding for the Environmental Quality Incentives Program by $3.4 billion, adding more than $1 billion in new funding for the Conservation Security Program, reestablishing the funding level for the Wetlands Reserve Program at $1.4 billion, and doubling funding for the Farm and Ranchland Protection Program. And I was especially pleased to see that the House-passed provision that would have restricted USDA conservation programs from encouraging farmers to reduce their use of toxic pesticides in implementing integrated pest management programs was removed from the final bill, and I would like to thank the two dozen Members who joined me in sending a letter to the Conferees to request that the pesticides discrimination provision be removed.

The Farm Bill supports organic farmers by providing $22 million in funding for the USDA's organic certification cost share program, which defrays the costs that organic producers incur when seeking organic certification, provides $5 million in funding for organic marketing data, and authorizes the Secretary of Agriculture to make payments of up to $20,000 per year, capped at $80,000 over six years, to a producer for conservation practices related to organic production or the transition to organic production. I have long supported facilitating the conversion to organic farming, and was delighted to have the support of this chamber when it voted in favor of my amendment to the Fiscal Year 2007 Agriculture Appropriations Bill to more than double the funding for the Organic Transitions Research program.

Therefore, although I will be voting in favor of this bill today, for all of the good that it will do, I note that there is still a substantial amount of good that it should have done, and will not. Although the commodity programs in the bill account for less than 13 percent of the Farm Bill funding, and represent a decrease of $60 billion compared to the last Farm Bill in 2002, we could have, and should have, done better.

First, although cuts to direct payments totaled $300 million, that represents a decrease of less than one percent to the $50 billion program. At the same time, subsidies for commodities such as soybeans and wheat have actually increased, despite the fact that prices for those commodities have also increased—by more than 100 percent and 200 percent, respectively, since 2002. The House-passed Farm Bill would have guaranteed $840 million in funding for the McGovern-Dole International Food for Education and Child Nutrition Program over five years, but in the final bill the program was cut to one tenth that amount—only $84 million. According to news reports, the amount of international food aid provided represents less than 1 percent of the Farm Bill's total cost, while at the same time the bill preserves the trade-distorting subsidy programs that make it virtually impossible for farmers in developing nations to compete.

And finally, I was troubled to learn that an 11th-hour change was inserted into the bill by the Conference Committee, despite it not having been debated or voted on in either Chamber, that would negate a U.S. Court of Appeals, DC Circuit ruling mandating disclosure of USDA data relevant to producer compliance with subsidy programs. In reaching its decision, the Court stated that "there is a special need for public scrutiny of agency action that distributes extensive amounts of public funds in the form of subsidies and other financial benefits." No title of the Farm Bill has been more hotly debated than the commodity title, the original justifications for which have all but evaporated over time, and thus it troubles me that a provision that not only goes to the very heart of that matter but also appears to fly squarely in the face of a recent court ruling on the subject is being put before this body without debate or a specific vote on the merits. In fact, I intend to request a hearing on this last-minute language.

Therefore, this is one of those decisions that is not clear cut. On balance, I feel that the good news in the Farm Bill outweighs the bad, although not by much. I want to commend my colleague from Wisconsin Mr. KIND for his continuing leadership in working to develop a Farm Bill that more equitably reflects our modern day needs and economic realities, and I want him to know that I look forward to working with him and others in the future to address the shortcomings of this bill.

Mr. VISCLOSKY. Mr. Speaker, I have supported and cosponsored legislation to allow farmers who grow fruit and vegetables for processing to opt out of farm programs on an acre for acre basis without limitation. That legislation would reduce farm program costs and improve the environment by allowing more extensive crop rotations. I am very pleased that the conference report takes a step toward that proposal by establishing a pilot project to allocate 75,000 acres of new authority for production of fruit and vegetables for processing in specified Midwestern states. The U.S. Department of Agriculture (USDA) has broad discretion in administration of this pilot project to meet the objectives of the pilot project. The conference report does not specify a procedure for allocation of the pilot project acreage or other administrative matters, such as re-allocation of unused acreage allocations among states. However, the USDA is clearly required to establish rules to assure that this additional fruit and vegetable production authority will not be abused. Only fruit and vegetables under contract for processing are to be produced under this authority.

The USDA is to assure that all of the crop produced is delivered to a processor and that the quantity of crop delivered under the original contract (the contract in existence upon Farm Service Agency certification) does not exceed the quantity that is produced on the contracted acreage. Additionally, the effects of the pilot project and fruit and vegetable restrictions on the specialty crop industry, both fresh and processed, are to be evaluated. These restrictions are intended to ensure protection of the objectives of the pilot project, not to compel food waste or excessive regulatory burden. Further, the conference report includes an important statement of policy indicating that in the next recalculation of base acreage, fruit and vegetable production will not cause a reduction in farmer's base acreage. While this is a timid step in reducing restrictions on production of fruits and vegetables, I commend this step in the right direction.

Mr. DINGELL. Mr. Speaker, today I rise in support of H.R. 2419, the Food, Conservation, and Energy Act. It has been a long road to this point, and while I must say that I am not entirely pleased with the final bill, I do believe that it makes important steps forward to reforming the priorities of our farm policy.

Michigan has had a tough go of things lately—and farming is no exception. Just last spring and summer Michigan experienced severe weather and droughts that caused enormous damage to local farms, leading the USDA to designate 83 Michigan counties as disaster areas. I have long said that farming is an inherently risky enterprise and with the recent downturn in the economy and fickle Michigan weather, it is clear to see why.

I will be frank and say that this bill is far from perfect. Personally, I would have liked to see greater reforms in the areas of conservation and fruit and vegetable programs, however, I do think Michigan will benefit from the bill. Like the farm bill the House passed last summer, I am pleased to note that most of our farmers in the 15th District of Michigan will not see any significant negative changes if the farm bill is enacted. All of the safety net programs from the 2002 farm bill are maintained with minor changes—including direct payments and the counter cyclical and the marketing loan programs.

However, the conference report does take measures to curb wasteful spending and distribute our resources to those in need. This bill places a cap on payments to those with an adjusted gross income (AGI) of $500,000 or more, and puts in place the first-ever cap for farm income at $750,000 for fixed direct payments. In addition, the bill would eliminate the "3-entity" rule that allows producers to collect payments for multiple ownership interests.

As a diverse agricultural state, Michigan has the second-widest variety of farm products after California, this legislation will provide great support for specialty crops. In 2006 Michigan produced 825,470 tons of fresh market and processing vegetables and the state ranks 5th in exports of fruits and 8th in exports of vegetables nationally. This bill creates a brand new section dedicated to fruit and vegetable producers and allocates a total of $1.3 billion for new specialty crop programs including $466 million over ten years for the specialty crop block grant program, which provides grants to states to support projects in research, marketing, education, pest and disease management, production and food safety.

The conference agreement will also create a pilot Farm Flex project that will allow farmers to switch base acres to specified fruits or vegetables for processing for 2009 through 2012 crop years. This pilot project is limited to seven Midwestern States, including Michigan which is allocated 9,000 acres. This planting flexibility pilot program provides an important opportunity for specialty crop producers and I am pleased Michigan is included. More importantly, this will help the 1.26 million Michiganders that are currently using food stamps.

Given Michigan's economic situation, I have advocated that a second economic stimulus package include an increase in food stamp benefits, and I am pleased that the Farm Bill has increased funding commitments for the Food Stamp Program and the Emergency Food Assistance Program (TEFAP). The conference agreement includes $7.8 billion for the Food Stamp program and would raise and index inflation for the program's standard deduction and minimum benefit. This is the first time since the program was created 40 years ago that the Food Stamp Program would fully account for annual inflation. According to the Congressional Budget Office, this will help 11 million low income people.

TEFAP, a program that has provided assistance to approximately one million people in Michigan, will see $1.26 billion in funding that will benefit food banks and food pantries across the country. More importantly, this bill will increase annual funding for commodity purchases from $140 million to $250 million allowing organizations to meet the increasing demand for food services and the rising food prices. The CBO estimates that Michigan alone will receive $45 million in additional TEFAP funding from fiscal year 2008 to 2017. This is critical to organizations in Southeastern Michigan such as Gleaners Community Food Bank, who just over the last holiday season provided over 34,000 meals using the TEFAP program.

Now while this conference agreement contains many benefits for my home state, as a lifetime conservationist I am extremely disappointed in the conservation title. I was displeased to see that the cap for the Conservation Reserve Program was lowered to 32 million acres. Both the Senate and the House had reauthorized the current enrollment level of 39.2 million acres. Lowering the cap would result in a cut of almost 7 million acres. Each year this program helps produce 13.5 million pheasants and 2.2 million ducks. As the largest land retirement program, lowering the cap will be devastating.

And while the Wetlands Reserve Program is continued through 2012, it is done so at a lower level than in the 2002 Farm Bill. This is extremely disappointing because 50 percent of Michigan's threatened or endangered species require healthy and functional wetlands. Michigan currently has enrolled 125 easements of over 16,000 acres and has a backlog of close to 25,000 acres. This reduction will be extremely detrimental as it is the only conservation program solely dedicated to restoring wetland habitat.

In addition, I have real concerns about the wisdom and merit of the agricultural chemicals tax credit provided in Section 15343 that allows a tax credit up to $2,000,000 per year until 2012 for eligible agricultural businesses to pay for and offset the costs of security measures taken to protect pesticides and fertilizers used in agricultural operations. Fortune 500 companies that manufacture or retail agricultural pesticides and fertilizers should not need the taxpayer to help offset the costs of employee security training, installation of security lighting, computer security measures, locks and fences to protect their facilities, and other such security measures.

Finally, Section 7524 amends current law to direct the Secretary of Agriculture to issue a permit to the Department of Homeland Security to transfer live foot-and-mouth disease virus from Plum Island, New York, to the mainland United States. The majority of the research at Plum Island is concentrated on foot-and-mouth disease, which is very highly contagious, and which Federal law has for more than 50 years restricted to Plum Island. An accidental release of this infectious virus could have grave implications for the livestock industry and for the national economy. This issue is highly controversial, yet it has not been the subject of hearings nor open debate. I believe that it is a mistake to proceed with this until Congress has fully examined whether USDA and DHS have adequately assessed the health and economic risks, environmental impacts, and cost-benefit of this proposal.

Mr. Speaker, this bill is not a perfect one, however, it has bipartisan support. I know from my years in this institution that compromise is necessary in order to be successful, and I know the conferees worked night and day to come to this agreement. I feel confident Michigan farmers and producers will benefit from this final bill, as will the folks in Michigan who have fallen on hard times, which is why I stand today to lend my support.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in support of the Conference Report of the Food, Conservation, and Energy Act of 2008. I'd like to thank the conferees who worked diligently, day and night for weeks, to craft this bipartisan agreement.

This bill provides an adequate safety net for our farmers and guarantees an affordable and nutritious food supply for the youngest and most vulnerable among us, all in a fiscally responsible way. This bill also helps producers of all commodities stay on the land they hold and love so they may continue with their livelihood, and encourages conservation of natural resources and land for use by future generations.

The bill before us today addresses many of the needs of those in southwest Georgia and Georgia's Second Congressional District, which I represent. The peanut rotation program in the conference agreement, which we paved the way for in the House bill last summer, will bring peanut growers into the next generation of agriculture by encouraging a cleaner, greener method of planting while ensuring an affordable and accessible supply to the markets that rely on U.S.-grown peanuts.

I'm also pleased that Congress has seen fit to include $100 million for Pigford Claims. This funding will begin to make up for USDA's historical inability to govern our Nation's agriculture programs in a fair, equitable, and nondiscriminatory manner.

Many in this legislative body believe this bill is not perfect; truth be told, I am among them. I have concerns about this legislation's ability to completely serve our family farmers in the face of skyrocketing fertilizer and diesel costs, an unstable commodities market that could see prices plummet just as easily as it saw prices skyrocket, and increasingly unpredictable weather patterns that decimate entire crops in mere seconds.

Despite those worries, I am even more concerned by those who view this bill as not having reformed our commodity programs enough.

No, not every single reform requested by President Bush has been met. No, we haven't reduced the AGI to $200,000, or completely rearranged the accounting in this bill to deal with the changing baselines and budgetary gimmicking touted by the White House.

But, there has been meaningful compromise on behalf of the lawmakers to whom this legislation is most important. This legislation meets the White House demands by more than half way; this legislation represents billions of dollars to not just rural America, but to people living in every corner of this country.

And, if we can spend billions of dollars fighting a war and rebuilding another country, including supporting that country's land use and agriculture programs, I think we ought to be able to find it within our means here in Congress to support American agriculture.

Mr. Speaker, we must pass this conference report today, and we must do it by a sizable margin to send a message to the President that we will not be bullied by his negotiating tactics.

Today, I say to my colleagues on both sides of the aisle "Let us not let the 'perfect' be the enemy of the 'good'." Let us pass this conference report today for our farmers and the others across this great Nation who rely on a safe and domestically grown food source.

Mr. PENCE. Mr. Speaker, along with the gentle lady from Wisconsin, Representative TAMMY BALDWIN, I have sponsored legislation to allow farmers who grow fruit and vegetables for processing to opt out of farm programs on an acre for acre basis without limitation. That legislation would reduce farm program costs and improve the environment by allowing more extensive crop rotations. I am very pleased that the conference report takes a step toward that proposal by establishing a pilot project to allocate 75,000 acres of new authority for production of fruit and vegetables for processing in specified Midwestern states. USDA has broad discretion in administration of this pilot project to meet the objectives of the pilot project. The conference report does not specify a procedure for allocation of the pilot project acreage or other administrative matters, such as re-allocation of unused acreage allocations among states. However, USDA is clearly required to establish rules to assure that this additional fruit and vegetable production authority will not be abused. Only fruit and vegetables under contract for processing are to be produced under this authority. USDA is to assure that the crop produced is delivered to a processor and that the quantity of crop delivered under the original contract, the contract in existence upon Farm Service Agency certification, does not exceed the quantity that is produced on the contracted acreage. Further, the effects of the pilot project and FAV restrictions on the specialty crop industry, both fresh and processed, are to be evaluated. These restrictions are intended to ensure protection of the objectives of the pilot project, not to compel food waste or excessive regulatory burden. Further, the conference report includes an important statement of policy indicating that in the next recalculation of base acreage, fruit and vegetable production will not cause a reduction in farmer's base acreage. While this is a timid step in reducing restrictions on production of fruits and vegetables, I commend this step in the right direction.

Mr. HARE. Mr. Speaker, as a Member who represents Illinois farmers and rural communities, I rise today in strong support of H.R. 2419, the Food, Conservation and Energy Act of 2008.

The Food, Conservation and Energy Act, which is endorsed by every major agriculture group in my home state of Illinois, is good for our farmers and maintains our ability to provide a safe, affordable and abundant food supply.

This bill improves nutrition and conservation programs, and supports biofuel production at great benefit to the Illinois farm economy. Most importantly, it extends a critical safety net to help farmers manage production risks when facing unsustainably low prices or natural disasters.

Illinois receives the 4th most nutrition dollars in the nation. I was happy to see that nearly three-quarters of all farm bill spending will go toward food and nutrition programs, including $50 million for food pantries to address the rising costs of food and food shortages.

The bill also increases conservation spending to safeguard agricultural lands from the pressures of urban and suburban development, and to protect our natural resources.

Finally, the bill makes critical investments in Illinois' rural communities through biofuel production, telecommunications and wastewater infrastructure projects, and healthcare. In this time of economic hardship, we look to new industries to rebuild the economy of Illinois and the rest of the country. This bill puts $1 billion in programs that will leverage renewable energy industry investments in new technologies and feedstocks. It also provides $320 million for biorefineries producing advanced biofuels, and $300 million for the Bioenergy Program, which directly impact Illinois.

I urge my colleagues to support final passage of this comprehensive legislation that funds important programs for rural and urban constituents across Illinois and our Nation.

Mr. KUCINICH. Mr. Speaker, I reluctantly rise in opposition to H.R. 2419, the Food, Conservation, and Energy Act of 2008. This version of the Farm Bill bears significant improvements over its predecessors. I fully support the inclusion of an unprecedented 10.4 billion dollars over 10 years for the Nutrition Title that has been included in the Conference Report.

Funding for the Nutrition Title will have a strong impact on efforts to prevent domestic hunger by increasing the Food Stamp Program's minimum monthly benefit and the Emergency Food Assistance Program's mandatory funding level. Participation in the Food Stamp Program has increased over the last several years, with an additional 1.3 million people participating in the program in the last year alone. Portions of my district, including Lakewood, Fairview Park and Parma, have experienced a 74 percent increase in participation in the Food Stamp Program between 2002 and 2007. The bill also provides assistance to food banks by $1.25 billion. I have been a consistent supporter of efforts in the House of Representatives to strengthen Food Stamp Programs, nutritional assistance programs, and other programs to increase the quantity and quality of food available to those most in need. I will continue to do so.

These programs help to address a severe short term problem. The purpose of the Farm Bill is to set long term priorities. However, this bill maintains the very policies that are driving several underlying problems.

For example, the single biggest share of subsidies under this bill goes to corn. Yet this bill continues massive subsidies for ethanol production from corn at only a slightly lower level than was previously the case. Corn-based ethanol is a well-known driver of recent increases in food costs. Some are predicting that 25 percent of the corn crop in the U.S. will go toward ethanol by the end of the 2008 crop year. That is great news for corporate agribusiness that produces most of the corn in the U.S. But it's bad news for food prices and those families for whom food costs are a large portion of their budget.

The vast majority of corn goes to cattle feed, which has health implications. It increases stomach acidity in the cattle, which makes them more susceptible to infection by E. Coli H:0157, the source of many food recalls. A corn-based diet also increases the level of saturated fat in the meat.

The ubiquity of corn in our diet is further implicated in various health problems like the obesity epidemic and diabetes. Abundant corn means that high fructose corn syrup, HFCS, a food sweetener, is cheap and abundant. Most Americans would be hard-pressed to get through a meal without consuming it. It is high in calories, with little to no nutritional value. Between 1970 and 1990, HFCS consumption increased by 1000 percent, which is roughly the same period in which the obesity epidemic accelerated. This bill continues to subsidize HFCS, while taking only baby steps toward promoting healthy, locally grown fruits, vegetables and meats. According to writer Michael Pollan, "the real price of fruits and vegetables between 1985 and 2000 increased by nearly 40 percent while the real price of soft drinks (aka liquid corn) declined by 23 percent." Unhealthy food is cheap. Healthy food is expensive. The obesity and diabetes epidemics affect low-income Americans more often and with more severity.

The bill contributes to a host of environmental problems. It shortchanges conservation programs that can reduce global warming pollution. It removes the sod saver program which would have discouraged the alteration of valuable native grasslands and rangeland into crop production. It includes cuts to the Conservation Reserve Program and Wetland Reserve Program, which respectively substitute crops for resource conserving plantings on highly erodible and environmentally sensitive land and encourage restoration of lands to their original natural conditions.

It continues to encourage factory farms where our antibiotics are rendered weak or useless because of overuse on cattle, where cattle are treated inhumanely, where toxic runoff contributes to contaminated drinking water, and where employees suffer the highest rates of workplace injuries of almost any other industry.

Finally, this Farm Bill maintains massive giveaways to corporate agribusiness and rich families instead of helping the vanishing family farmer. Though the thresholds have been lowered compared to the past, this bill allows families with up to $2.5 million in income to get subsidies. The result is that the top 10 percent of all the benefactors will get about two-thirds of the payments. This bill continues the failed policies that allow the profits of agribusiness to skyrocket while pushing family farmers off their farms, forcing them to sell their farms to survive.

Increasing funding to buy more nutritional foods is a good idea in the short term. But we need to stop perpetuating the very policies that cause food prices to increase and cause unhealthy food to be cheap. We need to move away from corn-based ethanol. We must shift subsidies toward healthier foods, like locally and regionally grown fruits, vegetables, grains and meats if we ever hope to address nutritional deficiencies. And we need to come to the aid of the family farmer. The Farm Bill does little to address these problems, and I could not vote for it.

Mr. CASTLE. Mr. Speaker, I rise today in reluctant opposition to H.R. 2419, the Food, Conservation, and Energy Act of 2008.

Although I support many of the provisions included in the legislation before us today, I continue to oppose elements of the commodity title, which fall short of adequate reform. I have long opposed policy inequities in farm law that have resulted in large subsidies going to a few, mostly larger entities, leaving many small and family farms behind, including those in the state of Delaware. Under this legislation, millionaires will still be able to collect subsidies, even with the implementation of a means test, and direct payments are only cut by a minimal amount at a time when farm income is expected to reach a record high. Instead, we should be working toward maintaining an adequate safety net for farmers when food prices drop.

Addressing this issue would bring down the cost of the overall legislation. Conferees working on H.R. 2419 have used last year's baseline to score the bill, thereby avoiding pay-as-you-go-rules, in order to hide a $2.9 billion increase in the deficit. It is clear to me that these issues need to be addressed before moving forward with this legislation.

With that said, I am pleased that H.R. 2419 would increase funding for many of Delaware's priorities, including an additional $7.9 billion for conservation programs. Specifically, I support funding for the Farm and Ranchland Protection Program, which would be doubled above current levels to provide the necessary resources to prevent farmland from conversion into non-agricultural usage. Critical funding of $400 million would also be provided to aid producers in reducing run-off, improve water quality, and restore the wildlife in the Chesapeake Bay, a project that I strongly support.

This farm bill would also make significant boosts to nutrition programs of $10.4 billion over current levels, including school nutrition programs, and expands the number of families eligible for food stamp assistance. This legislation provides increased assistance to food banks at a time when many Americans are struggling to pay their monthly bills. Funds would also be authorized to provide relief to those facing hunger around the world.

Furthermore, investments in energy are also included in this conference agreement as the ethanol tax credit is reduced, and instead, the tax credit for cellulosic energy production is increased which may alleviate some of the pressure corn-based ethanol has placed on food prices. With initiatives like these, we are working toward real alternatives to fossil fuels and moving one step closer to decreasing our dependence on fossil fuels.

While I do support many of the provisions in H.R. 2419 and feel that conferees have made significant strides toward a compromise farm agreement, the commodity title has been left without substantial reform, resulting in costs to the American taxpayer. I look forward to working with my colleagues to address these issues.

Mrs. BACHMANN. Mr. Speaker, I rise with great reluctance to oppose the bill before us, H.R. 2419. After more than a year of negotiations, this is heralded as the best compromise that this Congress could come to. But with commodity prices through the roof, this bill rejects the opportunity to make a difference and instead subsidizes millionaires making up to $2.5 million. It makes only a cosmetic cut at best to direct payments at a time when some farmers are receiving record prices for their commodity crops.

Taxpayer dollars are not Monopoly money yet this $300 billion bill treats them as such and at a time when middle-class families are feeling the pinch at the pump and the grocery store and the college admission office that is simply unconscionable.

Additionally, this bill creates a permanent disaster program that is costly, unnecessary, and bureaucratic. The federal government already pays for (1) crop insurance to assist farmers when a crop fails, (2) counter-cyclical payments when prices drop, (3) marketing loans to allow farmers to finance a crop and guarantee a price, and (4) Direct Payments for no particular reason. Adding a whole new program to these existing programs is simply wasteful.

Mr. Speaker, simply put: This is not a farm bill. This is not a bill that provides a safety net for community farmers that need our help. This is not a bill that addresses the skyrocketing costs of farm products that struggling families experience every day. This bill is business as usual Washington-style.

Our agricultural policies are in desperate need of commonsense improvements and this bill fails to deliver. We should reject this bill that does nothing to support family farmers and go back to the drawing board for real reform.

Farming is an important part of Minnesota's culture. A true love of the land and of nature's beauty is ingrained in our collective psyche and I have too much respect for those who live by the land to support this bill which does nothing to reform our farm programs but soaks the American taxpayers—both those who farm for a living and those who do not—with a deluge of unrelated pork and wasteful spending.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Conference Report on the Food, Conservation, and Energy Act of 2008, and I would like to commend my colleague from Minnesota, Chairman PETERSON, for his tireless efforts. He is a champion for rural American and his leadership was essential for the success of this legislation.

The conference report—while not perfect—is a step in the right direction. This farm bill makes unprecedented investments in nutrition and conservation programs while also helping to address our Nation's energy crisis. In addition, this farm bill begins to scale back the commodity program by reducing spending on farmers who do not need the help.

Three of every four dollars from this farm bill go towards nutrition programs, which could not come at a better time for American families. Even without the spike in food prices, millions of Americans are unable to afford a sufficient and healthy diet. Unfortunately, community food banks and our current nutrition programs have not been able to meet the growing burden from rising food costs. That is why this farm bill provides $50 million immediately to address the shortfalls that food banks and food shelves are facing right now. It also increases funding for nutrition programs by more than $10 billion. For the first time in 30 years individual benefits will be increased, and for the first time ever we will take the important step of indexing benefits to the cost of living. It is unacceptable that in the richest Nation in the world, so many go hungry—especially children. This legislation is a necessary step towards an America free from hunger.

The farm bill also increases our commitment to international nutrition programs in response to growing humanitarian crises. As global food prices continue to rise, the aid that the U.S. provides to the developing world becomes more critical than ever. I am proud that this farm bill does include an increase in mandatory funding for the McGovern-Dole Food for Education and Child Nutrition program, but unfortunately it provides much less—nearly $800 million less—than the House included in our version. There is a nationwide consensus that we need to do more to help feed hungry children around the world, and I will continue working to increase funding for the McGovern-Dole program.

Investing in conservation and domestic energy programs will benefit Minnesota and the entire country. With almost 8 billion in new conservation dollars, this conference report represents a shift towards sustainability in U.S. farm policy. These funds will be used to extend and expand a variety of programs that incentivize and provide technical assistance for farming practices that improve the quality of soil, water, and air on working lands. This legislation also represents a real commitment to dealing with the energy crisis. With record oil prices and new information about corn-based ethanol, it is crucial that we invest in viable fuels for the future. That is why this farm bill provides a billion dollars for R&D of advanced biofuels and shifts incentives from corn-based ethanol to biofuels from feedstocks such as switchgrass and woodchips.

The Food, Conservation and Energy Act modernizes and makes much needed reforms to the commodity payment system; by closing loopholes, eliminating payments to wealthy farmers, and capping direct payments, this bill cuts $60 billion from the commodity programs. At the same time, this farm bill strengthens the safety net for farmers that protects them against price drops, droughts, floods and other disasters.

This farm bill is a bipartisan compromise that addresses our urgent needs and invests in our future. I urge my colleagues in joining me in supporting the conference report.

Mr. TIAHRT. Mr. Speaker, I rise today to offer my reluctant opposition to the Food and Energy Security Act of 2007. This legislation is a real mixed bag for Kansas farmers. While there are many provisions that will benefit them, it contains many provisions that I believe will hurt them in the long run.

The latest information from the Congressional Budget Office indicates that this bill will cost us $714.2 billion over the next ten years—a pretty significant increase over the last farm bill. In fact, the only reason we are having this debate on the floor today at all is because the rule that provided for consideration of this bill waived points of order against violations of the pay-as-you-go, or PAYGO, rules, which require any additional spending to be offset by tax increases, or spending cuts.

House rules require the use of the most recent budget numbers available from CBO. And although we have numbers for FY 2008 available, the bill before us today is based on FY 2007's numbers. Why has this legislation not been updated to reflect the current fiscal year? Because doing so would reduce the baseline of available spending. If the Farm Bill followed the rules and instead used the updated baseline, it would violate PAYGO by $3.1 billion over 10 years. Ignoring the most recent budget numbers is like going to the gas station, and instead of paying $3.66 a gallon to fill up my car, I decide that I liked the price of a year ago better, and only pay $2.60 a gallon. Someone ends up getting stuck with the extra cost, and in our case, it's the American taxpayer. Time shifts and budget gimmicks hide another $8.5 billion. That's $11.6 billion worth of hidden costs in this bill, all born in the backs of American taxpayers.

Yet, with all of the extra money that seems to be magically available in this bill, the majority could not find enough money to avoid cutting $300 million from direct payments and $6 billion from crop insurance. These are the two programs that benefit Kansas farmers the most. We couldn't find the money to help them, which seems strange, as there was plenty of money available for pet projects.

During the debate today, several of my colleagues have mentioned two programs that were airdropped in conference. One would provide for the purchase of 400,000 acres of forest land for the preservation of fish, and allow the Nature Conservancy to receive a $250 million tax refund, even though they are a non-profit organization, and pay no taxes. A second program provides $170 million—more than we provided for the victims of Hurricane Katrina—for the restoration of salmon fisheries.

By themselves, these are rather ridiculous and unnecessary programs that should have been subject to House approval. Instead, they were inserted into the Conference Report without undergoing the scrutiny of this great body. That alone is disconcerting. But what makes these provisions especially painful for the farmers in my district is the fact that, if these two programs were eliminated, there would be more than enough money to restore the $300 million cut from direct payments. The cuts to crop insurance and direct payments remove the two most important aspects of the farm bill for Kansans. Taking money from these programs is unacceptable given the significant spending increases elsewhere.

There are, however, good provisions in this bill. The conference report addresses many of the concerns voiced to me by Kansas livestock producers. Especially of note are the country-of-origin labeling provisions that will allow producers to transition into compliance in a smooth and cost-effective manner while providing consumers with more information about where their food comes from.

This bill creates, for the first time, limitations on income for those receiving federal farm assistance. It provides for nearly 49 million acres to be enrolled in conservation efforts, preserving the land for future generations.

Another positive provision included in the farm bill is the tax incentive for cellulosic ethanol production. Cellulosic ethanol has great potential for helping lower the cost of fuel for American consumers while lessoning the strain on food prices.

Mr. Speaker, this is the third farm bill I have had the privilege of considering here on the House floor. As a Kansan, I take pride in the work it does to help Kansas, its farmers, ranchers and producers. It saddens me, however, that for the first time, I cannot vote for the original bill or this conference report before us today. I cannot endorse a bill that follows the same song and dance we've seen all too often in Washington—a disregard for the rules of this House, coupled with large increases in wasteful Federal spending.

This farm bill leaves farmers in the dust and sacrifices Kansas food producers on the altar of special interest fish projects. It is a shame some have forgotten the "farm" in our consideration of the farm bill.

Mr. SOUDER. Mr. Speaker, I would like to make a few brief comments to clarify the fruit and vegetable provisions that were in the conference report.

In this and previous Congresses, Mr. Speaker, I have cosponsored legislation to allow farmers who grow fruit and vegetables for processing to opt out of farm programs on an acre-for-acre basis without limitation, changes that would reduce farm program costs and improve the environment by allowing more extensive crop rotations. I am very pleased that the farm bill conference report takes a step in this direction by establishing a pilot project to allocate 75,000 acres of new authority for the production of fruit and vegetables for processing in specified Midwestern states.

To administrate this pilot project, the conference agreement gives the USDA broad discretion. It does not specify a procedure for allocation of the pilot project acreage or other administrative matters, such as re-allocation of unused acreage allocations among states. However, the agreement does clearly state that USDA is required to establish rules to assure that this additional fruit and vegetable production authority will not be abused. For example, only fruit and vegetables under contract for processing are to be produced under this authority, and the USDA is to assure that all of the crop produced is delivered to a processor and that the quantity of crop delivered under the original contract (the contract in existence upon Farm Service Agency certification) does not exceed the quantity that is produced on the contracted acreage.

Furthermore, the effects of the pilot project and fruit and vegetable restrictions on the specialty crop industry, both fresh and processed, are to be evaluated. These restrictions are intended to protect the objectives of the pilot project, not to compel food waste or excessively burden Farmers with added regulation. Finally, the conference report includes an important statement of policy indicating that in the next recalculation of base acreage, fruit and vegetable production will not cause a reduction in a farmer's base acreage. While this is a small step in reducing restrictions on the production of fruits and vegetables, it is a step in the right direction, and I commend the conference committee for including it.

The SPEAKER pro tempore. Pursuant to House Resolution 1189, the previous question is ordered on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. CANTOR

Mr. CANTOR. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. CANTOR. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Cantor moves to recommit the conference report to accompany the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, to the committee on conference of the disagreeing votes of the two Houses on the Senate amendment to strike (1) section 8303, relating to the sale and exchange of National Forest System land, Vermont, (2) section 12034, relating to fisheries disaster assistance, and (3) section 15316, relating to qualified forestry conservation bonds.

Mr. UDALL of Colorado. Mr. Speaker, I think Congress should act to reform the earmark process.

That's why I have introduced H.R. 595, the Stimulating Leadership in Limiting Expenditures (or 'SLICE') Act, which would provide the president with a constitutionally-sound version of a line-item veto that could be used to force Congress to vote separately on any specific spending earmark.

That's why I am a cosponsor of legislation (H. Res. 727) to put a moratorium on considering any bill with any congressional earmarks until a bipartisan panel has been set up and made recommendations for that reform.

And that's why I am also cosponsoring the Earmark Transparency and Accountability Act (H.R. 631) which would require any earmark, to be effective, to be included in a bill's text—not just in a committee report—so it would be subject to amendment.

But I cannot support this motion to recommit.

If we were considering this legislation for the first time, it might make sense to consider sending it back to the Agriculture Committee for revisions.

But we first considered this bill a year ago. Since then, the Senate has also acted and the differences between their version and the one we passed last year have been resolved by a committee of conferees appointed for that sole purpose.

That purpose was fulfilled when the conferees filed their report, and at that point the conference committee ceased to exist.

So, this motion would not really send the conference report back for more work—it would send it into oblivion.

And while I know the conference report has flaws, I think they are not so great as to require us to in effect tear it up completely.

So I urge rejection of this motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CANTOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on adoption of the conference report, and motion to suspend the rules on House Resolution 1133.

The vote was taken by electronic device, and there were—yeas 193, nays 230, not voting 11, as follows:

[Roll No. 314]

YEAS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waitè, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NAYS—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—11

Bono Mack
Cramer
Crenshaw
Gerlach
Lewis (KY)
Mack
Myrick
Pickering
Rush
Schmidt
Weller

□ 1601

Messrs. PALLONE, HOYER, BERRY, FARR, FOSTER, HODES and LARSON of Connecticut changed their vote from "yea" to "nay."

Messrs. WELDON of Florida, BACHUS, MORAN of Virginia, BURGESS and TIM MURPHY of Pennsylvania changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PETERSON of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 318, noes 106, not voting 10, as follows:

[Roll No. 315]

AYES—318

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—106

Akin
Bachmann
Barrett (SC)
Bean
Biggert
Bilbray
Blackburn
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Goode
Granger
Harman
Hayes
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Inslee
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (WA)
Stark
Stearns
Tancredo
Terry
Tiahrt
Tiberi
Wamp
Waxman
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Bono Mack
Cramer
Crenshaw
Gerlach
Lewis (KY)
Mack
Myrick
Rush
Schmidt
Weller

☐ 1607

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2419.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONGRESSIONAL SHOOTOUT

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin (Mr. RYAN) is recognized for 1 minute.

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to talk about the event conducted by the bipartisan Congressional Sportsmen's Caucus yesterday.

Mr. Speaker, last year the Democrats won the Congressional Shootout, the Congressional Sportsmen's Caucus trophy, between sporting clays, trap and skeet, and the Democrats thought that there was a realignment occurring in Congress, in America. They thought they were on a good run for a long time.

Mr. Speaker, it is my privilege to say this year that the Republicans reclaimed the trophy and won the Congressional Sportsmen's Caucus Shootout this year. The realignment was very short-lived.

In particular, Mr. Speaker, I would like to, on behalf of my co-chairman Mr. KIND from Wisconsin; the vice chairmen, Mr. PEARCE from New Mexico and Mr. BOREN from Oklahoma, I would like to give particular note to the people who really shot straight yesterday.

Top gun: Congressman HAYES only dropped a few clays all day.

Top Republican: Congressman JOHN KLINE, Minnesota.

Top Democrat: Congressman BENNIE THOMPSON.

Top Sporting Clays: Congressman MIKE ROSS.

Top Trap: Congressman DON YOUNG.

And Top Skeet: MIKE THOMPSON.

All together, a good bipartisan effort, but more to the point, the Republicans reclaimed the trophy and reversed the realignment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONGRATULATING WINONA STATE UNIVERSITY ON WINNING THE 2008 DIVISION II MEN'S BASKETBALL CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1133, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr.

WALZ) that the House suspend the rules and agree to the resolution, H. Res. 1133, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 316]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Andrews
Bachmann
Bono Mack
Carnahan
Cramer
Crenshaw
DeGette
Ellison
Feeney
Gerlach
Gordon
Lewis (KY)
Mack
Myrick
Rush
Schmidt
Smith (NJ)
Walden (OR)
Weller
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

☐ 1618

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION OF FARM PROGRAMS

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that the Committees on Agriculture and Foreign Affairs be discharged from further consideration of the bill (H.R. 6051) to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WEINER). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the bill is as follows:

H.R. 6051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective May 16, 2008, section 1 of Public Law 110–196 (122 Stat. 653) (as amended by Public Law 110–200 (122 Stat. 695), Public Law 110–205 (122 Stat. 713), and Public Law 110–208 (122 Stat. 720)) is amended—

(1) in subsection (a), by striking "May 16, 2008" and inserting "the earlier of May 23, 2008, or the date of the enactment of the Food, Conservation, and Energy Act of 2008"; and

(2) in subsection (d), by striking "May 16, 2008" and inserting "the earlier of May 23, 2008, or the date of the enactment of the Food, Conservation, and Energy Act of 2008".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Deborah M. Spriggs, Deputy Clerk and Mr. Robert F. Reeves, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 110th Congress or until modified by me.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

PROVIDING FOR ADOPTION OF S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1190

Resolved, That the House hereby (1) takes from the Speaker's table the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, (2) adopts an amendment in the nature of a substitute consisting of the text of House Concurrent Resolution 312, as adopted by the House, (3) adopts such Senate concurrent resolution, as amended; (4) insists on its amendment; and (5) requests a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington, my very, very good friend, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. McGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1190 provides for the adoption of the Senate budget resolution, S. Con. Res. 70, with an amendment consisting of the House-passed budget resolution, H. Con. Res. 312. It also provides that the House request a conference with the Senate.

This rule simply allows the House to move quickly and efficiently to a conference on the budget resolution. Let me be clear, the minority still has the right to offer a motion to instruct conferees, and they still have the ability to defeat this rule, denying the opportunity to begin a conference on the budget resolution.

It's a simple and straightforward rule that allows the House to do what the American people sent us here to do, legislate. The American people don't want the partisan infighting that is being perpetrated by the minority in this Chamber. Time after time the American people have spoken, and their voices are being heard loud and clear. They want action, not disruption. They want us to do our job. And this rule will allow us to do just that.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my very, very, very good friend from Massachusetts (Mr. McGOVERN) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, this rule is redundant and totally unnecessary. The House doesn't need to pass this rule to go to conference with the Senate. Democrats already have all the power they need to go to conference on the budget. The Budget Committee chairman already has the ability to make a motion to go to conference, and a rule that this House passed 2 months ago also provides that authority. We have already done this with the rule, H. Res. 1036, which my very, very, very good friend, Mr. McGOVERN, managed only a couple of months ago. There is no reason for the House to be considering this rule, except perhaps one, Mr. Speaker, and that's so that the Democrat majority can deny Republicans their rights as the minority party.

Democrats are going to get their way at the end of the day; majorities always do that. But in putting this rule on the floor, Democrats are saying that they needn't even bother with respecting minority rights. This rule exists solely as an abuse of power.

Mr. Speaker, when Democrats won control of the Congress in 2006, they promised the American people that they would run the most open and honest House in history. They would seek to work in a bipartisan manner. Instead of keeping that promise, the Democrat majority has stooped to depths and gone to extremes that no previous majority in the House has ever dared. When it comes time to shutting down debate, silencing ideas, restricting minority rights, ignoring rules they themselves wrote, and running the House in a top-down, shut-up, sit-down manner, this Democrat majority has no peer.

The Democrat promise to run the most open, honest House in history has been revealed as a hollow charade. They have passed more closed rules that block all amendments and debate than any House in history. They wrote new rules to prohibit votes from being held open to change the vote's outcome, and then violated that rule time after time. They passed new rules to ensure House and Senate conference committees are more open and public, but instead they turn around and retreat even further behind closed doors. They almost totally abandon even holding conference committees.

Mr. Speaker, why is this rule suddenly on the House floor today? Why the sudden interest of Democrats in the House to go to conference with the Senate on a budget? The House passed their version of the budget on March 13. The Senate passed their version on March 14. Today is May 14. Why didn't we go to conference 2 months ago? Never mind, of course, that the law sets April 15 as the deadline for Congress to pass a final budget resolution. The facts are that this House could and should have gone to conference 2 months ago. But Democrats have instead hid behind closed doors to negotiate, bargain and cut deals to write a final budget.

By reading media reports, Mr. Speaker, it appears the Democrat majority in the House and Senate have reached a final agreement on the final budget for fiscal year 2009. That agreement will apparently increase spending by billions of dollars and include the largest tax increase in history. So now they apparently are going to go to a phony conference after all the true tax and spend work has been done in secret. Mr. Speaker, they aren't doing this to be more open and honest. They are doing this to force through their plan to massively increase taxes and increase government spending.

Mr. Speaker, the news media also reports that the Democrat majority has abandoned another of their promises it made to the American people when they wrote the new law for the House that is known as PAYGO. This is a rule that was sought by the Blue Dog Democrats. This rule places a blanket requirement that any bill that lowers taxes or increases spending must be correspondingly offset. Under the secret budget agreement, it appears that the Democrat PAYGO rule was jettisoned.

Blue Dog Democrats have given up on their rule and their PAYGO principle. They traded an enforceable House rule for a meaningless promise from a Senator. It's meaningless because everyone knows that this one Senator will in all likelihood be overridden by his Senate colleagues. Mr. Speaker, one can respect my colleagues on the other side of the aisle for standing on principle, but this is a principle that's being abandoned.

This rule isn't necessary. The Democrats already have all the power they need to go to conference. So the only reason we are here is because the majority is trying to restrict the rights of the minority to be heard and for the Republicans to have a fair opportunity to offer alternative proposals to legislation Americans care about most, taxing and spending.

We are being blocked, shut down, and unfairly restricted in our rights. And as a result, our constituents will potentially be subjected to higher taxes and more government spending. I really don't think Americans want that.

When it comes to Democrat plans for billions of dollars in new government spending, Republicans have the right to protest, to demand votes in the House, to have the voices of Members representing almost half of this country to be heard.

□ 1630

We especially have the right to protest the Democrat majority's writing of a $200 billion appropriations bill that just completely skips over any hearing or markup in the Appropriations Committee. Instead of passing a bill to fund our troops who are fighting to protect America, Democrats are short-circuiting the legislative process, shutting out Republicans and larding the bill up with billions and billions of dollars of unrelated spending.

Right now, Mr. Speaker, upstairs in the Capitol on the third floor, the House Rules Committee is meeting to consider this massive $200 billion supplemental spending bill. The text of this bill was just released an hour before the committee met. It never went before the Appropriations Committee. Republicans have obviously just had minutes to read the bill. This is wrong and is abuse of power by the Democrat majority. The American people deserve to have a more open process on how their tax dollars are spent.

So, Mr. Speaker, I repeat again that this rule is totally unnecessary. Democrats already have the power to go to conference. They're just 2 months late in doing so. The Democrats have broken their promise to the American people to operate the House in an open and honest manner. They are conspiring in secret to write a budget that increases taxes by the largest amount in history and use a vital troop funding bill to try to pass billions and billions of new dollars in unrelated government spending.

So for these reasons, Mr. Speaker, I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. I would like to thank the gentleman for yielding time.

Mr. Speaker, I'm glad we're talking about the budget, but I will tell you the budget I want to talk about right now is the budget of the American family and small businesses and the middle class across America.

I was just in Elizabethton, Tennessee, over the weekend back at Whitson's Barber Shop, and I can tell you the issue that is on people's minds right now is not more taxes and more spending; it's the need for a true energy policy in America. An energy policy that actually uses American energy. We need a policy that will stop taxing and spending. We need an energy policy that will break our dependence on foreign oil.

Right now we're buying our energy from people that hate us, hate our freedoms, and, quite frankly, hate our religion. We need to go back to the drawing board and have an energy plan that uses American energy. I'm talking about clean coal technology. I'm talking about drilling off the Outer Continental Shelf. I'm talking about drilling in ANWR. I'm talking about wind technology. I'm talking about building safe nuclear plants. Those are the things that will bring down the cost at the pumps.

We have moms and dads right now that are worried about how they're going to get their children to school in the mornings. They're worried about how they're going to put food on their kitchen table. That's the budget that the American people are concerned about. The American people are looking for solutions. They are not looking for big government, inside the beltway in Washington. The American people are looking for solutions to make sure that we keep government as small as possible, and they're looking to make sure that we pass an energy policy that actually uses American energy. It's time for no more excuses. It's time for us to pass an energy bill that will give some relief to the American family.

It's basic economics. I talk to schools all across my district when I go home, and it's basic economics. You can talk to any high school student. They will understand supply and demand. If you have a lot of a supply and a little bit of demand, the cost will go down; and, conversely, if you have a lot of demand for a limited supply, cost will go up. Right now we have a demand for a lot of energy, a lot of oil. And right now we're dependent on the Middle East, on Venezuela, on Russia, other countries; and we're actually begging the Middle East to increase their energy production. And we have policies here in Washington that won't allow us to use our own American natural resources in energy.

The American people want solutions. They want solutions now. And they don't want it in taxing and spending. It's time for no more excuses. We need an energy plan that uses American energy.

Mr. HASTINGS of Washington. Mr. Speaker, I would inquire from my very good friend from Massachusetts if he has any more requests for time on his side.

Mr. McGOVERN. Thank you for inquiring. I'm it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

I would like to ask my good friend from Massachusetts just a very straight-up question, and I will be happy to yield to him.

Why are we addressing and debating this redundant rule today?

I yield to my friend.

Mr. McGOVERN. Thank you for yielding.

We are debating this rule today to do the people's business, to expedite the process so we can move to a conference on the budget resolution.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, of course, which we already did on H. Res. 1036, which my good friend managed on the floor here just a couple of months ago.

Mr. Speaker, let me talk about an issue that's been talked a great deal about here on the House floor by colleagues on both sides of the aisle, and I certainly hear about it when I go home.

Mr. Speaker, since the Democrats took control of Congress in January of 2007, the cost of gasoline has risen to record-setting prices. In fact, the cost of gasoline has gone up more in 16 months than it had gone up in the prior 6 years. According to a report from just 2 days ago by AAA in my State of Washington, the price for a gallon of gasoline is at a record $3.80. That's 26 cents higher than it was just last month. The average price of a gallon of diesel is $4.53, which is $1.46 higher than a year ago.

Speaker PELOSI made a promise that the Democrats had a "commonsense plan" to "lower the price at the pump." But this Congress has done nothing and has only seen fuel prices rise.

Mr. Speaker, I really believe it's time for the House to act. It's time for the House to debate ideas for lowering prices, and it's time for the Democrats to reveal their promised plan.

So by defeating the previous question, this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the entire rule, just to add a section to the rule, that would allow the House to consider H.R. 5984, the Clean Energy Tax Stimulus Act of 2008, introduced by Representative BARTLETT of Maryland, as well as "any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf."

Mr. Speaker, the United States is the only developed nation in the world that forbids safe energy production on its Outer Continental Shelf. This puts our country and economy at a disadvantage to other countries. According to the U.S. Minerals Management Service, America's deep seas on the Outer Continental Shelf contain 420 trillion cubic feet of natural gas and 86 billion barrels of oil. Let me repeat that, Mr. Speaker. The Outer Continental Shelf contains 420 trillion cubic feet of natural gas and 86 billion barrels of oil. That's 86 billion barrels of American oil that sits waiting while we import a little over 4½ billion barrels from foreign countries each year.

So, Mr. Speaker, if we are serious about addressing gas prices and energy costs in America, we need to get serious about accessing our country's energy resources.

Some will declare that it's unsafe to produce energy from reserves beneath the ocean in the Outer Continental Shelf. But other countries do it safely all around the world. As a matter of fact, our country utilizes deep sea production in the Gulf of Mexico.

Mr. Speaker, this technology was severely tested, severely tested, and proven safe when two back-to-back category five storms hit the Gulf of Mexico in 2005. Almost 3,000 offshore platforms were in the direct path of Hurricanes Katrina and Rita. Some experienced 5 to 6 hours of sustained winds at 170 miles per hour and gusts over 200 miles per hour.

Now, to be sure, production was halted and platform workers were evacuated during these terrible hurricanes; so there was no loss of life.

But, Mr. Speaker, do you know how many of these rigs ruptured? The answer is zero. Zero. Some tops fell off but no platforms ruptured. So I think we must make a distinction between concerns that production can be done safely and scare tactics that oppose efforts to make use of America's resources and reduce imports from foreign nations.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to defeat the previous question so that we can consider this vitally important issue for America's families; workers; truckers; small businesses; and, for that matter, our entire economy.

With that, I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, I always appreciate hearing from my very good friend from Washington State explain his rationale on various issues. But let me just say a couple of things.

If we want to have a serious discussion about the cost of energy in this country, let's understand one thing. The Republicans had been in control of this Congress for 12 years and the Republicans have controlled the White House for nearly 8 years. When George Bush went into office on January 22, 2001, the cost of a gallon of gas was $1.47. As of last week, it was $3.61. It's gone up since last week, and part of that is because of the failed, the failed policies of this administration and the Republican Congress.

Yesterday, thanks to the leadership of Speaker PELOSI, we voted on a bill to instruct the President not to continue putting oil in the Strategic Petroleum Reserve. And guess what. President Bush said he's going to veto it. He's going to veto a measure that will bring down prices for oil and gas in the short term. That's where their priorities are. Siding with Big Oil against the consumer. So enough is enough.

And I would say, Mr. Speaker, that what we're trying to do here today is expedite consideration of a budget resolution. After nearly 8 years, the Bush legacy is the highest deficits in our Nation's history. That is what he has left our children and our grandchildren, the greatest amount of national debt in our Nation's history. Future generations, our kids and our grandchildren, will be forced to pay the price for this unprecedented rise in debt and the Republicans' fiscally reckless and irresponsible policies.

The budget resolution that Chairman SPRATT, our leader here in the House, has fashioned and the one that he is going to conference with is a budget with a conscience. That's something we had not had when the Republicans were in control of this Congress. It is a budget that doesn't cut Medicare and doesn't cut Medicaid and doesn't cut the Community Development Block Grant program and doesn't cut LIHEAP. It is a budget that understands that average people have suffered under the 12 years that Republicans controlled this Congress and under the 8 years that George Bush has been in office. It is a budget that protects priorities like SCHIP, infrastructure needs, homeland security, innovation, energy, education, health care, veterans, and the environment. It protects middle class tax relief, including the alternative minimum tax, the child tax credit, and the marriage penalties. In short, what the Democrats are trying to do is get a budget passed that charts a new direction for a stronger, safer, more compassionate America, a direction very different from the one that this President and the previous Republican Congress has brought us down.

Let me finally say, Mr. Speaker, this will be the first budget resolution conference report to be considered in an election year since Bill Clinton was in office. So for all the talk about process, the fact of the matter is we have a Congress, a Democratic Congress, that is actually committed to getting things done, including a budget resolution.

□ 1645

And again, when we bring the budget resolution to the floor, it will be the first budget resolution conference report to be considered in an election year since Bill Clinton was in office. And that is something I think we all can be proud of and the American people can be proud of a finished product which will be a budget that will reflect their priorities.

So, Mr. Speaker, I would urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1190 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law. The first reading of the bill shall he dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 1190; and motion to suspend the rules on H. Res. 1173.

The vote was taken by electronic device, and there were—yeas 225, nays 187, not voting 21, as follows:

[Roll No. 317]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Bono Mack
Cramer
Crenshaw
Cubin
DeGette
Gerlach
Gohmert
Hinojosa
Lewis (KY)
Mack
Meeks (NY)
Musgrave
Myrick
Neugebauer
Rush
Schmidt
Shuler
Weller
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining in this vote.

☐ 1711

Messrs. UPTON, CANNON, SMITH of Nebraska, CAZAYOUX, YOUNG of Alaska and SESSIONS changed their vote from "yea" to "nay."

Mr. KIRK, Ms. SCHWARTZ, Mr. JOHNSON of Illinois, Ms. CLARKE and Ms. ROS-LEHTINEN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 317, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. NEUGEBAUER. Mr. Speaker, on rollcall No. 317, I was unavoidably detained. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I wish to clarify my vote on Ordering the Previous Question on the Rule for the

Conference Report on S. Con. Res. 70, the Budget Resolution.

I have always strongly supported the current ban and worked to protect Florida's beaches by helping to enact Public Law 109–432. With the energy needs our Nation is facing, other States may decide to explore for more energy sources and I support their right to drill off of their coasts if that is what they choose to do.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 203, not voting 17, as follows:

[Roll No. 318]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—203

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Bono Mack
Cramer
Crenshaw
Cubin
DeGette
Gerlach
Honda
Lewis (KY)
Mack
Meeks (NY)
Myrick
Pickering
Rush
Schmidt
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1719

Mr. CAZAYOUX changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 1190, Senate Concurrent Resolution 70, as amended, is considered as adopted and the House is considered to have insisted on its amendment and requested a conference with the Senate thereon.

Without objection, House Concurrent Resolution 312 is laid on the table.

There was no objection.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

Sec. 201. Senate point of order against legislation increasing long-term deficits.
Sec. 202. Point of order—20 percent limit on new direct spending in reconciliation legislation.

Subtitle B—Discretionary Spending

Sec. 211. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 212. Point of order against advance appropriations.
Sec. 213. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 214. Discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Adjustments to reflect changes in concepts and definitions.
Sec. 223. Debt disclosure requirement.
Sec. 224. Debt disclosures.
Sec. 225. Exercise of rulemaking powers.
Sec. 226. Circuit breaker to protect social security.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.

Sec. 302. Deficit-neutral reserve fund for improving education.
Sec. 303. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 304. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.
Sec. 305. Deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a post 9/11 GI bill.
Sec. 306. Deficit-neutral reserve fund to improve America's health.
Sec. 307. Sense of the Senate regarding Medicaid administrative regulations.
Sec. 308. Deficit-neutral reserve fund for judicial pay and judgeships.
Sec. 309. Deficit-neutral reserve fund for reforming the alternative minimum tax for individuals.
Sec. 310. Deficit-neutral reserve fund for repealing the 1993 increase in the income tax on social security benefits.
Sec. 311. Deficit-neutral reserve fund to improve energy efficiency and production.
Sec. 312. Deficit-neutral reserve fund for immigration reform and enforcement.
Sec. 313. Deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.
Sec. 314. Deficit-neutral reserve fund for science parks.
Sec. 315. Deficit-neutral reserve fund for 3-year extension of pilot program for national and state background checks on direct patient access employees of long-term care facilities or providers.
Sec. 316. Deficit-neutral reserve fund for studying the effect of cooperation with local law enforcement.
Sec. 317. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States.
Sec. 318. Deficit-neutral reserve fund for the establishment of State Internet sites for the disclosure of information relating to payments made under the State Medicaid program.
Sec. 319. Deficit-neutral reserve fund for traumatic brain injury.
Sec. 320. Deficit-neutral reserve fund to improve animal health and disease program.
Sec. 321. Deficit-neutral reserve fund for implementation of Yellow Ribbon Reintegration Program for members of the National Guard and Reserve.
Sec. 322. Deficit-neutral reserve fund for reimbursing States for the costs of housing undocumented criminal aliens.
Sec. 323. Deficit-neutral reserve fund for acceleration of phased-in eligibility for concurrent receipt of benefits.
Sec. 324. Deficit-neutral reserve fund for increased use of recovery audits.
Sec. 325. Deficit-neutral reserve fund for food safety.
Sec. 326. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.
Sec. 327. Deficit-neutral reserve fund for reducing income threshold for refundable child tax credit to $10,000 with no inflation adjustment.
Sec. 328. Sense of the Senate regarding the diversion of funds set aside for USPTO.
Sec. 329. Deficit-neutral reserve fund for education reform.
Sec. 330. Deficit-neutral reserve fund for processing naturalization applications.
Sec. 331. Deficit-neutral reserve fund for access to quality and affordable health insurance.
Sec. 332. Deficit-neutral reserve fund for a 9/11 health program.
Sec. 333. Deficit-neutral reserve fund to ban medicare advantage and prescription drug plan sales and marketing abuses.
Sec. 334. Sense of the Senate regarding extending the "Moving to Work Agreement" between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions for a period of one year.
Sec. 335. Sense of the Senate regarding a balanced budget amendment to the constitution of the United States.
Sec. 336. Sense of the Senate regarding the need for comprehensive legislation to legalize the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,871,888,000,000.
Fiscal year 2009: $2,012,123,000,000.
Fiscal year 2010: $2,198,259,000,000.
Fiscal year 2011: $2,404,151,000,000.
Fiscal year 2012: $2,488,673,000,000.
Fiscal year 2013: $2,613,013,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2008: −$7,652,000,000.
Fiscal year 2009: −$85,001,000,000.
Fiscal year 2010: $15,395,000,000.
Fiscal year 2011: −$23,874,000,000.
Fiscal year 2012: −$164,642,000,000.
Fiscal year 2013: −$141,727,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,579,255,000,000.
Fiscal year 2009: $2,533,754,000,000.
Fiscal year 2010: $2,555,400,000,000.
Fiscal year 2011: $2,687,858,000,000.
Fiscal year 2012: $2,731,412,000,000.
Fiscal year 2013: $2,860,070,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,476,755,000,000.
Fiscal year 2009: $2,575,733,417,000.
Fiscal year 2010: $2,616,367,415,000.
Fiscal year 2011: $2,709,059,134,000.
Fiscal year 2012: $2,722,339,034,000.
Fiscal year 2013: $2,852,077,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2008: $604,867,000,000.
Fiscal year 2009: $563,610,417,000.
Fiscal year 2010: $418,108,415,000.
Fiscal year 2011: $304,908,134,000.
Fiscal year 2012: $233,666,034,000.
Fiscal year 2013: $239,064,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,618,792,000,000.
Fiscal year 2009: $10,278,552,417,000.
Fiscal year 2010: $10,805,195,832,000.
Fiscal year 2011: $11,215,113,966,000.
Fiscal year 2012: $11,580,563,000,000.
Fiscal year 2013: $11,934,375,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,418,643,000,000.
Fiscal year 2009: $5,803,409,417,000.
Fiscal year 2010: $6,032,754,832,000.
Fiscal year 2011: $6,129,282,966,000.
Fiscal year 2012: $6,141,593,000,000.
Fiscal year 2013: $6,153,706,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $666,705,000,000.
Fiscal year 2009: $695,876,000,000.
Fiscal year 2010: $733,571,000,000.
Fiscal year 2011: $772,468,000,000.
Fiscal year 2012: $809,798,000,000.
Fiscal year 2013: $845,044,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $463,746,000,000.
Fiscal year 2009: $493,607,000,000.
Fiscal year 2010: $520,158,000,000.
Fiscal year 2011: $540,487,000,000.
Fiscal year 2012: $566,249,000,000.
Fiscal year 2013: $595,544,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $5,160,000,000.
(B) Outlays, $4,989,000,000.
Fiscal year 2009:
(A) New budget authority, $5,473,000,000.
(B) Outlays, $5,476,000,000.
Fiscal year 2010:
(A) New budget authority, $5,623,000,000.
(B) Outlays, $5,581,000,000.
Fiscal year 2011:
(A) New budget authority, $5,788,000,000.
(B) Outlays, $5,759,000,000.
Fiscal year 2012:
(A) New budget authority, $5,962,000,000.
(B) Outlays, $5,932,000,000.
Fiscal year 2013:
(A) New budget authority, $6,147,000,000.
(B) Outlays, $6,115,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2008:

(A) New budget authority, $250,000,000.

(B) Outlays, $237,000,000.

Fiscal year 2009:

(A) New budget authority, $258,000,000.

(B) Outlays, $258,000,000.

Fiscal year 2010:

(A) New budget authority, $267,000,000.

(B) Outlays, $267,000,000.

Fiscal year 2011:

(A) New budget authority, $275,000,000.

(B) Outlays, $275,000,000.

Fiscal year 2012:

(A) New budget authority, $284,000,000.

(B) Outlays, $284,000,000.

Fiscal year 2013:

(A) New budget authority, $293,000,000.

(B) Outlays, $293,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):

Fiscal year 2008:

(A) New budget authority, $693,273,000,000.

(B) Outlays, $604,289,000,000.

Fiscal year 2009:

(A) New budget authority, $612,502,000,000.

(B) Outlays, $645,437,000,000.

Fiscal year 2010:

(A) New budget authority, $550,414,000,000.

(B) Outlays, $607,033,000,000.

Fiscal year 2011:

(A) New budget authority, $557,026,000,000.

(B) Outlays, $577,925,000,000.

Fiscal year 2012:

(A) New budget authority, $565,800,000,000.

(B) Outlays, $561,666,000,000.

Fiscal year 2013:

(A) New budget authority, $576,223,000,000.

(B) Outlays, $570,503,000,000.

(2) International Affairs (150):

Fiscal year 2008:

(A) New budget authority, $38,608,000,000.

(B) Outlays, $33,771,000,000.

Fiscal year 2009:

(A) New budget authority, $38,609,416,000.

(B) Outlays, $39,449,416,000.

Fiscal year 2010:

(A) New budget authority, $35,663,000,000.

(B) Outlays, $37,040,000,000.

Fiscal year 2011:

(A) New budget authority, $36,322,000,000.

(B) Outlays, $35,932,000,000.

Fiscal year 2012:

(A) New budget authority, $36,866,000,000.

(B) Outlays, $35,705,000,000.

Fiscal year 2013:

(A) New budget authority, $37,024,000,000.

(B) Outlays, $35,243,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2008:

(A) New budget authority, $27,407,000,000.

(B) Outlays, $26,456,000,000.

Fiscal year 2009:

(A) New budget authority, $30,536,000,000.

(B) Outlays, $28,987,000,000.

Fiscal year 2010:

(A) New budget authority, $30,369,000,000.

(B) Outlays, $30,490,000,000.

Fiscal year 2011:

(A) New budget authority, $30,848,000,000.

(B) Outlays, $31,167,000,000.

Fiscal year 2012:

(A) New budget authority, $31,332,000,000.

(B) Outlays, $31,650,000,000.

Fiscal year 2013:

(A) New budget authority, $31,816,000,000.

(B) Outlays, $31,635,000,000.

(4) Energy (270):

Fiscal year 2008:

(A) New budget authority, $3,548,000,000.

(B) Outlays, $1,681,000,000.

Fiscal year 2009:

(A) New budget authority, $7,026,000,000.

(B) Outlays, $2,843,000,000.

Fiscal year 2010:

(A) New budget authority, $6,935,000,000.

(B) Outlays, $4,533,000,000.

Fiscal year 2011:

(A) New budget authority, $6,916,000,000.

(B) Outlays, $5,481,000,000.

Fiscal year 2012:

(A) New budget authority, $6,895,000,000.

(B) Outlays, $5,981,000,000.

Fiscal year 2013:

(A) New budget authority, $6,858,000,000.

(B) Outlays, $6,159,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2008:

(A) New budget authority, $32,560,000,000.

(B) Outlays, $34,440,000,000.

Fiscal year 2009:

(A) New budget authority, $39,835,000,000.

(B) Outlays, $36,309,500,000.

Fiscal year 2010:

(A) New budget authority, $34,730,000,000.

(B) Outlays, $37,039,000,000.

Fiscal year 2011:

(A) New budget authority, $35,424,000,000.

(B) Outlays, $37,217,875,000.

Fiscal year 2012:

(A) New budget authority, $36,111,000,000.

(B) Outlays, $37,394,875,000.

Fiscal year 2013:

(A) New budget authority, $36,812,000,000.

(B) Outlays, $37,756,875,000.

(6) Agriculture (350):

Fiscal year 2008:

(A) New budget authority, $22,423,000,000.

(B) Outlays, $21,495,000,000.

Fiscal year 2009:

(A) New budget authority, $21,377,000,000.

(B) Outlays, $21,127,000,000.

Fiscal year 2010:

(A) New budget authority, $21,532,000,000.

(B) Outlays, $20,501,000,000.

Fiscal year 2011:

(A) New budget authority, $21,665,000,000.

(B) Outlays, $20,659,000,000.

Fiscal year 2012:

(A) New budget authority, $21,994,000,000.

(B) Outlays, $21,176,000,000.

Fiscal year 2013:

(A) New budget authority, $22,307,000,000.

(B) Outlays, $21,513,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2008:

(A) New budget authority, $11,516,000,000.

(B) Outlays, $5,441,000,000.

Fiscal year 2009:

(A) New budget authority, $9,350,000,000.

(B) Outlays, $3,764,000,000.

Fiscal year 2010:

(A) New budget authority, $11,133,000,000.

(B) Outlays, $3,562,000,000.

Fiscal year 2011:

(A) New budget authority, $7,713,000,000.

(B) Outlays, $824,000,000.

Fiscal year 2012:

(A) New budget authority, $8,028,000,000.

(B) Outlays, $492,000,000.

Fiscal year 2013:

(A) New budget authority, $8,254,000,000.

(B) Outlays, $195,000,000.

(8) Transportation (400):

Fiscal year 2008:

(A) New budget authority, $87,289,000,000.

(B) Outlays, $81,370,000,000.

Fiscal year 2009:

(A) New budget authority, $75,131,000,000.

(B) Outlays, $83,311,000,000.

Fiscal year 2010:

(A) New budget authority, $78,075,000,000.

(B) Outlays, $85,504,000,000.

Fiscal year 2011:

(A) New budget authority, $78,913,000,000.

(B) Outlays, $86,779,000,000.

Fiscal year 2012:

(A) New budget authority, $79,763,000,000.

(B) Outlays, $88,515,000,000.

Fiscal year 2013:

(A) New budget authority, $80,640,000,000.

(B) Outlays, $90,534,000,000.

(9) Community and Regional Development (450):

Fiscal year 2008:

(A) New budget authority, $20,029,000,000.

(B) Outlays, $27,819,000,000.

Fiscal year 2009:

(A) New budget authority, $15,195,000,000.

(B) Outlays, $24,486,700,000.

Fiscal year 2010:

(A) New budget authority, $15,265,000,000.

(B) Outlays, $22,115,400,000.

Fiscal year 2011:

(A) New budget authority, $15,503,000,000.

(B) Outlays, $18,240,900,000.

Fiscal year 2012:

(A) New budget authority, $15,746,000,000.

(B) Outlays, $16,186,800,000.

Fiscal year 2013:

(A) New budget authority, $15,979,000,000.

(B) Outlays, $15,872,800,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2008:

(A) New budget authority, $91,381,000,000.

(B) Outlays, $90,912,000,000.

Fiscal year 2009:

(A) New budget authority, $94,679,670,000.

(B) Outlays, $91,253,020,000.

Fiscal year 2010:

(A) New budget authority, $103,891,000,000.

(B) Outlays, $98,615,482,000.

Fiscal year 2011:

(A) New budget authority, $106,486,000,000.

(B) Outlays, $103,806,534,000.

Fiscal year 2012:

(A) New budget authority, $108,255,000,000.

(B) Outlays, $104,904,034,000.

Fiscal year 2013:

(A) New budget authority, $101,660,000,000.

(B) Outlays, $103,626,000,000.

(11) Health (550):

Fiscal year 2008:

(A) New budget authority, $286,108,000,000.

(B) Outlays, $287,211,000,000.

Fiscal year 2009:

(A) New budget authority, $313,109,000,000.

(B) Outlays, $310,603,000,000.

Fiscal year 2010:

(A) New budget authority, $324,863,000,000.

(B) Outlays, $325,576,000,000.

Fiscal year 2011:

(A) New budget authority, $345,558,000,000.

(B) Outlays, $344,795,000,000.

Fiscal year 2012:

(A) New budget authority, $368,273,000,000.

(B) Outlays, $367,110,000,000.

Fiscal year 2013:

(A) New budget authority, $393,283,000,000.

(B) Outlays, $391,805,000,000.

(12) Medicare (570):

Fiscal year 2008:

(A) New budget authority, $390,458,000,000.

(B) Outlays, $390,454,000,000.

Fiscal year 2009:

(A) New budget authority, $420,389,000,000.

(B) Outlays, $420,150,000,000.

Fiscal year 2010:

(A) New budget authority, $445,380,000,000.

(B) Outlays, $445,513,000,000.

Fiscal year 2011:

(A) New budget authority, $494,477,000,000.

(B) Outlays, $494,305,000,000.

Fiscal year 2012:

(A) New budget authority, $491,399,000,000.

(B) Outlays, $491,163,000,000.

Fiscal year 2013:

(A) New budget authority, $551,039,000,000.

(B) Outlays, $551,161,000,000.

(13) Income Security (600):

Fiscal year 2008:

(A) New budget authority, $393,591,000,000.

(B) Outlays, $394,613,000,000.

Fiscal year 2009:

(A) New budget authority, $414,369,000,000.

(B) Outlays, $419,023,200,000.

Fiscal year 2010:

(A) New budget authority, $416,322,000,000.

(B) Outlays, $418,871,200,000.

Fiscal year 2011:

(A) New budget authority, $425,435,000,000.

(B) Outlays, $426,242,100,000.

Fiscal year 2012:

(A) New budget authority, $411,468,000,000.

(B) Outlays, $411,597,000,000.

Fiscal year 2013:

(A) New budget authority, $426,718,000,000.

(B) Outlays, $426,611,400,000.

(14) Social Security (650):

Fiscal year 2008:

(A) New budget authority, $19,378,000,000.

(B) Outlays, $19,378,000,000.

Fiscal year 2009:

(A) New budget authority, $21,308,000,000.

(B) Outlays, $21,308,000,000.

Fiscal year 2010:

(A) New budget authority, $23,794,000,000.

(B) Outlays, $23,794,000,000.

Fiscal year 2011:

(A) New budget authority, $27,330,000,000.

(B) Outlays, $27,330,000,000.

Fiscal year 2012:

(A) New budget authority, $30,342,000,000.

(B) Outlays, $30,342,000,000.

Fiscal year 2013:

(A) New budget authority, $33,162,000,000.

(B) Outlays, $33,162,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2008:

(A) New budget authority, $86,365,000,000.

(B) Outlays, $83,551,000,000.

Fiscal year 2009:

(A) New budget authority, $93,319,584,000.

(B) Outlays, $92,397,584,000.

Fiscal year 2010:

(A) New budget authority, $95,615,000,000.

(B) Outlays, $95,399,000,000.

Fiscal year 2011:

(A) New budget authority, $100,959,000,000.

(B) Outlays, $100,749,000,000.

Fiscal year 2012:

(A) New budget authority, $97,782,000,000.

(B) Outlays, $97,064,000,000.

Fiscal year 2013:

(A) New budget authority, $103,241,000,000.

(B) Outlays, $102,521,000,000.

(16) Administration of Justice (750):

Fiscal year 2008:

(A) New budget authority, $46,282,000,000.

(B) Outlays, $44,322,000,000.

Fiscal year 2009:

(A) New budget authority, $49,432,330,000.

(B) Outlays, $46,896,297,000.

Fiscal year 2010:

(A) New budget authority, $48,018,000,000.

(B) Outlays, $49,714,333,000.

Fiscal year 2011:

(A) New budget authority, $48,907,000,000.

(B) Outlays, $50,113,500,000.

Fiscal year 2012:

(A) New budget authority, $49,819,000,000.

(B) Outlays, $50,089,000,000.

Fiscal year 2013:

(A) New budget authority, $50,768,000,000.

(B) Outlays, $50,706,000,000.

(17) General Government (800):

Fiscal year 2008:

(A) New budget authority, $56,407,000,000.

(B) Outlays, $56,920,000,000.

Fiscal year 2009:

(A) New budget authority, $24,477,000,000.

(B) Outlays, $24,435,000,000.

Fiscal year 2010:

(A) New budget authority, $19,972,000,000.

(B) Outlays, $20,172,000,000.

Fiscal year 2011:

(A) New budget authority, $20,395,000,000.

(B) Outlays, $20,407,000,000.

Fiscal year 2012:

(A) New budget authority, $20,796,000,000.

(B) Outlays, $20,940,000,000.

Fiscal year 2013:

(A) New budget authority, $21,107,000,000.

(B) Outlays, $20,991,000,000.

(18) Net Interest (900):

Fiscal year 2008:

(A) New budget authority, $349,462,000,000.

(B) Outlays, $349,462,000,000.

Fiscal year 2009:

(A) New budget authority, $335,110,000,000.

(B) Outlays, $335,110,000,000.

Fiscal year 2010:

(A) New budget authority, $372,253,000,000.

(B) Outlays, $372,253,000,000.

Fiscal year 2011:

(A) New budget authority, $409,810,000,000.

(B) Outlays, $409,810,000,000.

Fiscal year 2012:

(A) New budget authority, $435,762,000,000.

(B) Outlays, $435,762,000,000.

Fiscal year 2013:

(A) New budget authority, $451,980,000,000.

(B) Outlays, $451,980,000,000.

(19) Allowances (920):

Fiscal year 2008:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,500,000,000.

Fiscal year 2009:

(A) New budget authority, −$14,941,000,000.

(B) Outlays, −$4,099,300,000.

Fiscal year 2010:

(A) New budget authority, −$8,179,000,000.

(B) Outlays, −$10,713,000,000.

Fiscal year 2011:

(A) New budget authority, −$8,466,000,000.

(B) Outlays, −$9,360,775,000.

Fiscal year 2012:

(A) New budget authority, −$8,916,000,000.

(B) Outlays, −$9,295,675,000.

Fiscal year 2013:

(A) New budget authority, −$9,110,000,000.

(B) Outlays, −$10,206,075,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2008:

(A) New budget authority, −$86,330,000,000.

(B) Outlays, −$86,330,000,000.

Fiscal year 2009:

(A) New budget authority, −$67,060,000,000.

(B) Outlays, −$67,060,000,000.

Fiscal year 2010:

(A) New budget authority, −$70,645,000,000.

(B) Outlays, −$70,645,000,000.

Fiscal year 2011:

(A) New budget authority, −$73,364,000,000.

(B) Outlays, −$73,364,000,000.

Fiscal year 2012:

(A) New budget authority, −$76,104,000,000.

(B) Outlays, −$76,104,000,000.

Fiscal year 2013:

(A) New budget authority, −$79,691,000,000.

(B) Outlays, −$79,691,000,000.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

SEC. 201. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) SUNSET.—This section shall expire on September 30, 2017.

(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 202. POINT OF ORDER—20 PERCENT LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(a)(1) In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(2) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20 percent of the total savings instruction to the committee; or

(3) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20 percent of the total savings instruction to the committee.

(b) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(1) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(2) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

Subtitle B—Discretionary Spending

SEC. 211. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2008, $1,055,478,000,000 in new budget authority and $1,093,343,000,000 in outlays; and

(2) for fiscal year 2009, $1,008,482,000,000 in new budget authority and $1,108,449,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(E) COMPARATIVE EFFECTIVENESS RESEARCH AT THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $30,000,000 for comparative effectiveness research as authorized under section 1013 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, and provides an additional appropriation of up to $70,000,000 for that purpose, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $70,000,000 in budget authority for fiscal year 2009 and the outlays flowing therefrom.

(F) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting; achieve the legal requirement to submit auditable financial statements; or reduce waste by improving accounting for and ordering of spare parts; subject contracts performed outside the United States to the same ethics, control, and reporting requirements as those performed domestically, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(3) ADJUSTMENTS FOR COSTS OF THE WARS IN IRAQ AND AFGHANISTAN.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2008 or 2009 for the wars in Iraq and Afghanistan, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to $108,056,000,000 in budget authority for fiscal year 2008 and the new outlays flowing therefrom, and up to $70,000,000,000 in budget authority for fiscal year 2009 and the new outlays flowing therefrom.

(d) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the Senate, all committees are directed to review programs within their jurisdictions to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdictions, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(e) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget shall make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

(f) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 212. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate

amount not to exceed $29,352,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 213. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

SEC. 214. DISCRETIONARY ADMINISTRATIVE EXPENSES OF THE POSTAL SERVICE.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 222. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 223. DEBT DISCLOSURE REQUIREMENT.

(a) IN GENERAL.—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

“SEC. ___. DEBT DISCLOSURES.

“(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $__________ from the current year, fiscal year 20___, to the fifth year of the budget window, fiscal year 20___.

“(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_______ on every United States citizen from the current year, fiscal year 20___ to the fifth year of the budget window, fiscal year 20___.

“(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project that $_______ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20___-20___, on things other than Social Security which represents ___ percent of the projected Social Security surplus over this period.”.

(b) SOCIAL SECURITY.—If any portion of the Social Security surplus is projected to be spent and/or the gross Federal debt in the fifth year of the budget window is greater than the debt projected in the current year, as described in the debt disclosure section described in subsection (a) of this section, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise

dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) DEFINITIONS.—The term "gross Federal debt" described above represents nominal increases in gross Federal debt measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 224. DEBT DISCLOSURES.

(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $2,000,000,000,000 from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $6,440 on every United States citizen from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project $800,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2009-2013, on things other than Social Security, which represents 70 percent of the projected Social Security surplus over this period.

SEC. 225. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 226. CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) AMENDMENTS TO BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—

(1) LOW GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by the real gross domestic product) for each of the most recently reported quarter and the immediately preceding quarter is less than zero percent, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(e) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) BUDGET YEAR.—In this section, the term "budget year" shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.

(a) TAX RELIEF.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief, reinstatement of expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, and refundable tax relief and incentivizing utilization of accumulated alternative minimum tax and research and development credits, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing efforts to train and retrain manufacturing workers, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HOUSING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FLOOD INSURANCE REFORM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) TRADE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to trade agreements, preferences, sanctions, enforcement, or customs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;

(2) provides up to $5,000,000,000 for the child care entitlement to States;

(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(4) improves the unemployment compensation program; or

(5) reauthorizes the trade adjustment assistance programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—

(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.

(a) FEDERAL PELL GRANT.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would make higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program or increasing Federal student loan limits, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, or provide tax incentives for highly-qualified teachers to serve in high-needs schools, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax benefits and other revenue provisions.

(b) IMPROVING EDUCATION.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.

(a) ENERGY AND THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax legislation such as a proposal to extend for 5 years energy tax incentives like the production tax credit for electricity produced from renewable resources, the biodiesel production tax credit, or the Clean Renewable Energy Bond program, to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles, or provisions to encourage energy efficient buildings, products, and power plants. Tax legislation under this section may be paid for by adjustments to sections 167(h)(1) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.

(b) SETTLEMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS AND FOR A POST 9/11 GI BILL.

(a) VETERANS AND WOUNDED SERVICEMEMBERS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans;

(2) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents;

(3) allow for the transfer of education benefits from servicemembers to family members or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation);

(4) providing for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated; or

(5) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas;

by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) POST 9/11 GI BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would enhance educational benefits of service members and veterans with service on active duty in the Armed Forces on or after September 11, 2001, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children or pregnant women, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MEDICARE IMPROVEMENTS.—

(1) PHYSICIAN PAYMENTS.—The Chairman of the Senate Committee on the Budget may

revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) OTHER IMPROVEMENTS TO MEDICARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare program, which may include improvements to the prescription drug benefit under Medicare Part D, adjustments to the Medicare Savings Program, and reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B, or measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers, by the amounts provided in such legislation for those purposes up to $10,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(3) ELECTRONIC PRESCRIBING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote the deployment and use of electronic prescribing technologies through financial incentives, including grants and bonus payments, and potential adjustments in the Medicare reimbursement mechanisms for physicians, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(4) RURAL EQUITY PAYMENT POLICIES.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(A) preserves existing Medicare payment provisions supporting America's rural health care delivery system; and

(B) promotes Medicare payment policies that increase access to quality health care in isolated and underserved rural areas,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(5) MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—

(1) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) IMPROVING THE HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal 2008 through 2018.

(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—

(A) HEALTH INFORMATION TECHNOLOGY.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology, including incentives or other supports for the adoption of electronic prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(B) ADHERENCE TO BEST PRACTICES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FOOD AND DRUG ADMINISTRATION.—

(1) REGULATION.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) MEDICAID.—

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as no provision in such bill, joint resolution, amendment, motion or conference report shall be construed as prohibiting the Secretary of Health and Human

Services from promulgating or implementing any rule, action, or guidance designed to prevent fraud and protect the integrity of the Medicaid program or SCHIP or reduce inappropriate spending under such programs, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(2) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(f) OTHER IMPROVEMENTS IN HEALTH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections, and through reducing barriers to cafeteria plans;

(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;

(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;

(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or

(5) provide parity between heath insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) PEDIATRIC DENTAL CARE.—The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to pediatric dental care for children from low-income families, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 307. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and coinsurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.

(4) Medicaid provides health insurance for more than one-quarter of America's children and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions.

(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR REFORMING THE ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reinstate the pre-1993 rates for the alternative minimum tax for individuals, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR REPEALING THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would repeal the 1993 increase in the income tax on Social Security benefits, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects; and

(4) the development of oil and natural gas resources beneath the outer Continental Shelf in areas not covered by a Presidential or Congressional moratorium.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION REFORM AND ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in paragraphs (1) through (7), that—

(1) provide for increased border security, enforcement of immigration laws, greater staffing, and immigration reform measures;

(2) increase criminal and civil penalties against employers who hire undocumented immigrants;

(3) prohibit employers who hire undocumented immigrants from receiving Federal contracts;

(4) provide funding for the enforcement of the employer sanctions described in paragraphs (2) and (3) and other employer sanctions for hiring undocumented immigrants;

(5) deploy an appropriate number of National Guard troops to the southern or northern border of the United States provided that—

(A) the Secretary of Defense certifies that the deployment would not negatively impact the safety of American forces in Iraq and Afghanistan; and

(B) the Governor of the National Guard's home State certifies that the deployment would not have a negative impact on the safety and security of that State;

(6) evaluate the Federal, State, and local prison populations that are noncitizens in order to identify removable criminal aliens; or

(7) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—

(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as "Operation Streamline") to all 20 border sectors;

(2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note);

(3) deploy up to 6,000 National Guard members to the southern border of the United States;

(4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens;

(5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(6) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the appropriations in the legislation described in subsection (a) would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR EXTENSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removes the limit on the number of participating States under such pilot program, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution by the amounts provided in such legislation for those purposes up to $160,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR STUDYING THE EFFECT OF COOPERATION WITH LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in this subsection, that would require an assessment of the impact of local ordinances that prohibit cooperation with the Department of Homeland Security, with respect to—

(1) the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activity by immigrant victims of crime, and level of public safety;

(2) changes in the number of reported incidents or complaints of racial profiling; or

(3) wrongful detention of United States Citizens and Lawful Permanent Residents.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading "ADMINISTRATIVE PROVISIONS" under the heading "MINERALS MANAGEMENT SERVICE" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR THE ESTABLISHMENT OF STATE INTERNET SITES FOR THE DISCLOSURE OF INFORMATION RELATING TO PAYMENTS MADE UNDER THE STATE MEDICAID PROGRAM.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for States to disclose, through a publicly accessible Internet site, each hospital, nursing facility, outpatient surgery center, intermediate care facility for the mentally retarded, institution for mental diseases, or other institutional provider that receives payment under the State Medicaid program, the total amount paid to each such provider each fiscal year, the number of patients treated by each such provider, and the amount of dollars paid per patient to each such provider, and provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect such legislation if any such measure would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR TRAUMATIC BRAIN INJURY.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide at least $9,000,000 for fiscal year 2009 to funds traumatic brain injury programs under sections 393A, 393B, 1252, and 1253 of the Public Health Service Act, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR IMPLEMENTATION OF YELLOW RIBBON REINTEGRATION PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one more bills, joint resolutions, amendments, motions, or conference reports that would provide for the implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2008 through 2013

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR REIMBURSING STATES FOR THE COSTS OF HOUSING UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that would reimburse States and units of local government for costs incurred to house undocumented criminal aliens, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for changing the date by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation under section 1414 of title 10, United States Code, is fully phased in from December 31, 2013, to September 30, 2008, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and use such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 325. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 326. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SEC. 327. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING INCOME THRESHOLD FOR REFUNDABLE CHILD TAX CREDIT TO $10,000 WITH NO INFLATION ADJUSTMENT.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 328. SENSE OF THE SENATE REGARDING THE DIVERSION OF FUNDS SET ASIDE FOR USPTO.

It is the sense of the Senate that none of the funds recommended in this resolution, or appropriated or otherwise made available under any other Act, to the United States Patent and Trademark Office shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended.

SEC. 329. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote flexibility in existing Federal education programs, restore State and local authority in education, ensure that public schools are held accountable for results to parents and the public, and prevent discrimination against homeschoolers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 330. DEFICIT-NEUTRAL RESERVE FUND FOR PROCESSING NATURALIZATION APPLICATIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the adjudication of name check and security clearances by October 1, 2008 by the Federal Bureau of Investigation for individuals who have submitted or submit applications for naturalization before March 1, 2008 or provide for the adjudication of applications, including the interviewing and swearing-in of applicants, by October 1, 2008 by the Department of Homeland Security/U.S. Citizenship and Immigration Services for individuals who apply or have applied for naturalization before March 1, 2008, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 331. DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS TO QUALITY AND AFFORDABLE HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) promotes choice and competition to drive down costs and improve access to health care for all Americans without increasing taxes;

(2) strengthens health care quality by promoting wellness and empowering consumers

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PUBLICATION MAY AFFECT THE QUALITY OF
THE MICROFORM EDITION.

with accurate and comprehensive information on quality and cost;

(3) protects Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability; and

(4) promotes the advanced research and development of new treatments and cures to enhance health care quality;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 332. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

If the Chairman of the Senate Committee on Health, Education, Labor, and Pensions reports out legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, and if the Committee on Health, Education, Labor, and Pensions makes a finding that previously spent World Trade Center Health Program funds were used to provide screening, monitoring and treatment services, and directly related program support, the Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 333. DEFICIT-NEUTRAL RESERVE FUND TO BAN MEDICARE ADVANTAGE AND PRESCRIPTION DRUG PLAN SALES AND MARKETING ABUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling and telephone solicitations for in-home sales appointments with Medicare beneficiaries, free meals and inducements at sales events, cross-selling of non-health products, and up-selling of Medicare insurance products without prior consent of beneficiaries, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 334. SENSE OF THE SENATE REGARDING EXTENDING THE "MOVING TO WORK AGREEMENT" BETWEEN THE PHILADELPHIA HOUSING AUTHORITY AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE SAME TERMS AND CONDITIONS FOR A PERIOD OF ONE YEAR.

(a) FINDINGS.—The Senate makes the following findings:

(1) The current "Moving to Work Agreement" between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development is set to expire on March 31, 2008.

(2) The Philadelphia Housing Authority has used this agreement to leverage private and public resources to develop mixed-income communities that address the needs of the very poor while reshaping entire communities, and estimates that it will lose $50,000,000 as a result of the agreement expiring.

(3) The U.S. Department of Housing and Urban Development has refused to grant Philadelphia Housing Authority a 1-year extension of its current agreement under the same terms and conditions.

(4) The U.S. Department of Housing and Urban Development alleges that Philadelphia Housing Authority is in violation of fair housing requirements.

(5) The Philadelphia Housing Authority denies this assertion and is challenging the matter in Federal District Court.

(6) That there is a suspicion of retaliation with regard to the U.S. Department of Housing and Urban Development's refusal to grant a one-year extension of Philadelphia Housing Authorities current agreement under the same terms and conditions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it was discovered that two senior level officials at the U.S. Department of Housing and Urban Development had the following email exchange, referring to Philadelphia Housing Authority Executive Director Carl R. Greene—

(1) Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, "Would you like me to make his life less happy? If so, how?"

(2) Assistant Secretary for Fair Housing and Equal Opportunity Kim Kendrick wrote, "Take away all of his Federal dollars?"

(3) Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, "Let me look into that possibility."

(A) That these emails were the subject of questioning by Senator Casey to U.S. Department of Housing and Urban Development Secretary Alphonso Jackson at a March 12, 2008 hearing before the Senate Committee on Banking, Housing and Urban Affairs; and by Senator Specter to Secretary Jackson at a March 13, 2008 hearing before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies.

(B) That the Philadelphia Housing Authority's allegation of retaliation appears to be substantiated by these newly discovered emails.

(C) That the expiration of the current agreement is imminent and will negatively impact 84,000 low-income residents of Philadelphia.

(4) It is the sense of the Senate that Philadelphia Housing Authority should be granted a one-year extension of its "Moving to Work Agreement" with the U.S. Department of Housing and Urban Development under the same terms and conditions as the current agreement.

SEC. 335. SENSE OF THE SENATE REGARDING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

(a) FINDINGS.—The Senate finds that—

(1) On January 26, 1996, the House of Representatives passed H.J. Res. 1, the Balanced Budget Amendment to the Constitution of the United States, by the necessary two-thirds majority (300–132);

(2) On June 6, 1996, the Senate fell three votes short of the two-thirds majority vote needed to pass the Balanced Budget Amendment; and

(3) Since the House of Representatives and Senate last voted on the Balanced Budget Amendment, the debt held by the public has grown from $3,700,000,000,000 to more than $5,000,000,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a Balanced Budget Amendment to the Constitution of the United States should be voted on at earliest opportunity.

SEC. 336. SENSE OF THE SENATE REGARDING THE NEED FOR COMPREHENSIVE LEGISLATION TO LEGALIZE THE IMPORTATION OF PRESCRIPTION DRUGS FROM HIGHLY INDUSTRIALIZED COUNTRIES WITH SAFE PHARMACEUTICAL INFRASTRUCTURES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is the world's largest market for pharmaceuticals, yet consumers still pay the world's highest prices.

(2) In 2000, Congress took action to legalize the importation of prescription drugs from other countries by United States wholesalers and pharmacists, and before such a program can go into effect, the Secretary of Health and Human Services (HHS) must certify that the program would have no adverse impact on safety and that it would reduce costs for American consumers.

(3) Since 2000, no Secretary of HHS has made the certification required to permit the implementation of a program for importation of prescription drugs.

(4) In July 2006, the Senate approved by a vote of 68–32 an amendment to the Department of Homeland Security Appropriations Act, 2007, that prohibits Customs and Border Protection from preventing individuals not in the business of importing prescription drugs from carrying them across the border with Canada.

(5) In July 2007, the Senate adopted language similar to the 2007 amendment in the Department of Homeland Security Appropriations Act, 2008.

(6) In October 2007, the Senate adopted language in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, that prohibits anti-reimportation activities within HHS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe;

(2) such legislation should be given an up or down vote on the floor of the Senate; and

(3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for passage of comprehensive importation legislation.

The text of the Senate concurrent resolution, as amended, is as follows:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2008 is revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2009, including appropriate budgetary levels for fiscal years 2010 through 2013.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House of Representatives.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 302. Deficit-neutral reserve fund for veterans and servicemembers.
Sec. 303. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families.
Sec. 304. Deficit-neutral reserve fund for infrastructure investment.
Sec. 305. Deficit-neutral reserve fund for renewable energy and energy efficiency.
Sec. 306. Deficit-neutral reserve fund for middle-income tax relief and economic equity.
Sec. 307. Deficit-neutral reserve fund for reform of the alternative minimum tax.
Sec. 308. Deficit-neutral reserve fund for higher education.
Sec. 309. Deficit-neutral reserve fund for affordable housing.
Sec. 310. Deficit-neutral reserve fund for medicare improvements.
Sec. 311. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency.
Sec. 312. Deficit-neutral reserve fund for Medicaid and other programs.
Sec. 313. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization.
Sec. 314. Deficit-neutral reserve fund for county payments legislation.
Sec. 315. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements.
Sec. 316. Deficit-neutral reserve fund for the National Park Centennial Fund.
Sec. 317. Deficit-neutral reserve fund for child support enforcement.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Program integrity initiatives.
Sec. 402. Oversight of government performance.
Sec. 403. Point of order against advance appropriations.
Sec. 404. Overseas deployments and emergency needs.
Sec. 405. Budgetary treatment of certain discretionary administrative expenses.
Sec. 406. Application and effect of changes in allocations and aggregates.
Sec. 407. Adjustments to reflect changes in concepts and definitions.
Sec. 408. Exercise of rulemaking powers.

TITLE V—POLICY

Sec. 501. Policy on middle-income tax relief.
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TITLE VI—SENSE OF THE HOUSE

Sec. 601. Sense of the House on the Innovation Agenda and America Competes Act.
Sec. 602. Sense of the House on servicemembers' and veterans' health care and other priorities.
Sec. 603. Sense of the House on homeland security.
Sec. 604. Sense of the House regarding long-term fiscal reform.
Sec. 605. Sense of the House regarding waste, fraud, and abuse.
Sec. 606. Sense of the House regarding extension of the statutory pay-as-you-go rule.
Sec. 607. Sense of the House on long-term budgeting.
Sec. 608. Sense of the House regarding the need to maintain and build upon efforts to fight hunger.
Sec. 609. Sense of the House regarding affordable health coverage.
Sec. 610. Sense of the House regarding pay parity.
Sec. 611. Sense of the House regarding subprime lending and foreclosures.
Sec. 612. Sense of House regarding the importance of child support enforcement.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,879,540,000,000.
Fiscal year 2009: $2,027,124,000,000.
Fiscal year 2010: $2,205,864,000,000.
Fiscal year 2011: $2,442,025,000,000.
Fiscal year 2012: $2,669,315,000,000.
Fiscal year 2013: $2,771,740,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2008: $0.
Fiscal year 2009: −$70,000,000,000.
Fiscal year 2010: $23,000,000,000.
Fiscal year 2011: $14,000,000,000.
Fiscal year 2012: $16,000,000,000.
Fiscal year 2013: $17,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,556,254,000,000.
Fiscal year 2009: $2,529,246,000,000.
Fiscal year 2010: $2,564,161,000,000.
Fiscal year 2011: $2,698,039,000,000.
Fiscal year 2012: $2,740,065,000,000.
Fiscal year 2013: $2,866,862,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,462,616,000,000.
Fiscal year 2009: $2,563,380,000,000.
Fiscal year 2010: $2,622,295,000,000.
Fiscal year 2011: $2,716,979,000,000.
Fiscal year 2012: $2,728,965,000,000.
Fiscal year 2013: $2,857,394,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $583,076,000,000.
Fiscal year 2009: $536,256,000,000.
Fiscal year 2010: $416,431,000,000.
Fiscal year 2011: $274,954,000,000.
Fiscal year 2012: $59,650,000,000.
Fiscal year 2013: $85,654,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2008: $9,567,484,000,000.
Fiscal year 2009: $10,199,551,000,000.
Fiscal year 2010: $10,724,264,000,000.
Fiscal year 2011: $11,103,954,000,000.
Fiscal year 2012: $11,295,107,000,000.
Fiscal year 2013: $11,495,218,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,396,807,000,000.
Fiscal year 2009: $5,753,900,000,000.
Fiscal year 2010: $5,981,334,000,000.
Fiscal year 2011: $6,047,654,000,000.
Fiscal year 2012: $5,885,687,000,000.
Fiscal year 2013: $5,744,120,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $590,686,000,000.
(B) Outlays, $576,173,000,000.
Fiscal year 2009:
(A) New budget authority, $542,497,000,000.
(B) Outlays, $573,362,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $560,726,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $560,099,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $556,699,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, 568,829,000,000.

(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $32,648,000,000.
(B) Outlays, $32,843,000,000.
Fiscal year 2009:
(A) New budget authority, $37,111,000,000.
(B) Outlays, $35,702,000,000.
Fiscal year 2010:
(A) New budget authority, $38,516,000,000.
(B) Outlays, $36,918,000,000.
Fiscal year 2011:
(A) New budget authority, $39,433,000,000.
(B) Outlays, $37,679,000,000.
Fiscal year 2012:
(A) New budget authority, $40,247,000,000.
(B) Outlays, $38,154,000,000.
Fiscal year 2013:
(A) New budget authority, $40,677,000,000.
(B) Outlays, $38,346,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $29,934,000,000.
(B) Outlays, $28,700,000,000.
Fiscal year 2010:
(A) New budget authority, $31,165,000,000.
(B) Outlays, $30,604,000,000.
Fiscal year 2011:
(A) New budget authority, $32,474,000,000.
(B) Outlays, $32,201,000,000.
Fiscal year 2012:
(A) New budget authority, $33,853,000,000.
(B) Outlays, $33,564,000,000.
Fiscal year 2013:
(A) New budget authority, $35,298,000,000.
(B) Outlays, $34,477,000,000.

(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $4,674,000,000.
(B) Outlays, $2,192,000,000.
Fiscal year 2010:
(A) New budget authority, $4,645,000,000.
(B) Outlays, $2,878,000,000.
Fiscal year 2011:
(A) New budget authority, $4,712,000,000.
(B) Outlays, $3,371,000,000.
Fiscal year 2012:
(A) New budget authority, $4,803,000,000.
(B) Outlays, $3,738,000,000.
Fiscal year 2013:
(A) New budget authority, $4,895,000,000.
(B) Outlays, $4,020,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $38,651,000,000.
(B) Outlays, $35,576,000,000.

Fiscal year 2010:

(A) New budget authority, $33,782,000,000.

(B) Outlays, $36,192,000,000.

Fiscal year 2011:

(A) New budget authority, $34,670,000,000.

(B) Outlays, $36,420,000,000.

Fiscal year 2012:

(A) New budget authority, $35,568,000,000.

(B) Outlays, $36,745,000,000.

Fiscal year 2013:

(A) New budget authority, $36,490,000,000.

(B) Outlays, $37,299,000,000.

(6) Agriculture (350):

Fiscal year 2008:

(A) New budget authority, $22,456,000,000.

(B) Outlays, $21,528,000,000.

Fiscal year 2009:

(A) New budget authority, $21,529,000,000.

(B) Outlays, $21,279,000,000.

Fiscal year 2010:

(A) New budget authority, $21,719,000,000.

(B) Outlays, $20,680,000,000.

Fiscal year 2011:

(A) New budget authority, $21,891,000,000.

(B) Outlays, $20,876,000,000.

Fiscal year 2012:

(A) New budget authority, $22,263,000,000.

(B) Outlays, $21,435,000,000.

Fiscal year 2013:

(A) New budget authority, $22,621,000,000.

(B) Outlays, $21,816,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2008:

(A) New budget authority, $11,216,000,000.

(B) Outlays, $5,381,000,000.

Fiscal year 2009:

(A) New budget authority, $9,560,000,000.

(B) Outlays, $3,722,000,000.

Fiscal year 2010:

(A) New budget authority, $13,887,000,000.

(B) Outlays, $5,835,000,000.

Fiscal year 2011:

(A) New budget authority, $8,998,000,000.

(B) Outlays, $2,193,000,000.

Fiscal year 2012:

(A) New budget authority, $9,246,000,000.

(B) Outlays, $1,735,000,000.

Fiscal year 2013:

(A) New budget authority, $9,642,000,000.

(B) Outlays, $1,648,000,000.

(8) Transportation (400):

Fiscal year 2008:

(A) New budget authority, $79,794,000,000.

(B) Outlays, $77,795,000,000.

Fiscal year 2009:

(A) New budget authority, $73,444,000,000.

(B) Outlays, $80,443,000,000.

Fiscal year 2010:

(A) New budget authority, $77,507,000,000.

(B) Outlays, $83,861,000,000.

Fiscal year 2011:

(A) New budget authority, $78,534,000,000.

(B) Outlays, $86,062,000,000.

Fiscal year 2012:

(A) New budget authority, $79,485,000,000.

(B) Outlays, $88,134,000,000.

Fiscal year 2013:

(A) New budget authority, $80,478,000,000.

(B) Outlays, $90,443,000,000.

(9) Community and Regional Development (450):

Fiscal year 2008:

(A) New budget authority, $20,029,000,000.

(B) Outlays, $27,819,000,000.

Fiscal year 2009:

(A) New budget authority, $14,553,000,000.

(B) Outlays, $24,251,000,000.

Fiscal year 2010:

(A) New budget authority, $14,826,000,000.

(B) Outlays, $21,816,000,000.

Fiscal year 2011:

(A) New budget authority, $15,134,000,000.

(B) Outlays, $17,874,000,000.

Fiscal year 2012:

(A) New budget authority, $15,450,000,000.

(B) Outlays, $15,817,000,000.

Fiscal year 2013:

(A) New budget authority, $15,755,000,000.

(B) Outlays, $15,561,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2008:

(A) New budget authority, $90,077,000,000.

(B) Outlays, $90,729,000,000.

Fiscal year 2009:

(A) New budget authority, $95,235,000,000.

(B) Outlays, $90,947,000,000.

Fiscal year 2010:

(A) New budget authority, $102,594,000,000.

(B) Outlays, $98,345,000,000.

Fiscal year 2011:

(A) New budget authority, $105,612,000,000.

(B) Outlays, $103,135,000,000.

Fiscal year 2012:

(A) New budget authority, $107,828,000,000.

(B) Outlays, $104,397,000,000.

Fiscal year 2013:

(A) New budget authority, $101,690,000,000.

(B) Outlays, $103,490,000,000.

(11) Health (550):

Fiscal year 2008:

(A) New budget authority, $285,101,000,000.

(B) Outlays, $286,688,000,000.

Fiscal year 2009:

(A) New budget authority, $306,795,000,000.

(B) Outlays, $305,334,000,000.

Fiscal year 2010:

(A) New budget authority, $323,767,000,000.

(B) Outlays, $324,138,000,000.

Fiscal year 2011:

(A) New budget authority, $344,749,000,000.

(B) Outlays, $343,718,000,000.

Fiscal year 2012:

(A) New budget authority, $367,766,000,000.

(B) Outlays, $366,312,000,000.

Fiscal year 2013:

(A) New budget authority, $393,085,000,000.

(B) Outlays, $391,326,000,000.

(12) Medicare (570):

Fiscal year 2008:

(A) New budget authority, $390,458,000,000.

(B) Outlays, $390,454,000,000.

Fiscal year 2009:

(A) New budget authority, $420,191,000,000.

(B) Outlays, $419,974,000,000.

Fiscal year 2010:

(A) New budget authority, $445,225,000,000.

(B) Outlays, $445,349,000,000.

Fiscal year 2011:

(A) New budget authority, $494,370,000,000.

(B) Outlays, $494,193,000,000.

Fiscal year 2012:

(A) New budget authority, $491,353,000,000.

(B) Outlays, $491,110,000,000.

Fiscal year 2013:

(A) New budget authority, $552,389,000,000.

(B) Outlays, $552,503,000,600.

(13) Income Security (600):

Fiscal year 2008:

(A) New budget authority, $389,865,000,000.

(B) Outlays, $394,100,000,000.

Fiscal year 2009:

(A) New budget authority, $411,699,000,000.

(B) Outlays, $414,032,000,000.

Fiscal year 2010:

(A) New budget authority, $417,519,000,000.

(B) Outlays, $418,617,000,000.

Fiscal year 2011:

(A) New budget authority, $426,924,000,000.

(B) Outlays, $427,541,000,000.

Fiscal year 2012:

(A) New budget authority, $412,355,000,000.

(B) Outlays, $412,831,000,000.

Fiscal year 2013:

(A) New budget authority, $427,988,000,000.

(B) Outlays, $427,703,000,000.

(14) Social Security (650):

Fiscal year 2008:

(A) New budget authority, $19,378,000,000.

(B) Outlays, $19,378,000,000.

Fiscal year 2009:

(A) New budget authority, $21,308,000,000.

(B) Outlays, $21,308,000,000.

Fiscal year 2010:

(A) New budget authority, $23,794,000,000.

(B) Outlays, $23,794,000,000.

Fiscal year 2011:

(A) New budget authority, $27,330,000,000.

(B) Outlays, $27,330,000,000.

Fiscal year 2012:

(A) New budget authority, $30,342,000,000.

(B) Outlays, $30,342,000,000.

Fiscal year 2013:

(A) New budget authority, $33,162,000,000.

(B) Outlays, $33,162,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2008:

(A) New budget authority, $86,365,000,000.

(B) Outlays, $83,551,000,000.

Fiscal year 2009:

(A) New budget authority, $93,268,000,000.

(B) Outlays, $92,443,000,000.

Fiscal year 2010:

(A) New budget authority, $96,000,000,000.

(B) Outlays, $95,710,000,000.

Fiscal year 2011:

(A) New budget authority, $101,800,000,000.

(B) Outlays, $101,475,000,000.

Fiscal year 2012:

(A) New budget authority, $99,115,000,000.

(B) Outlays, $98,271,000,000.

Fiscal year 2013:

(A) New budget authority, $105,094,000,000.

(B) Outlays, $104,266,000,000.

(16) Administration of Justice (750):

Fiscal year 2008:

(A) New budget authority, $46,237,000,000.

(B) Outlays, $44,282,000,000.

Fiscal year 2009:

(A) New budget authority, $48,104,000,000.

(B) Outlays, $47,936,000,000.

Fiscal year 2010:

(A) New budget authority, $49,101,000,000.

(B) Outlays, $49,602,000,000.

Fiscal year 2011:

(A) New budget authority, $50,338,000,000.

(B) Outlays, $50,596,000,000.

Fiscal year 2012:

(A) New budget authority, $51,622,000,000.

(B) Outlays, $51,501,000,000.

Fiscal year 2013:

(A) New budget authority, $52,967,000,000.

(B) Outlays, $52,542,000,000.

(17) General Government (800):

Fiscal year 2008:

(A) New budget authority, $56,407,000,000.

(B) Outlays, $56,920,000,000.

Fiscal year 2009:

(A) New budget authority, $23,520,000,000.

(B) Outlays, $23,890,000,000.

Fiscal year 2010:

(A) New budget authority, $19,961,000,000.

(B) Outlays, $19,987,000,000.

Fiscal year 2011:

(A) New budget authority, $20,611,000,000.

(B) Outlays, $20,496,000,000.

Fiscal year 2012:

(A) New budget authority, $21,319,000,000.

(B) Outlays, $21,332,000,000.

Fiscal year 2013:

(A) New budget authority, $22,007,000,000.

(B) Outlays, $21,787,000,000.

(18) Net Interest (900):

Fiscal year 2008:

(A) New budget authority, $349,296,000,000.

(B) Outlays, $349,296,000,000.

Fiscal year 2009:

(A) New budget authority, $334,233,000,000.

(B) Outlays, $334,233,000,000.

Fiscal year 2010:

(A) New budget authority, $370,534,000,000.

(B) Outlays, $370,534,000,000.

Fiscal year 2011:

(A) New budget authority, $406,997,000,000.

(B) Outlays, $406,997,000,000.

Fiscal year 2012:

(A) New budget authority, $427,954,000,000.

(B) Outlays, $427,954,000,000.

Fiscal year 2013:

(A) New budget authority, $436,292,000,000.

(B) Outlays, $436,292,000,000.

(19) Allowances (920):

Fiscal year 2008:

(A) New budget authority, $1,000,000,000.

(B) Outlays, $531,000,000.

Fiscal year 2009:

(A) New budget authority, $0.

(B) Outlays, $307,000,000.

Fiscal year 2010:

(A) New budget authority, −$150,000,000.

(B) Outlays, −$53,000,000.

Fiscal year 2011:

(A) New budget authority, −$200,000,000.

(B) Outlays, −$164,000,000.

Fiscal year 2012:

(A) New budget authority, −$200,000,000.

(B) Outlays, −$178,000,000.

Fiscal year 2013:

(A) New budget authority, −$200,000,000.

(B) Outlays, −$200,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2008:

(A) New budget authority, −$86,330,000,000.

(B) Outlays, −$86,330,000,000.

Fiscal year 2009:

(A) New budget authority, −$67,060,000,000.

(B) Outlays, −$67,060,000,000.

Fiscal year 2010:

(A) New budget authority, −$70,645,000,000.

(B) Outlays, −$70,645,000,000.

Fiscal year 2011:

(A) New budget authority, −$73,364,000,000.

(B) Outlays, −$73,364,000,000.

Fiscal year 2012:

(A) New budget authority, −$76,104,000,000.

(B) Outlays, −$76,104,000,000.

Fiscal year 2013:

(A) New budget authority, −$79,691,000,000.

(B) Outlays, −$79,691,000,000.

(21) Overseas Deployments and Other Activities (970):

Fiscal year 2008:

(A) New budget authority, $108,056,000,000.

(B) Outlays, $28,901,000,000.

Fiscal year 2009:

(A) New budget authority, $70,000,000,000.

(B) Outlays, $74,809,000,000.

Fiscal year 2010:

(A) New budget authority, $0.

(B) Outlays, $47,407,000,000.

Fiscal year 2011:

(A) New budget authority, $0.

(B) Outlays, $18,251,000,000.

Fiscal year 2012:

(A) New budget authority, $0.

(B) Outlays, $5,176,000,000.

Fiscal year 2013:

(A) New budget authority, $0.

(B) Outlays, $1,775,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) CHANGES IN MANDATORY SPENDING.—Not later than September 12, 2008, the House Committee on Ways and Means shall report a reconciliation bill making changes in laws within its jurisdiction sufficient to reduce direct spending by $750,000,000 for the period of fiscal years 2008 through 2013.

(b) CHANGES IN REVENUE.—Not later than July 15, 2008, the House Committee on Ways and Means shall report a reconciliation bill making changes in laws within its jurisdiction that will reduce total revenues by $70,000,000,000 for fiscal year 2009 and will increase total revenues by $70,000,000,000 for the period of fiscal years 2010 through 2013.

(c) ADJUSTMENTS TO ALLOCATIONS AND AGGREGATES.—

(1) Upon the reporting to the House of any bill that has complied with reconciliation instructions, the chairman of the Committee on the Budget may file with the House appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates.

(2) Upon the submission to the House of any conference report recommending a reconciliation bill in which a committee has complied with its reconciliation instructions, the chairman of the Committee on the Budget may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

In the House, the chairman of the Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report, which contains matter within the jurisdiction of the Committee on Energy and Commerce that expands coverage and improves children's health through the State Childrens Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as Medicaid) and that increases new budget authority that will result in no more than $50,000,000,000 in outlays in fiscal years 2008 through 2013, and others which contain offsets so designated for the purpose of this section within the jurisdiction of another committee or committees, if the combined changes would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND SERVICEMEMBERS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) enhances medical care for wounded or disabled military personnel or veterans;

(2) maintains affordable health care for military retirees and veterans;

(3) improves disability benefits or evaluations for wounded or disabled military personnel or veterans, including measures to expedite the claims process;

(4) expands eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay;

(5) eliminates the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation; or

(6) provides or increases benefits for Filipino veterans of World War II or their survivors and dependents;

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that enhances education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR INFRASTRUCTURE INVESTMENT.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for increased investment in infrastructure projects by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; provides for reductions in greenhouse gas emissions; or facilitates the training of workers for these industries ("green collar jobs") by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief for middle-income families and taxpayers or enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for small business expensing, extension of the deduction for State and local sales taxes, and a tax credit for school construction bonds, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible through reforms to the Higher Education Act of 1965 or other legislation by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for an affordable housing fund, offset by reforming the regulation of certain government-sponsored enterprises, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE IMPROVEMENTS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves the Medicare program for beneficiaries and protects access to care, through measures such as increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases and making improvements to the prescription drug program under part D, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE QUALITY, EFFECTIVENESS, AND EFFICIENCY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) provides incentives or other support for adoption of modern information technology, including electronic prescribing, to improve quality and protect privacy in health care;

(2) establishes a new Federal or public-private initiative for research on the comparative effectiveness of different medical interventions; or

(3) provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICAID AND OTHER PROGRAMS.

(a) REGULATIONS AND ADMINISTRATIVE ACTIONS.—In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that prevents or delays the implementation or administration of regulations or other administrative actions that would affect the Medicaid, SCHIP, or other programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(b) TRANSITIONAL MEDICAL ASSISTANCE AND QUALIFYING INDIVIDUALS.—In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that extends the transitional medical assistance program or the qualifying individuals program, which are included in title XIX of the Social Security Act, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR TRADE ADJUSTMENT ASSISTANCE AND UNEMPLOYMENT INSURANCE MODERNIZATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes the trade adjustment assistance program to better meet the challenges of globalization or modernizes the unemployment insurance system to improve access to needed benefits by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR SAN JOAQUIN RIVER RESTORATION AND NAVAJO NATION WATER RIGHTS SETTLEMENTS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL PARK CENTENNIAL FUND.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the establishment of the National Parks Centennial Fund by the amounts provided in such measure for that purpose if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT ENFORCEMENT.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves Federal child support collection efforts or results in more collected child support reaching families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000, and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $6,997,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $490,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates up to $198,000,000 and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $40,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—In the House, prior to consideration of a bill, joint resolution, amendment, or conference report, the chairman of the Committee on the Budget shall make the adjustments set forth in subsection (a) for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements

set forth in subsection (a), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under section 404 of this resolution.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(B) the budgetary aggregates as set forth in this resolution.

SEC. 402. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the House, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committee on the Budget.

SEC. 403. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), a bill or joint resolution making a general appropriation or continuing appropriation, or an amendment thereto or a conference report thereon, may not provide for advance appropriations.

(b) EXCEPTIONS.—In the House, an advance appropriation may be provided for fiscal year 2010 for programs, projects, activities, or accounts identified in the report to accompany this resolution or the joint explanatory statement of managers to accompany this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $27,558,000,000 in new budget authority, and for 2011, accounts separately identified under the same heading.

(c) DEFINITION.—In this section, the term "advance appropriation" means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

SEC. 404. OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.

(a) OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities, and such amounts are so designated pursuant to this subsection, then new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(b) EMERGENCY NEEDS.—In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts, and such amounts are designated as necessary to meet emergency needs, then the new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

SEC. 405. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—In the House, for purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget.

SEC. 407. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the House, upon the enactment of any bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 408. EXERCISE OF RULEMAKING POWERS.

The House adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House and as such they shall be considered as part of the rules of the House, and these rules shall supersede other rules of the House only to the extent that they are inconsistent with other such rules of the House; and

(2) with full recognition of the constitutional right of the House to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

TITLE V—POLICY

SEC. 501. POLICY ON MIDDLE-INCOME TAX RELIEF.

It is the policy of this resolution to—

(1) minimize fiscal burdens on middle-income families and their children and grandchildren;

(2) provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the alternative minimum tax (AMT) under current law, in the context of permanent, revenue-neutral AMT reform; and

(3) support extension of middle-income tax relief and enhanced economic equity through policies such as—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(E) extension of the research and experimentation tax credit;

(F) extension of the deduction for State and local sales taxes;

(G) extension of the deduction for small business expensing; and

(H) enactment of a tax credit for school construction bonds.

This resolution assumes that the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote a fairer distribution of taxes across families and generations, economic efficiency, higher rates of tax compliance to close the "tax gap," and reduced taxpayer burdens through tax simplification.

SEC. 502. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) the Administration's budget requests should comply with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and the Administration should no longer attempt to fund overseas military operations through emergency supplemental appropriations requests;

(2) the Department of Defense should exclude nonwar requirements from its funding requests for Iraq and Afghanistan;

(3) implementing the recommendation of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to adequately fund cooperative threat reduction and nuclear nonproliferation programs (securing "loose nukes") is a high priority and should receive far greater emphasis than the President's budget provides;

(4) readiness of our troops, particularly the National Guard and Reserve, is a high priority, and that greater emphasis needs to be placed on mitigating equipment and training shortfalls;

(5) TRICARE fees for military retirees under the age of 65 should not be increased as the President's budget proposes;

(6) military pay and benefits should be enhanced to improve the quality of life of military personnel;

(7) improving military health care services continues to be a high priority and adequate funding to ensure quality health care for returning combat veterans should be provided;

(8) higher priority defense needs could be addressed by funding missile defense at an adequate but lower level, not providing funding for development of space-based missile defense interceptors, and by restraining excessive cost and schedule growth in defense research, development and procurement programs;

(9) the Department of Defense should reassess current defense plans to ensure that weapons developed to counter cold war-era threats are not redundant and are applicable to 21st century threats;

(10) sufficient resources should be provided for the Department of Defense to do an aggressive job of addressing as many as possible of the 1,260 unimplemented recommendations made by the Government Accountability Office (GAO) over the last 7 years to improve practices at the Department of Defense, including investigation of the billions of dollars of obligations, disbursements and overcharges for which the Department of Defense cannot account;

(11) savings from the actions recommended in paragraphs (8) and (10) of this section should be used to fund the priorities identified in paragraphs (3) through (7);

(12) the Department of Defense report to Congress on its assessment of cold war weapons and progress on implementing GAO recommendations as outlined in paragraphs (9) and (10) by a time determined by the appropriate authorizing committees; and

(13) the GAO report to the appropriate congressional committees by the end of the 110th

Congress regarding the Department of Defense's progress in implementing its audit recommendations.

TITLE VI—SENSE OF THE HOUSE

SEC. 601. SENSE OF THE HOUSE ON THE INNOVATION AGENDA AND AMERICA COMPETES ACT.

It is the sense of the House that—

(1) the House should provide sufficient funding so that our Nation may continue to be the world leader in education, innovation and economic growth;

(2) last year, Congress passed and the President signed the America COMPETES Act, bipartisan legislation designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future;

(3) this resolution supports the efforts authorized in the America COMPETES Act, providing substantially increased funding above the President's requested level for 2009, and increased amounts after 2009 in Function 250 (General Science, Space and Technology) and Function 270 (Energy);

(4) additional increases for scientific research and education are included in Function 500 (Education, Employment, Training and Social Services), Function 550 (Health), Function 300 (Environment and Natural Resources), and Function 370 (Commerce and Housing Credit), all of which receive more funding than the President's budget provides;

(5) because America's greatest resource for innovation resides within classrooms across the country, the increased funding provided in this resolution will support initiatives within the America COMPETES Act to educate tens of thousands of new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K–12 classrooms; and

(6) because independent scientific research provides the foundation for innovation and future technologies, this resolution will keep us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships, and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

SEC. 602. SENSE OF THE HOUSE ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of the House that—

(1) the House supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $48,150,000,000 in discretionary budget authority for 2009 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $4,888,000,000 more than the 2008 level, $3,602,000,000 more than the Congressional Budget Office's baseline level for 2009, and $3,232,000,000 more than the President's budget for 2009; and also provides more discretionary budget authority than the President's budget in every year after 2009;

(3) this resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center to improve military and veterans' health care facilities and services;

(4) this resolution assumes the rejection of the health care enrollment fees and pharmaceutical co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, post-traumatic stress disorder, and traumatic brain injury; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 603. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2009 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2009, and additional amounts in subsequent years, in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip, train and support first responders (including enhancing interoperable communications and emergency management), strengthen border patrol, and increase the preparedness of the public health system.

SEC. 604. SENSE OF THE HOUSE REGARDING LONG-TERM FISCAL REFORM.

It is the sense of the House that—

(1) both the Government Accountability Office and the Congressional Budget Office have warned that the Federal budget is on an unsustainable path of rising deficits and debt;

(2) using recent trend data and reasonable policy assumptions, CBO has projected that the gap between spending and revenues over the next 75 years will reach 6.9 percent of GDP;

(3) publicly held debt will rise from 36 percent today to 400 percent of GDP by the decade beginning in 2050 under CBO's alternative policy scenario;

(4) the most significant factor affecting the long-term Federal fiscal landscape is the expectation that total public and private health spending will continue to grow faster than the economy;

(5) the House calls upon governmental and nongovernmental experts to develop specific options to reform the health care system and control costs, that further research and analysis on topics including comparative effectiveness, health information technology, preventative care, and provider incentives is needed, and that of critical importance is the development of a consensus on the appropriate methods for estimating the budgetary impact and health outcome effects of these proposals; and

(6) immediate policy action is needed to address the long-term fiscal challenges facing the United States, including the rising costs of entitlements, in a manner that is fiscally responsible, equitable, and lasting, and that also honors commitments made to beneficiaries, and that such action should be bipartisan, bicameral, involve both legislative and executive branch participants, as well as public participation, and be conducted in a manner that ensures full, fair, and timely Congressional consideration.

SEC. 605. SENSE OF THE HOUSE REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of the House that—

(1) all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending;

(2) title IV of this resolution includes cap adjustments to provide appropriations for agencies that control programs that accounted for a significant share of improper payments reported by Federal agencies: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance Program Integrity;

(3) title IV also includes a cap adjustment for the Internal Revenue Services for tax compliance efforts to close the $300,000,000,000 tax gap;

(4) the resolution's deficit-neutral reserve funds require authorizing committees to cut lower priority and wasteful spending to accommodate any new high-priority entitlement benefits; and

(5) title IV of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the Committee on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act.

SEC. 606. SENSE OF THE HOUSE REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of the House that to reduce the deficit, Congress should extend the PAYGO rules originally enacted in the Budget Enforcement Act of 1990.

SEC. 607. SENSE OF THE HOUSE ON LONG-TERM BUDGETING.

It is the sense of the Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Governments net operating cost, financial position, and long-term liabilities.

SEC. 608. SENSE OF THE HOUSE REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

It is the sense of the House that—

(1) 35.5 million Americans (12.6 million of them children) are food insecure—uncertain of having, or unable to acquire, enough food, and that 11.1 million Americans are hungry because of lack of food;

(2) despite the critical contributions of the Department of Agriculture nutrition programs (particularly the food stamp program), which significantly reduced payment error rates while providing help to partially mitigate the effects of rising poverty and unemployment, significant need remains, even among families that receive food stamps;

(3) nearly 25 million people, including more than nine million children and nearly three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year;

(4) legislation that passed the House with bipartisan support was an appropriate first step toward ensuring that nutrition assistance keeps up with inflation and rising food prices; and

(5) Department of Agriculture programs that help us fight hunger should be maintained and that the House should continue to seize opportunities to reach Americans in need and to fight hunger.

SEC. 609. SENSE OF THE HOUSE REGARDING AFFORDABLE HEALTH COVERAGE.

It is the sense of the House that—

(1) nearly 47 million Americans, including nine million children, lack health insurance;

(2) people without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems;

(3) most Americans receive health coverage through their employers, and a major issue facing all employers is the rising cost of health insurance;

(4) small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, because of higher administrative costs and fewer people over whom to spread the risk of catastrophic costs;

(5) because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the Nation's uninsured individuals; and

(6) legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special circumstances affecting employees of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, and by promoting improvements in disease management and disease prevention.

SEC. 610. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 611. SENSE OF THE HOUSE REGARDING SUBPRIME LENDING AND FORECLOSURES.

It is the sense of the House that—

(1) over the last six months, the Nation has experienced a significant increase in the number of homeowners facing the risk of foreclosure with estimates of as many as 2.8 million subprime and other distressed borrowers facing the loss of their homes over the next five years;

(2) the rise in foreclosures not only has an immediate, devastating impact on homeowners and their families, but it also has ripple effects—

(A) local communities experiencing high levels of foreclosures experience deterioration as a result of the large number of vacant foreclosed and abandoned homes;

(B) rising foreclosure rates can accelerate drops in home prices, affecting all homeowners; and

(C) home mortgage default and foreclosure rates increase risk for lenders, further restricting the availability of credit, which can in turn slow economic growth; and

(3) the rise in foreclosures is not only a crisis for subprime borrowers, but a larger problem for communities as a whole, and considering the multi-layered effects of increasing foreclosures, the House should consider steps to address this complex problem.

SEC. 612. SENSE OF HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the House that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

AMERICORPS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1173.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1173.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 344, nays 69, not voting 20, as follows:

[Roll No. 319]

YEAS—344

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Yarmuth
Young (FL)

NAYS—69

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Carter
Conaway
Culberson
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Hensarling
Herger
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Marchant
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Paul
Pearce
Pitts
Poe
Radanovich
Rohrabacher
Roskam
Royce
Sali
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Wamp
Westmoreland
Young (AK)

NOT VOTING—20

Andrews
Bishop (UT)
Blackburn
Bono Mack
Cramer
Crenshaw
Cubin
DeGette
Doggett
Gerlach
Lewis (KY)
Mack
Meeks (NY)
Myrick
Rush
Schmidt
Stark
Wilson (NM)
Wu
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining on this vote.

□ 1728

Mr. SULLIVAN changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. RYAN of Wisconsin. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Ryan of Wisconsin moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution on the budget, S. Con. Res. 70, be instructed to increase negative budget authority and outlays in section 101(19), function 920 (Allowances) of the House amendment, by $2.02 billion over the period of fiscal years 2009 through 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from South Carolina (Mr. SPRATT) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

First off, Mr. Speaker, I would like to celebrate the fact that we are here in this well talking about this motion to go to conference, and I want to compliment our chairman of the Budget Committee, Mr. SPRATT, the gentleman from South Carolina. And I mean this in a very sincere way.

The budget process doesn't work if you don't have a budget, and I want to compliment the gentleman from South Carolina for making it 2 years in a row for actually bringing forward and getting through a budget resolution. It looked like it wasn't going to happen. We won't be supporting it, but the fact that the budget chairman is keeping the budget process intact speaks very good to this institution, good to the process, and I want to compliment the gentleman from South Carolina for doing that.

Now, on to the motion to instruct. Everyone agrees, Mr. Speaker, that we need to reduce our reliance on foreign oil. But frankly, if we really want to move forward with greater energy independence, we should increase our petroleum supply by increasing our domestic production of oil. The motion accomplishes just that.

The Republican motion calls on the conferees to increase the receipt levels in the final budget resolution by expanding leasing in Federal areas in the West, in the Outer Continental Shelf and in the Arctic National Wildlife Refuge in an environmentally sound manner.

Yesterday, the House voted overwhelmingly to suspend the purchase of the Strategic Petroleum Reserve as a means to increase oil supply and reduce gasoline prices. It's unclear whether this will have any impact on oil prices, much less gas prices.

This motion would accomplish that result. It would, No. 1, increase domestic oil production and put downward pressure on oil prices and gasoline prices; No. 2, it would reduce our reliance on foreign oil; and, No. 3, it would reduce the deficit.

More than a year ago, the Democratic majority pledged to bring gasoline prices down. On January 4, 2007, the day the Democratic majority took control of the House, the price of gas was an average of $2.33 a gallon. Today Americans are paying an average of $3.76 per gallon to put fuel in their cars. Just 2 days ago in Kenosha, Wisconsin it was $3.95. It's $4 in some areas. This is an increase of at least $1.43 a gallon.

Republicans are seeking to tap into America's great natural resources in an environmentally sound and effective way to provide the consumers the relief at the pump that they deserve, while reducing our reliance on foreign oil.

This Republican motion is a step in the right direction to enhance our energy security and put in place a long-term plan to provide relief at the pump. These are the steps we need to take to assist families, communities, small businesses, those that are suffering with soaring prices of oil and gasoline.

With that, I would like to yield 5 minutes to the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the chairman for yielding.

This is about energy and about the budget, and this is about the Arctic wildlife range in Alaska.

We have voted 12 times on this floor; in fact, I think Mr. SPRATT voted for it, Mr. DINGELL voted for it, or will vote for it, to try to open the last great known elephant in oil fields in the continental United States. If we were to do so today, we would deliver to the American public 1 million barrels of oil for 30 continuing years—a day. Thirty years, 1 million barrels a day. That's the very minor estimate.

But more than that, it would provide, this year, if we were just to lease it, $191 billion in revenue for the budget, $191 billion for the lease and the development of ANWR. And in 3 years I can deliver to the American public 1 million barrels a day or more. That's more than Venezuela. That keeps Venezuela from jacking the prices around.

If we were to do it, my good friends, it would drop the price of oil about $10 a barrel immediately; not because we're delivering it, but it would be the first time this Congress has worked on the supply side, and the speculators would stop speculating if they saw that Congress was serious about developing our national and our Federal lands in fossil fuels. Why we don't do that I cannot understand.

Yes, we do have to change our modes of transportation in a period of time. But there's no way you can bridge the ability of not using fossil fuels in the short-term.

Now, you think about the consumer today in Alaska, and you think about the consumer in the rest of the Nation and what they have to do at $4 a gallon, maybe $5. And I have estimates it may go as far as $10 by the end of the year, and that's going to be on your watch.

We're here talking about the budget. But if we want to solve the budget problems, let's create some dollars. But more than that, let's create less dependency on foreign oil.

How we can sit here as a body and send dollars overseas, and the billions of dollars; to give you some idea, the average tax for every man, woman and child, everybody listening to this station tonight is paying $2,085 per every man, woman and child in tax to the foreign countries, burning their oil. Seventy percent of their oil.

And some people say, well, it's the oil companies. Nonsense. This is about demand globally and supply. We're not the only buyers anymore. America's not the only ones that have automobiles. America's not the only one using fossil fuels. China is burning more barrels of fuel today than we are, and that drives the price up. We're no longer the only buyer, and the seller can ask for the price they're going to get.

The only way you can relieve that is start developing our national, on Federal lands, our oil for the good of the American people. Why we're not doing this, I don't know.

And remember, you heard me before on this, well it's not your fault, it's not our fault, it's this fault, the body of this Congress. We've got to stop pandering for those who say no to developing our fossil fuels. We have to stop pandering for those saying it's going to be a total climate change because it is going to happen in this world. They will be burning oil, and we'll be unable to take and support our people until we develop our fields as we should develop them.

I'm hoping America's listening. I hope America will wake up to the fact. We have the ability to do it here today. We have the ability to solve the budget problem, but we have a better ability to solve the energy problem in America.

I'm asking my fellow colleagues, let's do it. Let's do it today. Let's do it in the future. Let's solve the problems of energy in this Nation.

Mr. SPRATT. I yield myself such time as I may consume.

Mr. Speaker, on March 13, we passed the budget resolution. It's a good resolution. It moves the budget to balance by the Year 2012 and, along the way, it accumulates less debt than the Bush budget. It limits spending to a reasonable level.

But I can truthfully say that this bill does more for education, more for the environment, more for energy, more for science and innovation than the President's budget or the Republicans' resolution. And also, critically important, it avoids the deep cuts in Medicare and Medicaid that are provided for, called for in the President's budget. And it protects the middle income tax cuts; provides AMT relief for middle income families for whom it was never intended.

Therefore, we have the outline of a good budget for the coming fiscal year, and we need to pass it, send it to conference, bring the conference report back. We have an excellent chance, I think, of passing the first conference report, back to back, since the year 2000.

What my friends on the other side of the aisle have introduced is, to my way of thinking, a distraction, a red herring. ANWR is never mentioned in our resolution. And to my recollection it was not mentioned in your resolution. So the topic here is wholly out of the scope of the resolution on either side, particularly ours, and wholly outside the jurisdiction of our committee. We don't assume ANWR revenues, we don't preclude ANWR revenues because we don't have the authority to prescribe that.

The most we can provide for in a budget resolution is a certain revenue floor, a certain amount of revenues be collected over the year to be applied against the expenditures that we broadly distribute in something called the 302(a) section of our bill and the 302(b), providing for 302(b) allocations.

So this budget resolution, this resolution to instruct, motion to instruct conferees, goes off on a tack that is totally different from what the resolution's all about, what the committee's jurisdiction is. If you want to debate this, there's another forum for debating it. There's another committee, the Resources Committee.

We don't have the authority to do what you would call upon us to do. We don't take a position for ANWR or against ANWR in the budget resolution because it's not the place for that kind of policy resolution. There are other places here for that to be established.

So we've got a good budget resolution. We do not need this resolution, this motion to instruct conferees, to do anything towards balancing the budget. You've got a very nominal sum of money in here when it comes to a 5-year period of time.

And one question I would leave with you, is you call for an increase in negative budget authority and outlays. If I didn't know what that meant, I wouldn't know what it meant when I first saw it on the printed page here. But I would take it that not only does oil revenues fall under this rubric, but so would forest products, national parks and things of that nature.

So it's not clear exactly what you're calling for here. I can only say it's a distraction. It's a red herring, it's not needed, and it does not really belong in the budget resolution process.

I retain the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Wisconsin has 23 minutes. The gentleman from South Carolina has 26½ minutes.

Mr. RYAN of Wisconsin. I will yield myself 30 seconds simply to say, using the chairman's argument, then there's no money in this budget for veterans, no money in this budget for science, no money in this budget for education if you use that line of argument. There's only money for discretionary spending in here.

A budget resolution is a series of numbers, and we're saying, let's adjust the numbers to accommodate the policy we're talking about here, drilling for oil in the Arctic National Wildlife Refuge, the Outer Continental Shelf, the Intermountain West.

At this time I'd like to yield 4 minutes to the distinguished ranking member of the Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished ranking member of the Budget Committee.

Before I speak in favor of the Ryan motion to instruct conferees on the budget, let me give you a post-SPR suspension update. The price of oil went up $1.73 on the mercantile market yesterday after we voted to suspend shipments into the SPR. At some point in time I sure hope it does come down and we'll work together, hopefully, in a bipartisan basis to bring oil and energy prices down. But our symbolic vote yesterday had the opposite effect of what it was intended because prices went up.

Let me speak now in favor of this motion to instruct. I would point all the Members in the body to the quote above the Speaker's rostrum by Daniel Webster. It says, the very first part of that quote, "Let us develop the resources of our land." And this motion to instruct is a direct descendant of that sentiment.

We are not helpless, we are not hopeless in this country in terms of energy. If we will develop the resources of our land, we could, in all probability, within 5, maybe 6, 7 years, double the amount of oil or oil equivalent that we're producing right now in the United States.

We're currently producing somewhere between 6 and 7, maybe a little over 7 million barrels. As Congressman YOUNG has just pointed out, if we were to drill in ANWR, it would start out with a production capacity, in all likelihood, of about 300,000 barrels a day. And in the optimum case, it could be ramped up to about 2 million barrels a day within 5 or 6 years.

We have over a million barrels a day of production off the coast of California. We have 2 trillion barrels of oil equivalent in the shale oil deposits in Wyoming and Colorado.

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We haven't even inventoried what is off the coast of the east coast of the United States. We have the Chinese drilling between Cuba and Florida, and yet we're not allowed, because of moratoria, to drill there.

So we're not hopeless. We can also develop our coal resources. Congressman SHIMKUS has a bill on coal-to-liquids that is very helpful, and yet we stand here and refuse to adopt any supply-side policies at all as prices go higher and higher and higher.

If you live in an urban area where you don't depend on an automobile, you may not feel those high prices. But if you live in a suburban or rural area, well, you have to drive to work and drive to shop. If you work for a trucking company, if you work for an airline company and you see the price of diesel and the price of aviation fuel go higher and higher and higher, you feel it. It's not an academic exercise.

This motion to instruct simply says let's have some domestic development of our resources. Let's try to bring those prices down not with just the conservation component, but with the supply component. And with world markets where they are today, production of oil is somewhere around 85 million barrels a day. The consumption of oil is somewhere around 85 million barrels a day. The demand for oil in the United States in the last 2 months in a row has gone down, but the demand for oil in the rest of the world has gone up. And it's gone up more in the rest of the world than it's gone down here in the United States.

But if we were to be producing another 1 million, 2 million, 3 million barrels of oil a day in the United States, that would create a cushion that would take some of the heat out of the market and the price would go down.

I can't imagine any Member of this body that doesn't have a constituency that's concerned about higher food prices, higher energy prices, and higher prices of living.

Let's vote for the motion to instruct and try to get a supply component to our energy policy.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. There is a certain absurdity to this debate that the poor oil companies have had their hands tied. We've had a President from Texas, an oil man; a Vice President from Texas, an oil man; the chairman of the Energy and Commerce Committee was from Texas; the chairman of the subcommittee on energy was from Texas; the majority leader was from Texas, all over the time that the Republicans controlled the House, the Senate, and the Presidency.

So during that time, by the way, and this is the good news, the Bush administration actually gave to the oil and gas industry 268 million acres of American land to drill on for oil and gas. Said, You just go and drill there. And guess what we got? Last year, ExxonMobil, the other four big companies, they reported $142 billion worth of profits. Pretty good tipping the American people upside down.

How much of it do they put into renewables? How much do they put into the supply side, the new energy sources: wind, solar, all of the new technologies? ExxonMobil: $10 million. They made $42 billion. They put $10 million into renewables. And what else do they say? When we come and say, How about giving back some of those tax breaks so we can give them over to wind and solar, the oil executives said, You can't touch our tax breaks, and by the way, we're also not going to invest in renewables.

Well, there's our future. Our future is saying let's go to the most pristine parts of the country. Let's go drill there. Let's not invest in solar; let's not invest in wind; let's not reinvest. That's the plan.

By the way, the price of oil under the Bush watch has gone from $30 a barrel to $126 a barrel. It's gone from $1.45 a gallon to $3.72 a gallon. And the Strategic Petroleum Reserve, when the Strategic Petroleum Reserve is filled and ready to go so we can deploy it, the President says he doesn't want to use it.

Well, here's the spigot, Mr. President. It's on top of the White House. You just have to turn it, deploy the Strategic Petroleum Reserve, the price of a barrel of oil will begin to drop immediately.

This is a phony debate.

Mr. RYAN from Wisconsin. At this time, Mr. Speaker, I yield 3 minutes to the gentleman from Illinois, a member of the Energy and Commerce Committee, Mr. SHIMKUS.

Mr. SHIMKUS. I always love following my friend from Massachusetts.

You know, most countries view their resources as a strategic advantage. But we in this country in the majority view our resources as an environmental hazard. This motion to instruct is critical. If we can get a million barrels out of ANWR at today's prices, do you know how much money goes into the Federal Treasury? $192 billion. Go tell that to your Blue Dogs who are holding up emergency supplemental bills because of PAYGO.

That's just ANWR. Let's talk about the other resources that we have.

Here is the reality. It wasn't President Bush that promised in 2006 that the Democrats have a plan to lower gas prices. That was Speaker PELOSI. In fact, she made the same mistake today. She claimed numerous times that the ag bill would lower prices, gas prices.

Now, I voted for it. I'm an ethanol guy. I'm a cellulosic guy. But if we don't bring more supply into the market, we're not going to lower prices. The demand from China and the demand from India and the demand from Europe just overwhelms us and is overwhelming the market. It was $58 when this majority came into power, $125 today.

I haven't used this for a while, but the Pelosi Premium, $2.33 when you came into the majority, Speaker PELOSI said, We're going to lower gas prices. $3.77 today. Chairman DINGELL is here. He's pulled this bill off the table, but climate change would add 50 cents a gallon. $4.20 is what we would be paying under climate change and current gas prices.

What's the solution? The great Outer Continental Shelf. Billions of barrels of oil, trillions of cubic feet of natural gas. There are. You can't deny it. The eastern gulf, off-limits by appropriation bill. Not resources bill. It's an appropriation bill that puts this off-limits. It's the OCS off the western coast. Billions of barrels of oil, trillions of cubic feet; we can't have it.

What would we do with the $192 billion from ANWR royalties? Let's go and take American coal, United Mine Worker jobs, let's build coal-to-liquid refineries, operating engineer, building-trade jobs. Let's build pipelines. Major organized labor jobs. And let's use it to lower the cost of jet fuel so we don't have the aviation industry going bankrupt. $192 billion would go a long way to do the solar, to do the wind power, to do everything we want to do.

We want more supply, not less. Environmental resources is a national advantage for our country, but we won't take use of it.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it doesn't really surprise me that our good friends on the other side of the aisle have yet another drilling solution to our energy problems. Because it seems that with every energy problem, they have never found an energy problem that drilling won't solve. When will our colleagues in the minority get it into their heads that we cannot drill our way out of our energy problems?

What I think is amazing is that they have actually finally realized that there is a problem that needs to be addressed. Some of them have finally acknowledged that global warming is a problem. But they still refuse to let go of the tired direction that they continue to want to travel in, which is to prop up their wealthy corporate interests, prop up the oil industry, which is the most profitable industry in this country, with billions of dollars in oil subsidies.

And today's solution, in this motion to instruct, is that we should drill for more oil in a pristine environmental track in Alaska, go off the coast of Florida and the Outer Continental Shelf, drop some oil drills so that we can really severely negatively impact the tourism across the coastal regions instead of trying to make sure that we can truly invest in alternative energy research. Which part of "No, we need an alternative" don't they understand?

Well, consistently the voters have said they want to move this country in a new direction. They want to make sure that we invest in alternative energy research and wean ourselves truly off of our dependence on oil. Not just hear more talk about it.

Mr. Speaker, drilling is not the answer. It is inappropriate to suggest that we should have more drilling in ANWR, in Wyoming, off the coast of Florida. We need to make sure that we can finally step up and make a bipartisan commitment that we will invest in alternative energy research so that we can finally end this energy crisis that we find ourselves in.

I'm glad to see that the Republicans finally acknowledge it's a problem.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate this opportunity.

Let's look at this in perspective.

We just learned from Mr. SHIMKUS that over the lifetime of ANWR, if we just opened up that area to produce, that we could provide revenues of up to $192 billion on the lease bids and royalties. And we always seem to be looking, at least the bills that keep coming forward from our friends from the other side of the aisle, from the majority, always seem to be trying to raise revenues. And certainly the $6 billion per year that we could get just from the ANWR royalties in bids would pay for the GI Bill that they're going to raise taxes for tomorrow.

Not only is this a bonus that we raise revenue. By the way, we have a deficit that we're running. So I think where we can raise revenues without raising taxes is somewhere we could look.

But over the weekend, I had the opportunity to sit down with a trucking company in Omaha. They were telling me that the average price of diesel across the Nation is $4.50. It's costing them almost a dollar per mile. What does that mean to the consumers? Well, it means that your family budget is going in the tank, literally. That means that when you go to the grocery store, that you're paying higher prices for food, not because some portion of corn is being used for ethanol; what it means is that the transportation costs of the food from the farm to the grocery stores is so high and is being absorbed in the prices at the grocery store.

So that's why your milk is going up, that's why the eggs have gone up, that's why your grain-related foods, like cereals and bread, have gone up. Yes, we need to focus on demand here. But we can also win-win by focusing on supply.

Let's do the right thing. And good job, Mr. RYAN.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding and his work on putting forward a budget that brings us to balance and that is fiscally responsible.

Mr. Speaker, what we have here is a repeat of what we heard during the 12 years that our friends on the Republican side of the aisle tried to push forward a very failed policy as our friend, Mr. MARKEY from Massachusetts, mentioned with regard to ANWR.

This is a policy that was tried over the years by a Republican Congress with a Republican President, and never once did it pass because of the flaws and challenges that it would present.

What I think we have here is a classic case of what many of us will recall from the George Foreman-Muhammad Ali fight: a case of rope-a-dope where you're trying to deflect what's really going on on this floor tonight. And that is the fact that this budget presented by this Congress will bring us to a balanced budget faster than the President's budget at the same time that it's providing for some fiscal responsibility when it comes to tax cuts, energy policy, how we treat our kids in school, what we do for our kids when it comes to health care. All of that's done in a way that not only brings us to a point of having fiscal sanity in the way we do things, but it does it without having to deal with these gimmicks that we have now with ANWR.

The reality is that if you don't divert the American public's attention to what's going on in this budget, they would be very happy. The fact that we are restoring fiscal responsibility by making sure that anything we propose to do that costs money will be paid for so that we don't continue to see rising budget deficits is phenomenal and it's new.

What we see here is an effort to devote resources to energy that's renewable sources that provides with renewable sources on energy, that provides us with efficient sources of energy that moves us towards solar, towards wind; and we put money there, and we do it in a fiscally responsible way.

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We don't cut the moneys that the President never provided for his No Child Left Behind education program. We provide the money. We do all those things, and we do them in fiscally responsible ways.

That's the story in this budget. You don't need to do rope-a-dope to get past that. This is a time for us to move in a different direction. We intend to do so. I urge Members to vote against this motion to instruct.

Mr. RYAN of Wisconsin. Mr. Speaker, let me inquire as to how much time remains on each side.

The SPEAKER pro tempore (Mr. ALTMIRE). The gentleman from Wisconsin has 13½ minutes. The gentleman from South Carolina has 20½ minutes.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. SPRATT. I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL), the chairman of the Resources Committee.

Mr. RAHALL. I thank the chairman of the Budget Committee, Mr. SPRATT, for yielding me the time.

While the Republicans continue to argue that opening more land is essential to lowering gasoline prices, the facts prove otherwise. We simply cannot drill our way to lower prices at the pump, and let's look at those facts.

Since 2000, the amount of drilling on Federal lands has steadily increased. Between 1999 and 2007, drilling permits on public lands has increased more than 361 percent; yet gas prices, as we all know too acutely, have risen dramatically. There is simply no correlation between the two.

Despite the Federal Government's willingness to make public lands available to energy production, of the 42 million acres of onshore Federal lands currently being leased by oil and gas companies, that's the red column here, only about 12 million are actually in production or producing oil and gas. The industry has this much available to them, and this is all they're using right here. They are obviously stockpiling these leases, and it's been evident for at least the past decade.

In 2007, for example, the government issued 7,561 permits to drill. Yet only 4,704 wells were started. Over the past 4 years, there have been 9,800 more permits issued than the wells drilled.

Today, the oil and gas industry holds in excess of 3,000 permits for onshore oil and gas development that they are not using to increase domestic production.

Now, here's the most important point for my colleagues on the other side of the aisle. Some would argue that the entire Outer Continental Shelf should be opened to oil and gas development. This is a specious argument as drilling off the coasts of California, Florida or Virginia has been consistently and repeatedly opposed by both parties.

And for those on the minority side who may want to vote for this motion to recommit, just remember: This will be viewed as a vote to allow oil and gas drilling off your shores.

According to the Department of the Interior, the parts of the OCS, primarily the Gulf of Mexico, that are currently open to drilling contain 79 percent of the oil and 82 percent of the natural gas that exists on the entire OCS.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SPRATT. I yield the gentleman 1 additional minute.

Mr. RAHALL. And as is the case with onshore, out of the 40 million acres currently being held by oil and gas companies, under lease, in the Outer Continental Shelf, the oil and gas industry has put less than 7 million of those acres into production. It's already there. It's available to them. Yet they're not using it, and they want to go elsewhere to drill.

In a nutshell, the industry has access to most of the estimated technologically recoverable natural gas that's occurring in the Federal OCS, in fact four times as much as is estimated by the Minerals Management Service to occur in the moratoria areas, but the industry is not developing it.

You cannot drill your way to lower gas prices at the pump. The industry has plenty available to them. Let them use what they already have before going into other pristine areas like ANWR.

Mr. RYAN of Wisconsin. I continue to reserve my time.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding me time.

I hope we will defeat this motion to recommit. I sit on the Energy and Commerce Committee. I've done a lot of work on oil and gas, and I was in my office when I heard all these myths coming from the other side, and I thought we had to come down and refute this.

My friends on this side of the aisle keep saying Congress needs to open more areas to domestic drilling. The U.S. has already increased domestic drilling, and gas prices have continued to climb.

Since 2000, the number of wells drilled on Federal lands has increased by 66 percent, from 3,000 to nearly 5,000 wells. During that same time, the price of gas has doubled.

According to the Federal Government, 79 percent of the oil in the Outer

Continental Shelf is already available for leasing. Eighty-two percent of the gas in the Outer Continental Shelf is available for leasing. And still, we open up more lands to leasing in 2006. The U.S. cannot drill its way out of high energy costs.

The other fact that my friends always try to put forth is that environmental laws are stopping oil companies from building refineries. Completely false. In the 2005 Energy Policy Act, we actually put in there a section that, as Secretary of Energy Bodman said, eases the constraints that have strangled new refinery construction. We put that in in 2005; yet no one has ever come forward and said we want to use that provision to put forth more refineries.

The U.S. has actually shut down its refineries. Since 1981, there were 324 refineries. Now, there are only 149 refineries. As chairman of Oversight and Investigations, we have the memos from Texaco, Chevron, Mobil that all said in order to raise our prices we have to shut down refineries, and they've shut them down.

Mergers in the oil industry have affected prices. In 2004, the Government Accountability Office found more than 2,600 mergers in the U.S. petroleum industry since the 1990s.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SPRATT. I yield the gentleman 1 additional minute.

Mr. STUPAK. Gasoline inventories actually have a surplus. March 7, 2008, we had a surplus of 22 million barrels of gas more than the previous year. Gas supplies are up. Oil gas demand is actually down. And what do we have? We have a 51 percent increase in that same period of time. Gas went from $3.10 to $3.61 since April 1.

Look, we've had mergers. We've had refineries not being built. We have more exploratory. We have more supply. Supply is up, demand is down, the prices have gone sky-high. Why is that? Look at the profits.

ExxonMobil, first quarter of 2008, $10.9 billion; Royal Dutch Shell, $9.1 billion; BP, $7.6 billion, up 63 percent from last year; Chevron, $5.2 billion; Conoco Phillips, $4.1 billion. That is almost $40 billion in their first quarter. That's why gas prices are so high. That's why this Congress must act to lower gas prices.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I'd like to yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Well, I don't know what it's going to take, Mr. Speaker. Indiana is right up there with the rest of the country pushing about $4 a gallon. We'll get people out on the road for vacations this summer, and I don't know what it's going to take for Congress to take dramatic action to lessen our dependence on foreign oil.

I've got to tell you I was little bit encouraged last night, Mr. Speaker. The Democrat majority brought a bill to the floor that actually endorsed the idea that the cost of oil and gasoline is affected by supply and demand. We voted to suspend purchases by the Strategic Petroleum Reserve, therefore lessening the demand on global oil, believing that the price would come down.

Well, today, this motion to instruct conferees is all about increasing the supply. Look, we hear a lot about oil profits; we always have. And no one respects the previous speaker more than me. But who in the world thinks that raising taxes on oil companies is going to lower their prices at the pump?

I mean, for heaven's sakes, we understand as Americans that commodities and the price of commodities are dictated by supply and demand. We simply have to take those measures in an environmentally responsible way to explore and further exploit the resources that we have in the ground, and I speak specifically of the Alaska National Wildlife region and the other areas that are affected by this motion to instruct conferees.

As long as we are going to continue to look at the most volatile area of the world for the majority of our energy needs, we are going to continue to see the extraordinary per barrel prices that we're seeing today, and Americans and Hoosiers are going to be suffering at the pump.

Let's get real. Let's do something about the supply. Let's lessen our dependence on foreign oil. Vote for this motion to instruct conferees so that America can begin to realize on the vast natural resources that this country has.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, a number of folks have mentioned on the other side, brought up stories about talking about the Speaker and what Democrats claim.

In 2005, when the Republican Congress passed the President's energy bill, let me tell you what some folks said. The minority leader at that time says, "This will lower energy prices for consumers." The minority whip, Mr. BLUNT, said, "Vote for lower gas prices and increase energy independence for America." This is what was offered and was sold when you did your energy bill. That's what you claimed.

My colleague from Illinois, Congressman SHIMKUS, says, "I do believe that it will help us become more independent of foreign oil, will expand our use of renewable fuels, and will make our electricity production and transmission more reliable. All of which will help slow price increases."

That hasn't been accomplished by any stretch of the imagination. When you passed it at that point, gasoline was at $59 a barrel. Today, as you know, it's 124 bucks a barrel. So it hasn't accomplished any of that goal. This is all what you claimed in your marketing at that point when you had an energy bill on the floor in 2005 because you only had one strategy. You didn't want to do anything about conservation. You didn't want to do anything about renewable energy sources and investment in future technologies. And you didn't want to do anything, as my colleague from West Virginia told you, that there were over 9,800 permits out there, force American companies to start drilling in those permits rather than holding those permits here in the United States where we have some of the energy. There's plenty of that to go around.

What we've done is put a budget together that breaks with the past. It offers a change in the sense it puts our budget in balance. It invests in education over what the President does. It invests in energy technologies for the future, and also, it ensures that the middle class gets a tax cut. This is a budget that's not only in balance but is in balance with our values and our priorities here.

Now, you all have come up with a unique slogan, change you deserve. That's what you've marketed. All you've offered is more of the same, more of the same of $3 trillion of debt, the largest increase in debt in the shortest period of time in American history. That's the change America deserves?

You've offered 10 million children without health care to go walking. Is that change you can deserve?

You've offered an energy policy that has continued to rely on just drilling without looking at conservation, without looking at future technology. Is that change you can deserve?

The American people deserve better, and they're offered here in a budget that is in balance with our priorities, balance with our economic goals. We put resources towards our education, towards energy technology and towards, in fact, making sure the middle class get a tax cut.

In 2005, when you controlled the House, the Senate and the White House, you put together an energy bill that led America to where it is today. I think the American people deserve a change.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I'd like to yield 4 minutes to a senior member of the Commerce Committee, Mr. UPTON from Michigan.

□ 1815

Mr. UPTON. I thank my friend, Mr. RYAN.

You know, gas prices yesterday in Kalamazoo, Michigan hit $3.99 a gallon. You know, I can remember when our imports from other countries for oil and gas crossed the 50 percent threshold. And then it was 60 percent. In a few years, it's going to be 88 percent of the oil that we consume is going to come from overseas. Sadly, I report that this country is woefully unprepared for the future for a country that's going to need 50 percent more energy by the year 2030.

Now, we've done some things on conservation. We've done some CAFE standards, but that's not overnight, it's going to take a number of years. We've done some things on building standards and appliance standards, lighting. Those things kick in a few years from now. But you know what? I think all of us here, based on last night's vote, believe in the theory of supply and demand.

Worldwide, the demand is going up dramatically. China and India, 10, 15 percent annual growth rates. Our demand has actually declined because of the price by about a percent over the last year, but the supply has stayed the same. Yes, you can talk about more wells drilled, but the old existing wells aren't producing the oil that they used to. From the nineties to now, Alaskan oil has declined by 50 percent. And yet Bill Clinton, when he vetoed the ANWR bill 10 years ago, said, that's 10 years off, we don't need that now. Well, guess what? Ten years later, we need that oil. We need greater supply.

Last night's vote, taking oil out of SPR, 60,000 barrels a day, a lot of us voted for it because that means that the supply is going to go up for consumers by 60,000 barrels a day. So we're onto that. That passed overwhelmingly here in the House. But whether it's Alaska, whether it's offshore drilling—I don't know how many of you here know that China is drilling off Cuba, 45 miles off the Florida coast. China is drilling off Florida, yet we can't do that. I think we have a limit of 100 miles. Eighty-five percent of our offshore drilling is off-bounds. We need to reverse that.

Last year in this House, we had a vote that prevailed by six votes that took land in our BLM lands, public lands out in Colorado, Utah, and Wyoming, it took it off so that we can't allow the permits to get oil shale. The oil shale reserves there are expected to exceed a trillion barrels. That's more than the Saudis. And we can't even allow the permitting for companies to go in and explore and perhaps increase the supply so that we can decrease the price with such a provision. I look forward to a revote on that same amendment perhaps this year.

The Canadians. I met with a Canadian Minister of Energy a couple of weeks ago, with a Canadian ambassador. They are now successfully extracting a million barrels a day from oil shale in Alberta. And because of a certain section that was in the energy bill offered successfully last year, we can't take that in this country. If you want to increase the supply so that the price can come down, we have to look at domestic resources, whether they be off our shores, whether they be in our own lands and we know that we can produce it safely, or in Alaska as well, ANWR.

We want the oil here. And we want to help have some decreasing pressure on that price that is costing consumers in lots of ways, not only their transportation, but food and all those different things.

So I would like to think that we can adopt this resolution, looking for more receipts for the domestic industry.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Well, here we have the Republicans engaging in fuzzy math again.

Unlike the eight budgets submitted by George Bush, which are taking this country toward bankruptcy, they're so incredibly out of balance, unlike the 12 budgets given to us by the Republican majority here, this budget gets us to balance by 2012. And guess what? It has nothing to do with the Alaskan National Wildlife Refuge, it's not an issue in the budget. You want to have that debate, let's have that debate in the Resources Committee and other appropriate venues.

But if you want to have that debate, I've got a few things to say. I serve on the Resources Committee. We have 6,669 leases that are out there with the oil and gas industry that aren't producing; 30 million acres of land that's covered by that and offshore. We have nearly a quarter of a million acres in the Naval Petroleum Reserve. Bill Clinton leased our Naval Petroleum Reserve to the oil industry. Guess what? They're not yet developing the Naval Petroleum Reserve. There is a tremendous amount to be developed there. But you want to jump and leapfrog somewhere else for imaginary bits of oil.

Under the most optimistic estimates, there's 100 days in ANWR. Now, we could do better if every American properly inflated the tires on their cars and their trucks and their SUVs. Try and find an air pump these days, they're darn hard to find. You want to do something? Let's have a Federal program to put air pumps out there and get people to fully inflate their tires. There is a sustainable way to cut demand. But the fantasy of ANWR, which the Republicans want to engage in, is to distract us from the speculation, the profiteering by the oil companies, speculation of the commodity markets driving up prices 50 cents a gallon—legislation they passed for Enron, now bankrupt and defunct. And then we have the issue of the Strategic Petroleum Reserve. We have come together on a bipartisan basis to say let's lower the price of gas at the pump by not buying the most expensive oil in history. They don't agree with us on going after the OPEC countries.

So, you know, let's not talk about something that's potentially 10 years out, that doesn't have anything to do with the budget. Let's talk about real measures on energy. And let's talk about a real budget to get this country back on the path to fiscal sustainability and responsibility.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I'm delighted today that we're talking about energy. I think it's vital because I want to tell you something; if we don't get a lid on energy prices in America, there will be no level of government with a budget that will balance. The cost to heat our schools, the cost to heat our hospitals, the cost to do everything is going to explode. The cost to move goods and services is exploding. And it's about time, Americans.

I had a young lady say to me last week, she said, Mr. PETERSON, I make $320 a week. I used to spend $90 to drive to work, now I'm spending $140. How do I pay my bills? What she doesn't know is she heats her home with natural gas, and the natural gas that we're putting in the ground today for next winter's heating is $11.50. Last year, it was running between $6.50 and $7. She's looking at a 50 percent increase in home heating costs next year, which she cannot meet.

Folks, the average working American is struggling to pay their bills because of energy costs. Our State governments, our county governments and our hospitals and our schools are going to take money away from the classroom to heat those facilities. If this Congress does not address the energy issue, we're going to collapse the economic viability of this country.

Energy runs this country. We've had $2 gas and $10 oil most of our lifetime, with a few spikes in the seventies, eighties and nineties. Folks, we have $125 oil, $11.50 gas. We have not had a storm in the gulf in 2 years that always causes spike prices. We've not had a major country that supplies oil to us all tip over or have a coup that took away the government and took away that supply of oil.

I'm predicting that countries like China, who are amassing energy all around the world, we'll read one of these days where they have purchased all the oil and gas that one of the major contributing countries can produce for the next decade and we won't get any of it.

Folks, if we have a storm in the gulf this summer like they're predicting, and they're predicting them, if we have any kind of terrorist attack on a supply system, $125 oil will seem cheap to us. I'm not sure this economy can handle $125 oil.

I am for every renewable there is, but let's look at the Energy Department's prediction: Oil, gas, coal, nuclear, renewables, hydro and non-hydro, that's their prediction. We've spent $30 billion for renewables. Folks, if we double wind and solar—and I wish we could double it every year—but if we double it, we will still be less than three-quarters of 1 percent of our energy needs.

Where is the renewable coming? The renewable that's grown the fastest is wood waste. With pellet stoves heating hundreds of homes, with factories heating their factories with wood waste, wood waste has been the fastest growing energy renewable.

Folks, America better get serious. And we'd better open our Outer Continental Shelf, we'd better do ANWR, we'd better do the Midwest. Coal-to-liquid, coal-to-gas, wind, solar, we need it all, folks. America is in an energy crisis.

Mr. SPRATT. Mr. Speaker, let me say again, but say more emphatically, what I said at the outset, and that is that ANWR is never mentioned, never mentioned in the budget resolution, never mentioned in the report that accompanies the resolution. So it's wholly out of scope; it has nothing to do with the budget resolution before us. And it's also outside the jurisdiction of our Budget Committee. The jurisdiction over this drilling in Alaska, or wherever in the continental United States, belongs to the Resources Committee, not to the Budget Committee. So if you want to do what they're proposing to do here, you're in the wrong place before the wrong committee with the wrong proposal.

Revenues from ANWR are not provided for in this budget resolution, they're not precluded in this resolution. The Budget Committee does not have the jurisdiction, as my good friend, Mr. RYAN, knows to tell the Ways and Means Committee or any other committee that has the power to produce revenues exactly how to do it. We simply tell them how much, not by what policy. We don't make policy prescriptions as to revenues in our committee. We simply tell the Budget Committee, the Ways and Means Committee, or the other committees that have the capacity to raise revenues or offsetting receipts, or what we have here called negative budget authority.

In addition, if you read the cryptic language of this resolution, you will find it doesn't mention oil, or ANWR either, anywhere in it. You have to make some mighty extrapolations to get to the conclusion that this is talking about ANWR drilling and ANWR oil. It simply says we should issue instructions to increase negative budget authority, which could apply, in my estimation, to selling parkland, selling other assets of the United States which would be negative budget authority just like the revenues coming from a lease for drilling in ANWR.

In any event, this is a red herring when it comes to the resolution before us. It has nothing to do with our budget resolution. Our budget resolution should be looked upon on its own four legs, and let it stand or fall on those merits. I think we've got a budget resolution.

As I also said at the outset, we come to balance by the year 2012. And along the way we accumulate less debt than the President's budget. We limit spending in a reasonable fashion, but we provide more for education, more for the environment, more for energy, more for science and innovation than the President's budget. We protect the income tax cuts for middle-income Americans, we provide tax relief from the AMT for middle-income Americans, for whom it was never intended.

This is a good budget outline for our country and will move us over time, if we adhere to it—and we do adhere to the PAYGO rule throughout the resolution—if we further adhere to it, it will move us to a balanced budget within the foreseeable future.

Therefore, we do not have to vote for this motion to instruct conferees. It's not necessary. We need to go to conference and come back next week with a conference report that we can put to work so the House can get on with its business.

Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself the remainder of the time.

I'll begin by stating what I said in the beginning, which is, as a person who believes in having a strong and intact budget process, I want to compliment the chairman for getting us to a Budget Resolution, for doing it 2 years in a row. It's not an easy accomplishment. So on behalf of the institution, it's important that we pass these budget resolutions.

□ 1830

The problem is we're not going to pass a good budget resolution. The reason the gentleman's budget resolution achieves a balanced budget is because it contains the largest tax increase in American history. It cuts the child tax credit in half. It repeals the relief for the marriage penalty, raises income taxes across the board, raises capital gains and dividends taxes, brings the death tax back in, and puts us on a path for the largest tax increase in American history by replacing the alternative minimum tax. So, yes, the gentleman's budget does balance because it only increases spending by $280 billion while it increases taxes by $683 billion. That's how the gentleman balances the budget.

But more to the point here, today the House voted to waive PAYGO to give farm subsidies to millionaires. Tomorrow the House is going to support PAYGO. They're going to enforce PAYGO to raise taxes on small businesses.

So this is what we're doing here in this Congress. Whenever it's time to keep PAYGO in place to control spending, it's out the door. It's waived. It's swept under the rug. It's baseline shopping, number cooking, gimmicking, cliffs. But whenever the time comes to raise taxes, that's when we enforce PAYGO.

Mr. Speaker, PAYGO doesn't exist. PAYGO is not in place. It is not being enforced. It is a sham. The only thing that PAYGO does today is give the majority an excuse to raise taxes. It doesn't cut spending. It doesn't reduce the deficit. It just raises taxes to fuel more spending.

Watch what happens tomorrow. Today millionaires get agriculture subsidies because we waived PAYGO; tomorrow, taxing small businesses to create a new entitlement program.

But to the point of this motion to instruct, what we are trying to achieve with this motion to instruct is to try to make this budget a little bit better, a little bit better by talking about the issue of the day, which is people are not being able to spread their paychecks as far as they were before. They can't get as much out of their paychecks because of $4 gasoline.

Why do we have $4 gasoline? Because we don't have an energy policy in this country. And what we are simply saying is one of the reasons is we have so much supply we're not getting: 16 billion barrels at ANWR; 2 trillion barrels in oil shale in Wyoming and Montana; 86 billion barrels in the Outer Continental Shelf.

Let me say that one more time: 16 billion barrels in Alaska, 2 trillion barrels in shale in the Intermountain West, and 86 billion barrels in the Outer Continental Shelf. All off-limits.

If we just did ANWR, according to the CRS, the Federal Government would see a surge in revenues, no new taxes, not even cutting spending, $191 billion; $191 billion, according to the CRS, from just doing ANWR. That's the smallest of all of our reserves. Think what we could do with $191 billion. We could reduce the deficit. We could create a Manhattan Project for research and development for renewable energies to put fossil fuels out of business.

But, no, we're doing none of this. So this is the economic equivalent of shooting yourself in the foot, of cutting off your nose to spite your face. This is not an energy policy.

This is a bad budget resolution that raises taxes on the American workers and families and businesses. The worst time we should be raising taxes is when we are possibly in an economic recession, and the last thing we ought to be doing is raising taxes on people. Furthermore, with high food prices, high gas prices, we shouldn't be raising people's taxes. That's what this budget does.

So to try to make it a little bit better, let's get some of our own oil and gas from our own country instead of being so reliant on foreigners for it. We're giving the wrong people our money, people who are not our friends overseas.

So pass this motion to instruct. Make this budget a little bit better, and open up production so we can actually truly do something to lower the price of oil and make us less dependent on foreign oil.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 4040, CONSUMER PRODUCT SAFETY MODERNIZATION ACT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WHITFIELD OF KENTUCKY

Mr. WHITFIELD of Kentucky. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Whitfield of Kentucky moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4040 be instructed to insist upon the provisions contained in the House bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Michigan (Mr. DINGELL) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

On December 19 of last year, this body spoke with a resounding voice of approval for our Consumer Product Safety Modernization Act. The measure passed by a unanimous vote of 407–0.

I would like to thank Chairman DINGELL; Ranking Member BARTON; Chairman RUSH; and my predecessor, Mr. STEARNS, for the great job that they did in getting this bill through the House.

H.R. 4040 is a bipartisan product. We worked for 4 months and in the end came up with a stringent but reasoned approach to strengthen the Consumer Product Safety Commission and to vastly improve the safety of our children's products. The result was a bill that creates the toughest lead standard in the world and imposes mandatory safety standards on products for young children. To ensure such standards are met, we require third-party testing and certification of children's products and we nearly double the Consumer Product Safety Commission budget over 4 years to ensure both the new safety standards and the testing and certification requirements are met.

All the new standards and increased enforcement in the world will not help parents unless they also know about dangerous products. We therefore require improved public notice of recalls as well as tracking labels on all children's products so parents can identify recalled toys when they hear about them. We also loosened restrictions to allow the Consumer Product Safety Commission to release critical product safety information to the public when people face an imminent health and safety standard.

Mr. Speaker, I strongly support H.R. 4040. I know that this is a work product that will maximize our opportunity to protect children from dangerous toys and products, and I urge and hope that the House managers will stand by the provisions which passed this Chamber unanimously only 5 months ago and insist upon the measures of H.R. 4040, as passed by the House.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the motion to instruct under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise to speak on behalf of the thoroughly bipartisan legislation underlying this motion. I begin with a commendation to my good friend from Kentucky (Mr. WHITFIELD) and to my colleagues on both sides of the aisle, including Mr. BARTON, the ranking minority member, and the other members of the subcommittee and full committee who have worked so hard on this legislation on both sides of the aisle.

I would observe that this is a thoroughly bipartisan piece of legislation. It passed out of the committee 51–0, and it passed the House 407–0. It is one of the most important consumer protection bills to come before this House in this Congress. It is crucially important for us to have such legislation signed into law this year. And I want to point out that without it, people will remain at risk from dangerous products and from an important Federal regulator who will remain both underfunded and incapable of acting properly to take care of consumers' legitimate concerns with regard to the safety of all manner of products from toys from the very beginning of life right through the time that we enter the graveyard.

On December 19, 2007, the House passed this legislation then without a dissenting vote. It represents extraordinary work by the Committee on Energy and Commerce, and it shows how bipartisanship can function, and it shows how an excellent staff on both sides of the aisle working together can bring before us legislation that is in the broad overall public interest. The Senate substituted its version of the bill on March 6, 2008. Some elements of the Senate bill are problematic, but others are indeed worthy of serious consideration by the conference committee. The differences between the two bills are outweighed by their similarities. There is no reason why the House conferees should not return here in short order with a workable, balanced, and strong conference report deserving the full support of the House and upon which I intend to work closely with my good friends on the minority side, as we have so far.

I want to remind my colleagues what the House bill does. It bans lead beyond the most minute amount in products intended for children under 12 years of age. It mandates premarket testing by certified laboratories for lead and other hazards in children's products, and it sees that those laboratories are properly qualified and able to carry out their important responsibilities. It places requirements on manufacturers to enhance recalls. It empowers the Consumer Product Safety Commission, CPSC, to share information about dangerous products immediately. It requires CPSC to provide public access to a database of serious injuries and deaths caused by consumer products, but it does so requiring also that the information be truthful, correct, and properly verified. It prohibits the sale and export of recalled products. It ensures that CPSC effectively shares information with the States. And it bans industry-sponsored travel by CPSC Commissioners and their staff.

I want to observe that the motion is a good one. I support it. I commend my good friend from Kentucky for his offering of it and for his leadership in the handling of this legislation.

I again want to pay my respects and compliments to my colleagues on the Republican side and to my colleagues on this side for the outstanding way in which they have put together this legislation.

I urge that the House support the motion to instruct offered by my good friend from Kentucky.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD of Kentucky. Mr. Chairman, I want to thank you for those kind remarks.

And, Mr. Speaker, I would just reiterate I think we have a great product. I think we have a wonderful opportunity in conference to come out with a great product.

Mr. RUSH. Mr. Speaker, on December 19, 2007, the last day of the session before the holiday season, the House of Representatives passed H.R. 4040, the Consumer Product Safety Modernization Act. The vote was 407–0. Today, with this Motion to Instruct Conferees, we are taking yet another step towards fulfilling our pledge to the American people to protect their children from dangerous products and overhaul the Consumer Product Safety Commission. I am confident that in the coming weeks, we can resolve all of the differences between the House and Senate versions of their respective bills and send a strong piece of legislation to the President that he will sign into law.

We have much to be proud of in the House version of consumer product safety reform legislation. H.R. 4040 was introduced by Chairman DINGELL, Ranking Member BARTON, Ranking Member STEARNS, and me. This historic bill, of which I am the lead sponsor, authorizes desperately needed resources to the Commission and dramatically rewrites the Consumer Product Safety Act, as well as the Federal Hazardous Substances Act, both of which are administered by the CPSC. After decades of neglect, the House bill restores the CPSC to its rightful place of prominence and gives it the necessary tools to grapple with the global marketplace and protect American consumers, particularly children, from dangerous and defective products.

The House bill is the culmination of a deliberative, bipartisan process that entailed countless meetings with consumer groups, industry, and staff of the Consumer Product Safety Commission. In the Subcommittee on Commerce, Trade, and Consumer Protection, we held five hearings before our subcommittee markup. The full-committee reported H.R. 4040 as amended with a vote of 51–0. As Chairman of the Subcommittee, I am extremely proud of our collective efforts during this process.

H.R. 4040 has two titles. Title I specifically addresses children's products by establishing the strictest lead standard in the world for children's products and requiring certification and testing. Title II overhauls the CPSC itself, giving the beleaguered agency much needed resources and strengthening its underlying organic statutes. At both the Subcommittee and Full Committee mark-ups, the bill underwent significant changes: We strengthened the lead standard, raised the age requirement for mandatory testing to 12, required CPSC to appropriately tailor their corrective action plans to fit consumer needs, granted emergency recall authority to CPSC, bestowed enforcement authority to state Attorneys General, banned corporate-sponsored travel for Commission employees, and preserved state common law rights of action.

All of these excellent changes were made at the behest of members of the Energy and Commerce Committee who offered their valuable input on how to make the underlying bill better. The House bill is much stronger than the Senate bill in numerous ways, and it is my hope that our friends on the other side of the Capitol will agree to adopt those provisions in the final version that becomes law. Of course, likewise, the Senate bill has provisions absent in the House bill that are worthy of consideration and adoption. Indeed, the final product of a good conference should reflect the very best work of both bodies of Congress.

Mr. Speaker, I cannot emphasize enough that ours is a bipartisan bill that, from the very beginning, we drafted in consultation with Democratic and Republican members, the Consumer Product Safety Commission, consumer groups, and industry. I want to sincerely thank the distinguished Chairman of the Energy and Commerce Committee, my dear friend, JOHN DINGELL, for his unparalleled leadership. This bill simply would not be possible without his guidance. Of course, I also want to thank my friends, the distinguished Ranking Member of the Committee, JOE BARTON, and the former Ranking Member of the Subcommittee, CLIFF STEARNS, for their leadership and unwavering cooperation.

I hope H.R. 4040 returns to the floor in a few weeks in the form of a conference report that the House can pass in unanimous fashion, just as we did on the last day of session last year. If we continue our deliberative approach of bipartisan cooperation, I am confident that we can do so and will eventually send to the President's desk a bill that will become law. I am confident that all of us will be able to go home to our constituents and tell them that we have done our job to protect American consumers and their families from dangerous and defective products.

I urge my colleagues to vote "yes" on the Motion to Instruct Conferees.

Mr. BURGESS. Mr. Speaker, as a physician, parent, and policy maker, I understand that we need to work together to protect our children. I'm proud to say we have done that. The House crafted and passed a comprehensive, commonsense bill that boosts CPSC funding and personnel, bans lead in children's products, requires third-party product testing, and increases penalties for those who break the law.

I went to the U.S. Consumer Product Safety Commission labs. I saw first hand the need for more resources.

I went to the International Toy Fair in New York City. I saw first hand the increasing number of toys coming into this country, as well as the measures that industry is taking to keep toys safe.

Our bill takes into account the needs the Consumer Product Safety Commission, the needs of consumers, the needs of the industry, but most importantly, the need to keep our children safe.

The House was able to put politics aside to keep children safe. While also providing more resources in a pragmatic, bipartisan approach.

This Motion to Instruct recognizes these efforts and will help this important bill to be enacted into law.

Mr. STEARNS. Mr. Speaker, I would like to first state that it was a pleasure, in my former capacity as Ranking Member of the Subcommittee on Commerce, Trade and Consumer Protection, to work with my good friend from Illinois, Chairman RUSH, in crafting this important legislation. H.R. 4040, the Consumer Product Safety Commission Reform Act, will greatly enhance the ability of the CPSC to secure the proper funding and sufficient number of employees to ensure that the products we import from abroad and manufacture here at home will not harm those who purchase them.

Millions of Americans are concerned with the safety of toys and other children's products due to lead contamination found in millions of toys imported from China. I commend my colleagues on both sides of the aisle for coming together and taking action to safeguard consumers from lead exposure, and to provide the Consumer Product Safety Commission (CPSC) with the tools and funding it needs to safeguard the public.

The House on December 19, 2007, overwhelmingly approved H.R. 4040, a bill that will change current law and add more stringent lead paint and lead content standards, making them the toughest in the world. It also requires testing of children's products in accredited labs, and tracking labels on all children's products.

Furthermore, the bill authorizes increased funding for the CPSC to hire more personnel, creation of a new state-of-the-art laboratory, and the institution of an expedited release of information on health safety risks to the public. All of which will make the CPSC more effective.

The House Committee on Energy and Commerce worked tirelessly to produce this bipartisan legislation and I now ask my colleagues to vote "Yes" on this Motion to Instruct conferees and support this bipartisan House passed legislation and call for this bill to remain unchanged through the conference negotiations with the Senate.

Mr. WHITFIELD of Kentucky. Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WHITFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct conferees on H.R. 4040 will be followed by 5-minute votes on the Ryan motion to instruct conferees on S. Con. Res. 70; and the motion to suspend the rules and adopt House Resolution 789, as amended.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 320]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Bilbray
Boehner
Bono Mack
Braley (IA)
Cramer
Crenshaw
Crowley
Cubin
DeGette
Diaz-Balart, L.
Emanuel
Garrett (NJ)
Gerlach
Gordon
Hall (NY)
Hirono
Issa
Lewis (KY)
Mack
Miller, George
Myrick
Paul
Ross
Rush
Schmidt
Shimkus
Westmoreland
Wynn

□ 1907

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HALL of New York. Mr. Speaker, on rollcall No. 320, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 4040: Messrs. DINGELL, WAXMAN, RUSH, Ms. DeGETTE, Ms. SCHAKOWSKY, Messrs. BARTON of Texas, WHITFIELD of Kentucky, and STEARNS.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on S. Con. Res. 70 offered by the gentleman from Wisconsin (Mr. RYAN) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 185, nays 229, not voting 19, as follows:

[Roll No. 321]

YEAS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller

Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foster
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Bilbray
Bono Mack
Braley (IA)
Cramer
Crenshaw
Cubin
DeGette
Gerlach
Gordon
Hirono
Lewis (KY)
Mack
Myrick
Paul
Rush
Ryan (OH)
Schmidt
Shimkus
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in this vote.

□ 1916

Mr. CONYERS changed his vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HIRONO. Mr. Speaker, on rollcall Nos. 320 and 321, had I been present, I would have voted "yea" on No. 320 and "nay" on No. 321.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall Nos. 320 and 321, I was unavoidably detained. Had I been present, I would have voted "yea" on No. 320 and "nay" on No. 321.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on Senate Concurrent Resolution 70: Mr. SPRATT, Ms. DELAURO, Messrs. EDWARDS, RYAN of Wisconsin, and BARRETT of South Carolina.

There was no objection.

HONORING PUBLIC CHILD WELFARE AGENCIES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 789, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 789, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. LATHAM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 19, as follows:

[Roll No. 322]

AYES—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Becerra
Berman
Bono Mack
Cramer
Crenshaw
Cubin
Davis, Tom
DeGette
Gerlach
Gordon
Hooley
Lewis (KY)
Mack
Myrick
Paul
Rush
Schmidt
Shimkus
Wynn

☐ 1924

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2642, SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110-636) on the resolution (H. Res. 1197) providing for consideration of the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

NATIONAL WOMEN'S HEALTH WEEK

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 331) supporting the goals and ideals of National Women's Health Week, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 331

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventative measures, such as engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaskan Native women;

Whereas healthy habits should begin at a young age;

Whereas preventative care saves Federal dollars designated for health care;

Whereas it is imperative to educate women and girls about key female health issues;

Whereas it is recognized that offices of women's health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital in providing critical services that support women's health research, education, and other necessary services that benefit women of all ages, races, and ethnicities;

Whereas the annual National Women's Health Week begins on Mother's Day and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2008, the week of May 11 through May 17 is designated National Women's Health Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about the health issues women face;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventative screenings from their health care providers; and

(5) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Pennsylvania (Mr. TIM MURPHY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 331. National Women's Health Week is celebrated annually during the week following Mother's Day. The purpose of this week is twofold.

First, we can use it to raise awareness about the health risks all women face, especially the risks that are unique to women. We use it to learn that, for example, heart disease is the number one killer of women, and half a million women die every year in childbirth.

But the second purpose is so we can take proactive measures to improve women's health. We can use this opportunity to remind our sisters, our mothers, our daughters and our friends to get annual checkups and screenings that are recommended for them at their age. And we can use this opportunity to adopt healthier lifestyles that are essential to preventing chronic disease.

As co-chair of the Women's Caucus, I am very proud of several bills that have been introduced and/or passed out during this Congress to address women's health issues.

Last year, we reauthorized the National Breast and Cervical Cancer Early Detection Program to provide low-income women with access to these essential screenings.

We also passed the Genetic Information Nondiscrimination Act. And nearly every woman in the House is cosponsor of the Heart for Women Act, H.R. 1014, as well as H. Res. 1022 regarding maternal health.

But we are also fortunate to have a few good men, actually more than a few good men working with us, such as the ranking member on this bill, and MAURICE HINCHEY who has taken the lead by introducing this resolution for a few years now, along with MARY BONO MACK.

☐ 1930

I urge my colleagues to support the resolution in the House today, and also to have a conversation with the women in their lives about what steps they can take to improve their health.

I reserve the balance of my time.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I also thank the gentlewoman from California (Mrs. CAPPS) for her thoughts and input on this bill, which I'm pleased to be a cosponsor today.

Appropriately, National Women's Health Week began this Monday, May 12, the day after Mother's Day, and this past Monday was National Women's Checkup Day. To this end, we encourage all women to discuss with their doctor the importance of regular checkups, self exams.

We also should note that the government has a Web site on this; it's *www.womenshealth.gov/whw*. There they recommend several tests that women should get on a regular basis.

Also like to mention, as we're focusing on women's health, as my colleague, my friend from California stated, this is also of interest and importance to men. Whether you're fathers or spouses or relatives, it's important to also be supportive of women's health and be supportive of exams they may need to have.

As we focus on this, I want to mention a few other conditions that impact women and the importance of Federal research funding. Fibromyalgia, for example, is a chronic pain illness characterized by widespread musculoskeletal aches, pains and stiffness, soft tissue tenderness, general fatigue and sleep disturbances.

Depression is another very important condition to highlight. Women, during and after pregnancy, for example, are at much greater risk to develop depression, and folks who have a chronic illness are at risk to develop depression.

Oftentimes, we neglect these important symptoms and aspects of health care when meeting with a physician. It is very important to review any concerns that anyone has, that women have when they have their annual exams, such as sleep problems, changes in appetite, mood changes, persistent sadness and other things. These are treatable conditions and not ones to shun in bringing up and discussing openly and honestly with their physician.

We have other things to comment on this, but at this point I will reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I'm very pleased to yield 3 minutes at this time to the gentleman from New York, MAURICE HINCHEY.

Mr. HINCHEY. Mr. Speaker, as the initiator of this resolution, I would first like to take a moment to thank Chairman DINGELL for supporting the resolution and for bringing, being instrumental, rather, in bringing it to the floor today.

I would also like to thank Speaker PELOSI and Mr. HOYER for their determination in bringing this measure to the floor during National Women's Health Week, despite the very crowded legislative schedule.

I would also like to thank Chairman PALLONE and all of the fine members of the Health Subcommittee and their resolve in getting this through the committee and to the floor.

Finally, I'd like to thank my good friends, Congresswoman LOIS CAPPS and Congresswoman MARY BONO MACK for taking the lead with me on this resolution for the third time in a row.

This resolution has the bipartisan sponsorship of 114 Members of this House. Also, the National Council of Women's Organizations fully endorsed this bill on behalf of their 230 member organizations who represent 11 million women across our country.

National Women's Health Week begins annually on Mother's Day. This year marks the 9th Annual National Women's Health Week.

National Women's Health Week is a week celebrated across America. During this week, families, communities, businesses, government, health organizations and other groups work together to help educate women about steps that they could take to improve their physical and mental health, and to prevent various disease.

This week is also used as an opportunity to educate our population about important health issues that women face.

This resolution recognizes the importance of several things, including preventing diseases that commonly affect women; federally funded programs that provide research and collect data on common diseases in women, and it also calls on women to observe National Women's Checkup Day by receiving preventive screenings.

It is vitally important that women have knowledge about the health risks that confront them, and that they know they can greatly reduce those risks through preventive measures such as a healthy lifestyle and regular medical screening.

Healthy habits should begin at a young age. It is imperative that we take the time to educate young girls on the benefits of exercise and eating right. If these habits start at a young age, it is more likely that they will continue through their life.

It is important and essential we do everything we can to prevent disease. In this spirit, I encourage women to use this week to focus on the necessary checkups and preventive screenings from their health care providers so that they can live long, healthy and productive lives.

I urge full support and passage of this very important measure on behalf of the women of our country.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I now yield as much time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN), a leader and advocate on women's health issues.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. TIM MURPHY) for the leadership that he brings to our Health Subcommittee.

I also want to thank the gentlewoman from California (Mrs. CAPPS) for her attentiveness to women's health issues. She is an effective advocate.

And to the gentleman from New York (Mr. HINCHEY) for his leadership on the issue, and for honoring us, all women, with the resolution and bringing the resolution forward to the body as a whole.

Mr. Speaker, as has been discussed, this is House Concurrent Resolution 331, and I do join my colleagues in encouraging all of us, not only to support the resolution, but to be effective spokespeople for what the resolution means; that we move forward, actively, to encourage women to gather the information that they need, because indeed, one of the purposes is to encourage women to seek information, to become health conscious and as the gentleman from New York said, to develop those healthy habits.

And it is not only adult women that we are speaking to, but it is to young girls also as they look at diet, as they look at exercise, as they gather information about how to best take care of themselves. And we do encourage them to seek that information, to get regular checkups, to become knowledgeable of the preventive screenings that will help them to stay healthy and to enjoy a better quality of life.

One thing that we also do is encourage women to have that relationship with their primary care physician, somebody that they can go to to gather the information about how to become knowledgeable on taking care of their bodies.

We've talked a little bit about some of the diseases that affect women, fibromyalgia, depression and, of course, postpartum depression, which concerns us all with the young women and those in the child-bearing years.

Heart disease also and some of the screenings that are important for that. And as the gentleman from Pennsylvania said, there is the website where individuals can access this information.

But we do stand together to promote prevention and awareness for disease management so that the women of this Nation are certainly taking better care of themselves, and are knowledgeable on the diseases that could impair their quality of life and their productivity.

Again, I join my colleagues and thank them for the leadership on Resolution 331. And I appreciate the opportunity to stand and speak on the importance of this, and again, encourage all Members, not only to support it, but to actually be certain that we disseminate this information to our constituents.

Mr. TIM MURPHY of Pennsylvania. Seeing as we have no more speakers, we're willing to close at this point and again draw attention and thank Mr. HINCHEY for his support on this resolution. I ask all Members to be supportive of it.

With that, I yield back the balance of my time.

Mrs. CAPPS. I want to thank again the authors of this resolution, Mr. HINCHEY, who is here, and MARY BONO MACK, who is also the other coauthor; and to thank the speakers on behalf of this resolution. And again, to remind us all the importance of Women's Health Week, setting aside the time to call attention to the importance of women taking care of their own health and providing the resources so they can do this, because it's women's health at stake, but also, often since the woman is the primary instigator within the family, and often the community as well, of the health of every member, that this serves a purpose that is very important to the health of our Nation.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 331.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING THE 60TH ANNIVERSARY OF THE STATE OF ISRAEL

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, I rise today to celebrate the 60th anniversary of the modern State of Israel. Since its founding in 1948, Israel has flourished as the only true democracy in the Middle East, and established itself as America's greatest ally in the region.

Mr. Speaker, last August I had the pleasure of visiting Israel with several of my colleagues, where I met with top officials and I toured the country. While I have many fond memories of my trip, I was particularly moved by the people's steadfast devotion to their homeland.

In the town of Sderot, a constant target of rocket attacks from neighboring Gaza, I met a woman who simply said to me, "We can't move from here. This is our home." Her resilience and perseverance is indicative of the spirit of the Israeli people.

Amid constant threat from surrounding countries and terrorist groups, it is critical that the United States stand in solidarity with Israel as she fights to protect her people.

Mr. Speaker, my experience in Israel is one that I will never forget, and I look forward to the day when Israel can live in peace with its neighbors.

COMMEMORATING THE 60TH ANNIVERSARY OF THE STATE OF ISRAEL

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I rise today to commemorate the 60th anniversary of the State of Israel, like my colleague just before me.

The State of Israel has held out the promise of hope for many who have endured centuries of oppression. It was established by those who sought peace, but has had to endure perpetual conflict.

From the date of its inception, Israel's neighbors declared war upon the country and attempted to destroy it. Two major wars erupted after the initial conflict of 1948, and even today it must suffer through terrorist attacks orchestrated by those who continue to deny its right to exist.

And yet Israel endures and it flourishes. It has made its part of the desert bloom. It is a model of democracy that the rest of that region would do well to emulate, and it has been a great partner to us in the war on terror, cooperating with us on homeland security matters so that we can be better prepared to counter the kinds of attacks that the Israelis have had to endure for three generations.

I've had the privilege of visiting Israel on two separate occasions, experiences that I will never forget.

And to Israel I say, "Le Chaim."

RECOGNIZING ISRAEL'S 60TH ANNIVERSARY

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I too rise to recognize the 60th anniversary of the independence of the State of Israel, and to reaffirm the steadfast friendship between our two strong democratic nations.

Sixty years ago today, on May 14, 1948, the State of Israel declared sovereignty and independence as a homeland for the Jewish people. With little resources and seemingly insurmountable obstacles, Israel has become a thriving and prosperous democracy, and has made worldwide contributions in technology, medicine, agriculture and environmental innovation.

When we speak about Israel, too often we focus on Israel's troubles and not on her beauty and her spirit. But what I want to focus on today is her resolve. Since independence, Israel has continually overcome every conceivable roadblock. She has beaten back hostile neighbors during war, and now endures terrible emotional and economic hardship from terrorist cowards who perpetrate hideous violence against innocent victims.

As a critical partner in the fight against terror, and as the only democracy in the region, Israel's strength and security is paramount. Therefore, I encourage this House to continue to pass bipartisan bills in support of Israel and her ability to protect herself from antagonistic neighbors.

The blossoming of a nation that grew from desert sand into a thriving example of democracy, economic progress and cultural diversity is a magnificent achievement for this strong and vibrant country.

I congratulate Israel on all she has achieved in just 60 years, and I look forward to a bright future for this extraordinary nation.

☐ 1945

HALLIE ELIZABETH POE—NEW TEXAN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, as the sun came up this morning bringing a new spring day in America, a new Texan was born at 8:27 a.m. and took her first breath of life. Hallie Elizabeth Poe, a 7-pound, 19½-inch girl was born in The Woodlands, Texas.

Hallie's parents, Kurt and Suzy, are happy with boastful pride, but they can't be prouder than I am because I'm the grandfather!

The miracle of birth is the Good Lord's gift to the people of the world and renews a spirt of hope and freshness. A baby girl is one of the most amazing miracles of life, one of the great joys of life, and one of the reasons why there is a little extra sunshine, laughter, and happiness in life.

Little girls are special. They bring a delight and innocence into the world of ours. I know that Hallie will have the forcefulness of Margaret Thatcher and the southern grace of Lady Bird Johnson.

Mr. Speaker, we pause for this moment in time for this most happy of all events, the birth of a new baby girl.

So there's a new yellow rose in Texas tonight that will obviously bring more warmth and beauty to our world. After all, Mr. Speaker, there is nothing like a little girl.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MERIDIA INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, as a former prosecutor and long-time judge in Texas, I'm concerned about, of course, drugs and corruption, especially on the international border between the United States and Mexico. I have great sympathy and compassion for the Mexicans living just south of the border, especially those that have had the problem of dealing with the drug cartels. It's an epidemic that occurs on our southern border with Mexico.

According to the DEA, 500 people were murdered in Nuevo Laredo recently. Most of those cases were never solved, and many of those individuals were peace officers. There have been 400 kidnappings in Nuevo Laredo; 41 of them were Americans, and none of them, not one of those cases, have ever been solved. And we understand now that behind most of those crimes of violence of murder and kidnappings are the drug cartels. What you might be surprised, Mr. Speaker, to find out is that many of those people involved in the drug cartels are former individuals in the Mexican military that were trained in the United States.

The Department of Homeland Security has reported that in the last 10 years also, there have been 250 documented cases of incursions by suspected Mexican military units into the United States. Most of them in Texas, California, and Arizona. Recently, I have been in a place called Neely Pass in Hudspeth County where the Mexican military was photographed coming into the United States.

In order to gain control of access corridors into the United States, drug cartels are hiring hit men from the elite Mexican military force, and this group is known as the Zetas. The Zetas are military deserters that are trained in the United States at the School of the Americas in Fort Benning, Georgia, as an elite force of anti-drug commandos. But unfortunately, after they were trained by Americans, they went over to the dark side. They were sent by the Mexican government to the U.S.-Mexico border to combat drug trafficking, but they switched sides, deserted the Mexican military, and worked for the drug cartels. Officials suspect that there are more than 200 Zetas, including former Mexican police officers.

And the problem isn't just at the border, either. The Zetas operate in the United States. Authorities have believed that the drug cartels and the Zetas are responsible for murders in the United States.

And there's a second group. The second group is called the Kaibiles. The Kaibiles were a special operations force in the Guatemalan military. Like the Zetas, many of them received training in the United States in counter-insurgency operations. And like the Zetas, many of them deserted the special forces and began to help the drug cartels.

Mr. Speaker, I have here a photograph taken by sheriff's deputies on the Texas-Mexico border, and this is a group of the Kaibiles. You notice they are all in uniform; they all have hoods on them. You notice the first person in the front is carrying an AK-47, and they're bringing cocaine into the United States in backpacks, and this is what has happened to these individuals that were trained in the United States and switched sides.

Now, the reason I bring all of this up, Mr. Speaker, is there is an initiative called the Meridia Initiative where the United States government is proposing to send $1.5 billion in training and equipment south of the American border into Mexico to help combat drug trafficking. While this may sound well and good, unfortunately, the truth of the matter is that we cannot trust the local officials on the Mexican side of the border because of the high rate of corruption because of these individuals that continue to switch sides. And it would be very unfortunate indeed if we sent equipment to the northern portion of Mexico, south of the American border, turned over this military equipment to the Mexican military to have it used against us as shown in this photograph.

It would be better money spent in training to send this $1.5 billion to the southern border to the second front where there is a war going on but keep it on the American side. Let the local officials, the State officials, let the sheriffs along the border use this equipment. Many of them don't even have enough equipment. As one of them has told me, they're outmanned and they're outgunned by the drug cartels.

So keep that equipment, keep that training on the American side of the border. Support the American cause before we turn this equipment and turn this training capability to the other side. And it's a sad fact of life that we can't trust sending money, equipment, and training south of the United States border because of the corruption that occurs in northern Mexico.

So I would hope that Congress, when this initiative comes up, that we have lively debate about this $1.5 billion; and before we send it all south of the border, that we rethink that and maybe spend part of that money, half of that money or most of that money, on the American side and let the border sheriffs of Brownsville, Texas, to San Diego use that equipment to fight the drug cartels, fight the crime on the American side of the border. I think that would be better money spent, American taxpayer money spent.

And that's just the way it is.

NORMALCY IS NOT RETURNING TO IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the American people have begun to receive their recovery rebate checks. Families will use this assistance to deal with the rising cost of food, of gas, and for just hard times in general. So Congress did the right thing when we wrote those checks. But if we want to give our economy another boost, there is one check that we should not write, and that's the check we will soon be asked to write for the continued occupation of Iraq.

This occupation has already cost taxpayers over $1 trillion in direct and indirect costs. And Joseph Stiglitz, the Nobel Peace Prize winner, has calculated that the cost could soar, could, probably will soar to $3 trillion or more. Think what that money could do for our economy if we invested it wisely in job training, education, health care, child care, green technology, and so many other critically important domestic needs.

Some believe that the occupation of Iraq is more important than all of these other needs combined. They believe that the billions of dollars we're spending in Iraq are making things better. The President actually told us recently that normalcy is returning back to Iraq. But Iraq cannot be returning to normalcy when the fighting and dying continues without any letup.

Over 3,000 Iraqi civilians and 170 of our brave troops have been killed so far this year: 3,000; 170. Over 1,100 of our troops have been wounded. Mr. Speaker, does that sound like normalcy to anyone? It doesn't to me. I can't say it, actually.

Iraq cannot be returning to normalcy when over 5 million of its citizens remain refugees. That number equals more than 20 percent of the entire Iraqi population at the beginning of our invasion in the year 2003.

Iraq cannot be returning to normalcy when tens of thousands of armed military contractors roam its streets terrifying the people and accountable to no one.

Iraq can't be returning to normalcy when we're planning for a 50-year foreign occupation, and some voices, in fact, are even calling for a 100-year occupation.

And Iraq cannot be returning to normalcy when fear and destruction continue to grip its people. The International Herald Tribune described the Iraqi people's nightmare in an article published on April 23. It said, "A simple decision to run an errand or choose an alternate route to work takes on life-altering consequences as the car bombs, stray bullets, rockets, and mortars claim those who merely happen by."

So, Mr. Speaker, as the war carries into its 6th year, nearly every family is touched by the death of a member of a close friend.

Iraq can only become normal again when it gets its sovereignty back. It can only become normal when it has the chance to rebuild and heal in peace, and that can only happen when we responsibly redeploy our troops and then lead a regional and international effort to bring social, economic, and political reconciliation to that devastated country.

So when we review supplemental funding like we will tomorrow, let's insist on a bill that fully funds the safe withdrawal of our troops but does not include one more cent for an occupation that isn't making us or the Iraqi people any safer.

Mr. Speaker, recovery rebate checks are great, but blank checks for the occupation of Iraq must stop.

AMERICAN RELIGIOUS HERITAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to honor the long American legacy of religious freedom and religious expression that we have inherited as a result of the wise foresight of our Nation's founders.

Throughout our history, we've been a Nation eager to rally to the cry of the motto, "In God We Trust," in times of peace and prosperity or in war and upheaval. This phrase, etched not only on our coins and here in this Chamber but also on our hearts, has captured a truly American sentiment that our great historic experiment in democracy was founded on, and today, thrives in a robust sense of religious freedom.

Religious freedoms were specifically included in our Constitution as a reflection of the colonial experience of religious tolerance and free expression. Yet as religions' detractors would have it, the Constitution's enumeration of American religious freedoms is a paltry clause intended to merely protect us from the forced religion of a repressed central government.

This is a far cry from our Founders' full intentions. America's Founders were indeed careful to ensure that the government did not establish an official religion, but while they were at it, they crafted protection that would ensure our natural religious life would not falter under the machinations of those who would infringe on citizens' religious expression.

The first amendment is clear: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. This amendment does not establish the freedom from religion. Rather, it grants every American freedom of religion.

☐ 2000

It is upon this freedom that our land was founded, and it is this freedom that undergirds our strength and national character today.

As founding father John Adams wrote in 1776 on the eve of our independence, "Statesmen . . . may plan and speculate for Liberty, but it is Religion and Morality alone, which can establish the Principles, upon which Freedom can securely stand end."

By allowing for and encouraging the free exercise of religion, the Constitution set the stage for a vigorous national religious life. Most Americans are nothing if not a people of religion, committed to lives of quiet reverence to God, the practice of prayer and the exercise of their religion.

Our culture of religious life informs the way we raise families, conduct business and serve our neighbors. Throughout the centuries this culture also illuminated those who governed and served to temper our laws and governmental practices with the timely wisdom of Judeo-Christian ethics.

George Washington recognized that America would succeed if she adhered to the long legacy of religious values informing our public life and policy. In his first inaugural address, he said that "the foundation of our national policy will be laid in the pure and immutable principles of private morality, and the preeminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world."

George Washington knew what we know today. A healthy culture of free religious expression keeps our Nation on the right track and our government's policies rooted in the values that we hold dear: life, liberty and the pursuit of happiness. My continual prayer for America is that we never forsake the Judeo-Christian values that ensure these freedoms remain a centerpiece of our great Nation.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, recently I met with veterans in New Jersey, some of whom had served in the Second World War, and earlier in the day that I met with them, I had returned from a fact-finding trip to Iraq with Representative THOMPSON of California, a colleague on the House Permanent Select Committee on Intelligence.

I told these veterans that they would not recognize this war in Iraq. From a technological standpoint, the kind of battlefield sensors and intelligence analysis capabilities available to our troops in Iraq are so far beyond anything that was fielded by the military in the Second World War or, in fact, even in more recent conflicts. That's the good news.

The other thing that they would not recognize, the not-so-good news, is that unlike say the Second World War, the United States cannot control the outcome in Iraq or achieve success because we do not know who the enemy is and what constitutes success.

While part of our trip involved classified briefings in which we examined how the intelligence community is supporting our troops, we also had the opportunity to meet at length with General David Petraeus and Ambassador Crocker to discuss the situation on the ground, including the status of the political reconciliation among Iraq's warring factions. The two gave a positive report and spoke of a great deal of progress.

Two outstanding patriots, a good general, a good diplomat, but the presentation that America is making progress toward a successful outcome in Iraq makes sense only if we continually redefine what we mean by success. And for over 5 years, we've been redefining both our rationale for invading Iraq and how we propose to measure success.

First, it was to go after those responsible for 9/11. Then it was to remove Saddam Hussein from power and track down his WMDs. And then it was to bring stability to the region. And then it was to bring free elections and bring all the warring factions together in a model of democracy for the Middle East. Then it was to create a road to peace in Israel through Iraq. And then it was to give the Iraqis more time to organize their government. Now, it seems to be to reduce the number of members of al Qaeda in Iraq, the AQI, which was, of course, zero before it all started.

These repeated rationalizations and redefinitions serve no one's interests, particularly the interests of our men and women of our Armed Forces who we've sent in harm's way in Iraq.

In Baghdad, I met with active duty soldiers, including some from New Jersey. American troops are performing superbly in Iraq under difficult conditions. As I told them, they, and the New Jersey National Guard members who will be deploying later this year, deserve not just our gratitude, but all the support they need to do their job, the wherewithal they need to do their job, and I would say just as much support when they return home as veterans.

Of course, we want our soldiers to succeed. We want the Iraqis to be peaceful and prosperous. We want terrorists and other enemies of the United States to be defanged and defeated. But for that to happen, it must be in Iraq, at least the Iraqis, the Iraqi political factions who must take the lead in ending their civil war.

It's impossible to hide the fact that the limited security gains achieved since last fall have not been matched by political reconciliation on the part of the Iraqis.

Unfortunately, Iraq's central government continues to lack legitimacy in the eyes of its people, as the recent combat in Basra and Baghdad have clearly shown. It is clear that the Iraqi government is, so far anyway, unwilling or unable to take the steps necessary to reach a political settlement that will end the violence.

One of the reasons I voted against the war resolution to go into Iraq in the first place was that Iraq was not a threat to the United States in the wake of the 9/11 attacks and that attacking Iraq would unleash forces we could not control. I was not alone in making those arguments, which tragically have been validated by events.

My latest trip to Iraq has, sadly, reinforced my belief that success is being redefined only once again, and what we need to do is to take decisive action to end our combat involvement in Iraq and refocus our efforts on destroying al Qaeda and eliminating the conditions that breed international terrorism and refocusing our resources on pressing domestic and international needs.

FARM BILL

The SPEAKER pro tempore (Ms. RICHARDSON). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, today, the House of Representatives debated the conference report on what we in Kansas call the farm bill. Here in Washington, it's now called the Food, Conservation, Energy Security Act, and I note that the word "farm" is now missing from the farm bill.

As I indicate to Kansans, there probably is no more important piece of legislation that this Congress will consider than the 2008 farm bill from a Kansas perspective. Certainly, not every Kansan is a farmer, not every Kansan is a rancher, but agriculture is the backbone of the Kansas economy, and policies that we determine here today in the House of Representatives and tonight later in the Senate affect the Kansas economy and a way of life that we have revered in our State for generations.

Agriculture is not only a business. It's not only a way of earning a living. In fact, it's a very difficult way of earning a living. It is the opportunity that we have in our State for sons and daughters to work side-by-side with moms and dads. It's the opportunity for us to pass on values from one generation to the next.

And today, Madam Speaker, I worry that the legislation that we will soon be sending to the President is inadequate to meet the needs of Kansas producers and American agriculture.

In the 2002 farm bill, we passed a security net, a safety net for our farmers, and it's a three-pronged approach to making certain that our farmers are secure and have an opportunity to survive in difficult times, whether those times are difficult because of low commodity prices or difficult because the weather does not cooperate.

And today, Madam Speaker, we chose to reduce that security, that safety net that provides Kansans a future.

I had two criteria in trying to determine whether or not the farm bill was something I should vote for. One: Is this farm bill better? Is the 2007, now 2008, farm bill better than the one that was adopted by Congress in 2002? And clearly, the answer to that is no.

And the second criteria comes from listening to farmers for the last 2 and 3 years about what a new farm bill should look like. In fact, I listened to American producers from across the country. Since the passage of the last farm bill, I've chaired or been the ranking Republican, Republican leader on the subcommittee responsible for all farm programs and participated in 15 hearings across the country. And what I heard time and time again, especially from the folks back home is, whatever you do, JERRY, make certain that we don't lose the direct payment and make certain that crop insurance remains a viable option for us to protect ourselves from risk. And unfortunately, once again, those two criteria were not met today.

So Madam Speaker, I pledge to my colleagues in the House of Representatives, and particularly my friends on the House Agriculture Committee, to continue to work in a very strong and bipartisan way to see if we can't improve the lives of farmers in Kansas and States across the country.

I served on the conference committee that provided the report that we have had before us today, and I offered amendments and supported amendments that I think would make significant improvements in the 2008 farm bill. They were rejected on straight, party-line votes, and it's a sad day for me because I've always enjoyed my work in the Agriculture Committee because I care about farmers and ranchers, and I care about their way of life. But never has our committee been partisan, and again, I pledge myself to work with my colleagues to see if we can restore the days in which we were in this together on behalf of American agriculture.

Madam Speaker, it's my belief that if we're going to spend as much money as we spend in this farm bill, which is a significant sum of money, we ought to spend it in much more wise and prudent ways than this conference report provides. We owe it to farmers across the country, and we owe it to the taxpayers of this Nation.

FIGHTING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Madam Speaker, fighting crime is an issue that is important to most Americans. That is because it is an issue that has a tremendous impact on a community's quality of life.

I think most Members of Congress recognize this simple fact. However, this Congress needs to take action in order to address this problem. On our side of the aisle, we've tried to do our part. Republicans have offered some 100 bills to help fight crime, but so far, only three have been considered on this floor.

These legislative efforts should not be piecemeal, but should instead be part of a grand strategy, to wit: we need to aggressively target those individuals who are responsible for promoting criminal activity in our society.

Our focus should not be on promoting efforts to decriminalize certain drugs, but instead on targeting and jailing drug dealers.

Our focus should not be on protecting the rights of criminals, but instead on protecting the rights of their child victims. More needs to be done, for example, to combat the scourge of predators who stalk young people over the Internet.

Finally, our focus should not only be on adult offenders, but on youthful ones as well. Gang members, some of whom are as young as 12 and 13, and we see intergenerational gangs as well, are extorting money, dealing drugs, and committing acts of violence. They need to be stopped, and that is where my bill, H.R. 3157, the Anti-Gang Task Force Act of 2007, comes into play.

H.R. 3157 will help our local law enforcement communities combat the scourge of gang violence. It authorizes $20 million for each of fiscal years 2008 through 2011 to establish new multijurisdictional anti-gang task forces, bringing together State and local prosecutors with Federal officials from the FBI, DEA, the Bureau of Alcohol, Tobacco, Firearms and Explosives, DHS, and others.

Gangs are mobile, and they often cross jurisdictional lines in order to facilitate the dealing of drugs or to avoid detection by local law enforcement authorities. Thus, a multijurisdictional approach is clearly necessary in order to stop the proliferation of gang violence and gang activity.

My district encompasses a good portion of what is called the Route 222 corridor.

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This corridor bisects five cites—Easton, Bethlehem, Allentown, Reading and Lancaster—located in four southeastern Pennsylvania counties. It is uniquely situated in that it is linked directly to New York City, approximately 80 miles away via Interstate 78 and through other easily accessible roads, including Route 222 to Philadelphia, which is 60 miles to the southeast.

So gang violence along the Route 222 corridor, primarily involving drug trafficking and armed robberies, dates back more than a decade and has been a chronic problem affecting each of the five cities within this corridor. The roadways that have allowed commerce to thrive in the region have also strongly benefited the gangs, who can move between the cities with relative ease, thereby making their operations much more difficult to detect and to track. As a result, the 222 corridor has been plagued by gang activity.

Fortunately, we're not standing idly by and letting the gangs take over. The Route 222 corridor is one of six sites around the country that has received funds under the Project Safe Neighborhoods program. This Project Safe Neighborhoods (PSN) initiative involves a cooperative law enforcement effort between the counties and cities along the corridor, and there have been some notable successes.

First, there have been successful prosecutions of members of the Mafia El Don Gang, which has conspired to distribute more than 50 kilograms of cocaine in the Lehigh Valley. Meanwhile, two members of the 314 and a half Gang, allegedly responsible, according to the U.S. Attorney's Office, for approximately 15 to 20 bank robberies in the Valley, have been indicted. In addition, the initiative is committing extensive resources to outreach of both at-risk youth and their parents in order to discourage young people from joining such gangs. And we have seen intergenerational gang activity in my community.

The Congress would do well to emulate the efforts of the U.S. Attorney's Office and the local District Attorney's offices and law enforcement agencies that are working hard to fight the gang problem in my area. More than talk is required if we want to curb gang activity and end gang-related violence, we need action. That action should take the form of legislation, legislation that targets criminals, promotes Federal-State cooperation, and that comes from both sides of the aisle.

PORK-BARREL SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the minority leader.

Mr. HENSARLING. Madam Speaker, we come tonight to speak about the subject of pork barrel spending at a time when hardworking, middle-income American families are having to cut back on their spending. They're having to cut back on their spending because their paychecks are shrinking; they're shrinking with the high cost of energy; they're shrinking because of the high cost of food.

Since the Democrat majority took control of the economic policies of our Nation almost 18 months ago, gasoline has now approached $4 a gallon. Milk is already over $4 a gallon. And all over America people are driving to their convenience stores or driving to their grocery stores, making a decision about gasoline and milk.

It's tough times for hardworking, struggling, middle-income families. And yet, the Democrat majority, in their Budget Resolution, the conference report—which, of course, is the agreement between the Senate and the House—their budget today was passed that included a tax increase on these very same families of $3,000 for the average family of four to be phased in over the next 3 years, Madam Speaker. Again, while they're struggling to send their kids to college, struggling to make their mortgage payments, struggling to fill up their cars, this is what's happened.

Well, what is fueling the tax increase that the Democrat majority has imposed upon middle-income families throughout our Nation? Well, there's a culture of spending. They presented a budget that represents the highest amount spent in the history of America. There is a culture of spending, and it is fueled by irresponsible pork barrel spending, also known as "earmarks."

Now, when the Democrat majority was in the minority, they made a number of promises. They said earmarks were out of control under the Republican majority. And Madam Speaker, you know, to some extent they were right. But this is a Republican Conference that has learned its lesson. But commitments were made by the Democrat majority that have not been kept.

First of all, the Speaker of the House said we're going to come and we're going to cut earmarks in half. But instead, Madam Speaker, what did we get? Last year, 11,610 items of pork barrel spending put into spending bills by the Democrat majority, the second highest level ever in American history, totaling approximately $17 billion. Now, some people say, well, $17 billion isn't a whole lot of money. Well, Madam Speaker, I hope I'm never in Washington so long that I think $17 billion is not a lot of money. Millions of Americans could pay their annual gasoline bills with the money that's being spent on the pork barrel spending in Washington, DC. That's enough money to preserve the child tax credit, which under the Budget Resolution passed by the Democrat majority is going to disappear. And so I think that is a lot of money. And not only is it a lot of money, it represents waste.

And too often what we see in this pork barrel spending promulgated by the Democrat majority is that we see a triumph of secrecy over transparency, and we see a triumph of the special interests over the national interests, and we see a triumph of seniority and privilege over merit. Now, again, the Democrat majority said they were going to do things differently. Madam Speaker, then minority leader, now Speaker NANCY PELOSI said in USA Today that there has to be transparency. "I would just as soon do away with all the earmarks," right here, USA Today, late 2006. And instead, if we read the spending bills, what we find out is, out of 435 Members of Congress, she's in the top 20, top 20 of pork barrel spending.

Then, chairman of the Democrat Congressional Campaign Committee, RAHM EMANUEL, said, "Well, for far too long business as usual has involved individual Members doling out favors in appropriations and other bills through earmarks. The American people deserve to know more than who sponsored special interest legislation. They deserve earmark reform that puts an end to special interest earmarking and prevents the practice of earmark abuse."

Now, Madam Speaker, that's what they said before they became the majority party here. But what do we see now? And don't just take my word for it, but let's look at what just happened today. Today, as the farm bill was passed, what do we have in there? We have, again, pork barrel spending that apparently appears out of nowhere. We have slush funds for ski slopes. We had the language slipped by the Democrat majority into the farm bill that would benefit a Democrat Senator in Vermont. It would require the U.S. Department of Agriculture Forest Service to sell portions of the Green Mountain National Forest exclusively to the Bromley Ski Resort. And the ski resort advertises, "Bromley's grooming and snowmaking are second to none, and with our 44 trails of varied terrain, from treed glades & true New England cruisers to sun soft expert mogul fields, everyone in your family will be smiling all day long." Well, Madam Speaker, I'm not sure the American people, who have to put up with this kind of earmark abuse, I don't think they're smiling. Now, maybe the people who own the Bromley Ski Resort in Vermont, they're smiling, you know, they got a nice little deal in the agricultural bill.

Then we had a quarter of a billion dollars slipped in for the Senate Finance Committee Chairman, MAX BAUCUS, to help the Plum Creek Timber Company in Montana sell a parcel of land to the environmental group called The Nature Conservancy. Now, technically, they get to claim a $250 million tax refund even though they're a nonprofit institution and they don't actually pay taxes.

Now, the language was quite careful, Madam Speaker. It was very careful and clever. They wrote this language, they didn't name this particular earmark, but they wrote it in such a way that it only applies to one parcel of land in the entire United States of America, and that is that belonging to the Plum Creek Timber Company in Montana.

And then, Madam Speaker, we have $170 million for the salmon earmark requested apparently by our own Speaker, NANCY PELOSI. Clearly, there is something fishy in the farm bill.

Now, we were told again that we wouldn't have these earmarks, this pork barrel spending that just kind of drops down from the heavens in these conference reports. We never had a chance to vote on this in the House, Madam Speaker, it just kind of drops down. And so for a Speaker who is supposed to lead by example, who tells the American people that she would just as soon do without earmarks, that she wants an open and ethical and transparent process to slip a $170 million fishy earmark into the farm bill, this is something the American people need to know.

Why are their taxes being raised by $3,000 per family of four over the next 3 years? Well, part of the reason is, Madam Speaker, to pay $170 million for the salmon earmark in the farm bill, to help subsidize the Plum Creek Timber Company, to help the Bromley Ski Resort. So much for cleaning up the earmark process.

You know, we were also told that there certainly wouldn't be any more secrecy in this earmark process.

You know, the former chairman of the Democratic Congressional Campaign Committee told us that. Yet, that's not the case. Let me quote from the New York Times, not exactly a bastion of conservative thought, on one of the bills that came to this floor last year. "Despite promises by Congress to end the secrecy of earmarks and other pet projects, the House of Representatives has quietly funneled hundreds of millions of dollars to specific hospitals and health care providers." "Instead of naming the hospitals, the bill describes them in cryptic terms so that identifying a beneficiary is like solving a riddle. Most of the provisions were added to the bill at the request of Democrat law makers."

"Some Republicans have complained about what they call 'hospital pork.'" This is the New York Times reporting this. This, from a Democrat majority who said there would be no more secrecy. And instead, out of all the hospitals throughout the Nation that I'm sure can all use help, somehow the special privilege and secret pork barrel process practiced by the Democrat majority manages to somehow favor a special privileged few and does it in a cryptic secret manner. One more reason that hardworking, middle-income families who are trying to get that paycheck to go a little further are instead seeing that paycheck shrink to pay for more Democratic pork.

And, Madam Speaker, I'm very happy tonight that I am joined by one of the great leaders of fiscal responsibility in this House, one of the most principled Members, one of the most active Members, one of the most courageous Members that I have met in my congressional career. And I am proud that he is a fellow member of the conservative caucus, the Republican Study Committee, a man I am proud to call my friend.

And at this time, I would be happy to yield to the gentleman from Georgia, Dr. PRICE, for his comments.

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Mr. PRICE of Georgia. I thank my good friend from Texas for organizing this period of time and for highlighting what Americans all across this land are concerned about, and that is the culture of spending that you talked about, and you mentioned these wonderful promises that were going to be enacted with this new majority.

And there is a culture of spending that continues and persists, but there's also a culture of hypocrisy. It's saying one thing and doing another. It's saying one thing on the campaign trail, and then when you come to Washington, you do something exactly the opposite. And when I go home to the Sixth District of Georgia, that's what I hear about. I hear people say, "Why on Earth can't people live up to their word? Why can't they do what they said they were going to do when they ran for office?"

And the spending is one of the things that gets them so terribly irritated and so terribly annoyed because they see it. My good friend from Texas talked about selling a piece of the Green Mountains in Vermont to a specific entity. That's using hard-earned taxpayer money to benefit one entity. Madam Speaker, that's wrong. That's not the way we ought to do business here.

In fact, it hasn't been the way forever. There are some wonderful quotes about pork barrel spending, about earmarks. One from Thomas Jefferson, who said that, in essence, if we allow the process of earmarking, pork barrel spending, to go forward, "it will be a scene of eternal scramble among the Members, who can get the most money wasted in their State; and they will always get most who are the meanest," which is a phenomenal quote when you think about it, Madam Speaker, because what we have now are individuals in this House of Representatives who have been so successful in getting earmarks, getting pork barrel money back to their districts that we now have defense contractors in this Nation who are moving their headquarters to one specific district in Pennsylvania because they believe it will benefit them to a greater degree in getting contracts from the Federal Government. A phenomenal thing.

Madam Speaker, this process is corrupt and it's corrupting. When I talk to folks back home about why it's imperative that we stop the earmarking process, something that I believe we must do, and I tell them that it's corrupt and it's corrupting, that didn't have the resonance until I put a face on that, a face that we have seen in this House by so many individuals but it's most championed in a corrupt way by a gentleman by the name of Duke Cunningham.

Duke Cunningham now sits in a Federal prison in California. He does so because he earmarked money for a personal company, that benefited one company, one company, and then they, in turn, benefited him politically. And it's happened on both sides of the aisle. But it's a process that's corrupt and it's corrupting.

Now, why do I mention Duke Cunningham by name, Madam Speaker? I do so because when he came to Washington, he was the individual who was the inspiration for the "Top Gun" movie. He was a war hero. He was an American hero. And what happened with the process of Washington was that the corruption and the corrupting influence of Washington spending that is being perpetrated and continued and expanded by this majority, that process corrupted that individual. Now, there were certainly some personal characteristic flaws, but the process itself that remains in place right now and, in fact, is being championed by this majority is a corrupt process and it's corrupting.

Madam Speaker, I would suggest to all of my colleagues that this is a process and a system that has got to end. It's got to end. The American people want fiscal responsibility. They want to make certain that they have financial security and peace of mind. That peace of mind will never come when we have a process that is this sordid, that is this offensive to the American people.

So I want to commend my good friend from Texas for his remarkable leadership in this and so many areas in Congress, a conservative stalwart, an individual who understands the importance of being fiscally responsible at the Federal level and the consequences of not being fiscally responsible, which means that middle class Americans all across this Nation are having more of their hard-earned taxpayer money taken out of their back pocket, out of their wallet, and out of their purses in order to fund the reckless spending, irresponsible spending, culture of spending, and culture of hypocrisy that this majority has brought to Washington.

So I want to commend my good friend from Texas, and thank you so very much for the opportunity and the privilege of joining you tonight. I thank you for your leadership in this area.

Mr. HENSARLING. I thank the gentleman from Georgia for joining us tonight. And, again, I thank him for his leadership here in the House of Representatives in the area of earmark reform, clearly one of the great champions against pork barrel spending and for family spending.

Again, Madam Speaker, I think it's important for us to reflect upon what the Democrat majority said they were going to do and what they have actually done. One of the prominent Members of the Democrat leadership, the gentleman from Illinois, who was, in the last election, the chairman of the Democrat Congressional Campaign Committee, where his job, obviously, is to find things for the Democrats to say to get elected. Well, one of the things that he said on behalf of the Democrat Party was, "For far too long, business as usual has involved individual Members doling out favors in appropriations and other bills through earmarks. The American people deserve to know more than who sponsored special interest legislation. They deserve earmark reform that puts an end to special interest earmarking."

But yet, Madam Speaker, the system appears to be alive and well. Now that the Democrats have become the majority party, what do we figure out? Well, let's read from a recent column in the New York Times dated January of this year:

"Representative John Murtha has procured eye-popping chunks of pork for contractors that he helped put in business in Johnstown, Pennsylvania. Every one of the 26 beneficiaries of Mr. Murtha's earmarks in last year's defense budget made contributions to his campaign kitty, a total of $413,250, according to the newspaper Roll Call." This is the New York Times. Again, not exactly a bastion of conservative thought.

Now, Madam Speaker, I'm not here to imply that there is anything illegal about that activity. I'm not here to even imply that this in any way, shape, or form breaches House ethics rules. Now, perhaps it should. Maybe that's a debate for a different day. But you know what, Madam Speaker? It doesn't pass the taxpayer smell test. It doesn't do what the Democrats claimed they would do when they were in the minority. And now that they've been elected to the majority, now that they've controlled this institution for almost 18 months, they are not practicing what they are preaching.

Here's another example. I quote from the newspaper Roll Call: "A new political action committee, BEST PAC, created by the brother of House Intelligence Committee Chair Representative Silvestre Reyes, raised $50,000 this spring almost entirely from staff and clients of powerhouse lobbying shop PMA Group, and within weeks those same donors reaped millions of dollars in earmarks from Reyes and other Members of Congress closely affiliated with PMA . . . Most of the donations were made on May 7, 4 days before the intelligence panel approved the 2008 intelligence authorization bill, which included earmarks for several donors to the PAC . . ."

Again, Madam Speaker, I don't imply that this was illegal. I don't imply that this somehow breached House ethics rules. And I'm familiar with the gentleman from Texas, and I believe him to be an honorable gentleman. But far too often what the American citizen sees is he sees his paycheck shrinking to pay for earmarks so that some Member of Congress can preserve his paycheck. And at a time when they are struggling to fill up their gas tanks, at a time when they are struggling to put bread on the table, it is an outrage, it is an outrage that this pork barrel spending continues on. And, unfortunately, Madam Speaker, what we are seeing under the Democrat majority is Members of Congress passing pork barrel spending, earmarks, whether recipients get it, and I guess they're showing their gratitude, and all of a sudden they come up with a campaign donation, and then the campaign donation ends up inuring to the benefit of that particular Member of Congress, and the cycle goes on and on and on. And, again, it may be legal. It may pass the House ethics test. It does not pass the American taxpayer smell test. And even though I've been a Member of Congress now for almost 6 years, I haven't lost my ability to be outraged, and this, Madam Speaker, is outrageous.

And now I'm very happy to say, Madam Speaker, that we have been joined by a distinguished member of our leadership, the chief deputy whip, a great leader in the earmark reform movement in the House, a man I am also very proud to call my friend, and I would be happy to yield now to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the distinguished gentleman from Texas for yielding, and I thank him for his leadership on the issue of the Federal budget and what we should be doing to ensure that we are stewards of the Federal budget just as all the families across this country are expected to be stewards of their own family budget.

Now, Madam Speaker, as a proud Virginian, I would like to point to a few of the origins of the earmark discussion that occurred many, many years ago, frankly, shortly after the founding of this country. And that great Virginian Thomas Jefferson, he wrote a letter to James Madison, another great Virginian, dated March 6, 1796, challenging Madison's proposition for improvements to roads used in the system of national mail delivery, and it was directed at the idea that we should be, as Members, actually directing public funds, taxpayer dollars, into our States.

President Jefferson wrote, in the context of directing Federal dollars, "It will be a scene of eternal scramble among the Members, who can get the most money wasted in their State; and they will always get most who are meanest."

I think this shows that the debate around earmarks is not a new one, and I think also that the impression of then Mr. Jefferson is something that we ought to pay attention to and something that we ought to, frankly, pay heed when we are talking about the challenges that we are facing today in this country.

The gentleman from Texas talked about the tremendous lack of confidence that the American public has in this Democrat-controlled Congress. It is stunning to see the public opinion numbers of what the American public thinks about the performance of this Congress. Nothing to be proud of.

I believe that that dissatisfaction, frankly, is grounded, first of all, in the inability of this Congress and this majority to solve the problems that real people are facing in their lives each and every day in their communities. All they hear are solutions based on the premise that this government in Washington somehow needs more of their hard-earned dollars. And over and over again, we continue to hear the message, and we know that this town, that this Congress, and this majority is broken. We are not rising to the occasion, fixing the problems facing the American people. And yet we continue to see a steady stream of bills making their way to the floor where we continue to see proposals to raise taxes, to take people's hard-earned money, and then we see those dollars turned around and appropriated into the earmark process.

My friend from Texas was very accurate in his quotes, right on point. We have heard over and again Members of the majority leadership, when they were in the minority, when they have become the majority leadership, continue to pledge, "We pledge to make this the most honest, ethical, and open Congress in history." That was from then minority leader Ms. PELOSI in 2006.

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She then went on to say, "This is a place where we really need to throw up the shades and pull back the curtains." And she said, "We have to have the fullest possible disclosure, and it has to be on earmarks in appropriations, in authorizations and in taxation. And it has to be across the board, with no escape hatches."

There was another remark made, "There has to be transparency. I'd just as soon do away with all earmarks, but that probably isn't realistic."

Now, again, we need to dedicate ourselves to fixing the problems that this country has to try to address their distrust of this government. And the first thing that we ought to do is be mindful that the many, many earmarks that make their way through this Congress frankly are not out, shone in the light of day as the majority had promised. They are not being held accountable for some of these expenditures that are being made. This is at the crux of the public's distrust of Washington.

And again, while we are facing the prospects of $4 and $5 a dollar gas at the pump, while families have real issues and their pocketbook is being pinched, we continue to see the unbelievable, unprecedented torrent of billions of dollars going into special interest projects and into pork that, frankly, most American people don't approve of.

It should not be about pork. It should be about paychecks. We should be focusing our attention and we should be focusing the investment of taxpayer dollars towards job creation. We ought to be rewarding those people who invest their dollars and give them back more of their hard-earned money so that we can see more jobs created, because we do know that more jobs, longer lasting jobs and a stronger economy will stem from a strong private sector and a free-market system.

And with that, I want to again thank the gentleman from Texas for organizing this Special Order tonight on the very important topic of earmarks. And I yield back.

Mr. HENSARLING. Again, I thank the gentleman from Virginia for coming down tonight and talking again about how the Democrat majority, unfortunately, seems to speak out of both sides of their mouth when it comes to pork barrel spending that is taking away from the paychecks of hardworking middle-income families so that Members of Congress can somehow keep their paychecks.

It is unfair.

And there's a big difference between the two parties. The Democrat party said they would do something about it. And they did. They put the pork barrel spending factory into high gear. The Republicans made mistakes when it came to earmark spending. That is one of the reasons that we lost in 2006.

But, Madam Speaker, we have learned our lesson. And that's why the Republican Conference supports a moratorium, a moratorium on this pork barrel spending, do away with this system and come up with a system that is more transparent and more accountable to the American people.

The Democrat majority hasn't called for anything like that. They are just doing fine taking money away from middle-income families struggling to put food on the table, struggling to fill up their cars and pickup trucks, take that money away and spend it on monuments themselves and spend it on special interest favors for special interest groups. It has got to stop.

Madam Speaker, another great leader we have in the earmark reform movement in the United States House of Representatives, another fellow member of the Conservative Caucus of the Republican Study Committee is the gentlelady from North Carolina.

And I am happy to yield time to her at this time.

Ms. FOXX. Thank you, Congressman HENSARLING. I appreciate very much the leadership that you have provided to do this special order tonight.

As you've said, the system is broken. The earmark and pork barrel system is broken. And we have to do something about it.

I will have to confess that in my first 2 years in Congress, I did ask for earmarks. And my earmarks were very transparent. I felt that every project I asked for was very valid and very worthy. They were all designed to help with economic development in my district. The requests came from county commissioners, airport commissions and economic development groups. They all came very legitimately and very openly from the people in the counties that I represented in the Fifth District of North Carolina. And I have no problem at all defending those.

However, what I learned in the process is that this earmark system is badly broken. Not everybody who was requesting special funding was being as transparent as I was being. And I have come to the conclusion that we must have a moratorium on earmarks until we can fix the system.

I believe the American people have become very, very cynical about the Congress and about Washington in general. And I didn't come here to feed that cynicism. I came to Washington because I believe that I have a limited amount of talents that I can use on behalf of the people of my district and on behalf of the people of the United States of America.

And I want to do that. I am very much in love with this country and with what we stand for. And I want to make sure that I have done everything that I can to help this country succeed. It is the greatest country in the world. I have no doubt about that. And we have done enormously good things in the little over 200 years that this country has been formed.

And it is my goal to keep us as a beacon of hope for the world, to keep us as the beacon of freedom for the world, and to do everything that we can to keep the government going in a positive way.

But as I said, we have made mistakes. Democrats and Republicans have made mistakes. But I will have to say that Republicans never promised to make the kinds of reforms that the Democrats promised to make. The Democrats said in 2006 a lot of things to get elected and to take over the majority.

We have all kinds of charts to show they made many, many promises which they have not kept. But I think this one, this promise about earmarks and pork barrel spending, and they are broken promises related to that, has made the American people even more cynical about Washington and about elected officials than they were before. And I frankly don't want to be a part of that.

If we are going to maintain our freedom, if we are going to maintain the type of country that we want, we have to get people engaged in our political process. We have to have people who want to run for office, who want to get out and vote and who want to make sure that we can continue this republic in all the positive ways that it has existed. And frankly, we can't do that as long as we allow people to use the money paid into the Treasury by hardworking Americans for projects that they deem are important.

I don't believe that any Member of Congress should ever be able to appropriate money to have any kind of facility, road or anything named for him or her. That, to me, is one of the worst things that can be done, because it is not our money. It is the money of the hardworking taxpayers. And we have no right to take that money and use it, particularly, again, in these very, very difficult times, as my colleague from Texas said, when gas prices are going up, grocery prices are going up, and the hardworking American families are really struggling to make ends meet.

We came up with a phrase for what the Democrats have done since they got elected in 2006: The House of Hypocrisy. Some of my colleagues are uncomfortable with that because it is a blotch on the House of Representatives which most of us love dearly. But they have turned it into the House of Hypocrisy because they have not kept the promises that they made.

They made lots of promises. And again, I am going to quote some of them because I think we need to do that over and over and over again.

Speaker PELOSI, then Minority Leader PELOSI: "We pledge to make this the most honest, ethical and open Congress in history," Christian Science Monitor, 11/14/2006.

"We will bring transparency and openness to the budget process and to the use of earmarks, and we will give the American people the leadership they deserve." This was in a press release issued by Speaker PELOSI 12/11/2006.

Minority Whip STENY HOYER said, "We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of night, and the public and other Members can see what is being done," the Washington Times, 11/25/2006.

Mr. HOYER, again, "Words will not do it. I have a good relationship with Representative Roy Blunt. I have a good relationship with Representative John Boehner. We'll work together. We'll include them in the decision making." "To the extent we create an atmosphere of mutual respect, the American public will feel more comfortable with Congress," Hoyer website, 12/10/2006.

That is what the American people expected from the Democrats when they gave them the majority in 2006. And frankly, many of us were happy to hear the kinds of pledges that they made. And we thought, great, they have been out of power for 12 years. They have learned some things, and things will be better.

DCCC Chairman RAHM EMANUEL, "Earmark reform must do more than identify an earmark's sponsor. We need to curb the proliferation of unnecessary and suspect earmarks," townhall.com 9/12/2006, before the election.

But what has happened is that the Democratic leadership believes they don't have to keep their promises. But House conservatives are going to stand with hardworking Americans and continually demand it. We continue to offer amendments to bills that say, you cannot hide these earmarks. They have been done over and over and over again. Every promise that the Democrats made has been broken. None of them has been kept as it relates to earmarks and pork barrel spending.

We have to hold them accountable. The American people expect us to be accountable. I am accountable to the people that I represent. My work is an open book. The Democrats have found more devious ways to hide earmarks than any of us could ever have thought possible. But we are going to continue to try to ferret out those earmarks and make them public so that the American people will know what they are.

We may not be able to make the Democrats keep their promises. But we are going to reveal when they break those promises and what the consequence of breaking those promises is. We do not need to continue this broken earmark process. We need to stop it. We need to stop pork barrel spending. If we did that, we could reduce spending. We could reduce taxes. We could help the average American family cope with the increase in prices that they are coping with and help them meet those challenges more readily.

I again want to thank Mr. HENSARLING, Chairman HENSARLING, for organizing this special order on the earmark process, for bringing to light the problems that the Democrats have brought to us, and the broken promises that they have before us every day.

And I yield back to my friend from Texas.

Mr. HENSARLING. Again I thank the gentlelady from North Carolina for coming here tonight to participate in this Special Order and to try to stand up for the hardworking middle-income American families that are seeing their paychecks shrink. And one of the great reasons their paychecks are getting ready to shrink even further is because of a budget resolution conference report passed today that includes the single largest tax increase in American history, passed courtesy of the Democrat majority that will pose a $3,000 average tax increase on a family of four of America while they are struggling to fill up their cars and while they are struggling to put food on the table.

Why are taxes having to be increased? Well, Madam Speaker, part of the reason is because of the culture of spending fueled by these wasteful, pork barrel spending earmarks.

□ 2100

They continue to proliferate and explode under the Democrats.

I mean, what kinds of earmarks are the American taxpayer having to pay for? Well, one includes a monument that a single Member of Congress decided to dedicate to himself. It's called the monument to me, to benefit the chairman in the House Ways and Means Committee, CHARLES RANGEL.

Let me quote from the Wall Street Journal. "New York's Charlie Rangel provided smirks this week when news emerged that the Harlem congressman was humbly seeking a $2 million earmark to celebrate the 'Charles B. Rangel Center for Public Service' at the City College of New York," that much money so that one Member of Congress can build a monument to himself. These are tax increases on hard-working American families so that Democrat Members of Congress can build monuments to themselves.

Here is another one, let me quote from the Pittsburgh Post-Gazette. "Representative Mike Doyle, a Forest Hills Democrat and staunch Murtha ally is an eager apprentice. One major achievement is the Doyle Center for Manufacturing Technology based in South Oakland. Mr. Doyle helped launch the center with a $1.5 million grant." Interesting. Here is another monument to another Democrat Member of Congress, and the list goes on and on and on.

Now, as the gentlelady from North Carolina said, not every earmark is bad, but the system is bad. The system fuels a culture of spending that is bankrupting hard-working American families as they are struggling to make that paycheck stretch. It is waste. It's an insult to these families to abuse their earnings in such a fashion.

I am very happy tonight also to see that we have been joined by one of the great conservative leaders in America, a former chairman of the House conservative caucus known as the Republican Study Committee and somebody who has been a mentor to me, a man I am proud to call my friend.

I am happy now to yield time to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank my friend and colleague from Texas. I want to compliment him for conducting this special order on earmarks tonight. It's an issue where the American people need to understand what is going on in the government that they elect.

I think most of them, if they harken back to their civics class in high school or grade school, would be stunned at what happens here and would find it, quite frankly, disgusting, because it is. It is a perversion of a system.

We use the term earmark, and we try to describe it. I am not certain that many people at home fully understand how the process works. To some degree, if you don't understand how the process works, you can't understand why some of us think it is so outrageous.

I want to get kind of down to some basics. Let me talk about the equity of the earmark process. Some of us think that we were each elected to come here to represent our congressional districts, and we were also elected in representing them to look at the good of the Nation.

Some of us don't believe that we were elected primarily to come to Washington and take as much money as humanly possible from the other taxpayers around the country and rip it out of their taxpayers' pockets and put it in our congressional districts. I don't remember being taught that in my civics book. Yet, the way the earmark system works in this Congress today, it is outrageously inequitable.

You might say, well, you know my congressman knows the needs of my district, so why shouldn't he get a couple of projects in your district. Every one of your congressmen who gets earmarks come back and say, look, I got you this bridge, or I got this business in our community, this money, and they say, aren't I great.

But, you know what they don't tell you? They don't tell you how much somebody else got. They don't tell you that the congressman three States over got 100 times as much money. They come and say, look, I got us $2 million for this project right in our town. But they don't tell you that the congressman from the State two States over was more powerful than your congressman, and he didn't get $2 million, he got $800 million.

So the taxpayers, you, the taxpayer and the congressman whose district brought home $2 million, you got fleeced to the tune of the $800 million that went to the powerful congressman, and that's how it works. Earmarks in this Congress today go to powerful Members. So if you are the chairman of a powerful committee, or you are in the right position to get it done, you get, literally hundreds of millions of dollars, maybe even billions of dollars for projects that you get to direct.

But, if you were a poor American taxpayer who lives in a district where you don't have a mega powerful congressman, well, your junior congressman, your fairly new congressman, your less-than-powerful congressman, he brings home next to nothing, but he brags about what he brought home. He just doesn't tell you that it was a fraction of what was taken out of their pockets to pay for somebody else.

Mr. HENSARLING. Would the gentleman yield?

Mr. SHADEGG. I would be happy to yield.

Mr. HENSARLING. You know, it's interesting, we sit here and assume that a lot of people know what an earmark is and what pork barrel spending is. Probably the best way to define it is money that Congress takes out of their pocket to give to a specific entity that doesn't have to be competitively bid. It can go to one particular corporation. It can go to only one entity, and it doesn't go through any competitive bidding process whatsoever.

As the gentleman said, well, some Members of Congress say I know my district the best, and I am supposed to bring the pork home.

Well, the people in the Fifth District of Texas, they are not so interested in me bringing the bacon home, they want to make sure that Congress doesn't take it out of their smokehouse in the first place.

As the gentleman ably points out, when somebody is getting something for nothing, there is somebody else who is getting something for nothing.

Mr. SHADEGG. I am glad the gentleman brought that up. I am going to go through a description that I think will help people understand what we mean by earmarks and by the kind of a simple earmark that you might think about, and then the more complex, the more subterfuge, the more hidden ones.

First of all, you have powerful Members of Congress get billions, not-so-powerful Members of Congress get next to nothing, but taxpayers pay for it all. The other fascinating process that goes on here with earmarks is the at-risk Members, that is a Member who is in a competitive district and might lose, and their political party wants to help them, oh, they bulldoze money to that Member's district.

But if you have some other congressman who is secure in her District or secure in his district, well, too bad. So you better hope that your congressman is an at-risk Member of Congress because then billions of dollars will be steered to your congressman's congressional district and to your community and to the business and the jobs in that community.

But if you have a secure congressman who gets re-elected each year easily, and he is not powerful, you get a fraction amount of that money or you get zero, once again. Once again, money is coming out of your pocket and being distributed on a completely inequitable basis. It goes to the powerful Members of Congress, it goes to the at-risk Members of Congress to get them reelected.

Let's see if we understand this, my tax dollars go to fund my Federal Government, but they aren't distributed on the basis of merit to the good projects. They aren't distributed on the basis of need, to people who are in need. They aren't distributed to the Nation's needs. They are distributed to some congressional district because that Member is powerful or to some other congressional district because that Member is at risk of losing his or her seat.

Now if you like your money being distributed on that kind of an unfair basis, then you are for earmarks. Let's talk about kind of an explanation of what earmarks are, as my colleague from Texas just mentioned.

You know, there is the kind of mundane earmark, the routine earmark. A Member of Congress gets asked to do a community project. I happen to like one, they have got a harbor in their district, that harbor needs to be dredged every few years and so they say, look, I just want to go get an earmark to get that dredged. It's asked for by the community, it's needed by the community, and it looks like a pretty innocent fair-minded earmark.

If they were all like that, we might not have any problem as long as they were allocated equally to all 435 districts in the country. Then no one would be taken advantage of. But, guess what, that's not what most earmarks are, at least that's not what many of them are. Many of them are an earmark that goes to a local college or a university or an earmark that goes to a private business. That's my favorite, earmarks that go to private businesses.

I am a congressman, I have a business in my district, and it is not quite making it, or it's a startup, so they come and see me and they say, hey, Congressman, we would like an earmark. Give us some taxpayer dollars because we can't survive in the marketplace. So I steer some money to that small business or that big business in my district.

You know what happens? This is just surprising. Do you know what happens? I would ask the gentleman to join me for a moment. Do you know what often happens? Do you know that often the executives of the company that get that earmark money, your Federal tax dollars, do they make donations to that congressman?

Mr. HENSARLING. Well, as a matter of fact, we have clearly documented that earlier this evening, and it's not just us saying it, The New York Times has said it, and I quote again, "Representative JOHN MURTHA has procured eye-popping chunks of pork for contractors he helped put in business in Johnstown, Pennsylvania."

"Every one of the 26 beneficiaries of Mr. MURTHA's earmarks in last year's defense budget made contributions to his campaign kitty, a total of $413,250," this from the New York Times.

If the gentleman will allow me, again, under this Democrat majority, what we see too often is that Members of Congress direct earmarks to special interest recipients. They turn around and give campaign donations to the campaign, and then the campaign helps re-elect the Member of Congress, and the cycle goes over and over under this Democrat majority.

Mr. SHADEGG. Taking back my time, I think it's stunning, but I don't like the words "special interest," because that makes you think it might be some kind of a public interest, maybe it's for hungry children or maybe it's for needy families or maybe it's for dental care? No. This is for a private for-profit corporation, a huge business advantage for them and, interestingly, the executives of that corporation just suddenly decide that they like that congressman and send him contributions.

Well, that's pretty interesting, but what about the next level of corruption in earmarks, what about could it have ever happened that a Member of Congress creates a for-profit corporation or creates a nonprofit corporation himself and puts his friends and cronies on the board of directors of that nonprofit corporation or that for-profit corporation and then earmarks money to them? Shocked. Tell me it wouldn't be so.

We are taking earmark money, we are taking taxpayer money, hard-earned money by American citizens, taking it away from them and giving that money to an entity that we created that we incorporated, and we put all the Members on its board of directors and, shock of shock, they donate money back to our campaign or, in some instances, they might hire the congressman's wife or his daughter or his son or some other needy family member.

That's very appropriate. That ought to happen with our taxpayer dollars. That's what we expected when we sent our taxes to Washington that a congressman would take that money and donate it through an earmark, direct it, force it through an earmark, not debate it on the floor of this House, to go to a for-profit or a nonprofit corporation that a congressman created that employs his son or daughter that makes donations back to him.

We haven't even talked about the lobbyist who used to work for the congressman who then went to work for a lobbying firm that seeks earmarks who, by the way, shock of shocks, asked for the earmark, got the earmark, got paid by the for-profit business or the nonprofit business for getting the earmark, and then both executives of that for-profit or nonprofit corporation and the lobbyist, former staffer, donate to the Member of Congress. This is all above board, all wonderful, all that the American taxpayers ought to think happening with their dollars.

Mr. HENSARLING. If the gentleman would yield, it's a good time to point out again what a difference there is between the two political parties on this issue. The Democrats claim they would cut these earmarks in half but they didn't do it. Instead we end up with the second highest number of pork-barrel spending earmarks that we have seen in the history of America. They claim no more secrecy in the process. Yet we know that we have secret earmarks come in to benefit a select number of hospitals.

It has been well documented. They claim they would bring integrity to the system, and yet we continue to see earmarks coming out of this end of Washington D.C., and we see campaign contributions coming in the other end. How convenient.

Then they claimed that we can't continue to tax, we can't continue to have bridges of nowhere for America's children to pay for, but apparently we can have museums to honor Democrat Members of Congress, apparently we can have money going to the so-called Hippie Museum. Apparently we can send money to help the L.A. fashion district with their signage and streetscape improvements.

□ 2115

The Republican Party has called for a moratorium on earmarks. This process needs to be reformed. The Democrat Party likes the status quo as it is. The leader of our party takes no earmarks. The leader of their party claims she would just as soon do without them; and instead, she is in the top 20 recipients of earmarks.

The Republican presidential candidate says I will veto any spending bill with an earmark. And you look at their two presidential candidates, one is in the top 10, and the other, although only in the bottom half, has still managed $91 million of pork-barrel spending.

To add her perspective, I am happy we are joined by the gentlewoman from Tennessee (Mrs. BLACKBURN), and I yield to her at this time.

Mrs. BLACKBURN. I thank the gentleman from Texas for yielding, and for his leadership on this issue.

Getting our hands around waste, rooting out waste, fraud and abuse is something our freshmen class when we came to Congress said we were going to be committed to. And certainly pushing forward earmarks and the issue of pork-barrel spending is something we have committed much of our time in this Congress to.

Madam Speaker, I think it is so appropriate as we talk about this issue that we realize yes, indeed, we have called for a moratorium on earmarks and would encourage all Members to join us, doing so partly because this is an issue that over time has grown and grown and grown.

When you go back and look historically, the first correspondence on this that we could find was Thomas Jefferson writing a letter to James Madison March 6, 1796, and Jefferson wrote commending to Madison did he think of all of the consequences that would come from the proposition of using public money as a bottomless pit, if you will. It is a great quote.

There are quotes from President Monroe in 1822 when he argued that Federal money should be limited to great national works since if it was unlimited, it would be liable to abuse and might be productive of evil. That's 1822, how interesting.

As we look at the period of time through the 1950s and the 1960s and 1970s and 1980s, how this body repeatedly increased spending every single year and increased the use of those earmarks every single year, and how the practice became commonplace.

Well, some of us feel like enough is enough, that the American taxpayer deserves greater consideration. Now is the time for an earmark moratorium.

DEMOCRATS WORKING TO SOLVE AMERICA'S PROBLEMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. YARMUTH. Madam Speaker, it is a pleasure to be here once again speaking on behalf of the majority makers, the freshmen Democrats elected in 2006 to bring change to Washington and who have worked very diligently over the last 16 months to begin to reverse the damage done to this country over the last 7½ years.

It is interesting, I was planning to talk about what I saw as a very encouraging sign over the last few days, the encouraging sign that we had actually solid bipartisan participation in trying to come up with solutions to some of the very daunting challenges that face this country today, including energy prices.

We had a bipartisan vote, an overwhelming bipartisan vote, to restrict additions to the strategic petroleum reserve, something which the President opposes but which overwhelming numbers of both bodies of Congress supported. And I was going to talk about the farm bill in which we had significant Republican participation in coming to grips with a new solution to our farm policy in this country. And I was going to talk about our housing initiatives, how we had significant Republican support last week in trying to craft policies that would help alleviate the serious housing situation we have and to try to keep things from getting worse.

But after listening to the partisan attack that I just heard, I have to respond because what we have heard is something that is almost in a parallel universe. It is interesting that my colleagues from the other side speak as if the last 7 or 8 years didn't exist, as if the Republicans weren't in charge of the entire government from 2001 until 2007, as if the national debt did not increase by $5 trillion during their stewardship of this government, as if earmarks had not been developed into an art form under Republican leadership. It is almost as if there is no history that they choose to remember.

I can understand why they don't want to remember what went on from 2001 to 2006, and before that many of the policies that were developed under Republican leadership in this Congress prior to George Bush's presidency because they don't want the American people to be reminded.

But we know from all of the polls and the voter turnout that we have seen in the last few months, we know that the American people remember what has gone on in these last few years. We know because, as we have seen in a poll over the weekend, when asked which party does the American people trust to deal with the challenges we face as a country, the American people prefer the Democratic policies by a margin of 20 percent, one of the largest margins ever recorded. It is not hard to understand why. What we have seen are failed policies from people well meaning, no question about it, but people who do not believe that government has a role in solving our problems.

We see it when people come to the government, when the average citizen comes to the government for help. We see them in our offices every day, and we talk to them at home on weekends. We know that the American people are hurting. They come to us for help. We know that nurses come to us for help. Teachers come to us for help. Social workers come to us for help. They are dealing with the pain of average American citizens every day, and we are trying to do what we can to help them.

We know that the other side does want to come to the help of American citizens from time to time if they happen to be the CEO of ExxonMobil, if they happen to be the CEO of Chevron, if they happen to be the insurance executives. Those people can always find assistance from the Republicans. But when the average citizen comes for help, no, no, no, we don't want to do that. Government is not in that business.

Well, that's why the American people turned to the Democratic Party in 2006 and said, We have had enough, it is time for a change. We believe that the Democratic Party can help working Americans solve some of the problems that face them.

I think we have made a very, very good start. From the very beginning of our leadership in the 110th Congress last January, we took steps immediately to raise the minimum wage which had not been raised in 10 years. We took steps to change the rules under which drug companies dealt with Medicare. We took steps to end the subsidy of oil companies with huge tax breaks when they are making more money than they had ever made in their history. We worked very diligently, and we talked about earmarks.

My colleagues on the other side want to make it sound like we invented earmarks, which we certainly didn't. We actually provided for the first time some transparency in earmarks. We said if you are going to put an earmark into a bill, then you have to identify that you sponsor that earmark and you have to attest and swear that you did not reap any personal benefit. You had no personal connection with the recipient of that earmark. Those were not the policies under the Republican Congress when they had in their last budget year 16,000 earmarks. No, you could slip them in there. Nobody knew you got the earmark. You could take credit for it if you wanted to, but if you tried to find out who gave money for XYZ, you couldn't find that unless the person actually took credit for it. We changed that. We required accountability in the earmark process.

So it is interesting to listen to my colleagues talk about the horrible leadership that they contend of this Democratic Congress as if the last decade had not occurred. I think the American people have seen through that. I think there is no question that the recent results, not just in polls but in special elections for Congress, reflect the fact that the American people understand that the Republicans are out of ideas. They just are out of ideas. The idea that government will play no role in solving some of the challenges that we have has proven to be a bankrupt idea. They persist in that philosophy, and they persist as of earlier today, and we have to call the attention of the American people that these are not the facts and that there is a very distinct difference between our policies, the Democratic majority, in which we are trying to use government to help the American people while maintaining fiscal responsibility, while maintaining our PAYGO rules so we make sure that we don't add to the Federal deficit and the national debt and that we pay for what we do when we do it.

Now, there is a huge exception to that policy, as we all know. We are going to see it on the House, on this floor in the next few days. We are being asked once again to allocate billions and billions of dollars to the wars in Iraq and Afghanistan. We are being asked by the President, who now has the lowest job approval in modern history, we are being asked by him to give him a blank check, once again no constraints on his activities in Iraq and Afghanistan, no restrictions on his troops, no new regulations regarding the deployment of troops, just give him the money and let him try to accomplish the mission which he said was accomplished 5 years ago but which has not only not been accomplished in 2008 but which is something, a mission which we still can't define.

I would like to ask the administration, and we have on many occasions, if you want our support, if you want us to continue to fund this failed policy in Iraq, tell us what the mission is. Tell us once and for all what the clear objectives are, and we will listen and we will use our judgment and see if that is the type of thing that the American people will support.

But as always, we still don't have a clear idea what the mission in Iraq is. It changes on a day-to-day basis. We are being asked once again to spend billions and billions of American taxpayer dollars for a policy which no one really can explain.

I think my colleagues, and several have joined me here now, are in the same situation as I am. On a daily basis I speak to people from my district, Louisville, Kentucky, and they say, we need money for this. We have been cut this way. We are going to have to cut services, why can't we just spend a little less in Iraq. Every day I get that question. I probably got it six times today. Why can't we take some of that money we are flushing down the toilet in Iraq and spend it on the American people who are in desperate need of the things that government needs to do. These are some of the issues we are confronted with today.

It is my great pleasure to be joined by two of my colleagues from the class of 2006, the majority makers, Mr. KEITH ELLISON from Minnesota and Dr. STEVE KAGEN from Wisconsin, and I am going to yield to Mr. ELLISON and have him continue this discussion about what we in the majority makers and we in the Democratic majority are trying to do on behalf of the American people.

Mr. ELLISON. Madam Speaker, I thank my good friend from the great State of Kentucky. He has been helping to lead our majority-maker class in this leg of our two-term service, and has been doing a fine job of it.

As I start, I want to invoke the memory of two young men, one Robert Dixon and another one, Quising Lee.

□ 2130

These are two young men who are from Minneapolis who were killed in Iraq. There have been 64 Minnesotans killed in Iraq, and Robert Dixon and Quising Lee are two gentlemen who lived in my district.

I'll never forget when I went to go see Quising Lee's family after he was killed. He went to North High School. He was 20 years old when he died, and he was killed in a roadside bomb in Iraq.

Robert Dixon was killed in a roadside bomb in Iraq as well. I wasn't able to go to see Robert Dixon's funeral. I was here. My wife went for me. Kim, thank you for doing that. And she sat there and listened to stories about Robert Dixon and his life and his service to our country and the things he hoped for and wanted.

But I did get a chance to visit the family and go to the funeral of Quising Lee. Quising Lee, 20 years old when he was killed, went to North High School, had his whole life in front of him. Only 20 years old.

It's in the memory of those two young men from Minneapolis that I offer remarks tonight, and on behalf of those 64 Minnesotans that have been killed, and on behalf of those 4,500-some individuals, Americans who've been killed in Iraq, and on behalf of those, probably as many as perhaps 600,000, perhaps even 1 million Iraqis who've lost their lives in Iraq.

That's the spirit in which I approach tonight, my fellow majority makers, because, as you know, tomorrow is the big day we're going to be voting on Iraq appropriation once again.

Just for the facts, I think it's important to point out this will be a three-tier vote. One will be on appropriation for Iraq. I'll be voting "no." The second will be on certain terms and conditions to get out of Iraq. I'll be voting "yes" on that. And the third will be appropriations for GI bill and things like that, and I expect to be voting "yes" on that.

And so I want to just lay this out tonight because I think people that are listening should know that tomorrow is a big deal. Tomorrow is a big day. We're all going to be casting votes, votes, I pray, of conscience, votes that are not based on licking a finger and sticking it in the wind, votes that we earnestly believe in. No matter what you may conclude about how you should vote tomorrow, I pray that you do it based on your conscience, consistent with your conscience.

And as we sit here tonight, you know, I reflect on the fact that I've been to Iraq once, been to Afghanistan once, look forward to going back. I think it's the responsibility of every

Member of Congress to see the place that we have these soldiers struggling to survive in. I don't think it's right to just send somebody there and then just expect that they're going to be fine. We should at least go there, eat with them, sit with them, listen to them, their hopes, dreams, aspirations, what they hope to do if they make it out of there.

I think it's important for us, as Members of Congress, to go to the VA hospitals in our local communities and here in Washington, DC.

I think that what we're dealing with is serious issues, life and death. And more importantly, perhaps most importantly for me, we're dealing with issues of how our Nation works in relation with other nations in the world.

I believe that the United States should aspire to be a good neighbor in the world. I believe that our country, blessed with tremendous economic power, blessed with tremendous democracy, meaning not just elections, but the power to respect minority rights, the power to respect religious diversity, ethnic diversity. In America, we're not saying that people don't discriminate, but it's illegal if you do it, and good people fought and even died to make it so.

So I hope that tonight, as we reflect upon our great Nation, we reflect upon our role in the world, reflect upon not only the hard power but the soft power of America; that we all reflect on the sacrifices that were made to make it that way; and that we say that American history is not written yet, and that greater things are left for us to do.

And the greatness of this country is not bound up in guns and bombs, but, my friends, it's bound up in the goodness of the people and our desire to say that we cannot rest on having a democracy at home, but we should model it for the world, but not impose it or inflict it upon the world; and that we are not the world's police officer, but we could be a good example for what people might want to emulate, and that we should use our power to beat swords into plowshares and make war no more.

I'll be voting "no" on that appropriation tomorrow. And so I just want to turn it back, as we reflect tonight, as I reflect on the lives of Robert Dixon and Quising Lee. I know my friends from Kentucky and Wisconsin have some young people, or not so young people who they're remembering tonight as well.

Thank you. I yield back.

Mr. YARMUTH. I thank the gentleman. And now it's a pleasure to welcome Dr. KAGEN from Wisconsin, someone who has been a steadfast advocate for not just the veterans of this country, but for working families everywhere, and has been a champion in trying to bring attention to the serious flaws and opportunities in our health care delivery system.

I yield to the gentleman.

Mr. KAGEN. Thank you for yielding, and thank you for carrying on for the first few minutes before I was able to attend. Our Committee on Transportation just ended its subcommittee meeting at 9:20 this evening where we were hearing some testimony about the possible merger between Delta and Northwest. And it was a very educational seminar, to say the least.

But it's still an example of how we are working hard to gain oversight over these mega mergers, and taking a look at big business and big insurance and big corporations and the big war machine that's now costing Americans millions and millions of dollars every day.

And if you like numbers, my friend, it's $14 million an hour that we're spending in Iraq instead of here at home. It's $338 million per day, $2.4 billion per week, and $10 to $12 billion per month that we have our hard-earned tax money going over to the sands of Iraq and not investing here at home in our own infrastructure, in our roads and our bridges, in our schools and in our social system.

Now, if you like numbers, and I like numbers, I've got a head for numbers. I'll give you the number 300, 200 and 13. 300 percent is the increase in the gasoline price since the current administration took office in 2001; three times as much as what you're paying at the pump as when they started.

Now, my friend, Mr. ELLISON, the right honorable sir, mentioned Iraq and some Iraq tragedies. On Mother's Day I had the occasion, in Wisconsin, to dial up and wish a happy Mother's Day to a fallen soldier's mother, and I spoke with Donna Opicka. She had lost her son, Dean. And in her words, quote, "It's not working."

She's been against our involvement in Iraq from the start. She has two sons that are there. And we will always support our troops, but not a failed policy. And in her words, "It's just not working."

They told us oil prices would go down. They've gone up 300 percent.

The Number 200, it's 200 percent, the increase in fuel oil that many people in Northeast Wisconsin rely on to heat their homes. And it was a long winter this year.

And what about the number 13? 13 percent increase in your cost for groceries. Your food went up 13 percent.

My friends, if the cost of our food went up 200 and 300 percent, we'd see a revolution in this country. And so earlier today we passed a farm bill that will fundamentally and dramatically change the way we're feeding ourselves. This farm bill determines what farmers will plant, what they're going to grow and, ultimately, what we're going to eat and what we're going to look like.

That farm bill had the overwhelming support of over 300 Members of Congress, and it's a very good example of how Congress really ought to work, in a bipartisan way, Republicans and Democrats together putting their minds together and working out a way in which we can feed not just our own families but continue to feed the world.

Now, as this increase in energy for food and energy for oil has gone skyrocketing, the food prices have held their own until recently, when the energy cost has crept into our food supply.

At the same time as these costs are going up, your income is going down. The median income went down 2 percent since 2001. So at the very same time that middle class Americans are having a hard time keeping their head above water with the escalation in the cost for energy, both food and oil, their income is not going up.

And so I think people watching tonight have to ask a fundamental question. Whose side are we on? Are we on the side of big business? Are we on the side of big insurance, big oil companies? I think not. We're not sitting in a boardroom. We're standing on the people's floor here in the House. And I'm very honored to work with my Class of 2006, the class I brand America's hope for a real positive and a new direction; not just in our farm policy, not just in our foreign policy, but our domestic policy as well, as we pay attention to and continue to work hard for the American people to give them a fair shake in our future.

And I yield back.

Mr. YARMUTH. I thank the gentleman.

I want to pick up on two of the things that he mentioned because I think these are fascinating contrasts and put into perspective some of the challenges that we face.

First, on the subject of oil prices and gasoline prices, he mentioned that 300, the price of gasoline has gone up 300 percent since 2001. What's interesting is, when you look at what we're now paying in Iraq for gasoline, this is one of the truly astounding and very disturbing aspects of our involvement there.

And again, as my colleague, our colleague, Mr. ELLISON said, we're going to be voting on more funding for the Iraq war tomorrow. The American people need to know that right now we are spending $153 million a month on gasoline in Iraq, $153 million a month. And we're paying $3.23 a gallon for that gasoline. It's probably up since then, but the time that we have the statistics, $3.23 we're paying for gasoline in Iraq.

Meanwhile, the Iraqi people, and Iraq is sitting on one of the largest oil reserves in the world, the Iraqi people are paying a subsidized cost of $1.30 a gallon. Now, wouldn't we all love to pay $1.30 a gallon?

Now, that's unrealistic, but it's interesting that we're paying for the entire reconstruction cost of Iraq, we have up to this point; we're spending all this money to try and stabilize their country, and we're paying $2 more per gallon for gasoline than the Iraqi people are. That's just one of the strange quirks of our involvement there.

Mr. KAGEN. Would the gentleman yield?

Mr. YARMUTH. I would be happy to yield.

Mr. KAGEN. Does it bother you at all that we don't have any oversight in Iraq, where 20 percent of the money we're putting in, no receipts, no oversight at all, and it's a culture of corruption? Does that bother you at all?

Mr. YARMUTH. Well, certainly. And again, I referenced the fact that not only are we being allowed to, or being asked to write a blank check for hundreds of billions of dollars, as we've been writing for some time now, somewhere over $500 billion total in direct appropriations for the war in Iraq, but we're also being asked to give the Iraqi government a blank check; do whatever you want, no accountability, you get to it when you get to it, you'll decide when things are right for us to be able to leave. It's all up to you. We're helpless.

It's a very uncomfortable position for us to be in.

Mr. KAGEN. Will the gentleman yield again for another question?

Mr. YARMUTH. Of course.

Mr. KAGEN. Does it not astound you that the administration today, and our opposing party, has no answer when we say, look, we are budget red. We have a budget deficit and Iraq has a budget surplus. Isn't it time that they paid for their own reconstruction?

Isn't that a reasonable question?

Mr. YARMUTH. It's a reasonable question which we are addressing in legislation. And I think the American people are totally justified in demanding that the Iraqi people pick up some of the tab when they're running a $70 billion surplus per year.

And I was actually encouraged to hear one of the representatives of the government over the weekend talk about the fact that they intend to do that. But just their intentions don't seem to be much because, again, as you said, there is no accountability method in place.

But I want to reference one other thing. And it's getting off on a little tangent, but you talked about the merger between Delta and Northwest, and that's being examined by the Transportation Committee now, and I'm glad it is.

One of the things that I've been talking about more and more when I'm talking to the good people of Louisville, Kentucky is, you know, we've allowed, over the last couple of decades, maybe 3 decades, companies to get bigger and bigger and bigger in this country. We really haven't enforced the anti-trust laws in this country in 30 years. And we did it because they said, oh, you know, it's a global economy. We need to be able to get big so we can compete.

Well, unfortunately, what they generally mean when they say they want to get big is they want to get big in revenues. They don't want to get big in job creation. They don't want to get big in many things that are the goals that we hold for this country. And when they want to get big, it generally means they want to save money. So they merge, and then they eliminate jobs, and they close facilities, and they destabilize communities, all in the name of being able to compete in the global economy.

□ 2145

And what concerns me is—and we had a hearing not too long ago in the Oversight Committee in which we talked to several of the CEOs of very large corporations, and this was about corporate executive compensation. And I asked three of the executives, When you have these compensation committee meetings when you're deciding what your CEO is going to be paid and what your top management is going to be paid, do you ever talk about the impact of these huge salaries and compensation packages on the morale of your employees? Do you ever talk about how you could make life better for your working people, your employees? Do you ever talk about how you can improve the communities that you occupy, that you serve?

And the answer was very candid, and they said, No. It's always about just how we get the stock price up and how we compensate our executives.

So the question I ask, and it's one that I hope we continue to ask in this Congress, if you want to get big, we need to make sure that your goals are the same as the American people's goals; and I think people on both sides of the aisle would say we have the same goals for the American people. We want good jobs, we want stable communities, and we want secure families. And if we have a corporate world that has goals that are antithetical to that, then we need to revise our policy on anti-trust allowing these mergers and try to say if you want permission from us to get big and you want to operate in a certain way, we want you to operate in a way that benefits the American people and not just your CEOs and your stockholders.

Mr. ELLISON. Will the gentleman yield?

Mr. YARMUTH. Absolutely.

Mr. ELLISON. As we talk about this merger of Northwest Airlines and Delta, I have a number of serious concerns I'd like to point out. One is that Northwest has a pilots' union, has a mechanics' union, has an airline attendants' union. Delta only has an airline pilots' union. And the fact is that Delta is the bigger entity. And so when they merge, what will happen with these organizations that are designed to make sure working people have some rights? I'm very concerned about that.

And I think that's one of the reasons why I think—and I hope and pray we can pass the Employee Free Choice Act, which we already passed through this House, but we have not yet been able to make into law.

I'm also concerned that Delta and Northwest in the future, if they merge, will never compete based on price or based on product. They will never compete because they will be one entity. They won't make each other better, and they won't make each other more efficient. They're just going to bond together and make some money. And of course, they're quite candid, and they tell you they are going to merge so they can get efficiencies. So what is that? Well, that means somebody is getting fired. That means somebody's got to go. You can't have two Employee Relations offices; you can't have two H.R. offices. Can't have two of everything. Somebody is going to go. And at the end of the day, a lot of folks who are paying property taxes, who are raising families, who are doing well, are going to be out of work and lose their jobs.

So I'm very concerned about this. I'm concerned about what consumers are going to pay in terms of ticket prices. I'm concerned about loss of jobs. I'm concerned about the fact that this Justice Department has never seen a merger that it didn't like, and we are seeing an increasing monopolization, oligopolization of our, what should be, competitive markets.

And I would love to see some of these free-market advocates get out there and fight for a competitive market. They seem to not be in favor of competitive markets. They seem to be in favor of really big business, not competitive markets, not free enterprise. These are things that are on my mind, and I think Americans want to know what is this Justice Department going to be about.

Because as I wrap up and toss it back to you, I would like to ask you gentlemen a question. Did you know that in 1980, the average CEO made about 42 times the average worker; but in 2005, which is the last year I have data, the average CEO made about 411 times the average worker? That is a problem. What do you guys think of that?

Mr. KAGEN. It wouldn't be so bad if everybody else was doing that good. The reason it's bad is because we didn't get lifted up at the same time.

Mr. ELLISON. Did the rising tide lift our boats?

Mr. KAGEN. Not the boats in my district, but median income might be $28,000 to $32,000 a year.

When I was home in northeast Wisconsin, I was at a diner, Tina's Roost, in Oconto. And I was meeting with some workers there, and I said, well, listen. We're about to take up this discussion about an economic stimulus package to revitalize our economy and get us out of this upcoming recession; and one of the city workers stood up and took apart some of the six layers of clothing because it was still pretty cold in northern Wisconsin, and he said, KAGEN, look out the window. You can see it right there. The price of gas. You drop the price of gasoline, I have got more money in my pocket. And while you're at it, knock down my health care bills. Those are the two things we could do immediately to put more money in people's pockets.

But my response was very direct and very honest. We're working hard to do that, but it's hard to do it when you have a President who's an oil person and you have a vice president who's an oil person and a Secretary of State who is an oil person. So if you've got oil in the White House, it's hard to move it out until we look forward to that date in November when we get that real positive change that we really need.

So we can drive our economy, but we have to have an energy policy that makes sense, one that is designed in the open and not behind closed doors; an energy policy that will be fashioned towards renewable sources of energy, away from fossil fuels, and it has to make sense for our environment at the same time.

But fundamentally, people are like back home in Wisconsin. A lot of people are like turtles on their back. They just want to get back on their feet and get started. And that's what we did with the energy stimulus bill, and we're also doing that with this housing bill that we put forward, trying to find a pricing floor in the housing market.

Mr. YARMUTH. The gentleman makes some very good points, and one of the things I just mentioned before you arrived was that over the past few days, we've actually done three things in a bipartisan way; and you mentioned one of them. We passed a farm bill with substantial Republican support. The housing bill, we had a number of Republicans join us; and when we dealt with the Strategic Petroleum Reserve in which we said we don't need to be adding any more fuel to the Strategic Petroleum Reserve, taking it off the market, decreasing supply when we're at 98 percent capacity; we've never been, in recent history, below 600 million gallons of our 727-gallon capacity; and the bill, the freshman class, we asked the President to do it by himself. The President refused.

So what happened? The Senate yesterday voted 97–1; the House voted 385–25. I think it shows it was a pretty solid idea. There can't be that many people who have bad judgment. Maybe there are. But 97–1, 385–25 are pretty good odds. So we spoke to the President in a bipartisan way.

So there are situations in which we have found ways to work together, and as you said, that's the way it should be; and I think that's a very encouraging sign. Unfortunately, we have a President who doesn't recognize this body as having any say in policy in this country. He believes he is the decider, and despite provisions in the Constitution in article 1 to the contrary which says the American people are the deciders of policy and the laws through their representatives of Congress.

I think we are doing the people's business, and we're doing it in a very responsible way. And I agree totally that it will be wonderful to have a new chief executive in the White House who maybe understands that government is a partnership and the Constitution was written so that it would be—we would have three branches who are not constantly in conflict but who are working together for the American people.

Mr. ELLISON. I think you're right, Mr. YARMUTH, and I appreciate you pointing that point out.

The article 1, that's kind of our theme this year, isn't it? Reasserting the power of the legislative branch.

I want to pick up on a theme that Dr. KAGEN mentioned a moment ago as he was laying out how he was speaking with some workers in northern Wisconsin.

I was talking with some workers in Minneapolis recently, and we're kind of like cousins, Minnesota and Wisconsin. Folks had talked about how their pay has been stagnant and they haven't seen much of a pay increase except in the late nineties. But the prices of everything seems to be going up: health care, housing prices, and all of that. And what people did in the early part of this decade is they were able to get money out of their houses, right, which has led us into the foreclosure crisis.

But what are people doing now that housing prices are flat? Well, they're turning to credit cards. Charge it. They're putting it on the plastic. And I think this is a big deal because I think we need to know that people are essentially consuming not out of savings, they're consuming out of pay-day loans, credit cards. They used to do it out of the equity of their houses. And this is a serious problem, and people cannot consume out of their savings but have to consume out of debt.

And what it has caused us in our economy today, gentlemen, is that we have seen the credit card debt jump from 6.7 percent in the first quarter of this year, a credit card increase of 6.7 percent in the first quarter of this year to a whopping $957.2 billion. This is a very serious issue for our economy.

That's why we need a high-wage strategy. We need to put more money in people's pockets by reducing the costs of education, housing, health care, gasoline, and by saying that folks are going to have a fair, decent wage that they're going to be able to earn; and we need a strategy to pull those things together for the American people.

Mr. KAGEN. What we did the other day in terms of trying not to put more petrol into the Strategic Petroleum Reserve is to increase the supply. And the President said what we should be doing is increasing supply by drilling more. But there's a fallacy in that argument. There are thousands of acres available for drilling on public land, and they're not drilling.

So the fallacy is the price of oil is going to shoot up and up and up as long as we have fewer and fewer oil companies that are chasing down the oil. But we cannot drill our way out of this energy crisis. We can't drill and burn and drill and burn. We're going to end up choking on our own exhaust. We're going to inflate the temperature so much in this globe that we're going to melt not just the ice caps but our future at the same time.

So we need to have that energy policy that is not based on increasing supply but finding alternative sources of energy.

Mr. ELLISON. What do you think about an energy policy that would incentivize the production of cars that get 100 miles to the gallon? They're out there. The technology is there. There are a lot of things that we're looking at here in Congress that could help people go a long way. You plug that thing in at night when the load is a little lower, nonpeak hours. What about getting some of these light bulbs that don't use as much energy? What about converting some of these old windy buildings so they don't waste as much energy?

Mr. KAGEN. We're doing that with the Department of Energy building because our Transportation Committee has decided that the energy building, the Department of Energy, should be led with some solar power. It's called future fitting. And if you future fit your home, put up solar cells, not to take it off the electrical grid but knock down your electric footprint, your carbon footprint, you will save much in your electric bill and also in terms of the CO_2 production in the atmosphere.

These are the little things that when they add up, when thousands of homes across the country begin to future fit their homes, we can gain a great deal of energy independence and stimulate the economy. People underestimate the millions of jobs that can be created by future fitting their home, and we have to help them out here in Congress to create that legislation to incentivize that.

Mr. YARMUTH. Exactly.

I would say you made the right statement. We will never drill our way out of the energy crisis, but we can invent our way out of the energy crisis; and the private sector is in the process of doing that. We need to give them the boost. We need to give them the incentives. We need to provide the tax credits, and in fact, we have tried to do that. And if anything, I think, represents a clear distinction—there is probably nothing that represents a clear distinction between the President's party and ours than the way we have handled the ideas of incentives.

The Republican Congress in 2005 voted a 15—well, the number is vague—but it's around $15 billion a year in tax incentives to the oil companies to drill. We've tried to take that tax incentive away, that subsidy, and put it into the types of innovative technologies that will be the answer to our energy crisis, will make us independent of imported oil, and oil totally, and will stimulate and create new economies and new economic opportunity in this country.

□ 2200

Mr. ELLISON. I've got to ask the gentleman to yield on this one.

What is the opinion of you two esteemed gentlemen on the $40.7 billion ExxonMobil cleared? I mean, that's not revenue, that's profit, and yet and still, this President does not want to take away their incentives, their oil subsidies. What kind of sense does that make? Can somebody please rescue me from my ignorance?

Mr. YARMUTH. That didn't make since in 2006 when they made $38 or $39 billion. It didn't make sense last year when they made $40 billion. It doesn't make sense when they made over $40 billion. Record profits every year since we gave them this huge tax subsidy.

Mr. ELLISON. Well, let me ask you this, do you think there will come a day when the folks in the White House might just say, they might not need that subsidy after all?

Mr. YARMUTH. Well, ironically, in a way, this President did say that because in 2004, when he was campaigning for reelection, he said once oil passes $55 a barrel, the oil companies will not need any incentive to drill. That was his campaign statement in 2004.

Mr. ELLISON. That's the problem. He just doesn't know that oil is not $55 a barrel, but actually hit about $126 a barrel. He just doesn't know. Somebody ought to send him a news flash.

Mr. KAGEN. Let me put it in a different perspective, if you will allow me to. It's not about profits. I'm in favor of profits. We have a capitalistic marketplace. I'd like people to be profitable. It certainly beats the alternative of being negative in red ink.

But let me submit to you that the oil that we're pulling up out of the ground hasn't changed in millions of years. The gold we're mining out of these mines, it's the same gold as it has been for millions of years but it costs more. It costs more because the purchasing power of your United States dollar has declined.

So there's a decline, a reevaluation south of everything you own and everything you do. Every working man and woman today is earning money that has less purchasing power than before, and it's because of our failed economic policy of this administration and the Republican party, the philosophy of borrow and spend and borrow and spend.

You cannot borrow your way into national prosperity. You cannot spend your way into prosperity. We have to have a fiscally responsible and socially progressive House and Nation, and when we do that, when we reinstill these values, we'll begin to grow our way out of this current recession and restore some balance to our economy, wherein an oil company may not have to make that much money at the expense of every consumer who is struggling just to keep their head above water.

Mr. ELLISON. You put your finger on a very important issue. You used the word "philosophy," and I think it's a good time to talk about the philosophical framework that I believe is crumbling before our eyes.

The idea that the middle class doesn't matter, that the wealthiest among us—and let me just tell you, I'm one who says, thank God that you were able to do really, really well. I'm not against people in the top 1 percent. I mean, I'm like great. But I think people in the top 1 percent say, you know what, I climbed up the ladder and I'm going to leave it there so other people can climb up the ladder, too.

But the philosophy that I think we have seen over the last 8 years is the philosophy that says, you know what, we're going to give every opportunity, every incentive to the people at the very tiptop; we're not going to make sure people in the middle are making it. And what eventually happens is that those people there in the middle don't have anymore money to spend. They are now spending out of debt, and then what happens is that they can't even afford the basic necessities of life, which then is going to have an impact on the consumer sector and on corporate America.

Seventy percent of the whole GDP is what we spend, consumer spending, but we ain't got no money. And so the point is, we are literally killing the goose that laid the golden egg. We need to say that we need new politics where the market is a part of our life but not a holy, sacred grail. The market helps to propel productivity, but is not all there is. But we have alongside the market, a regulated market, a market that makes sure that competition is present, a market that says that consumers cannot just get stuck and gouged and pinched and pulled and taken advantage of, and a market that says that we want to have innovation and room for small producers so that there's this competition over goods and services and brand and innovation and, of course, price.

We need a new market that has the middle class as the VIP of this economy, not the CEO.

Mr. KAGEN. I think that you're headed toward the philosophy that I think America really believes in, getting back to the basics and putting the letters U-N-I-T-Y, unity, back into community.

Mr. ELLISON. Oh, yeah.

Mr. KAGEN. We can do that by helping to evolve our health care system back to community-based ratings so there is no discrimination against any citizen, not just because of the color of their skin but their skin chemistry, not just the content of their heart but the arterial content of their heart.

So we have to get back to a place, again, where American traditional values are reinforced here in Congress. I think that's the hard work, the working ethic. That's the hard work we have been doing here during these past 15 months that we got here.

Mr. YARMUTH. There's another element to the philosophy that I think we need to talk about now, and I see it in discussions that we have in our caucus meetings, and I think it's a growing realization that we have to embrace as a philosophy in this body that we can't think just to the next election cycle. We have to start thinking very long-term, and we have to start thinking about investment and investments that will pay off over the long run but will not get us any immediate gratification or recognition so that we can get votes at the next election.

And you mentioned health care, and that's certainly an area in which we have to start investing because every dollar we spend on early childhood health care we know pays off 10, 20 times down the road. You can't see it today. The CBO, the Congressional Budget Office, won't score it and say, okay, you can take credit for that, but we know that it happens. If children are tended to early on, preventive care, diagnostic work, we catch a hearing problem, a sight problem, you catch them before they get obese, we know how much that returns in savings down the road.

The same way with infrastructure. We've neglected infrastructure in this country for far too long. We know we have to make investments in infrastructure, but those are the types of investments that do pay off. It's not like Iraq where every dollar, once you shoot a bullet, once you shoot a rocket, that's money gone. There's no investment there, no return on investment.

But infrastructure, health care, medical research, if we could spend, let's say we spent $100 billion over the next

10 years and we were to cure cancer and diabetes, you're the doctor, it would save trillions of dollars long-term.

Mr. KAGEN. Absolutely.

Mr. YARMUTH. And so we have to start thinking I think in that long-term, let's invest money now. You're right, you can't spend your way to solve these problems, but you can invest your way. And I think there's sound, solid, predictable results that we can get from these types of investments.

Mr. KAGEN. But that requires judgment. It requires good judgment at every level of our government, not just a mayor or a county board member, but here in Congress and in the White House. And this is why this next election, I'm looking forward to having the opportunity to work with a President who has good judgment and a philosophy that believes in prevention, not just in health care, but by preventing going to war, you prevent human tragedy and you save tremendous amounts of money.

Mr. ELLISON. That's why I really believe that we need a philosophy and a President who believes in the philosophy of the common good. The common good because, you know, as Representative YARMUTH refers to infrastructure, that's another word for our common wealth. That's our common wealth. That's what we all own together. That's the roads, the bridges, the dikes, the levees, the transit. That's the universities, the public school system. That could be a health care system that we own together, that's ours. And that's all of these things that when we invest in them, they pay dividends back.

Like you just said, that military spending is a one-way good. You shoot that bullet, and it's gone. But when you build that road, all of us who use it for even just our businesses, just to truck stuff over it, are using it, that's a return on investment. Those of us who go to school on it, that's a return on investment. Those of us who use it just for recreation, that's a return on our investment.

It's our common wealth, and we need to get back to the idea that, you know, America is a country where we have our common good and we share it, and we believe it and we have a common wealth that we share and we keep and we promote. And our market is a part of the common wealth, but it's in service to the people of the country. It's in service to tap into the creativity and the productive power of the people so that they can produce goods and services for the people of this country.

Our markets are another, not just to produce goods and services, but to improve our social life because in that way, when I'm allowed to do my thing, right, I can be more happy, more productivity, more creative. And if I had health care and if I had a pension and if I had a school system that my kids could go to, boy, I could sit in that garage and come up with all kind of cool stuff.

The fact is we've got to get back to this place where it's about the common good, it's about the common wealth, and not about just me for me and I don't care about anybody else. Greed essentially elevated to a political philosophy, we've got to get away from that. It has not served us well.

Mr. YARMUTH. Well, the gentleman makes a wonderful point, and I'm reminded in a very kind of maybe indirect way of a movie that came out back in the early seventies, and it was called "Rollerball." It was remade several years ago in a very different way. But the movie early in the 1970s was a science fiction movie, futuristic, looking to an era in which geopolitical boundaries had ceased to exist. And the world, instead of being divided into countries, was divided into economic entities.

So James Caan, who starred in that movie, played Rollerball, a futuristic game, for the Energy Corporation, and they played against the Communications Corporation. And then there was the Food Corporation, and that's the way the world was divided.

And sometimes when you see ExxonMobil with its volume of revenue and profits and some of these other enormous corporations, you say maybe we're not too far from that.

So we have to decide, as a Nation, it's one thing to say the world is flat, but that doesn't mean the world has lost its distinctions yet and its delineations into Nations that have souls and have people who believe in their commonness, their common mission, their common ambitions. And that's something that I think every American wants to retain. We don't want to lose that.

And I think when we essentially wash our hands in Washington and say corporate America, corporate world just go at it, do what you want to do and we'll take whatever you give us, we're not too far from that unfortunate scenario in "Rollerball."

Mr. KAGEN. Let me make a comment about that if I may, and many people would like to say, well, why can't government run itself like a business. And in one sense, we can because in business there are three questions you have to ask yourself: Will it work? Will it be profitable? And the third most important question is, is it the right thing to do?

These are the three questions we can ask ourselves as well here as we begin to fashion legislation. Will it really work? Is it going to have the outcomes that we hoped that it would, whether it's health care or a housing bill or a farm bill? Will it work?

Secondly, is it going to be profitable? Will it be something for generations to come? Seven generations forward will feel that was a good investment of your time and your natural and national resources?

And finally, is it the right thing to do? Is it the ethical thing to be doing?

These are the three questions that apply to business. These are the three questions I think apply to our government, and I'm happy to say what we've been working on here in the 110th Congress, all three of these questions have been asked and answered, and we're doing the right thing for America. We're really moving it in a very positive direction.

Mr. ELLISON. I would say, and we have about maybe 5 or 6 more minutes to go tonight. I just want to say it's always a pleasure to be on the floor with the difference makers, the majority makers. It's an honor to be able to stand in front of the American people and to project a progressive vision that includes us all, that allows us to share in a common good and a common wealth together and also allows us to, you know, embrace the fact that we are an economy, that our society embraces the free market as well, that we look at these two things as complementary and not one superior to the other, that we see them as something that enhances our life together.

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And I just want to say, as you mentioned, Mr. YARMUTH, that I don't think Americans want to be under a corporatocracy. I think we like our national identity.

And I'll say that you should know that before the 1870s, the corporate entity was nothing close to what it is today. As a matter of fact, you couldn't even own one unless the charter was issued by the State, the same as it is today. That's the thing; we think of these things as somehow natural or inevitable, but corporations are creatures of the State. Without a State charter, they don't exist. And we should say that corporations should ask, does it work, does it make money, and is it the right thing to do? That is a perfectly legitimate question. And I look forward to the day when that question is asked by all of us.

So with that, I again thank you two gentlemen, and also salute the majority makers. And I look forward to a day when we have a cooperative and productive relationship with the executive.

Mr. YARMUTH. That will be a nice day. And, you know, just following up a little bit on that thought, the image that I get in my mind when I look out over the economic landscape sometimes is that we have a lot of very wealthy, very powerful people who are just playing Monopoly with America, that this is just a game for them. And there are the little houses and the little trains and all the little pieces that are on the Monopoly board, and it's funny money. Unfortunately, it's funny money that many people are being deprived of because of the great concentrations of wealth in this country.

And I don't want to sound like somebody who's saying, oh, we've got to redistribute the wealth, we've got to make sure everybody has the same thing. That's not what any of us are talking about. But as Mr. ELLISON pointed out before, we have seen the greatest separation of wealth, disparity in wealth in this country than we've seen in almost 100 years. And we've let the pendulum swing much too far to one side so that we've allowed the very wealthiest people to become incredibly wealthy, and almost everybody else has been treading water.

As we said, we have not been floating everybody's boat; in fact, we've been drowning a lot of people. And we've got to make sure that everybody has a boat. And I think that's one of the things that this Congress is committed to.

So I would like to yield to my friend, Dr. KAGEN, for some closing remarks as we wind down this version of the majority makers.

Mr. KAGEN. Well, I would close by thanking you for the opportunity. It's been a long day, another 15-hour day for both of us. And I want to thank the American people for tuning in tonight. And you can guarantee one thing, that we're working hard for you. We're on your side. We're going to protect our country. We're going to grow our economy, expand the middle class, and defend our planet against global climate change. And on that positive note, I yield back my time.

Mr. YARMUTH. Thank you, Dr. KAGEN. It's wonderful to be here with you tonight, and also with Mr. ELLISON.

And one of the things, I guess if I could capsulize what we've said tonight and what the majority makers feel more than anything else, that in this country every person matters. Every individual matters, and every individual deserves our attention, our concern, and our action. And that's what we've been doing for 16 months and pledge to be doing for the rest of our tenure in office.

So with that, once again, thank you for joining me tonight.

MAN-MADE GLOBAL WARMING

The SPEAKER pro tempore (Mr. SPACE). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I preface my remarks with a personal statement that, while I am opposed to the advocates of man-made global warming theories, I am committed to a clean and healthy environment, to purifying our air, our water, and our soil; all of this for the sake of the people of this planet, including my three children, Anika, Tristan and Christian. I do this not because of some paranoid theory that humans are changing the climate of the world, but instead, I am very concerned about the health of the people of the world and, thus, committed to clean air, clean soil, and clean water.

Thus, we have, today, to take a look at the issues of global warming and pollution that confront our society because there are enormous implications to this whole discussion of what has been called "man-made global warming."

Only 18 months ago the refrain "Case closed: Global warming is real," was repeated as if the mantra from some religious zealots. It was pounded into the public consciousness over the airwaves, in print, and even at congressional hearings, "Case closed." Well, this was obviously a brazen attempt to end open discussion and to silence differing views by dismissing the need for seriously contrary arguments and seriously listening to both sides of an argument. And rather than hearing both sides of the argument, this was an attempt to dismiss arguments even though the person making the arguments might have a very impressive credential or might be a very educated scientist or someone else who should be listened to.

And yes, there are dozens, if not hundreds, of prominent scientists and meteorologists, the heads of science departments at major universities, and others, who are highly critical of the man-made global warming theory. There is Dr. Richard Lindzen of the Massachusetts Institute of Technology. He has been adamant in his opposition, as has a Bjarne Andresen of the University of Copenhagen, Adreas Prokoph, a professor of earth sciences at the University of Ottawa, Dr. William Gray, a famous hurricane expert and former President of the American Meteorological Association, and Dr. Kevin Trenberth, the head of the Climate Analysis Section at the National Center of Atmospheric Research. All of these are respected scholars, all skeptical of the unwarranted alarmism that we are being pressured to accept.

But their views and those of so many more prominent scholars and scientists don't matter. The debate is over. Al Gore has his Nobel Prize, and the film, "An Inconvenient Truth," its Academy Award. So shut up and get your mind in lockstep with the politically correct prevailing wisdom, or at least what the media tells us is the prevailing wisdom. And no questions, please, the case is closed. We heard that dozens and dozens of times.

So what is this theory that now is so accepted that no more debate is needed or even tolerated? The man-made global warming theory may be presented as scientific truism, but it is not. It is a disturbing theory that the Earth began a warming cycle 150 years ago that differed greatly from all the other warming and cooling cycles in the Earth's past. This warming cycle of 150 years ago, we keep being told, is tied directly to mankind's use of fossil fuels, basically oil and coal, which, of course, oil and coal and these fuels, these so-called fossil fuels, have powered our industries and made modern civilization possible.

Fossil fuels, we are told, puts an ever-increasing so-called level of greenhouse gases into the atmosphere, and the most prevalent of these gases, of course, being carbon dioxide, CO_2. This increase in CO_2 causes the warming that we are supposedly experiencing today. This man-made warming cycle, according to the theory, is rapidly approaching a tipping point when the world's temperatures will abruptly jump and accelerate with dire and perhaps apocalyptic consequences for the entire planet.

For skeptics of this hypothesis, the consequence of accepting this theory, the consequences are far more dire than any of the consequences we're supposed to be suffering out of a predicted rise in temperature. And by the way, that rise in temperature, of course, isn't really happening, which we will discuss a little bit later.

If one accepts this as fact rather than theory, this idea that man-made global warming is overwhelming our planet, then one would be expected to also accept controls, regulations, taxation, international planning and enforcement, mandated lifestyle changes, lowering expectations, limiting consumer choice, as well as personal and family sacrifices that are all going to be necessary for us to save the planet from—well, from us.

It really takes a lot to frighten people into accepting such personally restrictive mandates that would result from implementing a global warming-based agenda. People's lives will change if we decide to implement a global warming-based agenda. Yes, people's lives will change, but not for the better if we have to end, for example, discount airline tickets and cheap travel.

Most people who listen to the global warming advocates don't understand that the global warming advocates believe that jet planes are some of the worst CO_2 polluters, and thus they have to be restricted, according to the theory. So how many people really do want to end the cheap airline tickets that can be had over the Internet?

Obviously one of the goals will be to severely restrict the use of private automobiles. Sure. Now, we know that. The fact that the automobile has been targeted for the last 20 years certainly suggests that automobiles are on the hit list. But don't worry, we may have to give up our automobiles, but the rich and the government officials will still have their private jets, their Suburbans, and even their limousines. But the rest of us, of course, will be relegated to public transportation. And we will have very limited travel rights unless we can, of course, afford the higher and higher prices.

Global warming predictions appear designed to strike fear into the heart of those malcontents who just won't willingly accept the mandates in their lifestyle changes that are needed in order to save the planet. These people, of course, won't accept things like higher food prices, which will come with an implementation of global warming mandates. And of course they certainly won't accept less meat in their diet. That's right, part of the manmade global warming theory and how we're going to solve this is to wean mankind away from meat.

A 2006 report entitled "Livestock's Long Shadow" to the United Nations mentions livestock emissions and grazing, and it places the blame for global warming squarely on the hind parts of cows. Livestock, the report claims, accounts for 18 percent of the gases that supposedly cause the global warming of our climate. Cows are greenhouse-emitting machines. Fuel for fertilizer and meat production and transportation, as well as clearing the fields for grazing, produce 9 percent of the global CO_2 emissions, according to the report. And also, cows produce ammonia, causing acid rain, of course.

Now, if that's not bad enough, all of these numbers are projected in this report to double by the year 2050. Well, not only are we then going to have to cut personal transportation, which will keep us at home, but when we stay at home, we can't even have a barbecue. And heck, they won't even let us have a hamburger.

I would like to point out that before the introduction of cattle, millions upon millions of buffalo dominated the Great Plains of America. They were so thick you could not see where the herd started and where it ended. I can only assume that the anti-meat, manmade global warming crowd must believe that buffalo farts have more socially redeeming value than the same flatulence emitted by cattle. Yes, this is absurd, but the deeper one looks into this global warming juggernaut, the weirder this movement becomes and the more denial is evident.

Ten years ago, for example, the alarmists predicted that by now we would be clearly plagued by surging temperatures. In testimony before Congress 20 years ago, now, says James Hansen, a man who has repeatedly challenged people who simply want to make sure that his views are balanced off at NASA, but NASA's James Hansen 20 years ago predicted CO_2 would shoot up and global temperatures would shoot up by more than one-third of a degree Celsius during the 1990s.

So a rise in temperature was predicted, and it would lead to what? Rising sea levels. In the end, we'll have rising sea levels, perhaps even cities under water, droughts and famines, and of course an increase in tropical diseases. Yes, tropical diseases. Sometimes it's difficult for me to hear it when certain environmentalists use that as an example, considering the fact that tropical diseases, namely malaria, has killed millions of children in the Third World because the environmentalists have been successful in banning DDT. But that's another issue.

□ 2230

But the point is there are serious consequences, perhaps unintended consequences to following nonsensical extremism in the arena of the environment.

So were the predictions of global heating correct? Forget "case closed." The question needs to be answered. Were all of these predictions correct? Mr. Hansen said it would rise by a third of a degree just a little over a decade ago. And the answer is that the predictions of a decade ago have turned out to be dramatically wrong. Temperatures during that decade rose only one-third of the jump predicted by Hansen, a modest 0.11, one-third of what he had predicted.

Furthermore, numerous and powerful hurricanes that were forecast by the National Hurricane Center, for example, at NOAA and others, well, by now we haven't seen such a trend, and by now we were led to believe there would be a drought and a melting of the ice caps would be clearly upon us. My beautiful Sierra Nevada Mountains in California were due to heat up, dry up, brown up, and burn, burn, burn. Yep, during the entire Clinton administration, we heard these predictions over and over again. During the Clinton administration, we saw scientists produce study after study predicting the horrific impact of the unstoppable onslaught of man-made global warming, which we were led to believe would be overwhelming us right now. Right now. Of course, if there was even a hint that the conclusion of their research wouldn't back up the theory of man-made global warming, these scientists wouldn't have seen one red cent from the Federal research pool during the Clinton administration.

In a September, 2005, article from Discovery Magazine, Dr. William Gray, now an emeritus professor of atmospheric science at Colorado State University and a former president of the American Meteorological Association, was asked if funding problems that he was experiencing and has been experiencing could be traced to his skepticism of man-made global warming. His response: "I had NOAA money for 30 years, and then when the Clinton administration came in and Gore started directing some of the environmental stuff, I was cut off. I couldn't get any money from NOAA. They turned down 13 straight proposals from me." This man is one of the most prominent hurricane experts in the world, cut off during the Clinton-Gore administration because he had been skeptical of global warming.

In fact, Al Gore's first act as Vice President was to insist that William Harper be fired as the Chief Scientist at the Department of Energy. Now, why was that? Well, that's because William Harper had uttered words indicating that he was open minded to the issue of global warming. So off with his head. They didn't want someone who was open minded. They wanted someone who was going to provide grants based on people who would verify this man-made global warming theory. Now, that was 1993 when Mr. Harper was relieved, the first year of the Clinton-Gore administration. So for over a decade, all we got was a drumbeat of one-sided research, setting the stage for the false claim that there is a scientific consensus about whether or not man-made global warming is real.

Unfortunately, for all those scientists who went along with the scheme, now, over a decade later, there is a big problem. Contrary to what all those scientists living on their Federal research grants predicted, the world hasn't been getting warmer. In fact, for the last 7 years, there has been no warming at all, which has been verified even by, for example, Michel Jarraud of the World Meteorological Organization. He's their Secretary General. He reluctantly admitted that global temperatures have not risen since 1998, according to a BBC article. Global snowfall is at record levels and there are fewer, not more, hurricanes.

Furthermore, there is some melting in the Arctic. We all know that there is some melting in the Arctic because we hear about it over and over again. In fact, NBC did some special on the melting of the Arctic and how bad it is and showed the pictures of penguins sitting on a diminishing piece of ice in the Arctic. Except there was a problem with that story. You see, penguins don't live in the Arctic; they live in the Antarctic. There are no penguins in the Arctic. So NBC had it wrong. Somebody must have told them that the penguins from the Arctic were being victimized by global warming. In fact, in the Antarctic, where the penguins are, there is a buildup of ice. It is getting cooler. And in the Arctic, of course, we do recognize there has been a warming in the Arctic, likely due to ocean currents that have changed in the last few years and not due to CO_2 that comes from somebody's SUV.

After hearing about the extinction of the polar bear, which has been drummed into our heads, we now hear that—and by the way, just today the polar bear was put on an endangered species list. But are the polar bears really disappearing? We now hear from Dr. Mitchell Taylor from the Department of the Environment under the Canadian territory of Nunavut and other experts, I might add, who suggest, yes, all but one or two species of the polar bears are flourishing. Yes, of the twenty-odd species, there are perhaps one or two that are suffering and not doing well, but all the rest of the species of polar bear are expanding. In fact, we don't have a situation with fewer polar bears; we've got more polar bears. Yet our government is putting the polar bear on an endangered species list, saying that if the ice cap melts, the polar bears will all be going away because their habitat has been destroyed.

Unfortunately, the debate on this case is not closed. So explaining emerging obvious differences between the reality and the theory needs to be addressed by the people who have been advocating global warming. The case is not closed. The gnomes of climate theory now have to come up with explanations for us of why it was predicted that the weather would be this way at this time and it is not. Why is it that basically we've had stable weather, if not a little cooler weather, for the last 8 years?

The first attempt to basically cover their tracks about this noticeable dichotomy in what they predicted and what was happening happened a few years ago, and it went very slowly but very cleverly. The words "climate change" have now replaced the words "global warming." Get that? Every time you hear it now, half the time they are going to be using the words "climate change" where those very same people were so adamant about "global warming" only 4 or 5 years ago. So no matter what happens now, now that they've changed it to "climate change" rather than global warming, whatever happens to the weather pattern, whether it's hotter or cooler, it can be presented as further verification of human-caused change. If you just had "human-caused warming," it would have to be at least warming for them to actually have any verification of what they were trying to say. But right now by using "climate change," they can bolster their right to be taken seriously upon recommending policies, even though no matter what direction the climate goes, it is justified by how they are labeling themselves.

I'm sorry, fellows. Do you really think the world is filled with morons? When it comes to bait and switch, used car salesmen are paragons of virtue compared to this global warming crowd. Excuse me. It's not the "global warming" crowd now; it's the "climate change" crowd. Of course, they don't want any of us to own automobiles; so what the heck. They can act like used car salesmen because there will be more jobs for them as being advocates in the climate change arena.

We just need to ask ourselves, if a salesman gives a strong pitch and claims something that is later found to be wrong, totally wrong, when does one stop trusting that salesman? Then if he starts playing word games, changing the actual words that he's using about the same product rather than just admitting an error, isn't it reasonable to stop trusting him?

Yes, Al Gore and company, we have noticed that you are now saying "climate change" rather than "global warming." I know that people tried to slip it in, but we have noticed, and there is something behind this that the American people should take note of. Why has that changed? Well, that's because the world has not been getting warmer in these last 7 years, as they predicted it would be.

So instead of word games, what these advocates need to explain is what is happening in the real world today and why it doesn't match what they said was going to happen based on their "case closed, man-made global warming is real." They must realize that someone is bound to notice that last winter was unusually cold and that chilly weather seems to be the trend. It actually snowed in Denver just less than a month ago, and people have commented on the chilliness of the weather this year.

So now we see a beehive of activity going on. Those federally funded scientists are trying to save some modicum of credibility by adjusting their computers and coming up with some explanations that keep man-made global warming as a theory but explains away the current dichotomy between what they said would happen and what is actually happening. Of course, computer models were used to justify their hysteria and their hysteric warming predictions to begin with. So now the computer's information input is readjusted and we can see all these things coming out of it.

Well, there's a lot of questions that need to be answered and a lot of things that were told to us that obviously are not true and are not consistent with what's been going on and what we see happening around us today.

And why is this of such concern to us? Why are we concerned that global warming as a theory has been presented and that it's false, and why should we be so concerned that it's being accepted? What could be the negative results of just accepting it from some people who might be very sincere, very sincere and concerned about the planet?

Well, what happens in such cases as this is that we have situations that occur and people then actually come to the point where they are focused on aspects of what's going on in the world that will not make it better but instead have terrible consequences in and of themselves.

For example, a deadly cyclone just brought death and destruction to Burma, and it was a horrible thing. Burma is a country that is run by a vicious dictatorship, and after the cyclone went through Burma, the dictatorship, wouldn't even permit our supplies to be given to those people of Burma. Well, Al Gore is so committed to this idea of global warming, which, of course, most people call "climate change," that when commenting on Burma, instead of talking about the monstrous nature of the Burmese regime, instead he had to say, "The trend toward more category five storms—the larger ones and the trend toward stronger and more destructive storms appears to be linked to global warming and specifically to the impact of global warming on higher ocean temperatures in the top couple of hundred feet of the ocean, which drives convection energy and moisture into these storms and makes them more powerful."

What should Al Gore's reaction have been? Well, what it should have been was "The Burmese regime is despicable. The Burmese people are suffering. They are dying by the hundreds of thousands. It is despicable for this dictatorship not to permit our aid in." But instead that was ignored, and what Al Gore did focus on "This is a chance for me to explain global warming," as the quote I just gave suggested.

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Well, the Burmese cyclone hit Burma. If you take a look at what Al Gore's words were, he is trying to say that it is because of the warming of the water. I have in front of me, which I will submit as part of the RECORD, a satellite image of ocean temperatures taken by NOAA on May 5 which suggests the ocean in the area of the Burmese cyclone is one of the coldest water areas on Earth.

So what the heck is Mr. Gore talking about? What is all this mumbo jumbo? Again, he is warning about global warming because he is grasping at an attempt to try to verify in some way his predictions that have been all wrong for the last 5 years.

Dr. William Gray, for example, as I mentioned, the former chairman of the American Meteorological Association, a pre-eminent hurricane expert, has noted "there is no reliable data available to indicate increased hurricane frequency or intensity in any of the globe's seven tropical cyclone basins." So hurricanes and cyclones are not a product of global warming. Dr. Gray, I think, has more credentials than Mr. Gore. But most convincingly, the most convincing part of this is that no matter what Al Gore says about the warming of this water, that is not what we are hearing from other sources.

I will now submit for the RECORD indications that actually the water temperature is not warming and is expected to cool, especially in the northern areas of the world.

So what is really important here is that we take a look and we see that the world is not warming and that those people who have been advocating this are grasping to try to find a way out of the fact that they are telling us that we need to adopt the policies that they want for our country, yet their predictions on the weather were wrong.

What is happening is, and the articles that I will submit for the RECORD show, is that some of the organizations that were predicting that we would be in global warming now are telling us that, yes, there will be global warming. We are not giving it up. But it is going to be 10 to 15 years from now and not in the last 10 years, as was predicted.

In fact, as I said, we actually have this article that suggests that the sea around Europe and North America will cool slightly during the next decade, and the Pacific will be about the same. And the article suggests that it will be a "10-year time-out for global warming." This is based on studies that were conducted by organizations that only a few years ago were predicting that global warming would be so evident to us today. Well, they have to say something I guess.

To understand all of this nonsense, you have to go back and look at the basic assumptions that are being used by global warming alarmists. They believe that excessive amounts of manmade CO_2 are being deposited into the air which causes a greenhouse effect that warms the atmosphere. They call this the "carbon footprint." That is what we are led to look for. We don't want to look in Burma for this vicious dictatorship causing the death of hundreds of thousands of people because of the repression. They won't even let our supplies in. We have to blame it on global warming causing a cyclone which hit Burma. No. I don't think so. But carbon footprinting is now what we should look at.

The global warming analysts want us to judge everything by its carbon footprint. What that means is how much CO_2 is being released because of that activity, because they believe it is CO_2 that causes the planet to warm.

This concept, just like these other extrapolations that we get from computers, is wrong. It is dead wrong. A rise in CO_2 comes after global temperature increases, not before. This has been observed in ice cores by prominent scientists, yet ignored by those screaming their warnings at us. That's right. Ice cores indicate that there have been periods, many periods, of warming and cooling in the history of the world. But the warming that has happened preceded the increase in the level of CO_2 in the world. That is why we have warming. That is why we can't say that if we control CO_2 that it is going to prevent the climate from warming.

Obviously, if the CO_2 increase comes as a result of the warming, by changing that, the warming is still going to be with us. Well, that is getting things to the core. And I don't mean a pun by that in terms of the ice core, but the fact is that this evidence is confirmed by ice cores.

So take note that the very argument upon which global warming is built has been proven to be false and that manmade global warming advocates will not address that issue. I have been in hearing after hearing. I have been involved with debates on this thing. When you tell them "no," and you name several scientists, and I will be happy to do that for the RECORD, who are indicating that the CO_2 increases come after the warming of the planet, well, that issue just isn't addressed.

After all, the case is closed. We don't need to discuss any of those type of details. To cite one example of experts' findings on this, by the way, is Tom Scheffelin of the California Air Resources Board who stated on November 5, 2007, that "CO_2 levels track temperature changes between 300 to 1,000 years after the temperature has changed. CO_2 has no direct role in global warming; rather, it responds to biological activity, which responds to climate changes."

The fact is that the global warming community is jumping through hoops and bending over backwards struggling to find one little glint of new information to cover their arrogant attempt to stampede humankind into draconian policies and to cut off the debate and dismiss the debate without addressing the issues. The government-financed propaganda campaign to convince us that manmade global warming has been and continues to be a major threat, this propaganda is a cacophony of gibberish presented as a scientific explanation.

Go back and look at what Mr. Gore's words were about that cyclone. That same sort of putting together of pseudoscience wording in order to impress people is seen time and again. There are facts now evident, of course, that this can't be ignored. And Mr. Gore's mumbo jumbo notwithstanding, the predictions have been wrong. And the CO_2 premise is wrong. The methodology that has been used has been wrong. The observations have been wrong. And the attempt to shut up those people who disagree has been wrong.

I remember Al Gore labeling me a Stalinist because when I chaired the subcommittee on Research and Science Education, I insisted that both sides be presented. There was a study on research and the environment, a subcommittee of the Science Committee. And I insisted when I was chairman of the committee that expert witnesses on both sides be present at hearings and that they address each other's contentions. Well, to him, that is Stalinism. Well, I would suggest that the propaganda campaign of the manmade global warming alarmists has far more in common with Stalinism than does insisting that both sides of an argument be heard.

One has to really believe that he or she has a corner on the truth to make such a complaint as the one that he was making against me. He must feel really safe in saying that he knows the truth and that is in order to justify not having both sides of an argument presented at a hearing. Of course, Mr. Gore's documentary, "An Inconvenient Truth" by its own title suggests that it should be taken as the truth. And I won't go into the numerous debatable points and outright errors that are presented in the film. Something far worse has recently emerged concerning the fundamental veracity and truthfulness of Vice President Gore's film.

In the film, there are numerous film segments of climate and environmental incidents to add credibility to the alleged scientific points that were being documented in the film. However, what we see is not necessarily what we are getting. The audience is being given questionable information and questionable views because what they are seeing is not necessarily a documentary view but, instead it is a special effects creation in an attempt to convince the viewers that they are watching an actual occurrence of something.

Specifically, let me note that the film portrays a huge cracking and breaking away of a large portion of the polar ice cap. I have not seen the film, but I am told the scene is awesome and somewhat overwhelming, leaving the audience feeling that they are witnessing a massive occurrence, and this massive occurrence, of course, Mr. Gore conveniently ties to human activity, the human activity he wants to regulate and of course the human activity that he will profit from if we have this carbon credit scheme instituted by the various governments of the world.

Unfortunately, that view of the breakaway of the ice there in the Arctic is a total fake. It is not National Geographic footage of a huge breaking away of a portion of the ice cap. It is not firsthand, grand photographic evidence of the ice breaking. Instead, what the audience is looking at is an example of special effects. It was not the ice cap that was being looked at. It was Styrofoam. That's right. Styrofoam.

And the real sin of all of this was not only the sin of presenting Styrofoam and trying to trick people into thinking they are watching something real, the ice breaking away, but that we haven't heard about it. I have only seen this in one or two publications. We haven't heard about it.

If such a trick and attempt to deceive was done by a conservative, I could tell you that that conservative would be tarred and feathered in the media. In fact, if there is anything wrong, I am sure that one or two points that I have in this speech are debatable, and I am sure that those will be looked at with a microscope. And if I am wrong, even a little bit, they will try to use that to just say "don't listen to anything he says." But Mr. Gore can present the breaking away of Styrofoam and present it to us as if it is really happening. And he doesn't even apologize or comment on it when it is found out. Al Gore has no comment on this deception.

Maybe it is inconvenient for him to comment because, yes, it might hurt his credibility. And after all, the world is getting warmer in these last 7 years, which is just the opposite of what he predicted. And of course, maybe his predictions were based on a Styrofoam computer model. But we will go into that later.

Well, the first time I met Vice President Gore was during my first term in Congress back in 1989 and 1990. Al Gore then was a United States Senator. And he marched into the Science Committee room followed by a platoon of cameras and reporters. He sat in front of the Science Committee, and he demanded that President Bush, that is George W.'s father, declare an ozone emergency. And he waved in his hand a report of evidence that an ozone hole was opening up over the Northeast United States.

A few days later, the report touted by the Senator was found to have been based on faulty data, data collected by one so-called researcher flying a single-engine Piper Cub with limited technology and not much expertise. Senator Gore was demanding emergency shutdowns of factories and manufacturing plants in the Northeast. It would have had dire consequences for the American economy and for those people who worked in those plants. But they be damned, because we are out to save the planet.

Now does anyone here see any type of a pattern here, the ozone hole that wasn't there and then we are going to have this drastic action in order to save the planet? The scare tactics, the Chicken Little-ism and all the rest of these types of things that are trying to create hysteria, this isn't a new tactic.

Let's look at some of the past examples of the nonsense being portrayed as science.

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Cranberries, yes, cranberries, shield your children from Ocean Spray. That's right, the cranberry industry suffered a loss of nearly $20 million back in 1957 when it was determined that perhaps cranberries, there was something wrong with the cranberries. In fact, later on it was admitted to be just a mistake.

But the cranberry industry went to hell for 2 or 3 years. But if you are not growing cranberries, what do you care about cranberry farmers? No, you care about people. Many peoples' lives were destroyed because over a 2- or 3-year period, cranberries were basically labeled as something that they should not have been labeled, and it was a catastrophe for them, just like perhaps those people that worked in factories that would have been closed up had we taken that ozone scare seriously.

Then there was the scare over cyclamate. Cyclamate was used in everyday items like soda, jams, ice cream. It was a sweetening element, it's very low in calories, that industry, it was a very fine product and generated an enormous profit. In the early 1970s, the FDA banned cyclamates. I remember very well.

People spent billions of dollars building this industry. It was a great industry, but it was labeled as a cancer hazard after someone, some kind of a researcher, force-fed rats the equivalent of 350 cans of soda a day. By giving these rats the equivalent of 350 soda cans a day, 8 out of 240 got sick.

Well, even that was a faulty test, and eventually the truth prevailed and cyclamates were labeled okay, they were given an okay. That was after about 10 years. Canada, by the way, never banned cyclamates, but in order to protect us and save us, and it was a terrible situation, yes, the cyclamate industry never recovered.

The damage, however, was done. This episode has had serious consequences, because when the cyclamates were banned, that led to the introduction of what, high fructose corn syrup, so, yes, and with all of the obesity and problems that come with high fructose corn syrup. That first got its hold in the food business at a time when cyclamates were thought to be the answer, but they were banned.

So we have had examples of this over and over again, another American industry that was decimated by a rotten theory that had hazardous consequences for implementing.

The next example of fear mongering, of pseudoscience, happened in 1989. February 26, 1989, that evening thousands of Americans tuned into "60 Minutes" and heard Ed Bradley say the most potent cancer-causing agent in our food supply is a substance sprayed on apples to keep them on the trees longer and make them look better. That's the conclusion of a number of scientific experts. And who is at risk? Children who may someday develop cancer.

That one story, by the way, snowballed into a media blitz, a feeding frenzy, Meryl Streep testified before Congress, spouting off, again, pseudoscientific nonsense. Parents tossed apples out the window, schools removed applesauce from the cafeteria and, of course, replaced that with much safer nutritious substances like ice cream and pudding.

Of course, there was only one problem, the Alar didn't cause cancer, the apples definitely didn't and even the Alar didn't. The study was based on bad science, and 20,000 apple growers in the United States suffered major financial harm.

Okay, so by now such alarmism has become a political tool that scares people to try to get them to do things. That's what we are facing with global warming, excuse me, climate change.

The Three Mile Island incident is another example of this. You remember Three Mile Island, a near disaster in Pennsylvania which, basically, coupled with the movie "The China Syndrome" led to a total halt in the development of nuclear energy as a means for producing energy in the United States.

The Jane Fonda movie, "The China Syndrome," coupled with a mishap at a nuclear power plant, that was, I might add, a mishap that no one suffered any health consequences, no one died, no one was hurt. Yet it was presented to the public as this catastrophe, and that led to a shutdown of the efforts of building any new nuclear power plants.

Ironically, of course, nuclear power is the most effective means of producing power with no carbon footprint. Again, it was a total con job on the nuclear energy industry.

What about the ozone hole over the Antarctic? We are told that it would grow and grow for decades, and it was totally out of control.

Well, Boyce Rensberger, Director of the Knight Fellowship of Massachusetts Institute of Technology says that ozone depletion is a cyclical event, expanding and contracting throughout the eons of history. Here is a scientist from MIT telling us that the current ozone depression has been simply part of a reoccurring cycle, not as a result of the use of chlorofluorocarbons, meaning your aerosol cans.

So, what we have got is a situation where at a gigantic shift of expense, of shifting away from aerosol, we have basically accomplished nothing because the ozone hole opens and closes on its own. I might add, we know now, of course, there have been many cycles of warming and cooling, and is this a natural thing? Well, if you consider the sun being natural, yes.

Instead of saying that CO_2 that's coming out of the use of fossil fuels is causing our climate to change now, as compared to all the other times it changed in the past, maybe these people should look at the sun, and maybe there are natural cycles where you have sunspots and it causes warming and cooling on the Earth.

Could that be an explanation? Well, let's think about it. Otherwise, how do we explain the fact that on Jupiter and Mars we have cooling and warming cycles that seem to be matching some of the cycles here on Earth. Well, maybe there are some SUVs up there on Mars.

Well, the last example, one of the last examples, of course, that I have in my memory of people trying to be frightened into supporting policy with this kind of alarmism has been acid rain. The acid rain was supposed to decimate our forests, destroy our fresh water bodies and roads, our buildings and sidewalks, and, what happened? That was just an onslaught that was going on, I worked for Ronald Reagan at the time, he was just beaten without mercy for his unwillingness to take costly action aimed at thwarting acid rain. He insisted on waiting for an in-depth study to be completed.

While he waited, of course, he was vilified as if he doesn't care about the environment, he doesn't really care about whether or not our environment is being destroyed by acid rain which is being caused by us. Well, a 10-year study was going on, Reagan knew about it. He waited, as he well should have, and there was a study by the Nation Acid Precipitation Assessment Project and was submitted to Congress in the 1990s. It minimized the human impact on the acidity on the water and especially the rain in America's northeast. The issue died quickly after that report, and it just went away.

After all of the intense attacks on Ronald Reagan, once that report was in, it just sort of went away. Well, one reason it went away, maybe there was another alarmist scheme to go to.

Yes, there was, one was emerging about this time, and it was on the cover of Time Magazine 30 years ago. This was probably the most pitiful of all of these alarmist attempts. It was, three decades ago, the scientists were warning us about global cooling. We were told early that we were on the edge of another ice age.

Well, unfortunately, that one went away very quickly because the temperatures immediately didn't do what they said it was going to do, and the temperatures actually did not go down dramatically or freeze. It did get a little bit warmer during those days. It was one of those warming cycles, it went up for a few years and it went down.

It was getting warmer, so even as those predictions of frozen gloom and doom, they just changed the words, those same people were making the predictions of frozen gloom and doom now were sort of talking about global warming gloom and doom. You guessed it, so global cooling became global warming almost overnight. Now, after global warming, climate change comes almost overnight.

So the scare tactics are nothing new. It is tied to a tried-and-true method of how to try to manipulate people to accept things they wouldn't otherwise accept. Unfortunately, there are long-term negative consequences that will be very clear to our future generations. Of course, they are being lied to all the time.

I often asked students from my district, who are here visiting in Washington, whether they believe the air in southern California is better now or worse now than when I went to high school in southern California 40 years ago. A huge percentage, maybe 80 percent of these students, believe that the air quality of 40 years ago was dramatically better than today. Of course, that's not just a lie, that's a big lie.

This generation has every reason to be optimistic about the future, and they are being lied to, being told that they are poisoned, and things are getting worse and worse. In fact, man-made global warming is going to devastate the whole planet any way. No, these kids now, when I tell them that, no, when I went to high school, the air pollution in southern California was much worse than it is today, they are incredulous.

What is all this lying about? Why are all these children being lied to? Why are we all being lied to?

I remember as a college student, the first Earth Day—I am quoting someone here—"I remember as a college student at the first Earth Day being told that it was a certainty that by the year 2000, the world would be starving and out of energy," writes Dr. John Christy, a professor of atmospheric science at University of Alabama.

Dr. Christy goes on to say "Similar pronouncements today about catastrophes due to human-induced climate change sound all too familiar and all too exaggerated to me as someone who actually produces and analyzes climate information."

So, we are told that polar bears are dying, but they aren't. As we have known that we have all of these other predictions, we are told that the polar ice caps are melting, but now we know that the polar ice caps are melting yes, only in the Arctic, but in the Antarctic, ice is actually growing.

Hurricane Katrina, we were told would only be the first of many horrendous hurricanes to hit the United States in the next few years but, of course, no hurricane equal or close to has been on the horizon. In fact, a hurricane that was just as strong as Katrina hit the United States 100 years earlier, long before this effective "global warming." So when you look at facts like this, an honest debate is long overdue but yet we see an attempt to shut down an honest debate.

I will submit an advertisement, the Hill newspaper from the Environmental Defense Action Fund, and it says "What's next? The Bond-Voinovich Cigarettes Aren't Addictive Act?" What they are saying, it's a cute way of saying, anybody who questions global warning, it is the equivalent of saying that cigarettes aren't addictive. Well, that's a great way to dismiss someone's arguments without addressing them. It says here, "Some senators," this is in the add, "are asking you to ignore . . . an international scientific consensus."

Well, let's put it this way, we hear that, there is a consensus over and over again. There is no consensus. The world is not getting warmer, and I would submit a list of 400 members of the scientific community who do not agree with a man-made global warming theory and, I might add, I quoted numerous very prestigious members of the scientific community already in this speech. So what we have is alarmism at its worst, and the consequences will be very, very severe if we let these people get away with this.

Now, what we have done is we have, again, permitted people to make their case without having to defend their case. This is never more evident than in the dealings with the Intergovernmental Panel on Climate Change, which is the United Nations panel.

I will submit several statements that indicate that the IPCC was wrong in its approach, in its entire methodology in trying to determine whether or not global warming, whether there is global warming and whether or not it is caused by man-made activity.

So with this said, we need to look and say, What is the negative impact of all of this lack of truthful information? What could possibly happen? If someone says well, aren't we all against pollution? So what if someone is making a claim that global warming exists and it is caused by humankind and in reality it is just the pollution that we are both trying to get it at. Well, that just doesn't work.

The fact is if we accept this theory of man-made global warming, we will be focusing our activities on trying to eliminate CO_2 rather than eliminate toxic substances from our air. If I am concerned about my children, my three triplets, Christian, Anika and Tristan, I am concerned about their health, that is something that I think I share with every parent. Their health is not in any way threatened by CO_2. CO_2 is nontoxic. It is threatened by NO_X and other toxin materials that come out of engines in cars and other sources. So if we only focus on CO_2, we will end up focusing on the wrong target.

What we need to do is make sure that we develop clean energy sources, not because of global warming but because of the health of our children. And also, we need to be independent of foreign sources. The fact is that foreign sources of oil, because we are not developing our own oil resources as a result of the dynamics created by the global warming juggernaut that we have been experiencing, the fact is that we have not drilled for our own oil. We have not focused on real alternatives to energy like nuclear energy. The fact is that we need to make sure right now that we do our very best not to be captured by this, what I consider to be one of the greatest hoaxes that I have seen in my lifetime, but instead focus our efforts on accomplishing something that is real and positive for the people of the world and the people of the United States of America. We should be drilling for oil so that the terrorists overseas are denied the revenue when we are forced to buy oil from countries that are allied with these terrorists.

We need to make sure that we develop better engines, and make sure that those engines are not putting pollutants into the air and forget about the CO_2, go to the pollutants.

Mr. Speaker, I thank you and I will submit these articles for the RECORD.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUMMINGS (at the request of Mr. HOYER) for today until 1 p.m.

Ms. RICHARDSON (at the request of Mr. HOYER) for May 13, 2008.

Mrs. SCHMIDT (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today before 5:15 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 21.

Mr. JONES of North Carolina, for 5 minutes, May 21.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, May 15, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6563. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Mark J. Edwards, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6564. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's notification of payment-in-kind compensation negotiated with Germany for the return of U.S.-funded improvements at 30 small sites, pursuant to Public Law 101-510, section 2921(g); to the Committee on Armed Services.

6565. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on the use of Aviation Continuation Pay (ACP) for Fiscal Year 2007, pursuant to 37 U.S.C. 301b(i); to the Committee on Armed Services.

6566. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 04-08 informing of an intent to sign the Memorandum of Understanding Between the Secretary of Defense on Behalf of the Department of Defense of the United States of America and the Department of National Defence of Canada Concerning Operation and Support of Advanced Extremely High Frequency Military Communications, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6567. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003 a six-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6568. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6569. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-31 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

6570. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting determination and memorandum of justification for suspending prohibitions on certain sales and leases, pursuant to Public Law 103-236, section 564; to the Committee on Foreign Affairs.

6571. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

6572. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6573. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6574. A letter from the General Counsel, Department of Housing and Urban Development; transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6575. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6576. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6577. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6578. A letter from the Deputy General Counsel, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6579. A letter from the Deputy General Counsel, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6580. A letter from the Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2007, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

6581. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2006, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

6582. A letter from the Chairman, United States Sentencing Commission, transmitting a report of amendments to the sentencing guidelines, policy statements, and official commentary, together with the reasons for these amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

6583. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-55, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-60, DC-8-70, DC-8-60F, and DC-8-70F Series Airplanes [Docket No. FAA-2007-0216; Directorate Identifier 2007-NM-122-AD;

Amendment 39-15435; AD 2008-06-23] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6584. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0346; Directorate Identifier 2007-NM-202-AD; Amendment 39-15436; AD 2008-06-24] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6585. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-200 Series Airplanes [Docket No. FAA-2007-0396; Directorate Identifier 2007-NM-282-AD; Amendment 39-15438; AD 2008-06-26] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6586. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes and Airbus Model A300-600 Series Airplanes [Docket No. FAA-2007-28944; Directorate Identifier 2006-NM-239-AD; Amendment 39-15430; AD 2008-06-18] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6587. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes, Model DC-10-15 Airplanes, Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes, Model DC-10-40 and DC-10-40F Airplanes, Model MD-10-10F and MD-10-30F Airplanes, and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2007-0201; Directorate Identifier 2007-NM-163-AD; Amendment 39-15433; AD 2008-06-21] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6588. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070, 0100, 1000, 2000, 3000 and 4000 Airplanes [Docket No. FAA-2007-29030; Directorate Identifier 2006-NM-284-AD; Amendment 39-15432; AD 2008-06-20] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6589. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation, Ltd Model 750XL Airplanes [Docket No. FAA-2008-0034 Directorate Identifier 2007-CE-097-AD; Amendment 39-15428; AD 2008-06-16] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6590. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Orders (TSOs) TSO-C69, TSO-C69a, TS0-C69b, and TSO-C69c, Installed on Various Boeing, McDonnell Douglas, and Airbus Transport Category Airplanes [Docket No. FAA-2007-28370; Directorate Identifier 2003-NM-239-AD; Amendment 39-15349; AD 2008-06-27] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6591. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters [Docket No. FAA-2007-28229; Directorate Identifier 2006-SW-23-AD; Amendment 39-15434; AD 2008-06-22] (RIN: 2120-AA64) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6592. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2008-0303; Directorate Identifier 2008-NM-047-AD; Amendment 39-15441; AD 2008-06-29] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6593. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. FAA-2008-0057 Directorate Identifier 2007-CE-102-AD; Amendment 39-15445; AD 2008-07-04] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6594. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No. FAA-2007-0203; Directorate Identifier 2007-NM-105-AD; Amendment 39-15384; AD 2008-04-12] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6595. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Wheatland, WY [Docket No. FAA-2007-28649; Airspace Docket No. 07-ANM-10] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6596. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-6 Series Airplanes [Docket No. FAA-2007-27192; Directorate Identifier 2007-CE-008-AD; Amendment 39-15350; AD 2008-03-01] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6597. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TFE731-2C, -3B, -3BR, -3C, -3CR, -3D, -3DR, -4R, -5AR, -5BR, -5R, -20R, -20AR, -20BR, -40, -40AR, -40R, and -60 Series Turbofan Engines [Docket No. FAA-2007-27891; Directorate Identifier 2007-NE-14-AD; Amendment 39-15349; AD 2008-02-19] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6598. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2008-0051; Directorate Identifier 2008-NM-001-AD; Amendment 39-15352; AD 2008-03-03] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6599. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 355 F2 and AS 355 N Helicopters [Docket No. FAA-2008-0043; Directorate Identifier 2007-SW-31-AD; Amendment 39-15340; AD 2008-02-10] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6600. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2006-25174; Directorate Identifier 2005-NM-007-AD; Amendment 39-15328; AD 2008-01-03] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6601. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-0183; Directorate Identifier 2007-NM-146-AD; Amendment 39-15376; AD 2008-04-04] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6602. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2008-0226; Directorate Identifier 2008-NM-016-AD; Amendment 39-15404; AD 2008-05-10] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6603. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-28382; Directorate Identifier 2006-NM-179-AD; Amendment 39-15382; AD 2008-04-10] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6604. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes [Docket No. FAA-2007-0333; Directorate Identifier 2007-NM-236-AD; Amendment 39-15379; AD 2008-04-07] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6605. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-0264; Directorate Identifier 2007-NM-212-AD; Amendment 39-15378; AD 2008-04-06] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6606. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0335; Directorate Identifier 2007-NM-292-AD; Amendment 39-15380; AD 2008-04-08] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6607. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes [Docket No. FAA-2007-0286; Directorate Identifier 2007-CE-086-AD; Amendment 39-15381; AD 2008-04-09] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6608. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28381; Directorate Identifier 2006-NM-164-AD; Amendment 39-15383; AD 2008-04-11] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6609. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, A300 C4-600R, and A300 F4-600R Series Airplanes [Docket No. FAA-2007-0172; Directorate Identifier 2007-NM-225-AD; Amendment 39-15353; AD 2008-03-04] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6610. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No. FAA-2007-0334; Directorate Identifier 2007-NM-206-AD; Amendment 39-15385; AD 2008-04-13] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6611. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000, Falcon 2000EX, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, Mystere-Falcon 200, and Falcon 10 Airplanes [Docket No. FAA-2007-28941; Directorate Identifier 2006-NM-276-AD; Amendment 39-15386; AD 2008-04-14] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6612. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Eagle Pass, TX [Docket No. FAA-2008-027; Airspace Docket No. 08-ASW-3] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6613. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Skowhegan, ME [Docket No. FAA-2007-0244; Airspace Docket No. 07-ANE-94] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6614. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; State College, PA [Docket No. FAA-2007-29375; Airspace Docket No. 07-AEA-06] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6615. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tappahannock, VA. [Docket No. FAA-2007-29264; Airspace Docket No. 07-AEA-04] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6616. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Du Bois, PA [Docket No. FAA-2005-22489; Airspace Docket No. 05-AEA-017] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6617. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Muncy, PA [Docket No. FAA 2007-0023, Airspace Docket No. 07-AEA-08] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6618. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Montrose, PA. [Docket No. FAA-2007-0165; Airspace Docket No. 07-AEA-11] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewiston, ME [Docket No. FAA-2007-0245; Airspace Docket No. 07-ANE-95] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6620. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Pottsville, PA. [Docket No. FAA-2005-22490; Airspace Docket No. 05-AEA-018] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6621. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; St. Marys, PA. [Docket No. FAA-2005-22492; Airspace Docket No. 05-AEA-020] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6622. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Black River Falls, WI [Docket No. FAA-2008-0024; Airspace Docket No. 08-AGL-4] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6623. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Springfield, CO [Docket FAA No. FAA-2007-27430; Airspace Docket No. 07-ANM-4] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1197. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110-636). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina:

H.R. 6047. A bill to amend the Federal Food, Drug, and Cosmetic Act to mandate early access by desperately ill patients to treatment use of new drugs under clinical investigation for a serious or immediately life-threatening disease condition for whom no comparable or satisfactory drug or other therapy is available; to the Committee on Energy and Commerce.

By Mr. TURNER:

H.R. 6048. A bill to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. ARCURI, Ms. GIFFORDS, Mr. HALL of New York, Mr. HODES, Mr. MCNERNEY, Ms. SHEA-PORTER, and Mr. WELCH of Vermont):

H.R. 6049. A bill to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; to the Committee on Ways and Means.

By Mr. REICHERT:

H.R. 6050. A bill to amend title 18, United States Code, to provide mandatory imprisonment for life for persons raping young children; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 6051. A bill to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, and Mr. DEFAZIO):

H.R. 6052. A bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Mr. FORTUÑO):

H.R. 6053. A bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes; to the

Committee on Financial Services, and in addition to the Committees on Education and Labor, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 6054. A bill to establish a United States Human Rights Commission to monitor compliance by the United States with international human rights treaty obligations; to the Committee on Foreign Affairs.

By Ms. HARMAN:

H.R. 6055. A bill to require the Federal Communications Commission to establish requirements and issue a nationwide public safety broadband license, to establish a grant program to fund administrative and operational costs of the licensee, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HINCHEY (for himself, Mr. CANNON, Mr. NADLER, Mr. BISHOP of Georgia, Mr. TOWNS, Mrs. MALONEY of New York, Mr. MCHUGH, Mr. ISRAEL, Mr. ENGEL, Mr. CROWLEY, Mr. MCDERMOTT, and Mr. MCGOVERN):

H.R. 6056. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Oversight and Government Reform.

By Mr. INSLEE (for himself and Mr. HINCHEY):

H.R. 6057. A bill to amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Beaufort and Chukchi Sea Planning Areas unless certain conditions are met; to the Committee on Natural Resources.

By Mr. MURPHY of Connecticut:

H.R. 6058. A bill to amend title 18, United States Code, to provide Federal penalties for home invasions, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut:

H.R. 6059. A bill to clarify the use of Edward Byrne Memorial Justice Assistance Grants for corrections and community corrections programs, to enhance the data made available by the National Adult and Juvenile Offender Reentry Resource Center, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. CHABOT, Mr. EMANUEL, and Mr. MURPHY of Connecticut):

H.R. 6060. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mrs. BIGGERT, Mr. FOSTER, Mr. HARE, Mr. MANZULLO, and Mr. RUSH):

H.R. 6061. A bill to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mrs. MALONEY of New York, Mr. PENCE, and Mr. KLEIN of Florida):

H.J. Res. 84. A joint resolution expressing the commitment of Congress to continue to make it a priority to fight anti-Semitism and to promote tolerance at home and abroad; to the Committee on Foreign Affairs.

By Mr. MARKEY:

H.J. Res. 85. A joint resolution expressing the disfavor of the Congress regarding the proposed agreement for cooperation; to the Committee on Foreign Affairs.

By Mr. SHADEGG:

H. Con. Res. 349. Concurrent resolution honoring past and current members of the Armed Forces of the United States and their families by encouraging every American to wear a red poppy on Memorial Day as a sign of admiration and thanks to those individuals who died to preserve freedom and democracy in the United States; to the Committee on Armed Services.

By Mr. RAHALL (for himself, Ms. BORDALLO, Mr. DELAHUNT, Mr. KILDEE, Mr. GONZALEZ, Mr. FALEOMAVAEGA, Mr. SHAYS, Mr. ROTHMAN, and Mr. HINCHEY):

H. Con. Res. 350. Concurrent resolution expressing the sense of the Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself, Mr. ACKERMAN, Mr. ISSA, and Mr. WEXLER):

H. Res. 1194. A resolution reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora; to the Committee on Foreign Affairs.

By Mr. WU (for himself, Mr. HOYER, Mr. CLYBURN, Mr. BLUNT, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Mr. PAYNE, Ms. LEE, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, Mr. BURTON of Indiana, Mr. MEEKS of New York, Mr. KIRK, Mr. LARSEN of Washington, Mr. GENE GREEN of Texas, Mr. EMANUEL, Mr. LARSON of Connecticut, Mr. TERRY, Mr. SCHIFF, Mr. CROWLEY, Mr. DREIER, and Ms. FALLIN):

H. Res. 1195. A resolution expressing condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the earthquake of May 12, 2008 in Sichuan Province; to the Committee on Foreign Affairs.

By Mr. PUTNAM:

H. Res. 1196. A resolution electing a Minority Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. GALLEGLY (for himself and Mr. WEXLER):

H. Res. 1198. A resolution commending the people of the Montenegro on holding free and fair presidential elections on April 6, 2008, the North Atlantic Treaty Organization's decision at the Bucharest Summit to invite Montenegro to enter into an Intensified Dialogue, and the reforms and progress undertaken by Montenegro since its declaration of independence; to the Committee on Foreign Affairs.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CALVERT, Mr. CAMPBELL of California, Mr. GARY G. MILLER of California, Mr. ROHRABACHER, and Mr. ROYCE):

H. Res. 1199. A resolution commending the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary; to the Committee on Natural Resources.

By Ms. SUTTON:

H. Res. 1200. A resolution honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. RAMSTAD.

H.R. 154: Mr. ROSS and Ms. LINDA T. SÁNCHEZ of California.

H.R. 303: Mr. CANTOR.

H.R. 368: Mr. PAYNE, Mr. KNOLLENBERG, Mr. MICA, and Mr. BROWN of South Carolina.

H.R. 522: Mrs. CHRISTENSEN and Ms. KILPATRICK.

H.R. 981: Mr. LEVIN.

H.R. 1069: Mr. GENE GREEN of Texas.

H.R. 1185: Mr. FATTAH, Mr. BOSWELL, Mr. ROTHMAN, and Ms. NORTON.

H.R. 1589: Mr. MCNERNEY.

H.R. 1647: Ms. SLAUGHTER, Mr. KUHL of New York, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1665: Mr. ORTIZ and Mr. DAVIS of Illinois.

H.R. 1738: Mr. SCOTT of Virginia, Mrs. SCHMIDT, Mr. OBERSTAR, and Mrs. TAUSCHER.

H.R. 1881: Mr. GONZALEZ and Mr. RYAN of Ohio.

H.R. 1888: Mr. BARTON of Texas.

H.R. 2021: Mr. CARSON.

H.R. 2032: Mr. DOYLE.

H.R. 2472: Mr. HASTINGS of Washington, Mr. SCOTT of Georgia, Ms. BERKLEY, and Mr. ENGLISH of Pennsylvania.

H.R. 2493: Mrs. DRAKE and Mr. MANZULLO.

H.R. 2506: Ms. HIRONO.

H.R. 2717: Mr. SHAYS.

H.R. 2744: Mr. SCHIFF.

H.R. 2762: Ms. SPEIER and Mr. RAHALL.

H.R. 2802: Mr. SCOTT of Georgia, Ms. WASSERMAN SCHULTZ, and Ms. LEE.

H.R. 2818: Mr. NADLER and Mrs. BLACKBURN.

H.R. 2991: Mr. SKELTON.

H.R. 3089: Mr. ROGERS of Kentucky.

H.R. 3186: Mr. SOUDER, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. ENGLISH of Pennsylvania, and Mr. BISHOP of Georgia.

H.R. 3187: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SCOTT of Georgia, and Mr. BISHOP of Georgia.

H.R. 3202: Mr. MCDERMOTT.

H.R. 3232: Mr. MARIO DIAZ-BALART of Florida, Ms. WATERS, and Mrs. NAPOLITANO.

H.R. 3245: Mr. ROGERS of Kentucky.

H.R. 3282: Mr. RUPPERSBERGER.

H.R. 3622: Mr. GRIJALVA.

H.R. 3681: Mr. HALL of New York.

H.R. 3700: Mrs. CAPPS.

H.R. 3800: Mr. SESTAK.

H.R. 3817: Mr. BRALEY of Iowa.

H.R. 3819: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3961: Mr. CONYERS.

H.R. 4059: Mr. GRIJALVA.

H.R. 4199: Mr. HOBSON.

H.R. 4218: Mr. JEFFERSON and Mr. GENE GREEN of Texas.

H.R. 4221: Mr. ENGEL and Mr. HILL.

H.R. 4304: Mr. BARRETT of South Carolina.

H.R. 4318: Mr. NUNES.

H.R. 4335: Mr. ALLEN.

H.R. 4461: Mr. SCOTT of Virginia and Mr. BOOZMAN.

H.R. 4544: Mr. ORTIZ.

H.R. 4789: Ms. WASSERMAN SCHULTZ, Mr. HODES, Mr. COHEN, Mr. SHERMAN, Ms. ESHOO, Mr. SCHIFF, Mr. JOHNSON of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mr. WEXLER, Mr. TOWNS, Ms. SLAUGHTER, Mr. NADLER, and Mr. WEINER.

H.R. 4836: Mr. CLEAVER, Mr. GENE GREEN of Texas, and Mr. ENGEL.

H.R. 4900: Mr. HILL, Mr. PLATTS, Mr. BERRY, Mrs. BACHMANN, Mr. JOHNSON of Illinois, Mr. DONNELLY, Mr. BRADY of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WOLF.

H.R. 4926: Ms. DEGETTE, Mr. BARROW, Mr. INSLEE, Mr. ALTMIRE, Mr. MURPHY of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Mr. BRALEY of Iowa, and Mr. SNYDER.

H.R. 5134: Mr. DAVIS of Kentucky.

H.R. 5268: Mr. MCGOVERN, Mr. CUMMINGS, Mr. SESTAK, Mr. CONYERS, and Mr. RUPPERSBERGER.

H.R. 5426: Mr. BRALEY of Iowa.

H.R. 5444: Mr. BERMAN, Ms. SCHAKOWSKY, and Mr. CARSON.

H.R. 5450: Mr. LINCOLN DIAZ-BALART of Florida, Mr. GORDON, and Mr. WITTMAN of Virginia.

H.R. 5454: Mr. MCGOVERN, Mr. BISHOP of Utah, Mrs. MALONEY of New York, Mr. DAVIS of Illinois, Mr. OBERSTAR, and Mr. HALL of Texas.

H.R. 5515: Mr. CAMPBELL of California.

H.R. 5534: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5580: Mr. PRICE of North Carolina.

H.R. 5606: Mr. ABERCROMBIE, Mr. PLATTS, Mr. KELLER, and Mr. ALLEN.

H.R. 5629: Mr. SHIMKUS.

H.R. 5632: Mr. HILL.

H.R. 5674: Mr. WU and Mr. DOGGETT.

H.R. 5684: Mr. LATHAM.

H.R. 5686: Mr. ALTMIRE.

H.R. 5700: Mr. GONZALEZ.

H.R. 5705: Mr. GRIJALVA.

H.R. 5731: Mr. NEUGEBAUER.

H.R. 5740: Mr. STARK.

H.R. 5775: Mr. KINGSTON.

H.R. 5784: Mr. TERRY.

H.R. 5804: Mr. BACA and Mr. POMEROY.

H.R. 5838: Mr. SERRANO.

H.R. 5846: Mr. THOMPSON of Mississippi.

H.R. 5857: Mr. HALL of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. CRENSHAW.

H.R. 5869: Mr. PRICE of North Carolina.

H.R. 5873: Ms. CORRINE BROWN of Florida and Ms. BERKLEY.

H.R. 5898: Mr. FORTUÑO.

H.R. 5902: Mr. COHEN.

H.R. 5906: Mr. LOBIONDO.

H.R. 5908: Mr. PAUL.

H.R. 5924: Mr. PUTNAM and Mrs. MCCARTHY of New York.

H.R. 5941: Mr. KAGEN.

H.R. 5944: Mr. BURGESS and Mr. HASTINGS of Washington.

H.R. 5950: Mr. CONYERS, Mr. GRIJALVA, and Mr. FARR.

H.R. 5958: Mr. SCHIFF.

H.R. 5960: Mr. SPACE.

H.R. 5965: Mr. COHEN.

H.R. 5971: Mr. TERRY, Mr. GARY G. MILLER of California, and Mr. KINGSTON.

H.R. 5978: Mrs. LOWEY and Mr. HIGGINS.

H.R. 5984: Mr. LEWIS of Kentucky, Mrs. BONO MACK, Mr. CASTLE, and Mr. HELLER.

H.R. 5995: Mr. BARRETT of South Carolina.

H.R. 5998: Mr. PASCRELL.

H.R. 6009: Mr. JONES of North Carolina.

H.R. 6026: Mr. PETERSON of Pennsylvania.

H.R. 6029: Ms. WOOLSEY and Mr. HARE.

H.J. Res. 79: Mr. ROTHMAN and Mr. STARK.

H. Con. Res. 134: Mr. CLYBURN.

H. Con. Res. 216: Mr. LUCAS and Mr. WALBERG.

H. Con. Res. 244: Mr. FORTUÑO and Ms. BERKLEY.

H. Con. Res. 296: Mr. PRICE of Georgia and Mr. KINGSTON.

H. Con. Res. 299: Mr. GORDON.

H. Con. Res. 305: Mr. CUMMINGS.

H. Con. Res. 332: Ms. SCHAKOWSKY.

H. Con. Res. 334: Mr. GARY G. MILLER of California.

H. Con. Res. 336: Mr. LANGEVIN, Mr. PORTER, and Mr. HELLER.

H. Con. Res. 341: Mr. GRIJALVA, Mr. BISHOP of New York, Mr. PALLONE, Mr. MCCAUL of Texas, Mr. KING of New York, Mr. LEWIS of Kentucky, Mr. BISHOP of Georgia, Mr. MITCHELL, Mr. VISCLOSKY, Mr. REHBERG, Mrs. BACHMANN, Mr. KILDEE, Mr. JONES of North Carolina, Mr. SESSIONS, Mr. TERRY, Mr. KELLER, Mr. RYAN of Ohio, Mr. DEFAZIO, Mr. SIMPSON, Mr. BOYD of Florida, Mr. CHANDLER, Mr. CULBERSON, and Mr. COSTA.

H. Res. 111: Mr. UDALL of Colorado.

H. Res. 389: Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. TOWNS, and Mr. MEEKS of New York.

H. Res. 896: Mr. BARROW, Mrs. CAPPS, Mr. ROSS, Mr. STUPAK, and Mr. WEINER.

H. Res. 937: Mr. CHABOT.

H. Res. 977: Mr. ALLEN.

H. Res. 1010: Mr. CHANDLER, Mr. BERRY, Mr. ETHERIDGE, Mr. KANJORSKI, and Mr. CAPUANO.

H. Res. 1019: Mr. CARSON.

H. Res. 1022: Ms. ESHOO and Ms. GRANGER.

H. Res. 1028: Mr. LEWIS of Georgia.

H. Res. 1078: Mr. PAYNE.

H. Res. 1110: Mr. BUYER.

H. Res. 1122: Mr. GARY G. MILLER of California.

H. Res. 1137: Mr. RAHALL.

H. Res. 1144: Mr. YOUNG of Florida.

H. Res. 1177: Mr. HINCHEY, Mr. CONYERS, and Mr. KAGEN.

H. Res. 1179: Mr. WELLER, Mr. STEARNS, Mr. ROHRABACHER, and Mr. BURTON of Indiana.

H. Res. 1185: Mr. STARK, Mr. WELLER, Mr. LEWIS of Georgia, Mrs. BACHMANN, Mr. COOPER, Ms. DELAURO, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. CARDOZA, and Mr. FATTAH.

H. Res. 1191: Mrs. GILLIBRAND, Ms. TSONGAS, Mr. DAVIS of Illinois, Mr. ACKERMAN, Mr. BRALEY of Iowa, Ms. HOOLEY, Mr. UDALL of Colorado, Mr. SHERMAN, Mrs. DAVIS of California, Ms. ESHOO, Ms. SHEA-PORTER, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. WATT, Mr. EMANUEL, Ms. BERKLEY, Ms. BALDWIN, Ms. VELÁZQUEZ, Mr. HARE, Ms. WATERS, Mr. GUTIERREZ, Mr. JOHNSON of Georgia, Mr. COURTNEY, Mr. LOEBSACK, Mr. PATRICK MURPHY of Pennsylvania, Mrs. BOYDA of Kansas, Mr. ELLSWORTH, Mr. SPACE, Mr. BERMAN, Mr. HILL, Ms. SCHWARTZ, Ms. SOLIS, Mr. KAGEN, Mr. CONYERS, Mrs. CAPPS, and Mr. PALLONE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBEY

Earmark Disclosure Statement for the House amendments to the Senate amendment to H.R. 2642—the Military Construction and Veterans Affairs Appropriations Act, 2008. Neither the House amendments nor the explanatory statement contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives. However, the following tables are submitted disclosing those earmarks included at the request of the administration:

MILITARY CONSTRUCTION

[Dollars in thousands]

Project name	Location	Amount	Request by
Child Development Center—	AK: FortWainwright	17,000	Administration
Child Development Center—	CA: Fort Irwin	11,800	Administration
11th Marine Regiment HQ, Amory, BEQ	CA: Camp Pendleton	34,970	Administration
5th Marine Regiment Addition, San Mateo—	CA: Camp Pendleton	10,890	Administration
Armory Intelligence Battalion, 16 Area	CA: Camp Pendleton	4,180	Administration
Armory, Regiment & Battalion HQ, 53 Area	CA: Camp Pendleton	5,160	Administration
BEQ & Mess Hall HQ (13) Area	CA: Camp Pendleton	24,390	Administration
EOD Operation Facility	CA: Camp Pendleton	13,090	Administration
ISR Camp—Intelligence Battalion	CA: Camp Pendleton	1,114	Administration
JIEDDO Battle Courses	CA: Camp Pendleton	9,270	Administration
Military Police Company Facilities	CA: Camp Pendleton	8,240	Administration
Public-Private Venture, Phase 6B	CA: Camp Pendleton	10,692	Administration
Public-Private Venture, Phase 2A—	CA: Twentynine Palms	1,074	Administration
Regimental Combat Team HQ Facility	CA: Twentynine Palms	4,440	Administration
JIEDDO Battle Courses	CA China Lake NAWS	7,210	Administration
JIEDDO Battle Courses	CA: Point Mugu	7,250	Administration
Child Development Center—	CA: San Diego	17,930	Administration
Recruit Barracks	CA: San Diego MCRD	43,200	([1])
JIEDDO Battle Courses	CA: Twentynine Palms	11,250	Administration
Child Development Center—	CA: Beale AFB	17,600	Administration
Child Development Center—	CO: Fort Carson	8,400	Administration
Soldier Family Assistance Center	CO: Fort Carson	8,100	Administration
JIEDDO Battle Courses	FL: Whiting Field NAS	780	Administration
Child Development Center	FL: Eglin AFB	11,000	Administration
Classrooms & Battalion Dining Facilities	GA: Fort Benning	30,500	([1])
AIT Complex I, Phase I	GA: Fort Gordon	32,000	([1])

MILITARY CONSTRUCTION—Continued

[Dollars in thousands]

Project name	Location	Amount	Request by
Child Development Center	GA: Fort Gordon	7,800	Administration
Soldier Family assistance Center	GA: Fort Stewart	6,000	Administration
Hospital Repalcement	GA: Fort Benning	350,000	(1)
Child Development Center	HI: Schofield Barracks	12,500	Administration
Transitioning Warrior Support Complex	KS: Fort Riley	50,000	Administration
Hospital Replacement	KS: Fort Riley	404,000	(1)
Child Development Center	KY: Fort Campbell	9,900	Administration
Soldier Family Assistance Center	KY: Fort Campbell	7,400	Administration
Child Development Center	KY: Fort Knox	7,400	Administration
Soldier Family Assistance Center	LA: Fort Polk	4,900	Administration
Starbase Complex 6, Phase 1	MO: Fort Leonard Wood	50,000	(1)
JIEDDO Battle Courses	MS: Gulfport NCBC	6,570	Administration
Child Development Center	NC: Camp Lejeune	16,000	Administration
JIEDDO Battle Courses	NC: Camp Lejeune	11,980	Administration
Maintenance/Operations Complex 2/9	NC: Camp Lejeune	43,340	Administration
Child Development Center	NC: Fort Bragg	8,500	Administration
Hospital Addition/Alteration	NC: Camp Lejuene	122,000	(1)
JIEDDO Battle Courses	NJ: McGuire AFB	6,200	Administration
Child Development Center	NM: Cannon AFB	8,000	Administration
Warrior in Transition Facilities	NY: Fort Drum	38,000	Administration
Child Development Center	OK: Fort Sill	9,000	Administration
Student Barracks	SC: Fort Jackson	27,000	(1)
Recruit Barracks	SC: Parris Island MCRD	19,900	(1)
Child Development Center	TX: Fort Bliss	5,700	Administration
Child Development Center	TX: Fort Bliss	5,900	Administration
Child Development Center	TX: Fort Bliss	5,700	Administration
Child Development Center	TX: Fort Hood	7,200	Administration
Warrior in Transition Unit Ops Facilities	TX: Fort Hood	9,100	Administration
AIT Barracks	TX: Fort Sam Houston	47,000	(1)
Child Development Center	TX: Fort Sam Houston	7,000	Administration
Burn Rehabilitation Center	TX: Fort Sam Houston	21,000	Administration
JIEDDO Battle Courses	VA: Yorktown NWS	8,070	Administration
AIT Complex 1, Phase 1	VA: Fort Eustis	50,000	(1)
Child Development Center	VA: Fort Lee	7,400	Administration
Administrative Building	Afghanistan: Bagram AB	13,800	Administration
Aircraft Maintenance Hangar	Afghanistan: Bagram AB	5,100	Administration
Ammunition Supply Point	Afghanistan: Bagram AB	62,000	Administration
Bulk Fuel Storage and Supply, Phase 3	Afghanistan: Bagram AB	23,000	Administration
Bulk Fuel Storage and Supply, Phase 4	Afghanistan: Bagram AB	21,000	Administration
New Roads	Afghanistan: Bagram AB	27,000	Administration
Power Plant	Afghanistan: Bagram AB	41,000	Administration
East Side Helo Ramp	Afghanistan: Bagram AB	44,400	Administration
ISR Ramp	Afghanistan: Bagram AB	26,300	Administration
Parallel Taxiway Phase 2	Afghanistan: Bagram AB	21,400	Administration
Strategic Ramp	Afghanistan: Bagram AB	43,000	Administration
Rotary Wing Parking	Afghanistan: Ghazni	5,000	Administration
Consolidated Compound	Afghanistan: Kabul	36,000	Administration
Counter IED Road—Route Alaska	Afghanistan: Various Locations	16,500	Administration
Counter IED Road—Route Connecticut	Afghanistan: Various Locations	54,000	Administration
Hot Cargo Ramp	Iraq: Al Asad AB	18,500	Administration
Landfill	Iraq: Al Asad AB	3,100	Administration
South Airfield Apron (India Ramp)	Iraq: Al Asad AB	28,000	Administration
Water Supply, Treatment & Storage Ph III	Iraq: Baghdad IAP	13,000	Administration
Convoy Support Center Relocation, Phase II	Iraq: Camp Adder	39,000	Administration
Multi-Class Storage Warehouse	Iraq: Camp Adder	17,000	Administration
POL Storage Area	Iraq: Camp Adder	10,000	Administration
Wastewater Treatment & Collection System	Iraq: Camp Adder	9,800	Administration
Hazardous Waste Incinerator	Iraq: Camp Anaconda	4,300	Administration
Landfill	Iraq: Camp Anaconda	6,200	Administration
Fighter Ramp	Iraq: Balad AB	11,000	Administration
Foxtrot Taxiway	Iraq: Balad AB	12,700	Administration
Helicopter Maintenance Facilities	Iraq: Balad AB	34,600	Administration
Juvenile TIFRIC	Iraq: Camp Constitution	11,700	Administration
Landfill	Iraq: Camp Marez	880	Administration
Landfill	Iraq: Camp Ramadi	880	Administration
Aviation Navigation Facilities	Iraq: Camp Speicher	13,400	Administration
Landfill	Iraq: Camp Speicher	5,900	Administration
Military Control Point	Iraq: Camp Speicher	5,800	Administration
Rotary Wing Parking Apron	Iraq: Camp Speicher	49,000	Administration
Landfill	Iraq: Camp Taqqadum	880	Administration
Landfill	Iraq: Camp Warrior	880	Administration
Landfill	Iraq: Fallujah	880	Administration
North Entry Control Point	Iraq: Qayyarah West	11,400	Administration
Perimeter Security Upgrade	Iraq: Qayyarah West	14.600	Administration
Entry Control Point	Iraq: Scania	5,000	Administration
Water Storage Tanks	Iraq: Scania	9,200	Administration
Landfill	Iraq: Victory Base	6,200	Administration
Level 3 Hospital	Iraq: Victory Base	13,400	Administration
Wastewater Treatment & Collection System	Iraq: Victory Base	9,800	Administration
Water Treatment & Storage Phase II	Iraq: Victory Base	18,000	Administration
Facilities Replacement	Iraq: Various Locations	72,0000	Administration
Overhead Cover-eGlass	Iraq: Various Locations	135,000	Administration
CJTF–HOA HQ Facility	Djibouti: Camp Lemonier	29,710	Administration
Dining Facility	Djibouti: Camp Lemonier	20,780	Administration
Fuel Farm	Djibouti: Camp Lemonier	4,000	Administration
Full Length Taxiway	Djibouti: Camp Lemonier	15,490	Administration
Network Infrastructure Expansion	Djibouti: Camp Lemonier	6,270	Administration
Water Production	Djibouti: Camp Lemonier	19,140	Administration
Western Taxiway	Djibouti: Camp Lemonier	2,900	Administration
Communication Center	Kuwait: Camp Arifjan	30,000	Administration
Strategic Ramp	Kyrgyzstan: Manas AB	30,300	Administration
Expeditionary Beddown Site	Oman: Masirah AB	6,300	Administration
Facility Replacements	Qatar: Al Udeid AB	40,000	Administration
Northwest (CAS) Ramp	Qatar: Al Udeid AB	60,400	Administration
Logistics Storage Warehouse	Qatar: Al Udeid AB	6,600	Administration

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[1] The Committee learned through hearings, site visits, and Departmental briefings that trainee and recruit facilities and medical treatment facilities are two high priority areas in dire need of additional funds. The projects included were identified by the Department as high priority projects and were not included at the request of Members of Congress.

ARMY CORPS OF ENGINEERS

[Dollars in thousands]

Project name	State	Amount	Request by
Repair and restore authorized protection and floodwalls.	LA	393,000	Administration
Complete authorized protection.	LA	359,000	Administration
Plaquemines Parish-non-Federal levees.	LA	456,000	Administration
Outfall Canals—pumps and closures.	LA	704,000	Administration
Inner Harbor Navigation Canal protection.	LA	53,000	Administration
Armoring	LA	459,000	Administration
Reinforce and replace floodwalls.	LA	412,000	Administration
Storm-proof pumping stations.	LA	90,000	Administration
Lake Pontchartrain and Vicinity (100-year protection).	LA	1,077,000	Administration
Westbank and Vicinity (100-year protection).	LA	920,000	Administration
Southeast Louisiana (interior drainage).	LA	838,000	Administration

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5534: Mr. ALEXANDER.

EXTENSIONS OF REMARKS

FAITH IN DIPLOMACY

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. GILCHREST. Madam Speaker, I rise today to submit in the RECORD an opinion piece by Marshall Breger, a former alternate delegate of the U.S. to the U.N. Human Rights Commission in Geneva, and currently a professor of law at the Columbus School of Law, the Catholic University of America. In it, he discusses the importance of religion in negotiating peace through diplomacy.

FAITH IN DIPLOMACY

(By Marshall Breger)

Whatever one's view of the Oslo peace process, it is remarkable that the 1993 signing ceremony on the White House lawn did not include benedictions by rabbis, imams, or priests. In an America where religious leaders open sessions of Congress, pray for the success of our armies, and even sometimes pray for fair winds and bless the fleet at yachting regattas, this is passing strange.

The absence of religious content speaks volumes about the assumptions that drive conventional diplomatic wisdom in Washington. Foreign policy professionals instinctively recoil at the notion that religion can or should play an important role in foreign policy. They see it as a "private matter," according to Tom Farr, former director of the State Department's office of international religious freedom, "properly beyond the bounds of policy analysis and action."

Far too many American diplomats and think-tank gurus continue to dismiss or, at best, ignore religion as "a tool of statecraft." They talk about promoting "civil society" but forget that in regions as diverse as the Middle East and South Asia, the largest and most powerful actors in civil society are religious. They assume that a "moderate" Muslim is a less religious Muslim, and that an "Islamist" who believes that Islam should play a role in politics must be in his or her heart a bomb-throwing extremist. They treat religion as a distraction to diplomacy and a threat to global stability.

Academic theories of modernization teach that as societies modernize they irrevocably grow more secular. But the truth is otherwise. Sociologist Peter Berger contends that religious sensibility does not wither in the modern world. Even the State Department, long a bastion of secularist thinking, is beginning to get the picture. In a powerful book written after she left the State Department, former secretary Madeleine Albright effectively offered a mea culpa for ignoring religion while she was in office. And Karen Hughes, former undersecretary of state for public diplomacy and public affairs, said that President Bush wanted her "to reach out and meet with religious leaders—because faith is such an important part of life for so many Americans and so many people across the world."

How should we incorporate religion in our foreign policy? First, we must study it. You can't understand West Bank settlers without understanding the "Greater Israel" theology of Rabbi Tzvi Yehuda Kook and his disciples. Nor can you follow Shia politics without an appreciation of the role of the ashura—the commemoration of the death of the Prophet Mohammed's grandson in the 680 battle of Karbala—as the transformative event in Shia martyrology, or the oft-misunderstood role of the mahdi—the "hidden Imam" expected to bring justice and final judgment to the world—in Shia eschatology. Or how the "puritanism" of 18th-century theologian Mohammed Ibn Abd-al Wahab has affected the Salafi understanding of the Quran.

Only by understanding religion can we mobilize it as a force for reconciliation and as an ally in the search for peaceful solutions. No one can deny the injurious role religious fervor has had in foreign affairs—just think of the Thirty Years' War and Osama bin Laden. Nonetheless, we know of many examples of how religion can assist in the process of making peace. Consider the Community of Sant'Edigio, which has midwived cease-fires in conflict zones like Mozambique. The Vatican mediated the Argentina-Chile dispute over the Beagle Channel, and evangelical Christians have helped place international religious freedom, AIDS, and global poverty on the major powers' foreign policy agendas. Jewish groups, for their part, have led the campaign to end the violence in Darfur.

In 2002, Jewish, Muslim, and Christian leaders in the Middle East signed the Alexandria Declaration of the Religious Leaders of the Holy Land, committing themselves to the dignity of the individual, whatever his or her religion, and an end to bloodshed. That work is being carried on by groups like Mosaica and the Adam Institute and by other religious leaders such as Knesset member Rabbi Michael Melchior and Sheikh Abdullah Nimr Darwish, founder of the Islamic movement in Israel.

Religious leaders in Jerusalem have formed a Council of Religious Institutions of the Holy Land to promote not just interfaith dialogue, but also practical advances like access to and protection of holy sites; religious freedom; education for tolerance in mosques, synagogues, and churches; and support for a two-state solution that recognizes the dignity of both Israelis and Palestinians. This nascent enterprise includes religious leaders such as the Latin patriarch, chief rabbis, and Sheikh Taysir Al-Tamimi, head of the Sharia courts of Palestine.

These developments make clear that religious leaders can foster reconciliation in the Middle East and elsewhere. To succeed, any new peace initiative must encompass their efforts. Perhaps this time around we can avoid the religious deficit of so much previous American diplomacy.

PRESIDENTIAL SCHOLARS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. REICHERT. Madam Speaker, I rise today to recognize the incredible talents of two young people who reside in the Eighth District of Washington State. Both students represent the promise of America and lead their peers inside and out of the classroom.

Ari J. Livne, a senior at Lakeside School in Seattle, and Anisha Gulabani, a senior at Eastlake in Sammamish, Washington, were included in the list of 141 Presidential Scholars for 2008. Since its inception in 1964, the Presidential Scholars Program has honored more than 5,500 graduating high school seniors for academic excellence, artistic accomplishments, and civic contributions. In short, the young men and women named each year to the Presidential Scholars list represent the best and brightest young people in America—the leaders of tomorrow. Ari and Anisha are preparing themselves to lead this country into the future.

Ari joined the list of Presidential Scholars in the Arts in 2008 because of his accomplishments in the visual, literary and performing arts, as well as for his scholarship, leadership and public service. Initially, more than 7,000 young people from across the Nation applied for a spot on this prestigious list before it was narrowed down to just Ari and 19 other young talents. Ari holds a 3.7 cumulative GPA and will take his place among some of Lakeside's most outstanding graduates—including Microsoft's Bill Gates and former Washington Governor Booth Gardner—when he enters the next step in his educational journey in the fall. After turning down a scholarship offer from Julliard, Ari decided on Yale in order to pursue both his academic interests and incredible musical gifts simultaneously.

Anisha will graduate this spring from Eastlake High School with a perfect 4.0 GPA. She fills her school day with every Advanced Placement course available to her. She is a co-captain on the debate team, a member of the National Honor Society, a member of Mu Alpha Theta—Lakeside's Mathematics Honor Society—and a member of the Children's Hospital Guild in Seattle. I am told that initially she wanted to become a medical doctor. However, after her sister's leg was amputated, she decided to focus on bio-medical engineering with a special focus on prosthetic limb design at Harvard University.

Ari and Anisha showcased incredible talent at their respective high schools and clearly deserved the honor of being a part of the 2008 Presidential Scholars Program. I hope they continue on their promising course and emerge as leaders in whatever field they choose.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO OTANA JAKPOR

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an extraordinary young woman from Riverside, California. Otana Jakpor may only be 14 years old and a sophomore at Woodcrest Christian High School but she is already establishing herself as a promising scientist. Otana is the Region IX recipient of the 2007 President's Environmental Youth Award (PEYA) for a science project titled "Indoor Air Pollution: The Pulmonary Effects of Ozone-Generating Air Purifiers."

Young people from around the country are invited annually to participate in the PEYA program, which is aimed at encouraging individuals, school classes, summer camps, youth organizations and public interest groups to promote environmental awareness and encourage positive community involvement. One award is given for each of the Environmental Protection Agency's 10 regions. (EPA Region 9 includes California, Arizona, Nevada, Hawaii.) On April 17, 2008, President Bush presented the award to Otana at a White House Ceremony.

Ms. Jakpor decided to focus her project on indoor pollution after she read a Consumer Reports article titled "New Concerns about Ionizing Air Cleaners." The article reported that certain models of ionizing air cleaners emit high amounts of ozone, but it did not include any research data. Otana's findings indicated that indoor air purifiers, neck air purifiers and ionizers emit high amounts of ozone, one result was 15 times higher than the level of a State 3 smog alert.

Ms. Jakpor's findings were significant and on September 27, 2007, she presented them to the California Air Resources Board at a hearing on indoor air purifier pollution. The Board voted to adopt a regulation to limit ozone emissions from air purifiers to less than 0.050 parts per million, and now California is the first state in the nation to regulate ozone generators.

Recognition for her scientific achievements are not new to Otana, she has received the NAACP Los Angeles ACT-SO Competition Gold medal in Medicine; eight awards from the RIMS Inland Science and Engineering Fair for both her freshman and sophomore projects; and fourth place award in the Pharmacology/Toxicology Category in the Senior Division for her research on ozone at the California State Science Fair. She is a spokesperson for the American Lung Association and has appeared on the Discovery Channel.

Ms. Jakpor is first in her class at an excellent and competitive school and has a 4.33 Grade Point Average. It is an honor to recognize Otana for all her achievements at such a young age. I commend Ms. Jakpor for her hard work, commitment and outstanding educational achievements. I have no doubt she will continue to contribute to the science community and look forward to hearing about the incredible discoveries of Otana Jakpor in the years to come.

RECOGNITION FOR THE YOUGH COUGAR ROCKETRY TEAM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. MURTHA. Madam Speaker, I want to take this opportunity to congratulate the Yough Cougar Rocketry team from Yough High School in Herminie, Pennsylvania. The Cougar Rocketry was the only team from the Commonwealth of Pennsylvania chosen to participate in the 2008 NASA Student Launch Initiative and is one of only eighteen teams selected nationally. The team was also selected in 2007.

NASA describes the Student Launch Initiative as a program which "involves middle and high school students in designing, building and testing reusable rockets with associated scientific payloads." The program allows students to demonstrate their design's proof-of-concept and allows them to apply previously abstract concepts to hands-on work. Each team works to build a vehicle that is to reach an altitude of one mile above ground level. The finale of each team's work ends with a launch at Marshall Space Flight Center.

Madam Speaker, the members of the Yough Cougar Rocketry team, whom I would like to personally recognize, include Ms. Stephanie Abbott, Ms. Amy Bickerstaff, Ms. Alicia Bowser, Mr. Josh Sarosinski, and Ms. Ashley Wiley. Mr. Donald Gilbert, Jr. is the team's teacher and advisor and Mr. Eric Haberman is the team's mentor from Westinghouse Corporation. I commend them all for their tremendous work.

SUPPORTING FUNDING TO REDUCE THE MATERNAL MORTALITY RATE THROUGHOUT THE WORLD

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Ms. SCHAKOWSKY. Madam Speaker, every minute a woman somewhere in the world dies of pregnancy-related causes. This staggering fact is not a failure of science but rather a failure of conscience. The United States possesses the medical knowledge necessary to drastically reduce the number of women killed during pregnancy each year. What we lack is a commitment by our Government to make certain that medical resources are readily available to women throughout the world.

The United States can and most do more. To demonstrate just how attainable this goal is, I would like to bring my colleagues' attention to an interesting and inspiring piece published in The Washington Post on Sunday, May 11, that highlights the efforts of two remarkable individuals to address maternal mortality rates in Haiti. Working closely with the Haitian government, Paul Farmer, Ophelia Dahl, and their nonprofit organization Partners in Health, have succeeded in reducing the maternal mortality rate in Haiti to less than half what it was a quarter-century ago. I hope that this piece will not only serve as a reminder of the tremendous opportunity we have to save the lives of hundreds of thousands of pregnant women all over the world.

KEEPING NEW MOTHERS ALIVE—IN HAITI AND RWANDA, REDUCING TRAGEDY IN CHILDBIRTH

(By Paul Farmer and Ophelia Dahl)

"Obscene" is still the word that comes to mind when we think of maternal mortality—and it has been almost 25 years since we first witnessed death in childbirth. In 1983, as students in one of central Haiti's fetid clinics, we prepared to celebrate a birth. Although we'd just met the young woman about to become a mother, her desperate expression as she began to hemorrhage haunts us still. National statistics could have predicted the outcome: A 1985 survey pegged Haitian maternal mortality at 1,400 deaths per 100,000 live births. By comparison, maternal mortality in the United States last year was 14 deaths per 100,000 live births.

Worldwide, 500,000 women die in childbirth every year; more than 90 percent live in Africa or Asia, and almost all are poor by any standard. Obscene though it is, death during childbirth isn't the end of the story. In the world's poorest areas, many orphaned children wind up destitute and on the streets within a few years of their mothers' deaths, sometimes resorting to desperate or criminal measures for food, shelter, clothes or school fees.

One of the 12 Millennium Development Goals is to reduce maternal mortality 75 percent by the year 2015. But we are moving too slowly to meet this goal, the United Nations says.

Today, the maternal mortality rate in Haiti is less than half what it was a quarter-century ago. Across the broad swath of central Haiti where we work, we estimate the number to be well below 100 deaths per 100,000 live births—not good enough but a vast improvement, most of it occurring in the past decade. Change came largely for three reasons.

First, our nonprofit organization, Partners in Health, has worked closely with the Haitian Ministry of Health to strengthen public health infrastructure. We have rebuilt, equipped, staffed and stocked hospitals and clinics; trained nurse-midwives and other personnel, including more than a thousand community health workers; linked villages and health centers to district hospitals by modern telecommunications and ambulance service; and established modern surgical services for obstetrical emergencies.

Second, we have broken the rule that high-quality health services are a privilege rationed by ability to pay, not a right. The case was made first for affordable medicines. Now it is being made for emergency Caesarean sections—an essential tool to reduce maternal mortality. Faced with evidence that maternal mortality was greater where fees were higher, the district health commissioner for central Haiti announced last August that all prenatal care and emergency obstetrical services would henceforth be available free to all patients. He was later echoed by Haitian President Réne Préval.

Third, we have linked prenatal and obstetric care to an all-out effort to improve access to primary health care. The presence of functional, accessible public clinics and hospitals restores faith in the health system, motivates people to seek care before they are critically ill and allows for preventive interventions such as prenatal care and family planning. Consider Rwanda, another country where we work, which is rising rapidly from its ashes scarcely a dozen years after an appalling genocide. Rwandan maternal mortality rates in 1995, the year after the genocide, are unknown. But they are sure to have exceeded the 1,800 deaths per 100,000 live births reported that year in relatively peaceful Malawi. The situation has improved dramatically since then.

By helping to train and, importantly, pay community health workers, the Rwandan Ministry of Health is taking steps to link rural villages to health centers with the capacity to make routine labor safe. Rwanda is also seeking to make family planning available to citizens and to increase access to preventive and primary care through basic health insurance. Maternal mortality has dropped from more than 1,000 deaths per 100,000 live births between 1995 and 2000 to less than 600 today—still terrible but well below the average (940) reported for sub-Saharan Africa.

At the government's invitation, Partners in Health launched efforts to strengthen AIDS treatment and primary health services in one region of rural Rwanda in 2005. Mindful of the lessons learned during two decades of work in rural Haiti—and of that young Haitian woman whom we watched turn abruptly from the anticipation of new life to a confrontation with death—we have made reducing maternal mortality and improving women's health top priorities. And we have welcomed the opportunity to support Rwanda's commitment to breaking the cycle of poverty and disease by including health care and education (especially for girls) in its vision of the future. It's probably no coincidence that Rwanda also boasts the world's highest percentage of women in parliament.

IN SUPPORT OF H. CON. RES. 322—RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. EMANUEL. Madam Speaker, I rise today in support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel. Yom Ha'Atzmaut, Israel's Independence Day, marks a day when Theodor Herzl's prophetic words became reality: "If you will it, it is no dream."

Since its founding on May 14, 1948, the modern State of Israel has established itself as a dynamic and democratic nation with a thriving economy, a pluralistic political system, and a vibrant cultural and intellectual center. The Israeli people have contributed greatly as scholars, innovators, educators, and more, and I am pleased to have this opportunity to recognize their accomplishments as well as those of Israel.

Israel has been a vital ally of the United States since the beginning of its existence, sharing democratic values, friendship, and respect and enjoying a strategic partnership. America and Israel shall remain close friends for years to come, particularly as Israel continues to seek peace with her neighbors. H. Con. Res. 322 reaffirms these bonds of friendship and cooperation and expresses a commitment to strengthen these bonds.

On the Jewish calendar, Israel's Independence Day falls on the 5th of Iyar, corresponding this year with May 8, 2008. This day is a joyous time to reflect with pride on the work of the men and women who knew that one day the dream of the State of Israel would become a reality.

Madam Speaker, I am proud to be a cosponsor of H. Con. Res. 322 and wish to extend warm congratulations and best wishes to the people of Israel as they celebrate this 60th year of Israel's independence. I wish them peace and prosperity in the years to come, kein yehi ratzon.

IN MEMORY OF TOM ED HAYS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Tom Ed Hays of Hope, Arkansas, who passed away May 7, 2008, at the age of 73.

I will forever remember Tom Ed Hays as a good friend, a keen businessman and someone who cared deeply about improving the quality of life in southwest Arkansas. As a natural born leader, he excelled at every task he took on and was an inspiration to all of us who knew him.

Tom Ed Hays was born and raised in Arkansas, and was always proud to call Arkansas his home. After beginning his banking career in Texas, he returned home to Hope to join his father and uncle in the family-owned bank, First National Bank of Hope. His ambition and dedication helped him rise from cashier to president and CEO of the bank, a role which he held until the time of his passing. Under his guidance and leadership, the bank underwent significant expansion and spread to communities throughout southwest Arkansas.

While Tom Ed Hays' economic development efforts had a tremendous impact on the region and will never be forgotten, his gentlemanly nature is what everyone will talk about for years to come. The numerous accolades and awards he received over the years are a testament to his deep conviction of community service and civic responsibility.

Tom Ed Hays will be remembered for his outstanding service to Hempstead County, southwest Arkansas, and to the entire State of Arkansas. Above all, he will be sorely missed as a friend. I extend my deepest condolences to his wife, Betty Jo Fite Hays; his three sons, Thomas Hays III of Cambridge, England, Daniel Fite Hays of Hope, and John Julian Hays of Hope; his sister, Nancy Hays Gottwald of Richmond, Virginia; and to his eight grandchildren and countless friends. Tom Ed Hays will be greatly missed and I am truly saddened by this loss.

ON THE ANNIVERSARY OF FALLEN HERO'S DEATH—IN HONOR OF ARMY SPECIALIST ARMER NATHAN BURKART

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. GILCHREST. Madam Speaker, I rise today to submit a poem penned by Albert Caswell of The United States Capitol Guide Service, in honor of a real American hero, Army Specialist Armer Nathan Burkart, on the eve of the 2nd anniversary of his gallant life and most tragic death in Baghdad, Iraq, on May 11, 2006. A Rockville native who gave that last full measure for all of us. Remember him this coming Memorial Day.

ARMER ALL

Armer All . . .
Strength in honor, an American Hero who heard the call!
Who so marched off to war like all of his fine forefathers have done so before!
A man of character, and faith . . .
A brave heart, who but to his country 'tis of thee so gave and gave!
But All . . . But, his fine life . . . he who so sacrificed, showing us all how to behave!
A soul,
One's being, so deep down inside one's heart which holds!
The Armer, The Mantle of Gold . . . to go and do, to shine in the light of a hero's glow!
To march forward, with clenched fists!
To stare straight into that the darkest of all faces, that of death!
To give all until none lies left, to the future . . . our most precious sons and daughters bless!
A Maryland Man,
Who so showed us all what a warm heart of Armer and faith so can!
But, only the very few . . . can and have so done, as Heaven won . . . our fine son . . . Armer you!
A leader of men,
An Angel on Earth, who our Lord would so send!
And now, as your short time is done . . . to Heaven rise my son . . . as your new battle begins!
As an Angel in the Army of our Lord,
As on Earth you brought your light, from heaven now you continue the fight . . . evermore!
For yours, your life Burkart . . . was but our Lord's work of art . . . for what you so stood for!
Armer . . . You!
You, so lived and died for What Is Real . . . For What Is True!
Can you but hear our tears? All for you, and your fine life . . . and all of your lost years!

ASIAN PACIFIC HERITAGE MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. REICHERT. Madam Speaker, in May, we honor Asian Pacific American Heritage Month, a celebration of the culture and contributions of millions of Asian Americans and Pacific Islanders. Their diverse talents have contributed to communities all across our Nation.

The Eighth District of Washington has a vibrant Asian Pacific community. Nearly 100,000 Asian Americans and Pacific Islanders reside in my district, contributing to their individual communities through business, education, volunteerism and public service, just to name a few. I am also very aware of the bravery and patriotism many in the Asian and Pacific Islander community have shown by serving honorably in Iraq, Afghanistan, and other dangerous places.

The Asian Pacific American community is growing in my district and our Nation at large. I know, as the influence of Asian Americans and Pacific Islanders grow, the American people will more fully understand—and respect—the many contributions they have made to our communities and our Nation.

TRIBUTE TO CYNTHIA SCHNEIDER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Cynthia Schneider is one of these individuals. On May 17, 2008, Cynthia will be recognized at the Corona-Norco Family YMCA's 13th Anniversary Distinguished Service Awards Dinner and will receive the YMCA Distinguished Service Award.

Cynthia is senior vice president, director of marketing for American Security Bank, headquartered in Santa Ana, California. She was instrumental in the business case that convinced the bank to open its loan and marketing administration offices and build a new branch office in Corona. For more than 30 years, Cynthia has managed the marketing functions of various Southern California financial institutions, as an officer and as a private consultant. She specializes in improving financial performance through consultative sales training and gaining corporate visibility through strategic marketing and public relations programs.

Cynthia has worked in Corona for 10 years and has been a resident for 8. During that time she has become an active community volunteer. She is a longstanding member of the Corona Chamber of Commerce; has served on their board for 7 years and was chairman of the board in 2006. She currently chairs and is a contributing writer for the Chamber's Corona Business Monthly magazine and heads their legislative action committee. She is the founder and organizer of the Chamber Missions to China and has run the program for 3 consecutive years. Cynthia was recognized by Soroptomist International in 2006 as a Woman of Distinction for her international contributions.

Cynthia was also instrumental in the grassroots campaign by the Corona Chamber of Commerce to help the homeless. The campaign inspired community members to contribute $100,000 during a 6-week period in 2006 to keep the doors of the homeless shelter open over the holidays. Cynthia has also served for 6 years on the board of directors for the Foundation for Community and Family Healthy, is currently president of the Circle City Rotary, and proudly serves on the board of the Corona/Norco YMCA.

Cynthia's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. I am proud to call Cynthia a fellow community member, American and friend. I salute her and thank her for her service as she receives the prestigious YMCA Distinguished Service Award.

TRIBUTE TO MR. L. ROBERT KIMBALL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. MURTHA. Madam Speaker, I would like to take this opportunity on the occasion of the 55th anniversary of L. Robert Kimball & Associates to recognize the service and work of L. Robert Kimball, founder and chairman of the board. As a military veteran and respected businessman, Mr. Kimball is the epitome of the American entrepreneur. His original two-person civil engineering company, founded in 1953, has grown to a full-service architecture, engineering, technology, and consulting firm of over 600 staff serving a wide variety of clients, including the Federal Government.

Mr. Kimball served as a U.S. Army Air Corps Captain in World War II and as a Major in the U.S. Army Corps of Engineers in the Korean conflict. Among his World War II military decorations are the Distinguished Flying Cross and Air Medal with three Oak Leaf Clusters, and the French Croix de Guerre. He is also a recipient of the Chapel of the Four Chaplains Legion of Honor Award.

Following his military service, Mr. Kimball returned to his hometown of Ebensburg, Pennsylvania, and established the company known as "L. Robert Kimball, Civil Engineer." In the 1960s, the firm began providing service to branches of the United States military. Today, Kimball provides professional services to, among others, the Department of Homeland Security, the Department of Defense, the Department of Justice, the Environmental Protection Agency, and the United States Army Corps of Engineers. Those services include cutting-edge building, innovative modeling, laser terrain scanning, and telecommunication system modernization.

The firm's reputation for consistent delivery of high-caliber services is a direct result of the discipline and integrity that L. Robert Kimball instilled throughout the company. The example he sets of leadership and teamwork can be traced back to his military service to the United States of America as a lead navigator for the 100th Bomb Group, where he set the flight course. It was a matter of life and death to make the right decisions and to work as a team to look out for the others in the squadron. Those principles apply to the course he sets for staff. He encourages every employee to be a good professional and a good citizen.

With that, Madam Speaker, I recognize and congratulate Mr. L. Robert Kimball.

IN HONOR OF AMERICA'S SECOND HARVEST

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise today to honor America's Second Harvest, which is being presented with this year's Ernest P. Bicknell Disaster Response Excellence Award from the American Red Cross.

America's Second Harvest, based in Chicago, is the Nation's largest charitable hunger-relief organization. I have long been an admirer of its work in Illinois, where 8 America's Second Harvest food banks help provide food to 900,000 people who are struggling with rising fuel, health care, and food costs. Nationwide, America's Second Harvest has a network of more than 200 member food banks and food-rescue organizations that serves all 50 States, the District of Columbia, and Puerto Rico.

The America's Second Harvest Network secures and distributes more than 2 billion pounds of donated food and grocery products annually. The Network supports approximately 63,000 local charitable agencies operating more than 70,000 programs including food pantries, soup kitchens, emergency shelters, afterschool programs, and community kitchens. Each year, the America's Second Harvest Network provides food assistance to more than 25 million low-income hungry people in the United States, including more than 9 million children and nearly 3 million seniors.

America's Second Harvest is being been honored by the Red Cross because it continues to be instrumental in improving preparedness and the critical delivery of disaster relief to individuals and communities across the country. America's Second Harvest has partnered with the American Red Cross in disaster response through its leadership with the National Voluntary Organizations Active in Disaster (VOAD) Mass Care Committee. It has also worked to establish standards of care for victims of disaster, utilizing its proven expertise in providing 2 billion pounds of food and grocery products to our Nation's hungry each year. Unfortunately, the news of the devastating cyclone in Myanmar, and the catastrophic earthquakes that stole thousands of lives in China this week, highlight just how critical disaster relief plans are.

The Red Cross's Disaster Response Excellence Award is named in honor of Ernest P. Bicknell, who was the Red Cross National Director from 1909 to 1917 after having served as, fittingly, the General Superintendent of the Chicago Bureau of Charities. Today, America's Second Harvest is at the forefront of charitable work, both in Chicago and nationwide. As a proud representative of the City of Chicago, I am honored to recognize their incredible work.

CONGRATULATING RICCARDO MUTI AS NEW MUSIC DIRECTOR OF CHICAGO SYMPHONY ORCHESTRA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Maestro Riccardo Muti on being named the next music director of the Chicago Symphony Orchestra (CSO). Maestro Muti will become the 10th music director to take the baton in that capacity for the CSO.

Maestro Muti will succeed Daniel Barenboim, who held the position of music director at the CSO for fifteen years when he left in 2006.

I am proud that Chicago will have a world-class maestro to follow in the footsteps of legends like Sir Georg Solti as music director. Maestro Muti's background is impressive and commands immense respect in the musical community. He has conducted many important orchestras around the world, including the New York Philharmonic, the Orchestre National de France, the Berlin Philharmonic, the Bavarian Radio Symphony Orchestra, the Vienna Philharmonic, and more.

Maestro Muti already has some familiarity with our City's outstanding orchestra, having conducted the CSO at Ravinia in 1973 and returning to Symphony Center in 1975 as well as three decades later in 2007. When he begins his tenure as music director in 2010, I know that he and the CSO will continue to excel in the years to come.

Madam Speaker, I congratulate Riccardo Muti in his new position as music director at the Chicago Symphony Orchestra and wish him the best of luck as Chicago's new maestro.

IN RECOGNITION OF EDDIE HARRISON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. ROSS. Madam Speaker, I rise today to honor Eddie Harrison of Waldron, Arkansas, and to recognize his 45 years of dedication and commitment in the classroom at Waldron High School as he embarks on his retirement from teaching.

I commend Mr. Eddie Harrison for his efforts and accomplishments over the years and applaud his hard work and devotion to improving the quality of education for countless students at Waldron High School. As a son of public school educators, I believe the most important component of a child's education is having a quality teacher like Mr. Harrison in the classroom.

Mr. Harrison's school day did not start and end with a bell, instead it began with early morning meetings and concluded when the last buzzer sounded at a sporting event. He dedicated his time to multiple organizations and was always the first to volunteer for projects at hand.

When Mr. Harrison is not in the classroom or on the campus of Waldron High School, he can be found at the Waldron First Baptist Church where he serves as Deacon and is actively involved in his church's ministry. He is also a proud uncle, whose devotion to his family is second to none.

Eddie Harrison's presence in the classroom will be greatly missed by the students, faculty and staff of Waldron High School, where his legacy of excellence will forever be remembered. I know that his heart will never drift far from Waldron, and that he will continue to be a fixture in the community and a role model for all that have the opportunity to know him.

I have always believed that there is no greater form of public service than that performed by those who teach our children. I congratulate Eddie Harrison on a job well done for 45 years of teaching at Waldron High School. I wish him a successful future of happiness and fulfillment in his next endeavor, and am proud to commend his selfless work to help shape a new generation of innovators.

THE DAILY 45: PACOIMA SHOOTINGS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, every day, 45 people, on average, are fatally shot in the United States. From coast to coast, the stories ring familiar.

In Los Angeles, police said this morning that they are investigating two separate shootings in Pacoima that left two men dead. One man, whose name has not been released, suffered gunshot wounds to his head and body. He was taken to a local hospital where he later died. In a separate incident, in the same area, another man was fatally wounded in an apparent drive-by shooting around 3 p.m. Tuesday. These daily shootings must end.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "Enough is enough, stop the killing!"

RECOGNIZING REALTORS AND THEIR ROLE IN THE AMERICAN DREAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize America's realtors. I would like to specifically recognize fifteen realtors, who are in Washington, D.C. today, for their commitment to the neighborhoods and communities across North Texas, the place I am proud to call home. I would also like to welcome these fellow Texans to our Nation's capital city.

Realtors are a vital part of the American way of life. They help to provide the citizens of the United States with one of the most basic American Dreams: the joy of home ownership. I remember when I was looking to buy my first home, I was unsure about what I could expect or what processes I needed to take. Realtors helped me through the process and I am very grateful for the kindness and generosity they demonstrated.

I would like to recognize the fifteen realtors from my district who are in Washington, D.C. right now: with the Greater Lewisville Association of REALTORS, Inc., Connie Niedzwiecki, Cathy Smith, and Lynda Bennett; with the North Texas Real Estate Information Services, Inc., Mikie Doyle; with the Greater Denton/Wise County Association of REALTORS, Inc., Chris Rosprim, Myra Oliver, Mary O'Conner, Kaki Lybbert, and Kara Phelps; with the Greater Fort Worth Association of REALTORS, Inc., Ken Jones, Dan Odom and Colleen Odom; and with the MetroTex Association of REALTORS, Inc., Eloise Eriksson, Judy Jones and Barbara Alsworth.

Madam Speaker, I am very grateful for the hard work of these aforementioned professionals and the great service they provide to their local communities. Their energy, skills and commitment have made North Texas a better place to live and I am proud to have them here today.

HONORING DR. ODETE AMARELO ON THE OCCASION OF HER RETIREMENT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. McGOVERN. Madam Speaker, I rise today to honor a wonderful Massachusetts resident, Dr. Odete Amarelo, on the occasion of her retirement.

Maria Odete Cordeiro Morgado Amarelo was born in Arrifes, Rua da Saude, in the Azores. After a visit from Cardinal Humberto de Sousa Medeiros that served as a great inspiration, her family made the decision to make a new life in the United States.

Dr. Odete used her great energy, drive and passion to help others. She enrolled in a night program at Bristol Community College, eventually transferring to the University of Massachusetts. Two years later, she was hired by the Fall River School Department as a Teacher Assistant in the bilingual program. She later earned a BA from the University of Boston, a Master's Degree from Lesley College and a Doctorate Degree in Literacy from the Union Institute.

Madam Speaker, that final degree I mentioned, a Doctorate in Literacy, says it all. Dr. Odete believes that education based upon literacy is a fundamental right. This has been her life's work, and her life's passion. As Dr. Odete has said, "literacy can't exist in an isolated form, it's a process that is a part of our continued development."

Currently, Dr. Odete serves as the School/Parent coordinator for the Magnet Program in the Fall River Schools.

I am proud to rise today in honoring Dr. Odete Amarelo and to thank her for her extraordinary work on behalf of the people of Fall River. Dr. Odete once said, "it's not sufficient to say that we care, but to act and identify what is not right." Dr. Odete has been acting and identifying—and fixing—what is not right for many, many years. I know that my colleagues in the House join me in paying tribute to this remarkable woman.

HONORING WOODCLIFF LAKE D.A.R.E. PROGRAM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. GARRETT of New Jersey. Madam Speaker, today, the Woodcliff Lake Police Department will hold its D.A.R.E. graduation ceremony with the students of Dorchester School. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of their principal, John Fierro, Chief of Police Anthony Jannicelli and D.A.R.E. officers Chad Malloy and James Foley.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. This program allows children to defeat the negative cultural influences that they are challenged with daily by opening the lines of communication between law enforcement and youth and empowering them with confidence and courage to say no to drugs.

I am proud of the young boys and girls who participated in this program in Woodcliff Lake, and I would like to recognize them all for taking this step toward positive citizenship:

Christopher Acciardi, Nicole Alberta, Naseeb Ally, Max Aronson, Maryanna Arundel, Noah Bardach, Albert Barragan, Alexis Bernstein, Zachary Bernstein, Christopher Blake, Nicholas Bonnett, Alexandra Castiel, Marc Castrillon, Karen Choi, Ellen Drennan, Matthew Evans, Mackenzie Evans, Brandon Fazal, Rachel Fisher, Brandon Friedman, Keith Gliksman, Michael Goldstein, Ian Groh, Erica Grunfeld, Alexandria Guo, Karin Hadadan, Ashley Hahn, John Henrich, Gianna Hroncich, Ari Jigarjian, Brigitte Josephson, Avantika Joshi, Senyoung Kim, Chelsea Kirnum, Kathryn Klecanda, Katarina Kokkosis, Saniya Kumar, Morgan Landman, Justin Lane, Adam Lefkowitz, Brett Levine, Hanna Levy, Sophia Logothetis, Tomasso Lombardi, Chloe Mann, Brian Marolda, Samantha McGovern, Kayla McGraw, Alexander Meleniak, Celine Mileham, Vernice Miller, Nicole Miller, Daniel Miller, Cole Moran, Melissa Nachbaur, Vicky Patel, Thomas Patire, Jordan Perez, Noah Personette, Alex Pettie, Lianna Port, Austin Rahmin, Richard Rebori, Peter Rubenstein, Rachel Samitt, Mihir Sangoi, Maximillian Sarbu, Devin Sargent, Maya Scharf, Alexa Schecter, Connor Schultz, Kyle Schultz, Shunpei Seki, Isabel Sella, Julia Shin, Jacqueline Skene, Alana Smolinsky, W. Maxwell Song, Margo Spector, Constantine Stavrianidis, Alexander Todfield, Sere Tonuzi, Natalia Torres, Christopher Toto, David VanPelt, Apoorva Vasireddy, Harrison Weinfeld, Noah Winston, Rachel Yannelli, Vincent Yannelli, Josephine Yao, Christopher Zariello.

HONORING JOHN ROGERS' DISTINGUISHED CAREER IN PUBLIC SERVICE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. DELAHUNT. Madam Speaker, I rise today to honor John Rogers of Rockland, Massachusetts, and to recognize his long and distinguished career in public service.

John has devoted his life to educating young people most notably as a teacher and then during his twenty-three-year tenure as Superintendent of the Rockland Public Schools. In addition, he has worked to improve the quality of life for people of all ages in Rockland through his service as a Selectman and as President of the Rockland Chamber of Commerce. In recent years, he has played an instrumental role in the redevelopment of the South Weymouth Naval Air Station by representing the people of Rockland on the Board of Directors of the South Shore Tri-Town Development Corporation.

While serving on the Tri-Town board, he helped shape and build consensus on a redevelopment master plan that will serve as an engine of economic growth in the surrounding communities. The plan has won accolades from local and national groups as a "smart growth" initiative and a model for future sustainable development projects throughout the Commonwealth of Massachusetts.

John will continue his lifelong service to his community as a newly elected member of the Rockland Housing Authority, and as he retires from his position on the Tri-Town Board, I want to him to know that we are forever grateful for all that he has done. We will always appreciate his unwavering leadership, his vision and his tireless commitment to advancing the quality of life for the people of Rockland and the greater South Shore area.

On behalf of a grateful constituency, I rise today to thank John Rogers for all that he has done for our community, and to wish him success in all his future endeavors.

TRIBUTE TO JOHN R. COUTS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. John Couts is one of these individuals. On May 17, 2008, John will be recognized at the Corona-Norco Family YMCA's 13th Anniversary Distinguished Service Awards Dinner and will receive the YMCA Distinguished Service Award.

John Couts is President of Couts Heating and Cooling, Inc., a mechanical contracting company that has operated in Corona for thirty years. Cents Heating and Cooling, established in 1978, owes its long-standing success to its simple, yet driving business philosophy: honesty, integrity, and putting the best interest of the customer first. Couts Heating and Cooling, Inc. is a Union Contractor providing heating, ventilating and air-conditioning services in addition to mechanical piping and energy management controls to commercial, industrial, medical and educational facilities.

The story of Couts Heating and Cooling is a small business success story that began with a team of four family members and a determination to succeed. From their entrepreneurial beginnings, the business has evolved into a major corporation, employing 200 people. A major component of the growth of Couts Heating and Cooling has been their unwavering commitment to family-owned values.

John's life has been woven into the fabric of the City of Corona for more than three decades. He and his wife, Carolyn, raised and educated two daughters in Corona. For many years both Carolyn and John were active in booster and fundraising activities for cheerleading and athletics, spending countless hours supporting their daughters' endeavors. As their children grew into their own lives, John's contributions to the community evolved from school and athletic events into community causes.

John currently sits on the Board of the Foundation for Community and Family Healthy were he has been instrumental in spearheading and promoting an annual giving program that will provide long-term funding for the Foundation's countless outreach programs. As a business owner, not only has John been extremely active in industry and trade associations at a local and state level, he has also been a member and active supporter of the Corona Chamber of Commerce. For the past eight months, John has shared his professional expertise as a member of a selectively chosen group of business owners who comprise the Chamber's Legislative Action Committee—monitoring and lobbying to pass legislation that will have a positive impact on Corona businesses. John and Carolyn also support numerous philanthropic causes and give generously to support community programs funded by non-profit agencies.

John's tireless passion for the high quality of his business and community service has contributed immensely to the betterment of the community of Corona, California. I am proud to call John a fellow community member, American and friend. I salute him and thank him for his service as he receives the prestigious YMCA Distinguished Service Award.

CONGRATULATING GRINNELL COLLEGE MEN'S TENNIS TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by head coach Andy Hamilton and the Grinnell College men's tennis team this spring. In early May the Pioneers won their first ever NCAA tournament match and their 5th consecutive Midwest Conference title. Grinnell now has an 11th conference championship trophy to add to their case!

I am extremely proud of the accomplishments of the Grinnell men's tennis team, both on and off the court. Three Grinnell College tennis players—Dan LaFountaine, Brij Patnaik, and Pete De Kock—have worked for me and served the people of Iowa's First District. And countless other Grinnellians, including my Legislative Director Mike Goodman, are working in public life to build a stronger, more just Nation.

Arthur Ashe—the great American public intellectual, civil rights advocate, and tennis player—said, "From what we get, we can make a living; what we give, however, makes a life." Grinnell faculty, coaches, students, and alumni understand this truth. The Grinnell men's tennis team had a great season in 2008, and these student athletes are poised to give great things to our communities in the future.

IN RECOGNITION OF ASSISTANT SPECIAL AGENT IN CHARGE MICHAEL D. DROMGOOLE, DRUG ENFORCEMENT ADMINISTRATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. SESSIONS. Madam Speaker, I rise today to honor Drug Enforcement Administration (DEA) Assistant Special Agent in Charge (ASAC) Michael D. Dromgoole.

Prior to joining the DEA, Michael began his law enforcement career with the Texas Department of Public Safety as a Highway Patrol Trooper in 1973. In 1980, he began his DEA career as a Special Agent and completed assignments in Los Angeles and Santa Barbara, California before coming to Texas. His work ethic and dedication led to multiple promotions and in October 1998, he was reassigned as an Assistant Special Agent in Charge in the Dallas Field Division. After twenty-eight years of service with the DEA, Michael will be retiring this year.

The Dallas area has greatly benefited from his vision and leadership. He foresaw a safer and better community and took every effort to do make this goal a reality. He helped enhance the cooperation between the DEA and local and state agencies, making attempts to combat drug trafficking and the enforcement of controlled substance laws more successful. Michael leaves a legacy of civic duty that will be greatly missed.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our deepest gratitude for his exemplary service to this great Nation.

HONORING THE CONTRIBUTIONS OF MR. DON W. KASSING, PRESIDENT OF SAN JOSE STATE UNIVERSITY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. HONDA. Madam Speaker, I rise today to pay tribute to one of California's most successful university presidents, Mr. Don W. Kassing. Don will be retiring this year and I would like to highlight some of the significant contributions he has made, not only to the university, but also to the surrounding community. It is with mixed emotions that I say farewell to Don—I am saddened to see him go, but do so with tremendous pride and respect for the accomplishments he has made to my alma mater, San Jose State University.

In August of 2004, following the unexpected resignation of his predecessor, Don leapt into action as the newly appointed interim president of San Jose State University. Accepting this position just before the start of the school year, Don moved quickly to reassure an apprehensive campus that all focus would remain on the important business of starting the fall semester. His confidence in the collective capabilities of the San Jose State University faculty and staff, his generous and collegial management and leadership style, and the trust and respect that he had garnered during his 11 years of service as San Jose State University's vice president for administration and finance quickly created a sense of stability.

One of Don's first actions as president was to galvanize the campus to organize its first-ever campuswide strategic planning process. This thorough planning involved a mobilization of all campus units and resulted in a vibrant "Vision 2010." San Jose State University is now at the end of two full cycles of implementation.

Leading by example, Don repeatedly made thoughtful, public stands on tough issues. He strongly supported a student initiative to honor two San Jose State athletes and civil rights icons, Tommie Smith and John Carlos, medal winners of the 1968 Olympics, who chose a non-violent protest during the medals ceremony to bring attention to the American civil rights movement. The groundbreaking and dedication ceremonies for the campus sculpture in 2007 gave the University at long last the opportunity to appropriately honor and embrace the athletes and their actions.

Building upon the successful partnership with the city of San Jose to develop the Dr. Martin Luther King, Jr. Library, Don was instrumental in forging the Beyond Martin Luther King collaborative, which initiated a broader commitment and conversation with city and San Jose State University leadership staff and community stakeholders. Since 2004, key partnership projects have sparked neighborhood development, affordable housing-to-workforce enhancement and co-production of major events. This successful collaborative effort serves as a model of how a positive, symbiotic relationship between a lively campus and a vibrant downtown can be used to enhance the stature of both a city and its university.

This year, Don led the campus in a decision to suspend blood drives, citing the U.S. Food and Drug Administration's lifetime blood donor deferral affecting gay men as being in violation of the university's nondiscrimination policy. The public stand taken by SJSU has re-ignited debate across the country about FDA's policy. It is my hope that the questions raised by Don's actions will lead to a thorough, thoughtful, and scientifically sound reexamination of FDA policy.

Mr. Kassing's successes can best be summoned up in the words of its accrediting body. In a letter last July, Western Association of Schools and Colleges Executive Director Ralph Wolff said: "The Commission would like to extend its commendation to the San Jose State University community on the truly remarkable distance it has traveled since fall 2004. The team report notes 'significant progress' in assessment of student learning and enrollment management; the positive influence of recent appointments at the senior level; an operational strategic plan; innovative new programs for student success; and above all, dramatic changes in culture, energy and focus on campus."

Madam Speaker, I will miss seeing my friend, Don Kassing, in San Jose, but wish him and his spouse, Amy, only the best as they embark on the next phase of their journey in Arizona.

CONGRATULATING MAJORS DAVID AND PAT WAITE ON THE OCCASION OF THEIR RETIREMENT FROM THE SALVATION ARMY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished careers of Majors David and Pat Waite, on the occasion of their retirement from the Salvation Army.

With careers spanning over 40 years, the Waites' service has carried them across the Southeast, to Florida, Georgia, Kentucky, Texas, and Alabama. Their ministry also carried them to South America, where they served in Brazil for three years.

Majors David and Pat met as undergraduates while attending Asbury College in Wilmore, Kentucky. David graduated with a bachelor's degree in psychology, and Pat graduated with a degree in elementary education. They married in 1966 while David was in seminary school, and in 1969, David graduated from Asbury Theological Seminary with a master's of divinity degree.

In 1969, David and Pat entered Officers' Training School. David spent much of this first year of training attending Emory University's Candler School of Theology. As Cadet-Lieutenants, the Waites spent their second year of training in St. Petersburg, Florida, and in 1971, David and Pat were commissioned as officers.

The Waites served in various locations throughout Florida, including Fort Pierce, Jacksonville, Ocala, and Clearwater, before being assigned to the College for Officers' Training in Atlanta, Georgia, where they would stay for three years. Majors David and Pat then went on to serve as corps officers at the Atlanta Temple Corps.

From Atlanta, David and Pat were assigned to Divisional Headquarters in Louisville, Kentucky. Here, David served as the divisional secretary and Pat served as assistant home league secretary. In 1995, the Waites moved to Austin, Texas, where David was appointed territorial candidates secretary and associate candidates secretary.

In 1997, David was named education secretary. His primary responsibility in this capacity was to transition the Education Department from Territorial Headquarters to the Evangeline Booth College. David was also responsible for opening the School for Continuing Education where he served as assistant principal. During their assignment in Austin, Pat opened the Continuing Education Center and served as its director. She also laid the ground work for the new continuing education programs and the degree completion program.

The Waites received their orders assigning them to Brazil in 1999. In Brazil, David served as associate public relations secretary, public relations secretary, and personnel secretary for the Brazil territory. Pat served as the territorial home league secretary and later, as assistant to the personnel secretary.

The Waites arrived in Mobile in 2002 where David was named area commander and Pat was named coordinator for women's activities. After six years of service in Mobile, the Waites are retiring to San Antonio, Florida, where many fellow Salvationists reside.

Madam Speaker, I ask my colleagues to join me in recognizing two dedicated community leaders and friends to many throughout Alabama. I know their family, their children, and their many friends join me in praising their accomplishments and extending thanks for their outstanding service over the years on behalf of the First District and the state of Alabama.

Majors David and Pat Waite will surely enjoy the well deserved time they now have to spend with family and loved ones. On behalf of a grateful community, I wish them the best of luck in all of their future endeavors.

RECOGNIZING MISSISSIPPI SENATE CONCURRENT RESOLUTION NO. 667

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. PICKERING. Madam Speaker, today I submit into the RECORD Concurrent Resolution No. 667 adopted by the Mississippi Senate and House of Representatives. The resolution urges the United States Congress to accept the decision of the United States Air Force concerning the award of the jet tanker contract to Northrop Grumman Corporation and EADS North America. Each day we delay approving this contract, we prevent the Air Force men and women from receiving the equipment necessary to ensure our national security. I encourage my colleagues to review this resolution.

SENATE CONCURRENT RESOLUTION NO. 667

Whereas, after an extensive evaluation process, the United States Air Force awarded a $35 Billion jet tanker contract to Northrop Grumman Corporation and EADS North America; and

Whereas, these vital military aircraft will be built at Mobile Brookley Field Industrial Complex, creating more than 2,000 new jobs for workers in the States of Mississippi and Alabama; and

Whereas, efforts to overturn the decision of the United States Air Force concerning its detailed analysis are irresponsible and a true threat to our national security; it is imperative that elected officials support the decision makers whom they entrust with these important determinations; and

Whereas, Mississippi workers are ready, able and eager to begin constructing the aircraft that the Untied States Air Force has rated as superior in five-out-of-five categories, and the interest of national defense should clearly rule over regional political posturing: Now, therefore, be it

Resolved by the Senate of the State of Mississippi, the House of Representatives concurring therein, That the United States Congress is respectfully encouraged to accept the decision of the United States Air Force concerning the awarding of the jet tanker contract to Northrop Grumman Corporation and EADS North America, refrain from turning this vital national security matter into a political free-for-all, and allow the competent and capable workers of Mississippi to immediately begin work on this critical contract. Be it further

Resolved, That this resolution be transmitted by the Secretary of the Senate to members of Mississippi's congressional delegation and to the Secretary of Defense and be made available to the Capitol Press Corps.

THE PASSING OF CONGRESSWOMAN BONO MACK'S FATHER CLAY WESTERFIELD WHITAKER, M.D.

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. DREIER. Madam Speaker, it is with great sadness we share the news of the passing of Clay Westerfield Whitaker, M.D., father of Representative MARY BONO MACK, on May 13th after a long and valiant battle with prostate cancer. It was an honor to have known Dr. Whitaker and it is a privilege to serve with Congresswoman BONO MACK who is a testament and tribute to her father. From the talks I had with Dr. Whitaker, I know how proud he was of her great work.

Born in Greenville, Kentucky on April 17, 1924, Whitaker was the son of Eva Nell Hunt Whitaker and Levi Whitaker. The youngest of six siblings, all of whom preceded him in death, he was only five years old when his father, a physician, died at the age of thirty. Whitaker's mother, now a single parent, worked hard to make ends meet during the years of the Great Depression. When speaking of those years, Whitaker often said, "We didn't think we were poor; we just didn't have any money." His mother understood the importance of a good education, and along with his sisters, he was admitted to Berea College in Kentucky. At Berea, he met the love of his life, Karen Lee Taylor. Together, they enjoyed music and an active campus life until his college education was interrupted when he entered the Army Air Corps during WWII. Assigned to the 8th Air Force, 95th Bomb Group, 334th Squadron stationed in Horham, England, Whitaker served as a B–17 waist gunner and flew 19 missions over Germany. After victory had been achieved, Whitaker wrote to his college sweetheart asking for her hand in marriage when he returned to Berea College.

Upon returning home, Whitaker was greeted at the train station by his sister and future bride, Karen. As he stepped off the train, his sister informed him that his wedding was scheduled for the very next day, June 30, 1944. So began a lifetime of mutual devotion. Whitaker completed his college education at Berea with a degree in chemistry and applied to Western Reserve medical school where he earned his M.D. in otolaryngology (ear, nose & throat) and then set-up his medical practice in Cleveland, Ohio. While living in Cleveland, he and Karen had four children, Stephen, David, Katherine and MARY.

In 1963, Whitaker moved the family west to Los Angeles where he accepted a position as co-chair of the ENT department at L.A. County—USC Medical Center. As professor of ENT, he remained at USC until 1983 when he moved to Asheville, North Carolina, to chair the ENT department at the VA hospital and establish an ENT program at that facility for Duke University. He held that position until his retirement from the practice of medicine.

Whitaker loved the outdoors, especially hiking, camping and the Land Rovers that transported him to the backcountry. He loved classical music, the arts, sciences, literature, cars and vintage war planes. But most of all, he loved his family. Known by family and friends as a man of immense generosity and compassion, he was a remarkably selfless and humble individual. His quick wit and keen sense of humor enlivened many family and social gatherings, and he was deeply respected in the communities in which he lived.

Preceded in death by his beloved Karen, Whitaker is survived by his four children, Stephen Whitaker and his wife, Teri, of Bruceville, Indiana; David Whitaker and his wife, Carol, of

Sealy, Texas; Katherine Whitaker of Asheville, North Carolina; and Congresswoman MARY BONO MACK of Palm Springs, California, and her husband, Congressman CONNIE MACK. He is also survived by eight grandchildren, Laura Kenney and her husband, Doug; Daniel and Christopher Whitaker, Cameron and Ian Whitaker, Teresa Shuford, and Chesare and Chianna Bono, and one great grandson, Thomas Kenney.

Our deepest condolences go out to our colleague MARY BONO MACK and the entire Whitaker family.

INTRODUCTION OF A RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS THAT THE UNITED STATES SHOULD USE ALL APPROPRIATE MEASURES TO END COMMERCIAL WHALING

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. RAHALL. Madam Speaker, today I am introducing a resolution expressing the sense of the Congress that the United States, through the International Whaling Commission, IWC, should use all appropriate measures to end commercial whaling in all of its existing or potential forms and seek to strengthen whale conservation and management measures.

Whales cannot be humanely killed, according to Dr. Peter Singer, a professor of bioethics at Princeton University. As Dr. Singer said, causing suffering to innocent beings, without an extremely weighty reason for doing so, is wrong. Beyond subsistence needs, it is difficult to think of a reason weighty enough to cause such suffering to one of God's most magnificent creatures.

As such, the purpose of my resolution is to send a strong message to the Administration as it prepares for the June 2008 meeting of the International Whaling Commission, IWC, in Santiago. The message is simple: now is not the time to capitulate to calls to weaken or undermine the IWC ban on commercial whaling. The American people care deeply about protecting whales, and the U.S. should continue to be an international leader in whale conservation.

Established in 1946, the IWC's initial focus was the allocation of whaling quotas among member countries. Unfortunately, whalers from many countries routinely exceeded these quotas, and whale populations plummeted. In response, the IWC instituted a moratorium on the commercial killing of whales in 1986.

Despite this moratorium, significant whaling has continued. Norway officially objected to the moratorium and resumed commercial whaling in 1993. Japan and Iceland have been using a provision in the Convention—which allows countries to issue themselves permits for "scientific whaling"—to kill whales under the guise of science, and later sell the meat commercially. More than 11,000 whales have been reportedly killed in lethal scientific whaling programs since the adoption of the commercial whaling moratorium, even though the IWC Scientific Committee has repeatedly stated that such lethal takes are not necessary for scientific research.

At the same time, Japan is calling for the IWC to once again sanction commercial whaling in the form of "coastal" whaling, "community" whaling, or some other iteration of small-scale commercial whaling that will effectively eviscerate the moratorium.

In contrast, the anti-whaling nations want the IWC to look to the future—a future in which whales are protected and their nonlethal use is promoted. With its 75-plus members almost evenly divided between anti- and pro-whaling, it is imperative that the U.S. make clear its strong stand against the resumption of any form of commercial whaling, including community whaling, and that we press for the end of "scientific" whaling that is anything but scientific.

Therefore, the resolution I am introducing today calls on the U.S. delegation to the IWC to remain firmly opposed to commercial whaling in all its forms. The resolution urges the U.S. to not only initiate or support efforts to oppose the unnecessary lethal taking of whales for scientific purposes, but also seek to end the sale of meat and blubber from whales killed for scientific research in order to remove this perverse incentive. The resolution also calls on the U.S. to reject proposals that would weaken or lift the moratorium on commercial whaling by creating a new category of whaling deceptively called coastal or community whaling.

It is more critical than ever that the U.S. remain firmly opposed to any proposals to resume even a limited level of commercial whaling and to maintain its leadership role in shaping global whale conservation policies through the IWC. The administration must not undo more than 20 years of whale conservation and capitulate to Japan's demand for a sanctioned resumption of coastal commercial whaling. Instead, the U.S. should again demonstrate leadership in whale conservation and promote nonlethal uses of whales—such as whale watching—a far more benign and profitable venture. Worldwide, tourists spend an estimated $1.5 billion on whale watching each year.

Whales constitute a vital component of the world's marine ecosystems and are some of the largest and most intelligent mammals on Earth. Conserving them requires us to uphold strong international agreements and maintain an unwavering commitment to protecting these species from killing for commercial gain. I thank my colleagues for cosponsoring this resolution, and I urge all Members to support it.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. COHEN. Madam Speaker, I rise to explain both my leave of absence from the House of Representatives on May 8, 2008, and how I intended to vote with respect to the legislation that was before the House on that day. I was unable to be in Washington on May 8 because I was serving as a pallbearer at the funeral of Thomas Boggs—a close friend of mine for over 30 years and an outstanding citizen of Memphis, Tennessee—at the request of his widow.

While Thomas made a name for himself by rising from humble roots to become a highly successful restaurateur in Memphis, his mark on the city goes much deeper. He used his success in business to contribute generously, both in terms of his money and his time, to causes that have enriched Memphis. His contributions to the community have benefited all Memphians, and his death leaves Memphis in grief. As a reflection of how much esteem the Memphis community held him in, the Memphis Commercial-Appeal ran a front-page, above-the-fold article concerning his death, an almost unprecedented tribute.

I agonized over whether I should remain in Washington to vote on the bills that the House was to consider on the day of Thomas' funeral. I take my responsibilities as a Member of Congress very seriously, particularly with respect to voting on legislation. In the end, I decided that I needed to join the rest of the Memphis community as our dear friend was eulogized and honored for one last time.

Had I been able to be in Washington on May 8, I would have voted for final passage of H.R. 5818, the "Neighborhood Stabilization Act of 2008," as amended. This legislation requires the Department of Housing and Urban Development to provide loans and grants to States, metropolitan cities, and urban counties to carry out housing stimulus activities. Such activities include the purchase of or financing the purchase of foreclosed homes for resale as housing, rental of such homes, or rehabilitation of such homes. These measures are designed to ensure that neighborhoods do not deteriorate as a result of a high foreclosure rate caused by predatory lending. In short, this bill will help to mitigate some of the negative effects of the foreclosure crisis.

I also would have voted in favor of agreeing to the Senate amendment, with House amendments, to H.R. 3221, the "Foreclosure Prevention Act of 2008." This bill helps homeowners who are in danger of losing their homes to refinance into lower-cost, government-insured mortgages they can afford to repay. It also expands affordable mortgage opportunities for families who might otherwise turn to subprime mortgages to buy a home. The bill, as amended by the House, will also expand tax benefits for homeowners and first-time home buyers. This bill, when combined with H.R. 5818, presents a comprehensive package for addressing the predatory lending and foreclosure crises that our country faces.

In addition to the housing-related bills, I also would have voted in favor of H.R. 4279, the "Prioritizing Resources and Organization for Intellectual Property Act of 2008" (PRO–IP Act.) I am an original cosponsor of this bill and spoke in favor of its passage when it was being debated on the House floor a few days before the vote. As I noted then, this legislation makes important improvements to intellectual property law to help protect against counterfeiting and piracy, including enhanced penalties for intellectual property crimes, additional resources for law enforcement efforts at every level of government, and the creation of a new organizational framework at the Federal level to better combat international piracy and counterfeiting. This bill enjoys widespread support, and everyone from the U.S. Chamber of Commerce to the Teamsters supports it. I am glad that it passed with strong bipartisan support.

Finally, I note that I would have voted against the Flake and Cantor Motions to Instruct Conferees on H.R. 2419, the "Farm, Nutrition, and Bioenergy Act."

TRIBUTE TO ROBERT RAUSCHENBERG, AMERICAN ARTIST

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. MACK. Madam Speaker, I rise today to honor one of America's greatest art pioneers of the 20th century, Robert Rauschenberg, who passed away on Monday at the age of 82 on Captiva Island. He led an extraordinary life and his unique approach to abstract expressionism helped to pave the way for a new generation of contemporary artists.

Mr. Rauschenberg was born in 1925 in Port Arthur, Texas. His love for art grew while he served in the U.S. Navy during World War II and had a chance to visit an art museum at the age of 18. When he returned home from the war, he used his GI Bill benefits to pay his tuition at art school.

Throughout the 1950s and 1960s, Mr. Rauschenberg's portfolio was varied and diverse. He rejected abstract expressionism and searched for a new method of painting. Incorporating his enthusiasm for popular culture, he turned to pop art, and used materials traditionally outside of the mainstream. He was also a sculptor and choreographer.

Mr. Rauschenberg moved to Captiva Island in the 1970s. Perhaps the thing that Mr. Rauschenberg will most be remembered for in southwest Florida was his contributions to the art community in our region. He generously donated to the gallery on the Edison College campus in Fort Myers, giving them the rights to reproduce his prints and posters and thus allowing the institution to support itself financially.

In addition, Mr. Rauschenberg enjoyed sharing his love of art to art students and the general public and was often on hand at gallery openings to support local artists. He was also a strong supporter of Arts for ACT, a charity that supports a shelter for abused women.

Although Mr. Rauschenberg is no longer with us on earth, his memory will live on in the paintings he loved so much, the art community in southwest Florida he fostered and supported, and the people he met and inspired every day.

HONORING MR. IRV ZAKHEIM

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Mr. Irv Zakheim, recipient of the Eastern Washington University 2008 Entrepreneur of the Year award. I am pleased to join with the EWU Center for Entrepreneurial Activities in honoring Mr. Zakheim as a key business leader, locally and globally.

Built on humble beginnings, Mr. Zakheim has grown his company, Zak! Designs, from a small business to a major global competitor with nine offices worldwide. Today, anyone with children would recognize the products that first brought national attention to Zak! Designs.

Zak! Designs is a company that creates dinnerware, drinkware and lunch kits featuring popular animated characters. They have recently added travelware for on-the-go lifestyles, additional products at the forefront of tabletop trends, and customized programs that bring fresh looks to retailers.

In addition to his business pursuits, Mr. Zakheim plays an integral role in the community. He is the founder of the Zak! Celebrity Open, an annual golfing fundraiser that has brought in more than $1.5 million for charitable organizations in its eight years of existence. Last year alone, the Zak! Celebrity Open raised $450,000 for the Rypien Foundation and YWCA's Child and Youth Services.

Madam Speaker, Irv Zakheim embodies the entrepreneurial and giving spirit that makes this country so great. I commend Mr. Zakheim for his important contribution to the business community and invite my colleagues to join me in congratulating him on receiving this award.

CALLING ATTENTION TO THIS COUNTRY'S ORGAN DONATION CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. RANGEL. Madam Speaker, I rise today to note—with alarm—that organ donations are not keeping pace with need in this country, resulting in the deaths of 18 patients per day as they wait idly by for lifelines. The shortage proves particularly detrimental to minority patients, who together make up a staggering 50 percent of people on the transplant waiting list. Because of a paucity of minority donors, and the bruising effect of disparate and unequal access to health care, minority patients find themselves most vulnerable to a deepening crisis that should rally all Americans to the cause.

The health of our citizens should remain foremost on our minds. As the leading power and example in the world, this country should strive to carve out a premier health care system that works for everyone, not just the politically connected, not just the moneyed. For every American, we have safeguarded the promise of life, liberty, and happiness—and we ought to make good on that. We can have none of the three without adequate health care. This should be our national pride: to continually develop and improve upon our remarkable successes in medicine, to shape and mold a health care system that is the envy of the world.

An April 22 New York CARIB News piece, titled "Organ Donation A Crisis Among Minorities" and written by Dr. Jennifer Wider, denotes these concerns and offers solutions.

ORGAN DONATION A CRISIS AMONG MINORITIES

The number of people needing organ transplants is rising faster than the number of donors, according to statistics from the U.S. Department of Health and Human Services. Roughly 77 people receive organ transplants per day in the United States, but 18 people die each day waiting for transplants that will never happen due to the shortage of available organs.

Organ transplantation involves putting organs or tissues from one person into the body of another person, whose organs or tissues have been damaged or are no longer working.

"The recipient has to be immunologically matched to the donor well enough that the organ won't be immediately rejected," says Mark Schnitzler, Ph.D., assistant professor of health administration at Washington University School of Medicine in St. Louis. "Blood type match has to be acceptable and the recipient can't be already sensitized to the donor's tissue types."

The need for transplants is particularly high among minorities, especially among African-Americans. Of the 83,000 people on the national transplant waiting list, approximately fifty percent are minorities, according to United Network for Organ Sharing.

According to a recent study in the American Journal for Respiratory Critical Care Medicine, David J. Lederer, M.D., and colleagues at Columbia University College of Physicians and Surgeons in New York found that, "After listing for lung transplantation, African-American patients with chronic obstructive pulmonary disease were less likely to undergo transplantation and more likely to die or be removed from the list compared with Caucasian patients." Unequal access to care is among the likely reasons Lederer and his team cited for this disparity.

Organ donation recipients are more likely to match up to others of their own race and ethnicity. "Both blood type and tissue types have racial and ethnic patterns," Schnitzler said. That is why it is important to look into ways to increase minority organ donations.

The need for more donor organs among minority women is especially great because minority women suffer disproportionately from certain diseases of the kidney, heart, lung, pancreas, and liver that can lead to organ failure.

"Minority women are well represented as a share of the total population that donates organs, but their need for transplants is greater," said Sherry Marts, Ph.D., vice president of scientific affairs for the Society for Women's Health Research, a Washington, D.C., based advocacy organization. "Because of a shortage of appropriate donor organs, minority women often have to wait longer for doctors to find a match. Sadly, many die waiting. With more donated organs from minority women, finding a match will be quicker, waiting times will be cut and more lives will be saved."

Further complicating matters are studies that show the biological sex of the organ donor and recipient can affect transplant success. At least one study has found that the combinations least likely to result in organ rejection are female recipient-male donor, followed by male recipient-male donor.

"These findings have not yet affected clinical practice because of the organ shortage," Marts said. "Doctors can't afford to wait for the most optimal donor-recipient combination where the sex of the patients is concerned. They have to make the best decisions possible with the limited organs available. As organ preservation techniques improve, however, this could become a factor."

Health promotion and disease prevention programs are needed to shed light on the diseases and negative lifestyle choices that may increase the need for organ transplants. Diseases such as diabetes and hypertension and behaviors including alcohol and substance abuse, poor nutrition and lack of exercise are all risk factors for diseases that can cause permanent or irreversible damage to organs and tissues.

The Minority Organ Tissue Transplant Education Program is working to increase awareness for minority organ donation. This program also provides information that is vital to good health and can delay or prevent the need for organ transplants. Here are some of the program's key tips:

Have your blood pressure checked at least twice per year after age 12; Diabetics should have blood pressure checked regularly and follow diet and exercise instructions; Avoid alcoholic beverages to help prevent liver disease; Avoid use of illegal drugs such as marijuana, heroin and cocaine which cause liver disease and kidney failure; Avoid smoking cigarettes which can lead to heart and lung disease; Avoid foods high in cholesterol and saturated fats such as fried foods which can clog the arteries; Establish a regular exercise routine which should be performed at least three times per week; Visit your doctor at least once per year for a check-up.

April is National Donate Life Month. Information about organ and tissue donation is available on a special Web site from the U.S. Department of Health and Human Services: http://www.organdonor.gov/.

COMMEMORATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. ABERCROMBIE. Madam Speaker, I rise today to commemorate Asian Pacific American—APA—Heritage Month. I am pleased to celebrate this important event.

May 2008 marks 30 years since President Jimmy Carter signed a joint Congressional resolution declaring the first 10 days of May as Asian Pacific American Heritage Week. In 1992, the commemoration was extended to the full month of May.

While it's an appropriate time to note the achievements of Asian Pacific Americans, APAs, we cannot overlook the needs of the community, including a fair and sensible immigration policy. I chair the Immigration Task Force of the Congressional Asian Pacific American Caucus's, CAPAC, and I will continue to fight for the needs of family within the immigration debate.

The challenge has become much more difficult in the last year because the presidential primary campaigns have poisoned the discussion, focusing all their attention on undocumented immigrants from Mexico and calls for higher fences and tougher enforcement. Completely ignored is the fact that immigration issues facing Asian and Pacific Americans are far different. And those issues have been completely drowned out by the shrill demonization of illegal immigrants.

One of the major issues for the Asian Pacific American community is family reunification: allowing relatives of legal permanent residents, other than spouses and minor children, to immigrate legally and join their families. It can take the U.S. Citizenship and Immigration Services (USCIS) as long as 23 years to even consider an application for a family member from the Philippines.

The extended family is a foundation in many of our cultures, and it provides real benefits to the greater society as well. Families often pool resources to educate children or purchase homes and establish roots in their communities. We often see extended family networks starting businesses, providing economic development and jobs.

It is important that we move the debate on immigration past the bumper sticker solutions that have dominated the public dialog and work together to advocate for the needs of family. I believe we must find a just, practical and humane response to the 12 million undocumented immigrants living in the shadows of our society. But, we cannot forget that families that are separated tear at the very fabric of what America means. I urge my colleagues to learn more about this issue during APA Heritage Month and throughout the year, and work for comprehensive and human immigration reform for the APA community.

HONORING BARBARA KORNER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. ENGEL. Madam Speaker, Barbara Korner throughout her life, interwoven with the strands of wife, mother, and teacher are patterns that appear and reappear: Her devotion and love for the Sinai Free Synagogue makes Kehillah Kedosha (sacred congregation) a way of life in all that she does.

She reaches out to all, teaching the youngest, Beresheet Bunch, to welcoming the eldest at services; to honoring the most revered as chair of the Congregant of the Year dinner dance. She initiates new relationships and strengthens existing ones in the Women's Spirituality Circle, as well as giving herself to fundraising projects such as Honey for Rosh Hashanah.

Whether serving food during a concert, shopping for bagels for an adult education brunch, or selecting beautiful Judaica for the shop, she brings friendship and caring to the synagogue community.

She has a long history of volunteerism at Sinai Free Synagogue, and the Free Synagogue before that. She has been honored with the Congregant of the Year Award, having served as Religious School Board co-chair, Hospitality Chair for the successful congregational dinners, and co-chair to the Jewish Festival.

She was born in New York City to Ruth and Murray Zucker, and graduated from Hunter College. She taught at P.S. 100 for her entire career and met her husband Ira there. They married in 1970 and have three children, Matthew, Shelbey and Ari, and three grandchildren Daniel, Maia and Gabriel.

Barbara Korner is a vital part of the leadership at the synagogue and the community at large, with her enthusiasm, her artistic flair, and her strong sense of tikkun olam in everything she does. She has made Sinai Free Synagogue into a community, and helped to strengthen the Jewish community in Mt. Vernon.

THANKING MR. FRANK JONES FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on June 30, 2008, I rise to thank Mr. Frank Jones for his 32 years of outstanding service to the United States House of Representatives.

Frank graduated from Brook High School in Calvert County, MD and moved to DC in 1962. He started working at the Washington Post selling subscriptions. He wanted to learn a trade and decided on printing. Frank went to work at A&E Blueprinters learning all facets of the trade from 1963–1969.

Looking for a change in profession, he obtained a job at Seibert Decorators in Washington, DC in 1969. It was there that he began to learn and hone his skills as an accomplished upholsterer. Frank came to the House upholstery shop in February 1977 and worked there until his retirement.

Over the next 15 years he artfully upholstered many pieces of House furniture. Among his list of accomplishments is the upholstery shop's most valued piece of furniture, the Turkish Chair. He has trained numerous employees, teaching the techniques, touch, and feel needed to upholster this chair. He redesigned and tufted the "Sam Rayburn Chair" for the then Clerk of the House, Donald Anderson. Over the years he has worked on the Lincoln Catafalque several times, preparing it for ceremonies for Presidents lying-in-state at the Capitol. For the last 17 years he has served as Foreman of the House Upholstery Shop, passing on his wealth of knowledge and talent in the trade.

On a more personal note, Frank has always gone out of his way to ensure that all of his customers are completely satisfied. Frank has operated his own upholstery business for almost 40 years and the quality of his work and dedication to his craft are well known in the DC–MD–VA area. In addition, Frank is part owner and driver of Millennium Tours bus service. He has always been interested in team sports and played with many of his coworkers on the House Rockers softball team from the late 1980s to the 1990s in the Congressional Softball League. He now enjoys bowling and travels around the country participating in tournaments. Frank is, and always has been, very involved with his church, singing with the choir, performing solos, and participating in services.

On behalf of the U.S. House of Representatives, I personally congratulate Frank on his retirement and thank him for all he has done for this institution. I wish Frank the best and good luck in all his future endeavors.

HONORING LAWTON FIRE DEPARTMENT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. UPTON. Madam Speaker, it is my honor to rise today in recognition of the Lawton Fire Department of Lawton, Michigan on the occasion of its 150th anniversary.

Since 1858, Lawton firefighters have bravely served their fellow village residents, working endlessly to promote the health, safety, and well-being of their community. In addition to providing protection and emergency relief services, the department has actively invested itself in the Lawton community, positively impacting those lives they seek to protect.

I am proud and fortunate to represent the citizens of Southwest Michigan because we believe in continually striving to improve our quality of life. Because of the fine work of courageous men and women at the Lawton Fire Department, Michigan is truly a better place to live.

Again, it is my honor to stand today in recognition of the Lawton Fire Department for its 150 years of outstanding and selfless service to the residents of Lawton, Michigan.

CELEBRATING THE 60TH ANNIVERSARY OF ISRAELI STATEHOOD

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today in celebration of Israel's 60th anniversary of statehood.

On May 14th, 1948, David Ben-Gurion announced to the world that the State of Israel had been created. This declaration was made in accordance with the United Nations Resolution 181 which was passed in November 1947. The creation of two states was proposed, one Jewish and one Palestinian. The new State of Israel established an opportunity for Ben-Gurion and other Zionists to realize a return to the "promised land."

Although the new state would be tested immediately following its creation, its citizens, supporters and ideals would hold. Even at the conclusion of the first Arab-Israeli War, a constant barrage of state and non-state actors would seek to destroy this government. Sixty years later this battle continues, as the entire world copes with the challenging yet necessary task of respecting the beliefs of others and protecting the natural rights of all mankind.

The "land of milk and honey" is significant not only for its ability to offer refuge to a people who have been persecuted for the past 2 millennia, but to also demonstrate the global communities' determination to right wrongs and to help their fellow man. Today there are close to 7 million individuals who inhabit Israel. Although the vast majority of those persons happen to be Jewish, there are also people who follow the Christian and Arab faiths. While there happens to be conflict currently between the Jewish and Muslim populations, the possibility of Israelis and Palestinians coexisting in peace is still feasible.

As a Member of Congress, I have been blessed with the opportunity to visit Israel, to talk with those that live there and to see the success that it has become. There exists within the Eleventh Congressional District of Ohio and across the United States, a strong community of individuals who are committed to supporting our close ally. I am proud to consider myself a fellow advocate and look forward to supporting the State of Israel in the future.

May the people and the government of Israel continue to enjoy their statehood and be blessed with peace.

THE DEPARTMENT OF THE INTERIOR'S ROLE IN FILLING THE STRATEGIC PETROLEUM RESERVE AS IT RELATES TO H.R. 6022, THE STRATEGIC PETROLEUM RESERVE FILL SUSPENSION AND CONSUMER PROTECTION ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. RAHALL. Madam Speaker, on Tuesday, May 13, 2008, the House overwhelmingly passed H.R. 6022, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act by a bipartisan vote of 385–25.

This important piece of legislation is now awaiting action by the Senate, which passed a similar bill 97–1. Hopefully this bill will be on the President's desk in the immediate future, and he will sign it into law so that American consumers can experience some relief immediately.

The purpose of the bill is to temporarily halt filling the Strategic Petroleum Reserve (SPR) while oil is at recordbreaking highs. It makes absolutely no sense for the Government to be buying oil at roughly $125 a barrel and pumping it underground. While this is a modest measure to address gasoline prices, every little bit helps, as the President noted over 2 years ago. Considering that American taxpayers are paying $9 million a day to continue filling the reserve, I think halting the purchases is more than just a "little bit."

The Strategic Petroleum Reserve was created in 1975 to respond to the first Arab oil embargo of the 1970s. Originally, the Department of Energy was provided with appropriations to purchase oil to fill the SPR, but in 1999 the situation changed, and it was announced that oil taken as a "royalty-in-kind" from production in the Gulf of Mexico would be used instead. Through the end of the last fiscal year, the Department of the Interior has provided roughly 140 million barrels of royalty-in-kind oil to fill the SPR, valued at approximately $4.6 billion. Today, the SPR is almost 97 percent full, yet royalty-in-kind oil is still flowing into it at a rate of 70,000 barrels, worth, as stated above, nearly $9 million per day.

As in any government contractual undertaking, the act of suspending shipments of oil to the SPR cannot occur without some adjustments in schedules, and it will take some time as well. For example, the Department of Energy will have to suspend its contracts with those entities that are delivering the oil to the SPR, and at any given moment a huge quantity of oil is already in transit.

My interest, however, as chairman of the Committee on Natural Resources, which has primary jurisdiction over the Department of the Interior and the program that has been transferring royalty-in-kind oil to the Department of Energy, is to ensure that proper guidance and oversight is provided to that Department of the Interior.

To that end, we understand the language of Section 2(c) of H.R. 6022 to provide the necessary authority to the Secretary to terminate existing SPR-related contracts and dispose of any remaining RIK oil accordingly.

Under the terms of Federal oil and gas leases, the Federal Government is entitled to a percentage of the proceeds derived from the sale of oil and gas produced on Federal lands. The specific percentage is set by the terms of the lease, and typically ranges from 12.5 and 18.75 percent. The Secretary of the Interior is authorized to take that percentage either in the form of a cash payment or in the form of oil or gas itself. This latter method is called royalty-in-kind, RIK, and when the Government chooses to take its royalty-in-kind, it then typically sells—using private marketing companies—that oil and gas on the open market, directly competing with private firms. Currently, some of that RIK oil is not sold, but instead is directed towards filling the SPR.

Under the terms of the RIK–SPR program, the Secretary of the Interior enters into long-term transportation contracts with energy companies to deliver royalty oil from the Gulf of Mexico to an onshore market center, where title is transferred to the Department of Energy. These contracts are typically for 6-month terms, and on May 1, the Interior Department issued those contracts for the period of July 1 to December 31 of this year. These contracts have a contingency clause to convert them from purely transportation to an outright sale contracts, but there is a 45-day notification requirement before such a conversion can occur.

In order to get the oil from the onshore market center to the SPR, the Department of Energy enters into exchange contracts with energy companies. Under the terms of the exchange contract, the contractor takes title of the oil at the market center, and then delivers other oil that meets SPR specifications at one of the SPR sites. Consequently, the RIK oil does not directly flow into the SPR.

The language of H.R. 6022 directs the Secretary of the Interior to "suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program." This means that the Department must terminate its transportation contracts and suspend delivery of the RIK oil to the SPR. In order to ensure that the Department of the Interior does not end up leaving RIK oil "in the pipeline" so to speak, H.R. 6022 intends that the Secretary convert the transportation contracts into sales contracts as soon as practicable and in accordance with the terms of the transportation contracts.

This is the obvious intention of the bill, as Congress would certainly not want to strand tens of thousands of barrels of oil a day in pipelines across America. Consequently, we envision that the Department of Energy will continue to accept the oil at the market centers for as long as the Department of the Interior is contractually obligated to have it delivered, which we anticipate will not exceed 45 days from enactment of H.R. 6022.

Congressional intent in this matter is to require the Departments of the Interior and Energy to end the process of filling the Strategic Petroleum Reserve as rapidly as possible. The Department of the Interior should immediately, upon enactment of this legislation, provide the necessary notice to their contractors that RIK delivery contracts will be converted to sale contracts within 45 days.

INTRODUCTION BY CONGRESSWOMAN JANE HARMAN FOR THE PUBLIC SAFETY BROADBAND AUTHORIZATION ACT OF 2008

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Ms. HARMAN. Madam Speaker, I rise to introduce legislation that takes a modest but essential step toward solving our Nation's emergency communications crisis.

For over 6 years, I have worked passionately to prevent a tragic repetition of the communications problems that led to the deaths of hundreds of first responders on 9/11—namely, the lack of an interoperable network that would have allowed police and firefighters in the twin towers to communicate with each other. This issue has been one of my highest priorities as a policymaker.

In recent years, Congress has appropriated grant funds for first responder communications and freed 24 MHz of new spectrum for public safety use. But our efforts have fallen short. Police, fire, and emergency medical service agencies across the country still rely on a balkanized patchwork of aging radio systems that hampers interagency coordination and puts lives at risk.

This year is our best chance, and maybe our last chance for years, to change our emergency communications landscape with a single, interoperable network for all of our Nation's brave first responders.

Next February, the DTV transition will free valuable broadcast spectrum in the 700 MHz band. Last year, the Federal Communications Commission designed an innovative auction for a block of this spectrum. The winner of the so-called "D" block would be required to build a nationwide, wireless broadband network to serve both commercial and public safety users.

This sensible, market-based approach recognized that public safety agencies are cut off from the advances of the 21st century, plagued by the lack of a national communications platform and chronically short of funding. The FCC envisioned a public-private partnership to provide state-of-the-art technology to public safety users and fund a multi-billion dollar public safety network with private capital.

Unfortunately, the D block failed to attract a winning bid. In the aftermath of that failure, we have learned much about the flaws of the first auction and what we must do to get it right the second time. The FCC is now laying the groundwork for a new auction that I fervently hope will lead to a successful shared network.

Congress should be involved in this process and ensure that the Public Safety Broadband Licensee, the not-for-profit entity representing public safety in this partnership, is an independent and effective voice for first responders.

The legislation I introduce today will start a conversation about how to achieve that goal. It authorizes $4 million—a modest, interim funding stream—to help the FCC establish this new interoperable network and allows the FCC to grant part of these funds to the Public Safety Broadband Licensee to cover its administrative and operational costs.

My legislation includes requirements to ensure transparency and promote vigorous oversight by both Congress and the FCC. It prohibits the Public Safety Broadband Licensee from accepting third-party funds after receiving FCC grants and from using government funding to repay outstanding debts. The bill also mandates strict reporting requirements to the FCC and Congress.

On 9/11, hundreds of firefighters and police officers died at the World Trade Center, in part because of their hopelessly impaired communications systems. Sadly, nearly 7 years later, public safety agencies still struggle with the exact same problem.

The D block auction is our best chance to solve the interoperability crisis that will plague our response to the next natural disaster or terrorist attack. Congress should act now to ensure its success.

IN RECOGNITION OF THE RETIREMENT OF SERGEANT THOMAS SAVAGE RICE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Sergeant Thomas Savage Rice upon his retirement from the United States Army Reserve.

Sergeant Rice's commitment to his country and community spans several decades. With almost 40 years of service, Sergeant Rice has dutifully devoted his time to assignments across the Nation. Ft. Eustis, Virginia, Ft. Lewis, Washington, and Ft. McNair, Washington DC, are just a few of the many locations that Sergeant Rice has nobly served. He has ably worked in countless positions and various specialties, resulting in seven promotions over a 25 year span including his current rank of Sergeant.

Throughout his career with the United States Army and United States Army Reserve, Sergeant Rice has received numerous accolades and awards including the Joint Service Achievement Medal and the Saudi Arabian Kuwait Liberation Medal; all of which attest to his hard work and perseverance. In addition to recognition gained through his military career, Sergeant Rice lives a highly exemplary civilian life. He is a restaurant owner and serves on the board of the Florida Restaurant and Lodging Association. He was also the 2004 recipient of Florida's Good Neighbor Award from the National Restaurant Association.

The duty Sergeant Rice has performed, as well as his outstanding tenure in the military, is a reflection of the dedication and valor he possesses. Madam Speaker, on behalf of the United States Congress, I am proud to honor Sergeant Thomas Savage Rice for his enduring allegiance to our great Nation and the State of Florida.

ECONOMIC CONDITIONS IN GAZA MUST BE IMPROVED

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. KUCINICH. Madam Speaker, since late January 2008, the 1.5 million people in Gaza have been enduring an Israeli-imposed blockade. The blockade effectively restricts the entry of food, clean water, fuel, and medical supplies. The lack of basic goods has severely deteriorated Gaza's health, social fabric, and economy.

The World Bank reports that since Hamas ousted Fatah from Gaza last June, 90 percent of businesses have shut down, costing workers more than 100,000 jobs. Due to the closure of Gaza's borders and its inability to import raw materials, farmers and businesses are unable to produce and export their goods leaving nearly half a million people without an income.

I encourage the Bush Administration to do everything it possibly can to improve the economic livelihood of Gaza's population so that they do not become the tragic victims of Israel's national security policies. In particular, the Bush Administration should consider:

Expanding the list of food items permissible for import into Gaza. Presently only twelve basic food items are allowed entry into Gaza and this does not include salt or cattle;

Allowing entry of seed, seedlings, fertilizers, and chemicals necessary for farmers to continue growing basic goods for humanitarian needs and consumption;

Permitting the entry of raw materials intended for use by private sector Gaza-based factories. More than 800 factories have been shut down in Gaza since the blockade, exacerbating its unemployment conditions;

Extending, on an urgent basis, the reach of recently launched West Bank initiatives of the small loans and mortgage funding in order to provide micro-lending to small businesses and to stimulate peaceful economic activities;

Encouraging, and allowing entry of, European and other foreign technical staff to enter Gaza and engage in assisting the private sector as well as non-governmental organizations in Gaza; and

Permitting entry of construction materials into Gaza necessary for the completion of $300 million dollars worth of projects which have been suspended due to material shortages. These projects fall under the umbrella of international organizations including the United Nations Relief Works Agency, the United Nations Development Program, and the World Bank. The necessary materials can be earmarked for specific projects and their implementation can be supervised by these international organizations thereby avoiding improper usage.

I urge the U.S. Administration to help end the humanitarian crisis in Gaza and ensure the health, safety, and security for Palestinians and Israelis.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. SIRES. Madam Speaker, I would like to state for the record my position on the following vote I missed on Tuesday, May 13, 2008. If present, I would have voted "yes" during rollcall No. 306 on H. Res. 1181, Expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. HINOJOSA. Madam Speaker, I regret that I was unavoidably detained in my Congressional District in Texas on Tuesday, May 13, 2008. Had I been present, I would have voted "yes" on rollcall votes 306, 307, and 308.

ISRAEL'S 60TH ANNIVERSARY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. SESTAK. Madam Speaker, I rise today to congratulate and honor Israel on the 60th anniversary of its founding—May 14, 1948. Over the past 60 years, the United States and Israel have developed a close friendship based on our common democratic values and security interests. I strongly believe that it is in our Nation's best interest to further strengthen our relations with Israel and create a peaceful Middle East.

There are over 3,500 Holocaust survivors living in the Greater Philadelphia region, and many are in my district. These men and women serve as a constant reminder to me to the history and birth of this nation. I have been to Israel numerous times in the Navy, and I recently met with Israeli Ambassador to the United States, Salai Mender, and Commander-in-Chief for the Israeli Navy, Eli Marom, to discuss how our countries' relationship can be developed further.

Our conversation touched on our nations' economic relationship: the United States is Israel's top trading partners and American companies have significant investments in Israel's economy. I believe Congress has vested interest in continuing this economic relationship.

Furthermore, we discussed the state of Israeli's military as well as foreign affairs, from Iraq and the Global War on Terrorism to the close relationship between Israel and the United States and their militaries. I firmly believe our economies would mutually benefit including the potential of a joint venture between the United States and Israel, such as the development of Littoral Combat Ships.

Joint ventures would result in great mutual benefit by providing not only greater interoperability between American and Israeli militaries—while also driving down costs for procurement by working together—but would also greatly enhance the already strong relationship between these two countries.

More than our common bond of trade and security, however, our people share the common belief of Theodore Herzl, who once said "if you will it, it is no dream." A safe and secure Israel is necessary not only for the people of Israel, but for the future of the democratic world. I stand here to affirm my commitment to enhancing the relationship between our nations and to congratulate Israel on its 60th anniversary.

JEWISH AMERICAN HERITAGE MONTH

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. WEXLER. Madam Speaker, it is an honor to join my colleagues in observing the third annual Jewish American Heritage Month, JAHM, which takes place over the entire month of May.

As you know, Jewish American Heritage Month allows us to annually recognize the historic contributions of the Jewish community to our Nation. The Jewish community has a rich history in the growth of America as we know it today, dating back nearly four centuries to the founding of our country, and it is essential that Congress along with local and State officials work together to promote greater awareness about the contributions of this multi-faceted group of people to the fabric of America.

While American Jews make up only a small percentage of our Nation's population, their contributions have been significant in a number of arenas including technology, literature, entertainment, politics, and medicine, as well as many other parts of our society and culture. In celebration of these contributions, communities across the Nation—including many in South Florida, which I am privileged to represent—have scheduled creative programming and discussion to honor these great Jewish Americans who have helped build this Nation.

The programming, which will take places across the country, will also provide an important platform for the discussion of Judaism and Jewish culture in areas of our Nation where Americans have had little or no interaction with members of the Jewish community. Given that anti-Semitism unfortunately remains prevalent throughout the country, it is more important than ever that we work to break down barriers and address ignorance and intolerance, which too often leads to anti-Semitism, xenophobia, and hate.

I am proud to stand with the American Jewish Community during the month of May to highlight past achievements and the ongoing contributions of a community that cares deeply about the well-being and future of this Nation. I urge all of my colleagues as well as the American people to join me in recognizing the myriad of contributions of the American Jewish community throughout this month and to take concrete steps to observe JAHM.

RECOGNIZING THE DEPARTMENT OF INTERIOR 2008 HONOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. Each year, the Department of the Interior recognizes individuals who have contributed immensely to their departments with the Honor Awards Ceremony.

There are several types of Honor Awards that can be awarded to an employee: the Distinguished Service Award, the Safety Award, and the Valor Award. The Distinguished Service Award recognizes individuals that have gone above and beyond expectations and contributed to the Department. The Safety Award recognizes safety and health employees who performed outstanding service and played an important role in the Department. The Valor Award is given to individuals that demonstrated courage when they faced dangerous situations.

It is with great pride that we enter into the record the names of the recipients of the 2008 Honor Awards. Receiving the Distinguished Service Award: Ms. Barbara L. Chadwick; Mr. Robert Labelle; Mr. David Bama; Mr. Bruce Sheaffer; and The Safety Award: Ms. Louis Rowe.

Mr. Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Department of Interior. Their efforts, made on behalf of the American public, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

PERSONAL EXPLANATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I wish to clarify my vote on Ordering the Previous Question on the Rule for the Conference Report on S. Con. Res. 70, the Budget Resolution.

In the 109th Congress, the Florida delegation, on a bi-partisan basis, worked hard to protect Florida's environmental treasures. The bill we achieved passage of, Public Law 109–432 (HR 6111), provided Florida with 125 mile protection off our coast. Furthermore, the legislation codified the ban on drilling within the "military mission line"—approximately 234 miles from Tampa—to provide even more protection for Florida's west coast through the year 2022. I strongly support the current ban. I also believe other states should have the right to search for energy if they wish to do so.

LETTER TO PRESIDENT BUSH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. KUCINICH. Madam Speaker, I sent the following letter to the President on May 13, 2008:

President GEORGE W. BUSH,
1600 Pennsylvania Avenue, NW., Washington, DC.

DEAR PRESIDENT BUSH: I strongly urge you to reconsider Secretary of State Condoleezza Rice's trip to the Czech Republic in early June to sign the European Ground-Based Mid-Course Defense, GMD, agreement. You have urged that the United States Ballistic Missile Defense System must include a European theatre to defend the country against an Iranian deployment of Intercontinental Ballistic Missiles, ICBM. I remain unconvinced that the arguments for the European GMD are valid.

The claim that the GMD will prevent a missile attack on the United States stands in contravention of the facts. Iran would have to overcome the many technical difficulties associated with development and deployment of long-range ballistic missiles. The longest range missile that Iran has tested is 1,600 kilometers. The straight line distance from Tehran to Washington, D.C. is 10,186 kilometers. The United States has never deployed a missile with this range. Our longest range missile, the MX or Peacekeeper, has a range of approximately 8,000 kilometers. Only five countries have deployed any long-range ballistic missiles to date.

In fact, it is conceivable that the U.S. will have its own technical difficulties to overcome before such a system can be proven viable. Two stage interceptors, proposed to be used in the European GMD, have never before been flight tested and therefore have no proven track record of viability. The Test and Evaluation department of the Pentagon cautions that many more tests under realistic conditions would be needed before conceding our capability to shoot down an offensive missile.

The citizens of the Czech Republic and Poland clearly reject the proposed agreement. Public opinion polls in the Czech Republic reflect strong opposition to the placement of the radar in their country. A poll conducted in the summer of 2007 shows that three-quarters of the population is calling for a public referendum on the proposed agreement. Opinion polls show that a consistent majority of the Polish public is opposed to the agreement and argues that they feel no particular threat from Iran. However, they indicated that the installment of interceptors would strain diplomatic relations with Russia. Similar concerns have been voiced about the prospect of Czech participation in the installment of the radar.

The GMD proposal has by some accounts exacerbated U.S.-Russia relations. The U.S. has shared information but not meaningfully cooperated with Russia in these negotiations. Because the Czech Republic and Poland fall within the boundaries of former Russian influence, U.S. actions with regard to the GMD have been perceived by Russia as an intrusion. There can be no doubt that U.S. efforts to impose the GMD are perceived as an obstruction to the diplomatic ties between our nations.

Assertions made by the Administration that the U.S. ICBM system could be used to protect the European Union reflect a flawed policy. If the Administration is concerned about the threat of ICBM attack on Europe it should cooperate with the international community to address these concerns instead of pursuing even more unilateral international policing. NATO is a better forum in which to address these concerns.

The timing of Secretary Rice's trip to sign the agreement is also questionable. The Conference Report for the FY 2008 Department of Defense, DOD, authorization requires an independent assessment of the two stage interceptors as well as an independent analysis to assess alternatives to the European GMD. The assessment will not be released until after Secretary Rice's trip. If the assessment finds the GMD and the interceptors to be as unnecessary, unviable, and counterproductive to diplomacy as I have outlined in this letter, it will make it difficult to turn back. Additionally, the December 2007 National Intelligence Estimate on Iran states that Tehran halted its nuclear program in 2003 and as such, reaffirms the lack of an impending nuclear threat to the United States from Iran. This further confirms that there is no urgent need to sign a formal agreement with the Czech Republic in June.

The viability, necessity and prudence of the fulfillment of a formal agreement with both the Czech Republic and Poland on the European GMD are called into question. Furthermore, this $4 billion project will be solely funded by U.S. taxpayers. I urge you to cancel the upcoming trip by Secretary Rice to the Czech Republic and instead focus on the more pressing diplomatic efforts that are needed to protect U.S. security through our relationships with the international community.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

CELEBRATING ISRAEL'S 60TH ANNIVERSARY

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. TIAHRT. Madam Speaker, congratulations to the people of Israel and their fore bearers on the 60th anniversary of the re-establishment of the State of Israel. Born out of genocide and conflict, the modern State of Israel has developed into a free, democratic and prosperous country. An unfailing ally of the United States, Israel is a beacon of freedom and religious tolerance in the Middle East. I am honored to strongly support the modern State of Israel and reaffirm the bonds of close friendship and cooperation between the United States and Israel.

The narrow strip of land that now constitutes modern Israel has been important to the Jewish people for four millennia, and the first Jewish kingdom was established in this region over 3,000 years ago. Although forced to emigrate from the historical Jewish homeland over the centuries, the Jewish people have continuously yearned for and often returned to their home. History shows that waves of Jewish people returned to the Holy Land at the very least during the 12th, 15th, 16th, and 18th centuries. Large-scale migration back to Israel started in the late 1800s and continues through today.

On November 29, 1947, the United Nations General Assembly formally approved the partitioning of the British Mandate of Palestine and the creation of a Jewish State. On May 14, 1948, the people of Israel proclaimed the establishment of the modern State of Israel. Under the leadership of President Harry S. Truman, the United States was the first nation to recognize the State of Israel and establish full diplomatic relations.

Over the course of three wars, countless military operations, constant terrorism, and unjustified diplomatic and economic boycotts, Israel's existence has been continuously threatened. But, through it all, the Jewish people have remained vigilant and continue to build a strong and vibrant state.

Today, Israel has one of the leading economies in the Middle East, while maintaining a strong commitment to human rights, freedom of speech, press and religion, and democratic values. With open and free elections, and an independent judiciary, Israel remains the most democratic country in the region.

Since the creation of the modern State of Israel, the hallmark of the relationship with the United States has been a strong friendship. Israel has been a trusted military ally and partner for six decades. The close relationship between our governments and continued military assistance are essential for promoting democracy and peace in the Middle East and throughout the world.

In times of humanitarian need or global crisis, the United States can always count on Israel to stand close and provide assistance. From contributing search-and-rescue teams following the 1998 bombings of the American Embassies in east Africa, to providing humanitarian aid following the 2005 devastation of the

Gulf Coast from a series of hurricanes, the State of Israel has always been a stalwart friend to the American people. The United States must remain committed to supporting the State of Israel.

It is important to honor this historic milestone. The United States Congress and the American people look forward to continued growth and success of the State of Israel. I ask that all my colleagues honor this important anniversary.

A TRIBUTE TO THE LIFE OF ERNEST S. KINNEY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Ernest S. Kinney of Fresno, California who recently passed away at 63 years of age. He leaves behind a loving wife, Marion, two children and several grandchildren.

Mr. Kinney was born and raised in Bishop, California. In 1962 he went to Fresno State to play football, and in 1965 he served as student body president and President of the 16th State College Student President's Association. Upon graduating from Fresno State he joined the U.S. Marine Corp in 1968 and served as a Captain until 1971.

After his military career Mr. Kinney attended the San Joaquin College of Law while working as a social worker during the day. He graduated as part of the school's second graduating class in 1975 and was inducted into the Hall of Fame in 2007.

After only two and a half short years Ernest established his own private practice in 1978 and formed the Ernest S. Kinney Law Corporation. During more than three decades of practicing law he gained the respect of the entire community. He was tough and dedicated and admired by his colleagues, and he will be remembered mostly for his colorful character and his skills in the courtroom.

Ernest enjoyed the simple things in life like going to football and basketball games with friends, going to the beach with his grandchildren and lunches with his friends. He had passion and he loved people.

It goes without saying that Mr. Ernest Kinney was one of kind. His commitment to family and clients will forever live in the lives of the people he touched. His passion for justice under the law will be remembered by all who knew him. I am honored and humbled to join his family in celebrating the life of this amazing man who will never be forgotten.

INTRODUCTION OF THE SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. OBERSTAR. Madam Speaker, together with Transportation and Infrastructure Committee Ranking Member JOHN L. MICA and Highways and Transit Subcommittee Chairman PETER A. DEFAZIO, I am pleased to introduce H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008."

We are introducing this bill to promote energy savings through increased public transportation use in the United States. Recently, public transportation has experienced a renaissance in American cities and towns. In 2007, Americans took over 10.3 billion trips on public transportation, the highest level in 50 years. Public transportation use is up 32 percent since 1995, a figure that is more than double the growth rate of the population and is substantially over the growth rate for the vehicle miles traveled on our Nation's highways for that same period. All around the country, voters continue to approve state and local ballot initiatives to support public transportation, even when it means local taxes will be raised or continued.

As the price of gas approaches $4 a gallon, even more commuters are choosing to ride the train or the bus to work rather than drive alone in their cars. Transit systems in metropolitan areas are reporting increases in ridership of 5, 10, and even 15 percent over last year's figures. Some of the biggest increases in ridership are occurring in many areas in the South and West where new bus and light rail lines have been built in the last few years.

Meeting this impressive new demand for public transportation services is no small task for our transit agencies. While recordbreaking numbers of commuters are riding transit, the cost of fuel and power for public transportation has sharply increased, and the slowing economy means less local money is available to increase or even maintain transit services. This bill provides much needed support to public transportation agencies and increases incentives for commuters to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil.

A primary objective of H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008," is to reduce the United States dependence on foreign oil by encouraging more people to use public transportation. According to a recent study, if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia each year.

To increase public transportation use across the United States, H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008," authorizes $1.7 billion in funding over 2 years for transit agencies nationwide that are temporarily reducing transit fares or expanding transit services to meet the needs of the growing number of transit commuters. The National Surface Transportation Policy and Revenue Study Commission, established to develop a national transportation vision to address surface transportation needs for the next 50 years, calls for a total annual investment of between $26 billion to $46 billion for public transportation. We consider this bill an important first step in increasing our investment in public transit infrastructure.

H.R. 6052 also increases the Federal share for clean fuel and alternative fuel transit bus, ferry or locomotive-related equipment or facilities, thereby assisting transit agencies in reducing transportation-related emissions. In fiscal years 2008 and 2009, the increased Federal share for these activities is 100 percent of the net capital cost of the project. Public transportation use is estimated to reduce carbon dioxide emissions by 37 million metric tons annually. When a solo commuter switches from a single occupancy vehicle to a transit commute, this single mode shift can reduce carbon dioxide emissions by 20 pounds per day—more than 4,800 pounds in a year. This provision will allow American commuters to further decrease their greenhouse gas emissions.

H.R. 6052 also extends the Federal transit pass benefits program to require that all Federal agencies offer transit passes to Federal employees throughout the United States. Current law requires that all Federal agencies within the National Capital Region implement a transit pass fringe benefits program and offer employees transit passes. This requirement originated from Executive Order 13150, signed by President Clinton on April 21, 2000. The Executive Order also required the Department of Transportation, the Environmental Protection Agency, and the Department of Energy to implement a nationwide 3-year pilot transit pass benefit program for all qualified Federal employees of those agencies.

Data from the Washington Metropolitan Area Transportation Authority covering the first 3 years of the National Capital Region transit pass program show that more than 15,500 automobiles were eliminated from roads in the Washington, DC, area as a result of Federal employees shifting their travel mode away from single occupancy vehicle, SOV, use to public transportation use for commuting to work. The Department of Transportation estimated that emissions and energy savings from this mode shift included the reduction of more than 8 million gallons of gasoline, nearly 40,000 tons of carbon dioxide, and over 675 tons of carbon monoxide for each of the 3 years that they studied. DOT also studied the results of the nationwide pilot program and found that, within the three covered agencies, 11 percent of the participants shifted their travel mode away from SOV use to public transportation use for commuting to work, again producing marked energy and emissions savings, reduced congestion and cleaner air.

The Department of Transportation has determined that both the National Capital Region transit benefits program and the nationwide pilot program produce marked energy and emissions savings, congestion reductions, and cleaner air, and recommends that the transit pass benefits program be extended to Federal employees nationwide. This provision will implement the Department's recommendation by providing more Federal employees the incentives to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil.

H.R. 6052 also creates a pilot program to allow the amount expended by private providers of public transportation by vanpool for the acquisition of vans to be used as the non-Federal share for matching Federal transit funds in five communities. Under current law, only local public funds may be used as local match; this pilot program would allow private funds to be used in limited circumstances.

The provision will require the private providers of vanpool services to use revenues they receive in providing public transportation, in excess of their operating costs, for the purpose of acquiring vans, excluding any amounts that the providers may have received in Federal, State, or local government assistance for such acquisition. The Department of Transportation will implement and oversee the vanpool pilot projects, and will report back to Congress on the costs, benefits, and efficiencies of the vanpool projects.

Finally, H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008," increases the Federal share for additional parking facilities at end-of-line fixed guideway stations. This provision increases the total number of transit commuters who will have access to those facilities.

Public transportation use in all of its forms—bus, rail, vanpool, ferry, streetcar, and subway ridership to name a few—saves fuel, reduces emissions, and saves money. The direct petroleum savings attributable to current public transportation use in the United States is 1.4 billion gallons per year. When the secondary effects of transit availability on travel are also taken into account, the equivalent of 4.2 billion gallons of gasoline is saved annually—more than 11 million gallons of gasoline per day.

Increasing public transportation use by providing incentives for commuters to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil, as well as decreasing their greenhouse gas emissions, is a priority of this Congress.

I look forward to working with my colleagues to pass this important legislation.

HONORING WILLIAM KEARNEY OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Mr. Bill Kearney, who is being honored by the Lakeside Wellness Foundation for his years of service to the citizens of Lake County. Mr. Kearney is being recognized for his outstanding contributions to Sutter Lakeside Hospital as well as the community at large.

Bill is deservedly known as "Mr. Community." Having previously served in the US Army in both Korea and Vietnam, he has since served on the Board of Sutter Lakeside since 1999 and has been President of the Board since 2005. He has given countless hours to the hospital over the years and always goes the extra mile, be it helping with physician recruitment or serving as a community ambassador. He also serves as the emcee of the annual Lake County Stars awards, lending his considerable charm and wit to what is always a memorable evening.

Mr. Kearney is not only a hero in the Lake County non-profit and health care communities, but a business leader as well. He owns two successful pharmacies and hosts a radio show discussing health issues. Bill is equally generous with his time and abilities in the business community. He has served two terms as President of the Chamber of Commerce and is affiliated with all local service organizations. He also leads the co-op for small pharmacies in Northern California.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Bill Kearney for his many years of service. He has been a model citizen and leader in Lake County, his presence has enriched the lives of everyone in our community and I am honored to call him a friend. I join his wife Dana, four children and twelve grandchildren in wishing him continued success and fulfillment.

HONORING THE 60TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. LIPINSKI. Madam Speaker, sixty years ago today, as the world was still recovering from the horrors of the Second World War and the devastation of the Holocaust, the modern state of Israel was founded.

In the sixty years since its founding, Israel has overcome numerous security threats while serving as a model democracy in the Middle East and a beacon of freedom in the region. Importantly, Israel has also been one of America's strongest and most steadfast allies.

In fact, the strong relationship between our two countries dates back to Israel's very founding.

Within eleven minutes of Israel's declaration of Independence, President Harry Truman formally recognized the new nation and established America as Israel's first and closest friend.

Today, the strong partnership between our two countries continues through commerce, educational links, familial ties, and joint efforts to stabilize and bring peace to the Middle East.

So as we mark this important date and pay tribute to Israel's founding, let us also recommit to a continued friendship and partnership with Israel and a renewed dedication to securing a lasting peace in the Middle East.

CELEBRATING 60 YEARS OF REMARKABLE ACHIEVEMENTS BY OUR FRIEND AND ALLY ISRAEL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. HOLT. Madam Speaker, as we celebrate the 60th anniversary of the founding of Israel, I am proud that the United States and Israel have built a strong, unique, and special relationship.

It took the United States, under President Harry Truman's leadership, only 11 minutes after Israel had been declared a state to officially welcome her into the community of nations. After, President Truman said, "I had faith in Israel before it was established, I have faith in it now. I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization."

The creation of the State of Israel was a bold step in May of 1948. The first prime minister of Israel, David Ben-Gurion, once said that "courage is a special kind of knowledge: the knowledge of how to fear what ought to be feared and how not to fear what ought not to be feared." It is from such courage that the State of Israel was formed and from which Israel continues to maintain its vibrant and strong democracy today. We can all learn examples from the struggles that the citizens have endured and the grief they have overcome to remain a democratic outpost in the Middle East.

The achievements of the Israeli people and their government over the past 60 years are remarkable. For instance, when it comes to education, well over half of Israelis aged 20-24 are enrolled in one of the country's institutions of post-secondary or higher education. Healthcare is guaranteed by law—for all Israelis—from infancy to old age. As for agriculture, the country produces almost 70 percent of its food requirements—from land that was once not remotely capable of sustaining crops or livestock. Finally, despite the growing demand for expansion of farmland and industrial centers, the Israeli government has set aside land for 150 nature reserves and 65 national parks throughout the country, with several hundred additional sites in planning. While these achievements are each remarkable in their own right, they are only a sample of what Israel has accomplished in a mere 60 years.

As a lifelong supporter of our most important ally in the Middle East, I have had the pleasure of traveling to Israel. These visits have only reinforced my strong conviction that Israel, like all states in the world, has the right to respond in self-defense to protect her sovereignty and citizens.

As chairman of the House Committee on Appropriations Special Intelligence Oversight Panel, I know that Israel has been a loyal and cooperative partner in combating terrorism. Our country has a lot to learn from Israel and her experiences with acts of terrorism.

As Israel continues to face threats from her neighbors, America must continue to stand with her. Additionally, a strong American relationship with Israel is essential for regional stability. We have a responsibility to help Israel stand up to and prevent terrorist attacks. Last year, I supported $2.4 billion in military assistance for Israel, and will continue to support additional U.S. foreign assistance for Israel.

I also strongly believe that the United States must remain actively engaged in ensuring a peaceful settlement of the current conflict between the two parties.

It is essential that the United States become more involved diplomatically to help diffuse conflicts like the one in Lebanon two summers ago and help move the parties to a broader settlement that will defang the militant and terrorist factions and will result in a peaceful Middle East and a viable two states.

Much work remains unfinished. We are all troubled by the daily rocket attacks by Hamas from Gaza against innocent civilians in Israel. Israel clearly has a right to defend herself against these deadly attacks. This has been yet another unique year for Israel, full of challenges that were admirably met.

I am pleased to join with the Jewish community of New Jersey and all Americans in celebrating 60 years of Israel's existence as a beacon of democracy and hope in the Middle East. I look forward to future anniversaries, and to the day when Israel and her citizens can live in peace without fear.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 15, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 20

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nomination of Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development.

SD–538

Energy and Natural Resources

To hold hearings to examine energy and related economic effects of global climate change legislation.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine plant closings, focusing on workers rights and the Worker Adjustment and Retraining Notification (WARN) (Public Law 100–379) Act's 20th anniversary.

SD–430

Judiciary

To hold hearings to examine global internet freedom, focusing on corporate responsibility and the rule of law.

SD–226

10:30 a.m.

Foreign Relations

To hold hearings to examine agreement on Extradition between the United States of America and the European Union (EU), signed on June 25, 2003 at Washington, together with twenty-two bilateral instruments which subsequently were signed between the United States and each European Union Member State in order to implement the Agreement with the EU. The Agreement includes an explanatory note which is an integral part of the Agreement (Treaty Doc. 109–14), extradition Treaty between the United States of America and the Government of the Republic of Latvia, signed on December 7, 2005, at Riga (Treaty Doc. 109–15), extradition Treaty between the United States of America and the Government of the Republic of Estonia, signed on February 8, 2006, at Tallinn (Treaty Doc. 109–16), extradition Treaty between the United States of America and the Government of Malta, signed on May 18, 2006, at Valletta, that includes an exchange of letters that is an integral part of the treaty (Treaty Doc. 109–17), extradition Treaty between the United States of America and Romania (the "Extradition Treaty" or the "Treaty") and the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters (the "Protocol"), both signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), extradition Treaty between the Government of the United States of America and the Government of the Republic of Bulgaria (the "Extradition Treaty" or the "Treaty") and the Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria (the "MLA Agreement"), both signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), treaty Between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters, signed at Stockholm on December 17, 2001 (Treaty Doc. 107–12), mutual Legal Assistance between the United States of America and the European Union (EU), signed on June 25, 2003, at Washington, together with 25 bilateral instruments that subsequently were signed between the United States and each European Union Member State in order to implement the Agreement with the EU, and an explanatory note that is an integral part of the Agreement (Treaty Doc. 109–13), and treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed on July 28, 2006, at Kuala Lumpur (Treaty Doc. 109–22).

SD–419

Homeland Security and Governmental Affairs

To hold hearings to examine financial speculation in commodity markets, focusing on institutional investors and hedge funds contributing to food and energy price inflation.

SD–342

11 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Defense.

SD–192

2:15 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

S–116, Capitol

2:30 p.m.

Judiciary

To hold hearings to examine protecting the constitutional right to vote for all Americans.

SD–226

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

2:45 p.m.

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine Pakistan's Federally Administered Tribal Areas (FATA) challenge, focusing on securing one of the worlds most dangerous areas.

SD–419

MAY 21

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nomination of Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

S–216, Capitol

9:15 a.m.

Foreign Relations

To hold hearings to examine treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110–07), and treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110–10).

SD–419

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR–418

10 a.m.

Judiciary

To hold hearings to examine the skyrocketing price of oil.

SD–226

MAY 22

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General David H. Petraeus, USA, for reappointment to the grade of general and to be Commander, United States Central Command, and Lieutanant General Raymond T. Odierno, USA, for appointment to the grade of general and to be Commander, Multi-National Force-Iraq.

SD–106

10:30 a.m.

Aging

To hold hearings to examine improving Medicare for the most vulnerable, focusing on senior citizens at risk.

SH–216

2 p.m.

Judiciary

To hold hearings to examine closing the justice gap, focusing on providing civil legal assistance to low-income Americans.

SD–226

JUNE 3

9:30 a.m.
Armed Services
To hold hearings to examine the acquisition of major weapons systems by the Department of Defense.
SD–106

JUNE 4

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine veterans disability compensation, focusing on undue delay in claims processing.
SR–418

JUNE 5

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine off-highway vehicle management on public lands.
SD–366

JUNE 26

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending calendar business.
SR–418

POSTPONEMENTS

MAY 20

10 a.m.
Energy and Natural Resources
To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109–58).
SD–366

HOUSE OF REPRESENTATIVES—*Thursday, May 15, 2008*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our Stronghold and Provident Protector, on this May 15, designated as Peace Officers Memorial Day, we turn to You with great gratitude and heartfelt petition. Today, we pay tribute to all the men and women who serve in law enforcement across this Nation. We thank You for calling them into public service and ask You to be close to them always.

In a special way we commend to You, Lord, our Capitol Police. Each day, with courtesy and professional care, they guide and protect all who work here on Capitol Hill with all our guests and visitors. Willing to stand between us and all that could harm us, they serve with dignity and excellence.

Bless them, Lord, their families and friends. Answer their prayers and reward them for their selfless efforts on behalf of others. They are the shield You provide, and they maintain Your gift of peace on Capitol Hill.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 6022. An act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

H.R. 6051. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 5 requests for 1-minutes on each side.

NEW DIRECTION FOR AMERICAN AGRICULTURE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, yesterday this House passed a bipartisan, veto-proof farm bill strengthening American agriculture.

We successfully voted to ease the strain of rising food prices and to make a substantial commitment to land conservation and to our farmers. I want to give special recognition to Chairman COLLIN PETERSON for his leadership and for his visit to Missouri to hold an agricultural forum where we have over 100,000 farms, the second most of any State in the country.

Since first being elected, I have been working with local schools and parents to implement a Healthy Kids Initiative. I'm proud that this farm bill helps schools provide healthy snacks to students, with over $1 billion for more nutritious, locally grown fresh fruits and vegetables.

And for the first time, fruit and vegetable producers, including the wine producers of Ste. Genevieve, Missouri, will benefit from more than $1.3 billion for new programs that support research, pest management, and trade promotion.

To make the transition from homegrown biofuels from the Midwest and away from dependence on fossil fuels from the Middle East, the bill creates new tax credits to promote the production of cellulosic biofuels.

Thank you, Chairman PETERSON, and all those who supported this new direction for American agriculture.

BLACK CLOTH OF SACRIFICE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, today the badges of American peace officers are draped with the black cloth of sacrifice in honor of those killed in the line of duty protecting America's people.

Even though Congress has not yet passed legislation this year to designate today, May 15, as National Peace Officers Memorial Day, this is the day we remember America's peace officers.

Today at 1 o'clock in the afternoon in front of the Capitol, thousands of peace officers and families of the fallen will pay tribute to those who wear the badge and those who gave their life so that others could live.

Peace officers are the last strand of wire in the fence between the law and the lawless, between the people and the barbarians, between good and evil.

Almost 20,000 peace officers have been killed in the line of duty in the United States. 60,000 a year are assaulted. Nearly 1 million peace officers vigilantly, faithfully patrol our streets, neighborhoods and rural communities and cities. We owe them our heartfelt respect and gratitude.

Madam Speaker, peace officers who wear the badge are, as my dad used to say, "A cut above the rest of us."

And that's just the way it is.

ASIAN PACIFIC ISLANDER AMERICAN HERITAGE MONTH

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise as a member of the Congressional Asian Pacific Islander American Caucus to pay tribute to the millions of Americans of Asian and Pacific heritage for their valuable contributions to our great country.

The district I represent has benefited from the economic and social contributions from the Asian and Pacific Islander Americans. That includes the Cities of Monterey Park, known as Little Taipei, Rosemead and West Covina, as well as other neighboring communities in San Gabriel Valley. In my district, there are approximately 120,000 API descendants.

For example, according to the Chamber of Commerce, Chinese Americans own at least two-thirds of Monterey Park's more than 5,000 businesses.

Many of the constituents I represent came to America in the hopes of providing for their loved ones and plan to reunite with their families.

This month comes at a tough time, especially for many of those of Asian descent, particularly those that were affected by the recent earthquake in China. My sympathies go to their families.

I look forward to continuing to work with the API community and others to bridge the gap to provide better services to all our residents and grow our economy.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COUNTY PAYMENTS: CROOK COUNTY, OREGON

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. WALDEN of Oregon. Madam Speaker, by refusing to renew the Federal county payments program, Congress has broken the bond with rural areas all across this country. Counties such as Crook County in Oregon have been affected.

Congress' inaction means that county's road department's been whacked. It's half what it was 10 years ago. Road improvements needed for the future are being shelved. Maintenance projects are being put on hold.

Crook County Judge Scott Cooper said: "Congress just passed a new farm bill to help get products from farm to market, but without county payments, the products won't have roads or bridges to go over."

H.R. 3058 would help solve this. It's a bipartisan, 4-year authorization for county payments; yet the leadership of this House has held it hostage on the Union Calendar since January 15. That's 121 days that the Democratic leadership has prevented the House from voting to reauthorize the county payments program.

It's time to restore the Federal Government's century-old commitment to rural timbered communities, where Federal lands make up the bulk of the area.

I call on the Democratic leadership once again, free H.R. 3058 for a vote, and keep the roads and schools open in rural America.

HONORING THE LIFE OF BISHOP LEWIS DOLPHIN STALLWORTH, SR.

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Madam Speaker, I ask my colleagues to join me in honoring the life of Bishop Lewis Dolphin Stallworth, Senior, who passed away after a courageous battle with kidney disease.

Born in Welty, Oklahoma, in 1923, Bishop Stallworth found his life's calling with the church and the community.

Bishop Stallworth was a leader in the community, his influence extending far beyond the church that he founded in 1963. Bishop Stallworth volunteered as a police chaplain, hosted a weekly radio program, and frequently participated in local community functions. He also used his church as a place of learning, opening a school, originally located in the church basement, to educate young people.

He even organized a group of young men known as Stallworth's Soldiers, counseling them to get an education, stay out of trouble, and become model members of the community.

As evidence of Bishop Stallworth's enduring character and unparalleled passion, his love for his family, church and community, less than 5 weeks after his death, hundreds have already petitioned the school district to consider naming a school after him.

I ask my colleagues to join me in honoring the memory of Bishop Lewis Dolphin Stallworth, Senior.

CONGRATULATIONS GREATER LATROBE ICE CATS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the Greater Latrobe Ice Cats who were crowned Pennsylvania Ice Hockey State Champions on Saturday, March 29.

This is the first championship won by the Ice Cats in their 28-year history and only the second time in school history that a team has won a state championship.

The Ice Cats defeated the Conestoga Pioneers at Memorial Arena in Johnstown.

Head Coach Ron Makoski, who led the team to victory, reminded the players that, win or lose, playing in a State championship would be something that each of the players would remember for the rest of their lives. I have no doubt that each of these players will remember this experience with great pride.

So congratulations to the Ice Cats, the players, the coaches and parents for capturing the Pennsylvania Cup Class AA Championship.

I know the school and community join me in best wishes to the team for their tremendous victory and distinguished season.

LIHEAP FUNDING

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, I rise today in support of fully funding the Low-Income Home Energy Assistance Program, known as LIHEAP. With energy prices at record levels, it is critical that Congress provides adequate LIHEAP funding to protect low-income seniors and families from the bitter cold in the winter and the extreme heat in the summer.

Because of rising energy prices and limited LIHEAP funding, 62,000 Pennsylvania households that were supposed to receive funding this year did not. Many of the families across the country who were not able to obtain LIHEAP funds will be forced to decide between paying their energy bill or purchasing other necessities like food or medicine. This is a decision that no hardworking family should have to make.

Madam Speaker, LIHEAP provides millions of low-income Americans with some relief from ever rising energy prices, but there are millions more that could use the help. I urge all of my colleagues to fully support funding for LIHEAP.

☐ 1015

A SUPPLEMENTAL FOR THE TROOPS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, today the House of Representatives will debate an emergency supplemental spending bill meant to provide needed resources to our military. It should only provide money for the brave men and women fighting terrorists in Iraq and Afghanistan to protect American families at home. It is, therefore, disappointing that the supplemental bill crafted by the Democratic leadership contains billions of dollars in nonemergency spending.

While there may be components of the bill that should be debated, this is not the time and certainly not the bill to be having those debates while our troops are desperately in need of additional funding.

Defense Secretary Robert Gates and our military leadership have told Congress that the money is vital to ensuring our troops have the resources they require to defeat terrorists overseas. Including billions of dollars in unrelated spending is a dangerous impediment. I hope my colleagues will instead support the clean supplemental bill introduced by Representative JERRY LEWIS of California.

In conclusion, God bless our troops, and we will never forget September the 11th.

NATIONAL AMERICORPS WEEK

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, as a cosponsor of House Resolution 1173, I rise today to recognize National AmeriCorps Week.

Last night, the House passed this resolution overwhelmingly. Since 1994, nearly 500,000 AmeriCorps have served with thousands of nonprofits, public agencies and faith-based organizations across America.

Through AmeriCorps, these individuals dedicate their time and energy in a variety of areas to help meet the needs of local communities. In my home State of California alone, more than 7,900 people this year will participate in one of more than 7,500

AmeriCorps programs throughout the State. One such program is coordinated by the Santa Barbara County Education Office in my district. This program provides daily tutoring and reading for over 700 at-risk students, recruits volunteers for additional educational programs, and works to increase disaster preparedness in the schools in the county.

The 62.4 million hours served by AmeriCorps members have bettered the communities and touched the lives of countless Americans. This is the U.S.A. at its best. To all these incredible AmeriCorps members, I commend you and thank you for your service.

PABLO BACHELET

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise to congratulate my good friend, Pablo Bachelet, the Latin American correspondent in Washington for my hometown newspaper, The Miami Herald. Pablo is leaving the paper to join the Inter-American Bank for Development.

Pablo, the father of two, is a sophisticated and keen observer of the history and politics of Latin America, writing incisively about democracy, diplomacy and security issues, and exploring the rich and sometimes complicated relationships that America has with the people of this dynamic region.

Pablo has traveled extensively in Latin America, writing about everything from hurricane devastation in Grenada and the struggles against drugs and corruption to the grief caused by the disco fire in Buenos Aires and U.S. policy toward Mexico or Cuba or Colombia or Venezuela.

Throughout his career, Pablo has always displayed a masterful command of the issues to keep us, the Herald's loyal readers, informed about a region so important to our interests. Pablo's extensive experience and knowledge will serve all of us who care deeply about the economic and social progress in Latin America.

My words are not ones of farewell, but ones of welcome for a new beginning and an upward march of a great talent and a warm and thoughtful human being.

Felicidades, Pablo.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2642, SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1197 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1197

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment with each of the three amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except that the Chair shall divide the question among each of the three House amendments.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations may insert in the daily issue of the Congressional Record dated May 15, 2008, such material as he may deem explanatory of the motion.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of this rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1197.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 1197 provides for the consideration of the Senate amendment to H.R. 2642, the Supplemental Appropriations Act of 2008.

The rule makes in order a motion by the chairman of the Committee on Appropriations to concur in the Senate amendment with three House amendments. The rule provides 2 hours of debate on the motion controlled by the Committee on Appropriations. The rule provides for a division of the question on the adoption of the three House amendments listed in the Rules Committee report. The rule also provides that the chairman of the Committee on Appropriations may insert in the CONGRESSIONAL RECORD dated May 15, 2008, such material as he may deem explanatory of the motion.

Madam Speaker, with a deep appreciation for the importance of the legislation before us today, the Rules Committee has reported out a rule that allows for a full, thorough debate on three amendments critical to the future of our Nation. This process will give each Member ample opportunity to vote their conscience on whether to fund the war or not, place conditions on our Iraq policy or not, or choose to support veterans over millionaires.

The legislation we are about to take up was forged with the idea of consensus. It meets the spending requirements made by President Bush, including the $5.8 billion that he asked for to strengthen the levees in New Orleans. In addition, it does not include a single earmark, except those explicitly requested by Mr. Bush's administration.

On the other hand, the legislation is not a blank check because it is important to remember why we are really here today. This is the sixth year of the war in Iraq. More than 4,000 United States service men and women, 28 from my district alone, are dead. Tens of thousands have been wounded and physically disabled, and far too many suffer from post-traumatic stress disorder and a host of other mental health issues. What's more, the civilian death total is devastating. Millions, not thousands, of Iraqi men, women and children are dead. Millions more have been forced into camps or other countries that will accept them.

At a time of economic emergency, when the American family is under siege, the war continues to be waged at a staggering cost to the American taxpayer and at the expense of our economic security.

A few weeks ago, the New York Times reported on the Bush administration's practice of paying off supposedly independent military analysts to shade the truth about what was really happening in Iraq. This administration was so concerned that Americans would find out the truth that they paid former U.S. military personnel to read from prescreened, whitewashed Pentagon talking points to hide from the American people what was happening in their name.

This may be the greatest foreign policy disaster in American history, and the American people overwhelmingly are calling for it to end. They have seen that this insurgency is far from nearing the end. They were told, "Trust us. The Iraqi war revenues will pay for reconstruction." Yet the American people are feeling the pinch as their hard-earned tax dollars finance the rebuilding of a foreign nation while their country's own economy and infrastructure are falling apart. They were told, "Trust us. We will make sure your sons and daughters have the equipment they need." Yet we have all seen the reports of desperate searches through junk heaps to refit ill-equipped armored vehicles. And we have all heard the tales of worried mothers scraping together the family savings to purchase adequate body armor for their children.

They were told, "Trust us. We will ensure that our fighting men and women will be taken care of when they return home." Yet we all remember the disgraceful images of Walter Reed Hospital, the recent reports of appalling living conditions for troops stationed in the barracks at Fort Worth, Texas.

Under such circumstances, it would be an abdication of our duty to perpetuate a clearly unacceptable status quo. For that reason, the legislation we take up today represents a break from the past and a renewed chance of changing a stale, stagnant situation.

It does, indeed, provide immediate funding for our soldiers in Iraq and Afghanistan who are currently in the field. However, while the needs of our troops will always be at the forefront of our national priorities, funding for this war must not come in the form of a blank check. This funding only comes with conditions that will begin the process for ending this war.

The supplemental requires that troops begin redeployment from Iraq within 30 days, with a goal of completing a full withdrawal in 18 months. We do this not because we concede 1 inch to those who would do our Nation harm or because we lack the will to fight for our national security, we do this because basic respect for our military demands it. No longer will they be asked to fight an open-ended conflict whose finish line keeps moving.

And in keeping with this respect for our troops, the legislation mandates that soldiers must be properly rested and equipped to meet the administration's own standards for combat readiness before redeployment.

Furthermore, we will honor the parents who continue to serve our Nation by finally providing full funding for the military day care centers.

This legislation also keeps our promises to our veterans. Part of the cost of waging war is ensuring that our men and women in uniform have the resources that they need to resume their lives upon their return home. The bill before us dramatically expands the education benefits that veterans of the United States military will receive under the new GI Bill. Not only do our troops deserve this benefit and much more, but every dollar we spend on education today will come back to bolster our economy tomorrow. It is also an investment.

And I would add that this provision is fully paid for by asking the wealthiest, who saw their tax rates drop 19.6 percent in 2004, they have saved around $126,000 since that time, we are asking them please to give us $500 to help fund the GI Bill of Rights.

At no time ever before in the history of this country have we been burdened with massive tax cuts for the wealthy during a time of war. Obviously this has been a new idea of this administration. These actions of fiscal incompetence by the Bush administration left this country's economy struggling, and American families are paying the price. And no families are paying it more than the families of the men and women who are fighting this war. No sacrifice has been asked from any of the rest of us.

Rising levels of sustained joblessness require us to extend unemployment benefits to those workers who understandably cannot find a job. This bill does just that.

Additionally, up until this point, the American people have been unfairly asked to shoulder the full weight of the reconstruction effort in Iraq. The underlying legislation requires that U.S. reconstruction aid be matched dollar for dollar by the Iraqi Government, removing some of the pressure from families already struggling to make ends meet.

Furthermore, it prohibits the establishment of permanent bases in Iraq, blocking this administration from saddling the American people with a costly occupation long after the Army is gone.

Our fellow citizens have been sent to fight a conflict and a war far away from home, and we owe them not only our support and our deep thanks, and not only with words, but with the deeds that we commit to in this Congress. This bill is about who we are as a society and the values that we hold.

I am proud to support this rule and the underlying legislation, and I ask my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

□ 1030

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

I would like to begin by expressing my great appreciation to my very dear friend, the distinguished and very able Chair of the Committee on Rules, my friend from Rochester (Ms. SLAUGHTER).

And with all due respect to my distinguished committee Chair, I am compelled, not surprisingly, to rise in the strongest possible opposition to this rule.

Over the last 1½ years, my colleagues Messrs. DIAZ-BALART, HASTINGS, and SESSIONS have stood right here at this lectern and opposed many, many deeply flawed rules. We began this Congress very inauspiciously as the leadership jammed through the opening week agenda before even bothering to set up the Rules Committee, allowing Ms. SLAUGHTER to become Chair of that committee. From the very outset, there has been no pretense of concern for due process, not an inkling of respect for the rules of this House.

While we started at a low point, we have sunk lower and lower with each subsequent rule. One by one the Democratic leadership has trampled the rules and traditions of this body in an effort to shut down debate, cut both Republicans and Democrats out of the process, and jam through poorly constructed bills that rarely, rarely, if ever, become public law. I frequently marvel at each new low and assume that we have reached the rock bottom. As we have considered new forms of restrictive rules crafted under an evermore restrictive process, I have often thought, "This one takes the cake. The Democratic leadership couldn't possibly stoop any lower than this." Until the next comes, shutting down due process to an even greater degree.

So this time I'm not going to say that this rule is the absolute bottom of the barrel. I don't doubt that with a little more time and effort, based on the track record we've seen, the Democratic leadership will find a way to trample the rules and traditions of this House even more thoroughly. I will say that this is clearly the worst example that we've seen in the last 17 months since they have been in charge.

But before I get into the details of this egregious rule, Madam Speaker, I think it's important to discuss why it even matters what kind of a process is used to craft legislation and hold votes. I know the inner workings of the Rules Committee are thought to be so arcane that even some of our colleagues consider them to be a little too "inside baseball." In fact, the distinguished Chair just spent all of her time talking about the bill itself. She didn't talk about the fact that they're trampling on the rights of Republicans and Democrats. Start talking about rules and procedure and regular order, and most Americans' eyes, and even some of our colleagues', start to glaze over.

So to illustrate why process matters, I will use another set of rules that are more widely understood as an example. Even before the advent of the television show Law & Order, most of us were familiar with the basics of our criminal justice system. We're all familiar with our basic rights enshrined in the Constitution. We cannot be held without a charge. We're protected from self-incrimination and unlawful searches and seizures. We must be read our Miranda rights when placed under arrest. These basic rights are fundamental, fundamental, Madam Speaker, to American democracy. We know that there can be no justice without a fair process, and we know that the protection of the rights of the individual is more important than the outcome of any one particular case.

The Bill of Rights and the laws that have been enacted to uphold it aren't just a cryptic system of rules and regulations. They guarantee, Madam

Speaker, they guarantee our civil rights and they guard against tyranny. Without a fair process, power is abused and rights are abridged. Process matters, Madam Speaker. Process matters because process is democracy.

The rules of the House were established for the very same reason. They ensure that the American people, through their elected representatives, have a say in the crafting of laws that govern them. The rules guard against abuses of power, and they ensure that the legislative process is transparent and fair. Thwarting due process is not just arcane political maneuvering around obscure, complicated rules that no one should care about. It subverts the principles of representative democracy. Let me say again, Madam Speaker, the rule that we are considering at this moment very clearly subverts the principles of representative democracy.

The Democratic leadership's casual disregard for these rules and principles has faced growing criticism in the media. Last week the Politico accused them of "breaking promises," promises for an open legislative process that followed regular order and the rules of the House. Not surprisingly, the paper cited today's underlying bill, the supplemental appropriations, as Exhibit A in the Democrats' assault on an open and inclusive process, which was promised at the beginning of this Congress. That's not my saying that; that's an independent newspaper that made that statement.

Even before the new lows of the supplemental, another publication, Investors Business Daily, reported recently on the leadership's "widening power grab," accusing them of "anti-democratic" behavior, running a "dictatorship," and "showing little or no concern for holding actual votes or building consensus on issues." Now, Madam Speaker, those are pretty harsh charges coming from a newspaper that is clearly a very independent publication. And they go on to say that this is all being done in an effort to "manipulate Congress." Madam Speaker, "dictatorship" and "anti-democratic," those are pretty harsh words, but they are clearly warranted.

The process used to craft the underlying supplemental appropriations bill has been atrocious. Committee work was completely abandoned. Without a single hearing, without a markup, without so much as consulting Mr. LEWIS and the committee members, this bill was concocted behind closed doors. Zero input, zero deliberation, zero consultation. The Senate, of course, won't stand for that kind of treatment and intends to hold a markup later today before proceeding with its floor debate. But the Democratic leaders in this House apparently deem this to be a lesser body, with no right to due process.

The Democratic leadership intended to bring this bill up last week. They had to pull it from the schedule because fiscally conservative Members within their own caucus were outraged at the contents. A week later, Madam Speaker, a backroom deal has now been struck, bringing the remaining Democratic Members on board. How? Bringing Members on board by imposing a tax on small businesses in this country, which is exactly what this is. You see, Democrats love to stir up class warfare by justifying the small business tax as just a tax on the rich. Unless, of course, we are talking about millionaire farmers, and then they like to give them massive government payouts, which is what they did just yesterday in the farm bill.

To add to their inconsistency, they actually waived their own PAYGO rule to fund the farm bill subsidies, and today they refuse to waive the same PAYGO rule and use it as an excuse to levy massive tax increases on small businessmen and women in this country. Only in Washington would such logic be employed.

We became aware of the rough outline of this tax increase, along with every other provision of this bill, only through press reports. Some have reported a $183 billion price tag on this bill. Others have said it would be costing at least $250 billion. Various outlets reported on various provisions. But we didn't get a chance to see for ourselves what was in this massive bill until 3 p.m. yesterday. In fact, the distinguished former Chair of the Committee on Appropriations, the now ranking member, my good friend, Mr. LEWIS, came before us. Within the hour before that 3 p.m. meeting, he had just gotten the copy of the measure.

Most egregious of all, we're not actually considering a bill here today. We will be voting on three amendments to a Senate amendment to an old House bill that has already passed but was never enacted. Did you catch that? If it sounds gimmicky and underhanded, that's because that's exactly what it is. In fact, this morning I heard our colleague Mr. MCDERMOTT on National Public Radio, where he said the crafting of this is tantamount to JOHN KERRY's very famous line in which he said "I voted for it before I voted against it." The Democratic leadership knows that a vote on their full package would never pass; so they plotted a way around an actual vote on final passage.

For anyone who missed that, let me repeat. The House of Representatives will not be permitted a vote on the full underlying proposal. When Investors Business Daily calls this a dictatorship, they seem to have a point.

So what exactly is in this $183–250 billion bill that comes to us without any due process and will pass without a vote? Who can say for sure? But I know that at least $62 billion in new entitlements are included; $11 billion in unemployment insurance, and our friend Mr. WELLER will be talking about this in a few minutes; and at least $51 billion in benefits for veterans. Clearly, these are very, very important issues that need to be addressed.

I don't doubt that the Democratic majority will try to claim that Republicans don't care about our veterans or those facing economic hardship. We hear that time and time again. To the contrary, these are such critically important issues for us that we passionately believe that we must address them in a serious and deliberative way. It is simply not good enough to slap together a proposal without a single moment of testimony or debate, throw some money at our problems, and call it a day.

The very critical issues addressed in this bill, from funding for Iraq and Afghanistan to international food assistance to the tremendously important domestic programs, all of these deserve a substantive, deliberative process. We should have an opportunity to examine which of these are truly emergencies and which should be included in the regular appropriations process. And all of them should have the benefit of an open debate to ensure that we are addressing our priorities effectively.

This rule allows for none of this, Madam Speaker. It thwarts the rules and traditions that were put in place to guard against abuses of power, and it blocks consideration of even a single amendment, including the very thoughtful and responsible alternative proposed by the man sitting to my right here, the distinguished ranking member of the committee, Mr. LEWIS. He's offered a clean supplemental appropriations bill which simply provides our troops the funding they need without bogging it down with all kinds of unrelated items or adding new policy that prevents them from carrying out their mission.

Our hope is to get this critical funding to our troops before Memorial Day, which is fast approaching. That's not an arbitrary deadline and it's not a gimmick. Our military commanders have told us that they desperately need this funding now, and we want to be able to go home for Memorial Day and tell our veterans and our military families that we passed a clean bill that funds our troops and their mission. We want to tell them we crafted a bill without regard to politics, without regard to providing political cover or fodder for political ads. We simply gave the troops the funding they desperately need. Now, Madam Speaker, that's exactly what the distinguished ranking member, Mr. LEWIS, should be able to provide, and I'm going to seek an opportunity for him to do just that.

But, unfortunately, the Democratic majority can't advance their flawed policies without shutting down the process. So they prefer closed rules to open debate. They prefer backroom deals to the transparent committee process. They prefer hollow, ill-gotten victories that die after the House vote to substantive, bipartisan legislation that is enacted into law. That's exactly what we need to do, Madam Speaker.

So I urge a "no" vote on the rule, and I am going to urge a "no" vote on the previous question.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts, a member of the Rules Committee (Mr. McGOVERN).

Mr. McGOVERN. Madam Speaker, 5 years ago in a well-orchestrated public relations stunt that featured landing on an aircraft carrier, President Bush proclaimed, "In the battle of Iraq, the United States and our allies have prevailed."

Just 2 weeks ago, on the fifth anniversary of "Mission Accomplished," the White House could only express exasperation that anyone would even make a fuss that 5 years have gone by and we're still in Iraq, deeper than ever.

Well, here's why people are making such a fuss, Madam Speaker: Over 4,000 American service men and women killed in Iraq; over 30,000 of our troops wounded or maimed; a continuing U.S. occupation of Iraq; and a mission that is never ending, never defined, and completely open-ended.

Ironically, the USS *Abraham Lincoln*, the aircraft carrier where President Bush declared victory in Iraq, was just deployed last week for another tour of duty in the Persian Gulf.

Today this House will have a choice to make, whether to continue this war well into next year. Today we will choose whether to support the George Bush strategy of keeping the war going until he can safely get out of town.

□ 1045

Once again, U.S. forces are engaged in some of the most intense combat since the height of the insurgency. Once again, they are battling Iraqi militias, not al Qaeda, in the markets, homes and alleyways of Baghdad. April 2008 was the deadliest month for Iraqi civilians since last August.

The U.N. now reports that 4.7 million Iraqis have been forced by violence to leave their homes. Roughly 2 million of them are refugees in neighboring countries. And another 2.7 million are internally displaced.

What is worse, we don't even have the decency to pay for this war, which has created a mountain of debt that American taxpayers will be paying off for years to come. This generation's mistake is becoming the next generation's burden.

Currently the war costs $2.4 billion each and every week. Reports estimate that the costs of this war, even if we could bring it to an end over the next 2 years, will exceed $3 trillion when we take into account rebuilding our broken military and addressing the needs of our military veterans.

Billions for the care of the severely wounded.

Billions for the care of veterans traumatized by war.

Billions to staunch the flow of suicides by young men and women who have served in Iraq.

And billions more to rebuild and reequip our Armed Forces.

Why can't the Iraqi Government, which is currently running a huge surplus, do more to rebuild their country?

Madam Speaker, I am holding office hours across my congressional district in Massachusetts. These are mainly small towns and communities. Every weekend I meet a steady stream of constituents who come in and who want to talk about the war. People are so disappointed, so frustrated and so angry that this war is still going on. And it is not just Massachusetts. It is Illinois, Louisiana, Mississippi and every other State in the Union.

Now I know, Madam Speaker, that there will be opportunities today to support strong conditions on the war and the redeployment of our troops. We will have the opportunity to vote in support of greatly expanded educational benefits for our military veterans and for a generous response to the emergency global food crisis.

And I thank Chairman OBEY for those initiatives.

But Madam Speaker, I cannot vote for one more dime for this war. Enough is enough. Before he leaves town, George Bush should bring our troops home.

Mr. DREIER. Madam Speaker, I notice my colleague doesn't spend any time at all talking about the rule which is being considered at this time and shutting down democracy which we all aspire to in Iraq and other places in the world.

With that, I would like to yield 4 minutes to the author of the very important measure that will be made in order if we are able to defeat the previous question, a clean supplemental, my good friend from Redlands, the ranking member of the Appropriations Committee, Mr. LEWIS.

Mr. LEWIS of California. Madam Speaker, I very much appreciate my colleague yielding me this time.

Perhaps the most important counsel I have ever received came from my dear friend and mentor, Dr. Adeline Gunther. "Gram," as we called her, was the founder and guiding light of the University Religious Conference located near the UCLA campus. Gram said to me, "Always remember, JERRY, what you are not willing to do in order to win."

Think about that. What you are not willing to do in order to win.

Those running the Democratic leadership of the House need desperately to learn that lesson. So enamored with their power after 12 years out of the majority, the Democrat majority is now moving rapidly in the direction of reinventing the authoritarian system that was a part of their control for the previous 40 years.

The outrageous movement of the Iraq supplemental to the House floor, without consideration by the Committee on Appropriations and under a closed rule, is the case in point.

The supplemental began as a $108 billion request for funding requirements for the troops for the remainder of 2008. This must-pass emergency legislation has now grown to somewhere near $250 billion. A whole array of legislative provisions has been added that could have been and should have been addressed by way of regular order during the appropriations process.

Unfortunately, the supplemental will bypass the Appropriations Committee altogether, and through use of parliamentary trickery, avoid the inconvenient input of Democrat and Republican Members who have real expertise in the subject areas involved.

Regular order is designed to ensure that people's voices and interests are heard on serious public policy questions as they move through the legislative process. To have the Democrat leadership cut off the people's right to be heard by such a crass parliamentary set of maneuvers results in great harm to the Appropriations Committee and seriously undermines the credibility of the world's most admired legislative body.

Only three or four Members, at most, have provided serious input throughout this misguided process. All Members, Democrats and Republicans alike, should be enraged by this arrogant demonstration of dictatorial control. I know from private conversations with many of my friends on the other side of the aisle that there is a great deal of frustration among Democrats with Chairman OBEY and Speaker PELOSI for their excessive and abusive control of this process.

Madam Speaker, let me assure you that my colleagues and I will continue to exercise every tool available to us to protect the established traditions of the House and the fundamentals of our democratic system. It is clear that Speaker PELOSI is willing to do anything, including stifling the voices of nearly every Member of the House, to win.

I urge all of my colleagues to remember the words of my mentor, Dr. Adeline Gunther, who said, "Always remember what you are not willing to do in order to win."

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the Rules chairwoman for yielding to me.

Fourteen million dollars in an hour, 24/7, over 5 years, $10 billion per month, 4,000 dead Americans, tens of thousands of wounded warriors, untold sacrifice of military families, innocent civilians in Iraq killed by the hundreds of thousands, and one of the worst humanitarian crises in the world. That is the cost of this war.

And do you know, the President says that he has sacrificed, too. Yes. He has sacrificed. He has given up golf.

And the President has determined to veto the bill when it gets to him because it includes really a patriot tax on people who make over $1 million. They are going to help to pay for things like an expanded GI Bill for our veterans that come back, a GI Bill that will cost about 5 months in Iraq over 10 years, and yet the President has said that he wants to——

Mr. DREIER. Will the gentlewoman yield for a question?

Ms. SCHAKOWSKY. Yes.

Mr. DREIER. I would just like to remind my colleague that 82 percent of the people who fall in the category about what she has just mentioned are small business men and women. And I think we need to realize this is a small business tax.

I thank my friend for yielding.

Ms. SCHAKOWSKY. I take back my time.

We are talking about people who are making over $1 million to pay a small sacrifice for this war where our military families are paying a huge sacrifice.

The question really is, though, what are we doing there? What is the mission of our young men and women? Who is the enemy? Who is our ally? What does victory even look like?

I am not going to vote for another penny for this tragic war except to bring our troops home or to resolve the humanitarian crisis our government has helped create. I am not voting to give more to the real winners of this war, the Halliburtons and the Blackwaters. And I am disappointed about my amendment to stop funding Blackwater. This company raises the question, is it the policy of the United States to let companies like that get away with murder? We should cut that contract and bring our troops home.

Mr. DREIER. Madam Speaker, at this time I am very happy to yield 3 minutes to the distinguished ranking member of the Committee on the Budget, my friend from Janesville, Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Madam Speaker, I come to the floor today in strong opposition to this emergency supplemental spending bill that not only would bust the budget with billions in nonemergency spending, but it would also raise taxes on small business. I can't think of a worse time to implement a tax increase, with a weak economy that is struggling to create and grow jobs.

Republicans will not support this bill. The President will veto this bill. Yet the Democratic leadership brings it to the floor and continues to play politics with funding for our troops.

The President's request, submitted 15 months ago, was for $108 billion. The Democrats, once again, can't help themselves. And they have added an additional $6.6 billion of this. And to add insult to injury to the American taxpayer and our troops in harm's way, this amount actually reduces the President's request by $3.5 billion.

I guess that's what you get when a bill is written unilaterally and in secret.

If the majority brought us a clean supplemental with just funding for the troops, it would undoubtedly have been passed with a big bipartisan vote and sent to the President before Memorial Day so there is no disruption in funding. That should be what we're doing, and not playing politics with funding for our troops.

That is what a majority would do if they were serious about passing a bill and not playing politics.

But that is not what the Democrat majority has done here. Instead, 15 months after the President asked for the troop funding, the majority has brought a bloated bill to the floor that will cost the American taxpayer $250 billion over the next decade.

This is a bill they wrote in secret, without allowing committee markups, while only allowing Members 18 hours to review a bill that would provide an amount equivalent to 26 percent of the spending in last year's regular appropriation bills, and without allowing the full House to work its will in an open and Democratic process.

It violates the budget passed by the majority by adding $6.6 billion to the amounts assumed for the war supplemental for the House-passed budget resolution. And the Democratic leadership has decided to lard this bill up with $66 billion in mandatory spending.

While they raise taxes to pay for the GI benefits, this bill adds billions in funding that has nothing to do with the war and is not fully offset.

So they say they are meeting the PAYGO rules. But they don't meet it for all the other spending in this bill. Mandatory spending does not belong in war emergency supplementals. The mandatory provisions in question deserve serious debate as stand-alone bills.

Why are they hiding this in a war supplemental? They should be proud of these provisions and let them withstand the full light of day through the regular committee process. And if increasing spending by over $66 billion wasn't enough, they are proposing to raise taxes on Americans as well, to tax and spend rather than paying for this increase with reductions in other spending.

The last thing we ought to be doing today is raise taxes. They will say this is a tax on millionaires. But this tax is going to hit small businesses. These are the job creators in America. This is the worst thing we can do as this economy is struggling.

Yesterday the House waived the PAYGO rule to give farm subsidies to millionaires.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I am happy to yield my friend an additional 30 seconds.

Mr. RYAN of Wisconsin. Yesterday, the House waived the PAYGO rules to give farm subsidies to millionaires.

Today, the House wants to enforce PAYGO to raise taxes on small businesses. I fear for this institution. The majority is taking us down a slippery slope. And I don't think they are going to be able to put this genie back in the bottle. The committees have been ignored. The budget has been ignored. The rules have been ignored. What is next?

I urge my colleagues to vote "no" on this bill.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Thank you, Madam Chair.

Today I rise in strong support of the rule and of the domestic priorities the House will consider today as a part of H.R. 2642

I strongly support provisions to expand and improve the GI benefits for veterans education. Our veterans who have served our country in combat and who are looking to begin to complete their college education deserve GI benefits.

I also strongly support provisions which provide vital support for workers by extending unemployment benefits for an additional 13 weeks. In the district that I represent in California, east Los Angeles and the San Gabriel Valley, unemployment rates are above 8 percent.

This legislation will help to keep food on the table for our families and our workers affected by the declining economy. This legislation also appropriately includes a moratorium on seven misguided Medicaid regulations. More than 170,000 people in my district alone in California rely on Medi-Cal for their health care. And although Healthy Families serves more than 19,000 children in my district, another 18,000 children remain uninsured.

If the regulations go into effect in Los Angeles County, we will also devastate our Los Angeles Unified School District and our public hospitals who serve many working class people.

I am pleased that today we are prioritizing education for our veterans, the health of low-income Medicaid beneficiaries, and of course our families and working families. I strongly urge all of my colleagues to support the rule and provisions which address pressing domestic needs.

I strongly disagree that small business owners and wealthy millionaires are going to be heavily impacted by this resolution. That is the Republican playbook, trying to tell you that somehow we are going to harm those people that are requiring and calling out for our assistance. This bill addresses their issues.

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Mr. DREIER. Madam Speaker, let me say in the name of saying they are taxing the rich, the facts show it. Eighty-two percent of the people who fall in that category are small businessmen and women. That's just the facts.

With that, I am happy to yield 3 minutes to my good friend from Morris, Illinois (Mr. WELLER), the ranking member of the Income Security and Family Support Subcommittee of Ways and Means.

Mr. WELLER of Illinois. Madam Speaker, I rise to oppose this rule. I also rise to oppose the way that the House majority, the Democratic majority, is managing this legislation, bringing forward a fiscal year irresponsible supplemental bill.

I would note, as I recall, on January 29, the Speaker of the House made a statement on the bipartisan economic stimulus package that was about to pass, and Speaker PELOSI said, "Let's hope for the Senate to take their lead from us and be disciplined, focused, fiscally responsible, and act in a timely, temporary, and targeted way on behalf of meeting the needs of the American people."

I agree with the Speaker that we should act in a way that is timely, temporary and targeted.

Unfortunately, that's not what the House is being offered today. In addition to a large tax increase, the bill before us today includes an untargeted and overly expensive extension of unemployment benefits.

Consistent with the Speaker's call for targeting help to those who need it most, I introduced legislation and offered an amendment in the Ways and Means Committee to focus extended unemployment benefits on people and States with relatively high or fast-rising unemployment rates.

Combined with regular unemployment benefits available in all States under my amendment, a total of 39 weeks of benefits would be available to unemployed workers whose jobs are hardest to find. On Main Street U.S.A. that helps those who need the help most. Yet this targeted approach was rejected by our Democratic colleagues, the majority on the committee.

Why target benefits? Why target benefits to only relatively high unemployment States? For the same reason, the Democratic legislation proposes longer benefits in high unemployment States because workers there have a harder time finding new jobs and thus are in need of extended benefits.

Targeting is especially important today since today's national unemployment rate is a low 5.0 percent with a third of all States having unemployment rates below 4 percent. That national unemployment rate is well below the lowest prior level when such a program was created in the past. I have a note in 2002 it was 5.7 percent, and, again, today's unemployment rate is 5 percent.

This targeted approach that I offered is also more fiscally responsible. The untargeted Democratic approach costs at least twice as much as a targeted approach and, as the Congressional Budget Office has reported, the Democrat legislation will require State tax increases to pay those additional costs.

The bill before the House would require State tax increases, State tax hikes, totaling $1 billion over just next 5 years.

If this program is extended, as all such temporary programs have been, the tax increases required will only grow. The Speaker was right, we need to act in a way that is fiscally responsible and targeted.

Unfortunately, this legislation before us today achieves neither of these goals and adds to budget deficits and requires payroll tax increases. We can and should do better than this.

CONGRESS HAS NEVER EXTENDED UNEMPLOYMENT BENEFITS AT TODAY'S LOW UNEMPLOYMENT RATE

Democratic leaders want to extend unemployment benefits nationwide, with the Federal Government picking up all of the $16 billion tab.

Since the 1950s, Congress has created 7 special or "temporary" extended benefits programs, which can double the length of total unemployment benefits from the 26 weeks to 52 weeks—or longer—per laid off worker. The logic of these programs is to provide additional weeks of benefits when jobs are relatively hard to find.

Today's national unemployment rate is a relatively low 5.0 percent. Congress has never created a temporary extended benefits program at such a low unemployment rate. The next lowest unemployment rate when such a program was created in U.S. history was when the last such program was created in March 2002. The unemployment rate then was 5.7 percent—significantly higher than today's 5.0 percent unemployment rate.

TODAY'S U.S. UNEMPLOYMENT RATE IS SIGNIFICANTLY LOWER THAN AVERAGE RATE AT START OF PRIOR EXTENDED BENEFIT PROGRAMS

It is also useful to compare today's relatively low 5.0 percent unemployment rate with average rates when prior special Federal programs started. When such programs started, average unemployment rates were far higher than the Nation's unemployment rate today.

Today's unemployment rate (5.0 percent) is more than 2 percentage points below the average unemployment rate in the month when Congress chose to start such special programs (7.3 percent).

TODAY'S UNEMPLOYMENT RATE IS BELOW THE AVERAGE FOR ALL OF THE 1980S AND 1990S

The current unemployment rate is so low it is actually below the average of entire recent decades.

If you look at the 1980s and 1990s—two decades that saw record job creation in the U.S.—and average all the months, you find those decades actually had higher average unemployment rates than today's 5.0 percent rate.

If such a program should exist today—when the Nation's unemployment rate is quite low by historical standards—when should it not? Creating such a program now is in effect an argument for permanently extending unemployment benefits, which would require at least $12 billion more per year in Federal spending and payroll taxes, in addition to State payroll tax hikes.

TODAY'S 5.0 PERCENT UNEMPLOYMENT RATE DOES NOT REFLECT AN "EMERGENCY"

The Democratic leadership is suggesting that a special "emergency" nationwide extended unemployment benefit program is needed because today's job market is so weak.

Actually, only 20 percent of all months in the past four decades had unemployment rates below today's level. So if today's job market constitutes an "emergency," then the U.S. economy has almost always been in a similar or even worse emergency situation throughout the past four decades. That's a hard case for even the biggest economic pessimist to make.

TODAY'S UNEMPLOYMENT RATE IS BELOW THE AVERAGE THROUGHOUT THE CLINTON ADMINISTRATION

Democratic Members are always trying to take credit for the strong economy of the 1990s, even though it was the Republican Congress and its policies of tax relief, spending restraint, and welfare reform that actually promoted record economic growth and budget surpluses.

But let's accept the Democratic rhetoric for a minute that the Clinton era economy was just about the best ever.

What was the average unemployment rate during the 8 years of the Clinton Administration? 5.2 percent—which is above today's 5.0 percent rate. Did a special extended benefits program operate throughout the Clinton Administrations? No. Did a special extended benefits program operate during all the months when the unemployment rate was 5.0 percent or higher? No again.

CURRENT EMPLOYMENT CONDITIONS ARE BETTER THAN IN 1996—WHICH PRESIDENT CLINTON CALLED THE "HEALTHIEST" ECONOMY "IN THREE DECADES"

It's worth considering another reason why Democratic leaders are so determined to argue that today's economy is so bad: Politics.

Compare today with 1996: 20 million more employees; a lower unemployment rate; a lower long-term unemployment rate; and fewer average weeks of unemployment. All better today than the 1996 levels.

But what did President Clinton, then running for a second term, think about the U.S. economy in 1996? In his State of the Union Address that year he said: "Our economy is the healthiest it has been in three decades." (January 23, 1996) So when a Democrat is in the

White House running for reelection, the economy is healthy and strong. And of course no one calls for a special extended benefits program.

But with a Republican in the White House, and despite better economic statistics today, Democrats portray the current economy as another Depression. Here's how Senator CHUCK SCHUMER put it: "The bottom line is that this administration is the owner of the worst jobs record since Herbert Hoover." (Press Release, March 7, 2008)

THE DEMOCRATIC "EMERGENCY" EXTENDED BENEFITS PROGRAM IS POORLY TARGETED

Despite today's relatively low unemployment rate, there are reasonable, arguments for extending unemployment benefits in areas where jobs are scarce. That's the approach Republicans proposed in the Ways and Means Committee, but which Democratic Members rejected. This approach would expand a current program that targets Federal funds for extended unemployment benefits on States with high unemployment rates. Temporarily expanding that program would provide more help to workers where jobs are scarce and the added help is needed most.

Early on, Speaker PELOSI seemed to agree with the need for such a "targeted" approach. In her January 29, 2008 statement on the bipartisan economic stimulus check package, the Speaker said: "Let's hope for the Senate to take their lead from us and be disciplined, focused, fiscally responsible, and act in a timely, temporary, and targeted way on behalf of meeting the needs of the American people."

Unfortunately, the proposed Democratic program does not follow this "targeted" approach. Nearly all of its benefits—more than $12 billion of the $14 billion in total benefit spending (not counting administrative costs) in the coming year—would be paid regardless of local unemployment rates. That's poorly targeted, and not fiscally responsible.

UNDER THE UNTARGETED DEMOCRATIC PROGRAM, FEDERAL BENEFITS WOULD BE PAID IN MANY STATES WITH VERY LOW UNEMPLOYMENT RATES

One key reason why the Democratic program is poorly targeted is because extended unemployment benefits would be paid in all states, regardless of the availability of jobs there.

In March 2008, a full 15 States had unemployment rates under 4 percent. Another 17 States had unemployment rates between 4.0 and 4.9 percent. That makes 32 States—two thirds of all States—with current unemployment rates under 5 percent. Those are very low unemployment rates by any measure. Another 13 States have unemployment rates between 5.0 and 5.9 percent.

That leaves just 6 States with unemployment rates of 6 percent or higher, which is the Democratic Members' own definition of "high unemployment." Under their own criteria, 45 States today are "low unemployment" and only 6 are "high unemployment" (includes DC). But all States would receive Federal funds to pay extended benefits to workers.

CURRENT LONG-TERM UNEMPLOYMENT RATE IS BELOW THE AVERAGE SINCE 1980

Democratic Members have suggested that record numbers of workers today have been out of work for long periods. Actually, the current share of all workers who are long-term unemployed—defined as those who have been out of work for more than 6 months—is below average.

The average long-term unemployment rate for all months since January 1980—covering nearly three full decades, and including two of the longest expansions in U.S. history—was 1.0 percent. So in the average month in the past generation, 1 percent of the labor force had been out of work for more than 6 months.

How does that compare with today? The long-term unemployment rate in April 2008 was 0.9 percent—below the average for the past generation. That means fewer current workers are long-term unemployed than in the typical month in the past 28 plus years.

That's hardly the case Democratic Members have been making for what an "emergency" situation this is. In fact, current conditions are better than average when it comes to assessing how many American workers are unemployed for long periods.

LONG-TERM UNEMPLOYMENT TODAY IS BELOW LEVEL IN 1994 WHEN DEMOCRATIC LEADERS ENDED THE EXTENDED BENEFITS PROGRAM THEY CREATED

Some Democratic Members seem to think whether you support creating a special extended benefits program—and under what terms—determines whether you support workers or not. One even said it was "unconscionable" to try and target extended benefits to only those in high unemployment States, as Republicans have proposed and even the AFL–CIO apparently supports.

Yet when Democrats last held a majority in Congress in 1994 they created a special Federal extended benefits program. The Democratic Majority in Congress back then allowed that program to expire in April 1994. But back then a significantly greater share of unemployed workers were long-term unemployed than today—21 percent then versus less than 18 percent today.

Was it "unconscionable" to "turn off' that prior special program in April 1994? Weren't they "leaving workers out in the cold" or "shutting them out" or whatever metaphor Democratic Members use now against those who support a more targeted approach today, when conditions are objectively better in terms of long-term unemployment?

THE UNTARGETED DEMOCRATIC EXTENDED BENEFITS PROGRAM WOULD DRAIN FEDERAL UNEMPLOYMENT ACCOUNTS

Some Democratic Members claim there are "plenty" of Federal funds to pay for these benefits. Are they right?

To answer that, you have to ask "what are the chances this special program will last only 12 months as advertised?" A key fact is since 1970 none of the 5 special programs created by Congress ended as originally proposed; every one was extended. So chances are high that program created now wouldn't stop after just 12 months, either.

In fact, the average total duration of such programs is about 30 months. The untargeted Democratic program would cost about $1 billion per month. So if its length is "average," the total cost will reach $30 billion. That's almost the balance in the Federal unemployment trust funds today.

But remember this program would start at a record low unemployment rate. Also, such programs tend to operate until the unemployment rate falls to the level where it started, or less. So let's assume the program starts now and runs as long as one following the 2001 recession that started and stopped only when the unemployment rate fell below 5.0 percent. That program would operate for 47 months—from now until April 2012—cost $47 billion or more and fully drain the Federal unemployment trust funds, which currently hold just $35 billion.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Amendment 3 concerns unemployment compensation. It's estimated that in the first 6 months of this year, 1.3 million Americans will exhaust their benefits. The number of long-term unemployed Americans is almost twice as high now as it was in the last recession.

This is targeted at the long-term unemployed wherever they live. The Republican approach, Mr. WELLER's approach, the President's opposition, it's not targeted. It misses tens of thousands of people who are unemployed for more than the 26 weeks. I come from Michigan with a high unemployment level. I want all the unemployed long-term to be covered wherever they live.

I think it's time that the minority and the President get out of the offices they reside in and get into the shoes of typical American families.

I read a letter that came from a person in Roseville whose husband had lost his job as a machinist:

"With the job market as bleak as it is today, the fear that unemployment benefits may run out is something no family should have to face. My husband has been actively seeking work since his layoff, but there's simply nothing to be had right now. I've never seen him look so sad and upset in all our nearly 30 years of marriage. The President and Congress must be made to understand that what is happening to the workers of this country, and most especially, to the people of Michigan is not something they've chosen for themselves."

Opposition to extension of unemployment compensation is unconscionable. I urge support for amendment 3.

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 7 minutes remaining. The gentlewoman from New York has 11½ minutes remaining.

Mr. DREIER. In light of the fact there is much more time remaining on the other side, may I ask the distinguished Chair if she might proceed and yield some of her time.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise enthusiastically to support this very important rule.

I congratulate the very strategic design of the Appropriations Committee. This is tough, and I thank the Rules Committee for listening to us as we presented our amendments.

But I rise today to say that war is ugly. But we applaud and appreciate the young men and women on the front lines. We forever honor them. Just a few minutes ago I was in a room listening to returning war veterans from Iraq, and they gave us these words, horrible stories, such as calling the Iraqis hajis or sand niggers, telling us about the impact on their families, how many families were destroyed, how many have attempted to commit suicide.

I offered an amendment that many focused on the idea that everything we have asked the soldiers to do under the 2002 resolution has been done, and, therefore, it should expire. The President has no more authority to continue this war.

Then I wanted to debunk the actions of what happened to the Vietnam vets and call for a national day of celebration, a national day of honor for all the returning war heroes that will come home. This is what we should be doing today as we vote against the funding of this war in Iraq. It is important to stand for these soldiers.

But I am glad that we have extended GI benefits for veterans' education. Some of them were telling us that they are now being denied these benefits because of a general discharge, because of their opposition to the war. Yes, it is valuable because we move on to help Americans in this bill as well, extending unemployment compensation, getting rid of these cuts in Medicaid and making sure that we don't damage specialty hospitals that are in our rural and inner city areas who are helping us.

I am grateful to what the Appropriations Committee did on world and food hunger. It is a disaster, and they moved it up higher than what the President asked for. We had a briefing on world hunger and it was appalling what is going on around the world. I am grad that we have monies for refugee assistance and the Merida funding.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. Madam Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. The Merida initiative is funding for this horrible drug war between Mexico and its own citizens that's spilling over into the United States. I am appreciative of these dollars, but, my friends, we have got to stop the utilization of drugs here in the United States.

It looks like it's McDonald's where they send these various drugs. When I say that, I am not talking about McDonald's, but I am suggesting that the pinpoints of where these drugs are dropped off in the United States, it is tragic. As we send more money and more money to Mexico, we have got to begin to devise a new policy for drug opposition here in the United States.

Vote against the funding for the war. The underlying other amendments are very good.

Madam Speaker, I rise today in support of H. Res. 1197, Rule providing for the consideration of the Senate amendment to H.R. 2642—Supplemental Appropriations Act, 2008. While I offer my support for amendments No. 2 and No. 3, I must oppose amendment No. 1. While amendments 2 and 3 contain provisions beneficial to the American people, designed to improve our economy and protect our young men and women, amendment 1 continues a disastrous policy of providing unrestricted funding to continue the Bush administration's war in Iraq.

I oppose amendment No. 1 because I stand with the American taxpayers who have paid over $600 billion to finance the misadventure in Iraq. I stand with the 4076 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country. Last May, I was proud to vote for H.R. 1591, a supplemental spending bill that would have provided funds for our troops in Iraq and Afghanistan, which included a timetable for the redeployment of U.S. troops. Though this bill passed the House by a clear majority, the President opted to veto this legislation.

Madam Speaker, I must oppose amendment No. 1. This amendment provides a total of $162.9 billion for the Department of Defense for FY 2008 and FY 2009, funds that are handed over without any strings. The amendment does not withhold funding for the Iraq war, a war that so many of my colleagues in Congress oppose, and which only 32 percent of Americans now support. The amendment does not require that war funds can only be used for the responsible redeployment of American troop's home from Iraq.

Madam Speaker, I voted against the 2002 Iraq War Resolution. I am proud of that vote. I have consistently voted against the administration's practice of submitting a request for war funding through an emergency supplemental rather than the regular appropriations process which would subject the funding request to more rigorous scrutiny and require it to be balanced against other pressing national priorities. I cannot support legislation that provides the President with the resources to prolong his ill-advised war effort unrestrained.

I rise today in strong support of amendment No. 2. This amendment lays out a responsible U.S. policy toward Iraq, requiring that troops begin redeployment from Iraq within 30 days, with a goal of completing the withdrawal of combat troops by December 2009. As a Member of both the Out of Iraq and the Progressive Caucuses, I am proud to vote for legislation that, like other measures passed by this Congress, begins the process of withdrawing U.S. men and women from Iraq.

In addition, Madam Speaker this legislation specifically requires that any agreement between the United States and the government of Iraq committing future U.S. forces must be specifically authorized by Congress. The governments of Iraq and the United States announced their intention to forge a "strategic framework agreement," a long-term, bilateral pact, to be completed by July 31, 2008. This negotiated agreement is to be based on the "Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America," signed November 26, 2007, by Iraqi Prime Minister Nuri al-Maliki and President Bush.

Under the Declaration of Principles, the parties will negotiate a security agreement, under which the United States will support the Iraqi government and security forces in providing security and stability and fighting al-Qaeda and other terrorist groups. The Declaration of Principles envisions an agreement setting forth a wide-ranging set of commitments, which will cover issues including politics, economics, and security. In hearings before the Committee on Foreign Affairs, administration officials have indicated that the President intends to negotiate this agreement as an executive agreement, not subject to Congressional approval. It is essential that any agreement which commits future U.S. troops to the defense of Iraq is outside the purview of existing authorizations, and such an agreement must be submitted to the Congress for approval. This legislation also prohibits the establishment of permanent bases in Iraq.

Madam Speaker, amendment No. 2 requires that the Iraqi government step up and pay its share of Iraqi reconstruction efforts. I am concerned that the United States has paid and continues to pay a disproportionate amount for Iraq reconstruction, especially when the Iraqi government reportedly has a $25–30 billion budget surplus this year. To date the United States has appropriated more than $45 billion for Iraq reconstruction. American funded reconstruction programs have included: the training and equipping of Iraqi security forces.

Iraq is a resource-rich nation. Though still facing problems including a lack of technology, damage from previous mismanagement, the effects of looting, and water intrusion, Iraqi oil production is currently at around 2 million barrels per day. The price of oil has skyrocketed to over $100 a barrel and Iraqi oil exports are generating an estimated $56.4 billion this year alone, according to the GAO, yet it is U.S. taxpayers who continue to foot the bill for Iraqi reconstruction. The government of Iraq is stashing its money in global banks, including a reported $30 billion in the U.S., instead of investing this money in the development of crucial Iraqi infrastructure. This legislation requires the Iraqi government to take responsibility for the future of its own nation.

There are a number of other key provisions in this amendment. It requires the President to reach an agreement with Iraq to subsidize fuel costs for U.S. Armed Forces operating in Iraq so that our military pays what Iraqis pay. It requires that troop's meet the Pentagon's definition of "combat ready" before they are deployed to Iraq; Prohibits troops from being deployed longer than Pentagon guidelines recommend; and requires that troops spend adequate time at home between deployments. This legislation makes substantial strides toward cleaning up contracting in Iraq, expanding current law to make all contractors working in war zones subject to prosecution for offenses that would otherwise be in violation of U.S. law; extending the statute of limitations for fraud cases during wartime; and amending the Federal criminal code to prohibit profiteering and fraud involving contractors overseas. In addition, it prohibits interrogation techniques not authorized in the Army Field Manual, a provision necessary in eliminating torture.

AMENDMENT NO. 3

Madam Speaker, the third amendment to H.R. 2642 provides over $21.2 billion for much needed domestic programs and foreign aid. By extending unemployment benefits, expanding veterans' education benefits, and placing a moratorium on the Bush administration's seven Medicaid regulations; this amendment gets us closer to where the Economic Stimulus package should have taken us.

This amendment will provide increased funds for food aid, military hospitals, and the reconstruction of the Louisiana levees.

INTERNATIONAL FOOD AID

As many of you know, we are facing an international food crisis. According to the International Monetary Fund, IMF, global food prices have increased an average of 43 percent. In fact since March 2007, wheat has increased by 146 percent, soybean has increased by 71 percent, corn by 41 percent, and rice prices have increased by 29 percent, according to the U.S. Department of Agriculture.

Many factors have played into this crisis. In China, India, and other emerging markets experiencing rapid economic growth, consumers are increasing their demand for food, oil, and energy supplies. Rising energy costs have directly raised the cost of agricultural production. Adverse weather-related events have lowered crop yields, particularly affecting wheat harvests. Depreciation of the U.S. dollar accounts for part of the increase in U.S. food prices, while increased production of biofuel has raised the price of corn.

Sadly, approximately 1 billion people—or one sixth of the world's population—subsist on less than $1 per day. Of this population, 162 million survive on less than $0.50 per day. Overall, increased food prices particularly affect developing countries, and the poorest people within those countries, where populations spend a larger proportional share of income on basic food commodities.

That is why I, along with other Hunger Caucus members hosted a forum on the food crisis and what it is doing to our children. We met with leaders of the international aid community to come up with pragmatic solutions to the global hunger crisis, both in the short-term and the long-term.

In my district I submitted an appropriations request for the Houston Food Bank to expand their collection and distribution of food to the good people of Houston. We each have to do our part, not only in our district by supporting much needed programs and organizations, but across this great Nation and the rest of the world.

This amendment would give $9.9 billion, $496 million above the President's request for the State Department, USAID and International Food Assistance. It is simply unacceptable in this day and age that children are going hungry. We have millions of dollars to bailout Bear Stearns, let's find that same money to help our families and our children.

EXPANDED GI BENEFITS FOR VETERANS EDUCATION

As champion for veterans, I am especially pleased to see the expansion of education benefits to veterans under the GI bill.

EXTENDED UNEMPLOYMENT COMPENSATION

The number of Americans looking for work has grown by 800,000 over the last year, and the number of American jobs has declined by 260,000 since the beginning of 2008. This supplemental would extend unemployment benefits for workers who have exhausted their benefits by up to 13 weeks in every state as well as an additional 13 weeks in states with high unemployment.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008
(H.R. 5613)

The Bush administration sought to cut services and payments to American families by adding seven different Medicaid regulations to the stimulus. This amendment places a much needed moratorium on those regulations giving back to our seniors, families, and those with disabilities as well as cut payments to safety net providers.

REFUGEE ASSISTANCE

$675 million, $454 million above the President's request, to address the refugee crisis in Iraq and elsewhere.

MERIDA

This amendment would give $461.5 million, $88.5 million below the President's request for the initiative to provide counter narcotics and law enforcement assistance in Mexico, $400 million, and Central America, $61.5 million.

MILITARY CONSTRUCTION

The $4.6 billion for military construction, $2.2 billion over the President's request, including $939 million for BRAC, over $210 million for the military child care centers that the President announced in the State of the Union but never funded, and $992 million for military hospitals to prevent the types of problems that faced Walter Reed.

BUREAU OF PRISONS

This $178 million urgently needed to meet rising incarceration costs and growing inmate population. The administration would have paid for these costs with cuts to state and local law enforcement funding.

CLEANING UP CONTRACTING (H.R. 3928 AND H.R. 5712)

Increases accountability and transparency in Federal contracting by requiring companies that receive more than 80 percent of their revenue from the Federal Government to disclose the names and salaries of their top officers, and requires Federal contractors to report violations of Federal criminal law and overpayments on contracts over $5 million.

Mr. DREIER. Madam Speaker, I understand that my good friend from Cleveland was unable to get time from his side of the aisle.

And so at this time I am happy to yield 1 minute to the gentleman from Cleveland, the Democratic Presidential candidate, Mr. KUCINICH.

Mr. KUCINICH. Madam Speaker, I regretfully oppose this rule, not because I lack appreciation for the work of my colleagues in trying to craft a bill that would get consensus, but because we are right back to where we were in January of 2007. We made a commitment that we would take control of this Congress and would end the war. Now, with this bill, we are saying we will set a goal of 18 months from now. So what happens 18 months from now? We have to end this war by stopping the funding.

In this bill we are telling the Iraqis they are going to have to pay for the reconstruction. We are telling the Iraqis they are going to have to give a discount price for oil, so they are going to subsidize the war against their own country.

We are losing a lot in this war, not only hundreds of billions of dollars, not only the lives of our troops, not only the injuries, but we are also losing our sense of humanity and compassion. There have been over 1 million innocent Iraqis killed as a result of this war.

Vote against this rule.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Speaker, I support this rule, in part, because it allows Congress to finally rein in an out-of-control policy by the administration in Iraq.

For too long our Congress has stood by while an administration has pursued a course in Iraq fraught with peril, with no plan for its conclusion, with no plan for resolution, with no meaningful plan for international involvement, to end this problem in Iraq. While Congress has not reined in this administration, the American people have been raising a hue and cry for relief from this negligent lack of plan in Iraq.

I came across, a few weeks ago, some work that some citizens had done to provide an exit strategy from Iraq. This is a plan called A Responsible Plan to End the War in Iraq. It was organized by a group of citizens, a woman from Carnation, Washington, named Darcy Burner. It is endorsed by considerable military thinking, endorsed by Major General Paul Eaton, U.S. Army, retired, former Security Transition Commanding General in Iraq; Dr. Lawrence Korb, a former Assistant Secretary of Defense in the Reagan administration; Brigadier General John Johns, specialist in counterinsurgency and nation-building; Captain Larry Seaquist, U.S. Navy, retired, former commander of the USS *Iowa* and Acting Deputy Assistant Secretary of Defense for Policy Planning.

Here is a plan that has considerable parallels to the amendment we will be allowed to offer to finally having some responsible plan to end the war in Iraq. A meaningful timetable, a statement about permanent bases, meaningful requirements for not overburdening our military. It's time, simply, for Congress to act. This rule allows us to do so. We should pass it.

Mr. DREIER. Madam Speaker, may I inquire again how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining. The gentlewoman from New York has 7 minutes remaining.

Mr. DREIER. Madam Speaker, with that, I am happy to yield 1 minute to the very distinguished gentlewoman from Brooksville, Florida (Ms. GINNY BROWN-WAITE).

☐ 1115

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise in opposition to the rule. I am the lead Republican on the post-9/11 Veterans Education Assistance Act. Congress needs to increase benefits for those fighting in our military to cover the true cost of a college education, and that is what that bill does.

Despite my obvious support for this provision in the supplemental, I am saddened because I cannot vote for its passage as part of amendment 3 today. I cannot because the Democrats have chosen to include an egregious tax on small businesses in amendment 3. While claiming this tax is for American's veterans, in reality the majority of it is paying for their penchant to send foreign aid money to governments, many of whom do not support the United States of America.

However, when the fortunes of this Nation's veterans are at stake, the majority always seems to play games. There is no need for this tax, and certainly it is not welcomed at a time when our economy is struggling. But unfortunately, the tax-and-spend folks are here at it again, and this is part of the largest tax increase in history.

Ms. SLAUGHTER. Madam Speaker, may I inquire if my colleague has any more requests for time.

Mr. DREIER. Yes, we have a couple of speakers and then I am going to close.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. DREIER. Let me yield to my very good friend from Wichita, who is a member of the Appropriations Committee and who has worked long and hard here, for 1 minute.

Mr. TIAHRT. I thank the gentleman from California.

Madam Speaker, Washington is broken and it needs to be changed. This rule is poorly devised and the underlying bill is poorly conceived. This bill did not go through the committee process, it is unprecedented and it violates the intent of the rules of the House.

Why is this important, Madam Speaker? Well, the American people would not allow the Democrat leadership to cancel the next election. The American people would not allow one person to determine who our next President is going to be; but on a smaller scale, that is exactly what has happened on this bill.

The Speaker of the House has determined what is in this bill, not the appropriate committee. An election was cancelled. There was no vote. The representatives of the people did not have a voice in this process. We did not have any committee hearings. This is not the democratic process. Washington is broken and it needs to be changed.

The rule accepts this violation of our own House rules, that's why I ask my colleagues to vote "no" on this rule because Washington is broken and it needs to be changed. We have to change the process here because Washington is broken and it needs to be changed.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee.

Mr. OBEY. Madam Speaker, I hope the House will forgive my laryngitis today.

Madam Speaker, I have just heard complaints from the minority side of the aisle about the process by which this proposal is being brought to us. This criticism about process comes from the same crowd that brought a $40 billion proposal to the floor 2 days after 9/11 without ever running that proposal through either the appropriations subcommittee or the Appropriations Committee. That criticism comes from the same crowd——

Mr. DREIER. Will the gentleman yield?

Mr. OBEY. No. I didn't interrupt you. You always ask someone to yield in order to interrupt their train of thought. I would appreciate if you would stop doing that with me.

Mr. DREIER. That is not my goal, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin controls the time.

Mr. OBEY. Madam Speaker, ahead of time, I will not yield to anyone until I have completed my statement.

This criticism on process comes from the same crowd that stood by and allowed 30 pages of unread material to be surreptitiously and anonymously slipped into a conference report on the defense bill after the conference report had completed action, language which insulated the drug industry from liability in cases where their products injured the health of customers.

This comes from the same crowd that several years ago blocked the ability of this House to vote on a single matter that had anything at all to do with the most significant domestic appropriation bill, the Labor-Health-Education bill. They simply wrapped it into other items and refused to allow the House to work its will on any piece of that proposal which had more than 500 programs which were insulated from House review.

This comes from the same crowd that brought three supplemental appropriation bills to the floor without running those bills through the Appropriations Committee or subcommittee.

Now they say that they want one vote on the package all put together. Well, let me tell you, what we are trying to do is to avoid Members having to look at everything in one package. What we are trying to do is to give them a straight up-or-down vote, a clean shot on the issue of whether you want to provide funding for the war or not. It is a procedurally neutral approach. If you want funding for the war, you vote "yes" and if you don't want it, you vote "no." That way you can't hide on that issue. It stands out there alone, and people see where you stand.

We are also having a separate vote on whether or not we should impose conditions on the administration in exchange for the use of that money, straight up-or-down vote, clean shot at it, can't hide behind any other issue.

And thirdly, we are taking the administration's other requests and two priorities of our own and putting them together in a third amendment, again separate, not tied into a big package, out there so that Members can choose up or down whether they want to do that or not. I make no apology for that.

Now we are being lectured about the fact that this is a bloated bill. Out of all of the appropriated items in this bill, all but $2 billion are requested by the administration. Congress has the temerity to be asking to spend 1 percent of the appropriated amount in this bill. The rest the President takes ownership of.

Secondly, we are being told, Oh, it's terrible because we've taken a military bill and "larded" it up was the term that the gentleman from Janesville used, that we larded it up with unemployment compensation and with the expanded GI Bill. Well, I suppose additional unemployment compensation benefits may look like lard to a Member who makes $165,000 a year; but to people who have exhausted their unemployment benefits and have been out of work for 6 months, it doesn't look like lard to them; it looks like basic bread, and I think we should be ashamed of the fact that we haven't provided this sooner.

It also may look like lard to the gentleman from Janesville for us to say that we want to provide expanded education benefits to the GIs who fought this war. But I would remind every Member of this House, this is the first war in my knowledge where we have never had any sense of shared sacrifice. The only people in this society who are being asked to sacrifice are the veterans and the military families. They have been sent to Iraq and Afghanistan again and again and again, and we have the quaint idea that we ought to be able to take 6 percent of the cost of that war to date, 6 percent, and devote it to expanding education benefits for people who have sacrificed by wearing the uniform of the United States.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. SLAUGHTER. I yield the gentleman from Wisconsin 2 additional minutes.

Mr. OBEY. We pay for that by providing what the majority leader refers to as a patriots' premium, a one-half of 1 percent increase in taxes for the most fortunate people in this society who make more than a million bucks a year.

If you think that is even a close question, whether we ought to put the GIs before those fortunate folks, then it is no wonder you lost the seat in Mississippi 2 days ago.

Mr. DREIER. Madam Speaker, let me yield myself 30 seconds.

Let me begin by apologizing to my friend from Wausau. The notion of engaging in debate on the House floor is something I feel strongly about, and I am always happy to yield to people when they make requests for me to yield. I was simply asking my friend to yield because of the fact that the $40 billion post-9/11 supplemental about which my friend complained and referred to as "this crowd" came to this floor under unanimous consent, a bipartisan agreement.

And the three supplemental appropriations, Madam Speaker, about which my friend referred, never, never, denied a motion to recommit to the minority. And I ensured as chairman of the Rules Committee at that time the right of the minority would, in fact, be maintained.

Madam Speaker, I am very happy to yield 1 minute to my friend from Auburn, Washington, the former sheriff, DAVID REICHERT.

Mr. REICHERT. Madam Speaker, I rise today in opposition to this rule. Yesterday the Culberson-Reichert-Shays Iraqi reconstruction amendment was offered and subsequently ruled out of order before the Rules Committee.

The intent of this amendment was to allow for the recent gains in Iraq to continue and at the same time reduce the burden on American taxpayers. Since April 2003, United States taxpayers have spent more than $46 billion in reconstruction in Iraq.

This amendment would have allowed us to begin to reduce American taxpayer dollars going to Iraq for reconstruction. This amendment would have directed that U.S. taxpayer dollars going to Iraq, to come to Iraq in the form of a loan. It would have enabled the Iraqis to still have a steady flow of reconstruction funding should they be unable to draw down their own funds.

Now is the time, especially with skyrocketing oil prices, for the Iraqis to stand up and take responsibility for their own reconstruction. In order for the Iraqi Government to stand up their economy, they must take the responsibility, they must bear the costs for reconstruction of their own country, not the American taxpayer. I oppose this rule.

Ms. SLAUGHTER. I continue to reserve the balance of my time.

Mr. DREIER. I inquire, is the distinguished Chair of the Rules Committee the final speaker for the majority?

Ms. SLAUGHTER. I am.

Mr. DREIER. Madam Speaker, let me yield myself the balance of my time.

Let me say at the outset, and again the last thing I want to do is offend my friend from Wausau by asking him to yield at any point, but I would be happy to yield to him if he wants to respond to what I am about to say. And that is, the fact of the matter is we have in this Congress the single highest number of closed rules in the 219-year history of the Republic. Never before has this, has the United States Congress had such a period of closed rules. I will tell you, it is absolutely outrageous. Why, because we were promised something that was much, much different than that.

On a supplemental appropriations bill, my good friend, the chairman of the committee said, "The majority leadership decide to obliterate the legislative process. They discarded a bipartisan committee product, and they threw in unrelated, partisan political items that characterized a full partisan agenda. They have taken abusive power to a new level."

Madam Speaker, let me say that when we did that, we provided the minority a right to have a bite at the apple, a motion to recommit. They had an opportunity to offer a proposal. I will tell you it is just plain wrong to see what has been taking place here.

I am going to urge my colleagues to oppose the previous question so I can amend the rule to simply give Republicans one simple bite at the apple, something we always guaranteed the now-majority.

Mr. LEWIS, the ranking member on the Committee on Appropriations, introduced a bill on Tuesday, H.R. 6062, a clean supplemental, to provide troop funding without strings and extraneous spending. If the previous question is defeated, I will amend the rule to make in order an alternative motion to concur by Mr. LEWIS which would simply state that the House concurs in the Senate amendment with an amendment consisting of the text of H.R. 6062. This way the House has the opportunity to send the Senate a clean supplemental to get our troops the money that they desperately need without the hocus-pocus, three-in-one vote political gamesmanship that we have before us at this moment.

☐ 1130

It's simply the right thing for us to do to send that clean supplemental.

Madam Speaker, at this point I would like to ask unanimous consent to have the text of the extraneous material and the amendment included in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, it's just one simple bite at the apple, something we always guaranteed the Democrats when we were in charge. It's one amendment. We're just trying to help the Democratic majority become the majority that they promised that they would be. It's not too late. Let them do it, Madam Speaker.

Vote "no" on the previous question.

Ms. SLAUGHTER. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman has 1½ minutes.

Ms. SLAUGHTER. Madam Speaker, let me say to my colleagues, voting for this rule gives the President not only what he has asked for the funding of the troops, but allows the people in the House who oppose that to have an opportunity to vote "no."

We also note, in response to Mr. REICHERT, that it does have an orderly withdrawal of troops beginning in December 2009, ending in 18 months.

This is a well-crafted piece of legislation of which I am extremely proud. I urge everyone to vote for the bill and rule and the underlying bill.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 1197 OFFERED BY MR. DREIER OF CALIFORNIA

Strike section 2, re-designate section 3 as section 2, and add at the end the following:

SEC. 3. Prior to consideration of the motion specified in section 1, and without intervention of any point of order, it shall be in order for Representative LEWIS of California or his designee to offer the motion specified in section 4. Such motion shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 4. The motion referred to in section 4 is a motion to concur in the Senate amendment to H.R. 2642 with an amendment striking the matter proposed to be inserted by the Senate amendment and inserting in lieu thereof the text of H.R. 6026 as introduced on May 13. 2008.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. I yield back the balance of my time, and I am pleased to move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 1197, if ordered; and the motion to suspend the rules on H.R. 5614, H.R. 406, and H.R. 5872.

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 14, as follows:

[Roll No. 323]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bono Mack
Carnahan
Crenshaw
DeGette
Gerlach
Gilchrest
Gillibrand
Hulshof
Larson (CT)
Lewis (KY)
Mack
Myrick
Rush
Wynn

☐ 1157

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 12, as follows:

[Roll No. 324]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—200

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bono Mack
Crenshaw
DeGette
Gerlach
Gillibrand
Hulshof
Larson (CT)
Lewis (KY)
Mack
Myrick
Rush
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ORIGINAL SAINT-GAUDENS DOUBLE EAGLE ULTRA-HIGH RELIEF PALLADIUM BULLION COIN ACT

The SPEAKER pro tempore (Mr. BLUMENAUER). The unfinished business is the question on suspending the rules and passing the bill, H.R. 5614, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 5614, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 325]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta

Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Boehner
Bono Mack
Cole (OK)
Crenshaw
DeGette
Dingell
Edwards
Gerlach
Gillibrand
Hulshof
Kirk
Larson (CT)
Lewis (KY)
Loebsack
Mack
Myrick
Rush
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1213

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize the production in palladium of Saint-Gaudens Double Eagle coins as ultra-high relief numismatic coins and bullion investment coins in order to provide affordable opportunities for investments in precious metals, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. KIRK. Mr. Speaker, on rollcall No. 325, I was unavoidably detained. Had I been present, I would have voted "yea."

ALICE PAUL WOMEN'S SUFFRAGE CONGRESSIONAL GOLD MEDAL ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 406, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 406, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 1, not voting 20, as follows:

[Roll No. 326]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—20

Boehner
Bono Mack
Crenshaw
Cummings
DeGette
Dingell
Gerlach
Gillibrand
Gohmert
Hastings (WA)
Hulshof
Kaptur
Larson (CT)
Lewis (KY)
Loebsack
Mack
Marchant
Myrick
Rush
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1220

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to award a congressional gold medal in recognition of Alice Paul's role in the women's suffrage movement and in advancing equal rights for women".

A motion to reconsider was laid on the table.

NATIONAL POLICE OFFICERS MEMORIAL DAY

The SPEAKER pro tempore. Without objection the gentleman from Texas (Mr. POE) is recognized for 1 minute.

There was no objection.

Mr. POE. Mr. Speaker, today is National Police Officers Memorial Day, May 15. Last year, 181 peace officers in the United States were killed in the line of duty. Over 18,000 have been killed in the line of duty serving this country. At this very hour on the west front of the Capitol, thousands of police officers and families of those who have been killed in the line of duty are assembling to pay tribute to these wonderful men and women who represent the United States.

Just 10 years ago, two Capitol Police officers, John Gibson and Jacob Chestnut, were killed in the line of duty defending this Capitol and literally gave their lives for Members of Congress.

MOMENT OF SILENCE

I would ask that the House observe a moment of silence in honor of these peace officers and their wonderful families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

BOY SCOUTS OF AMERICA CENTENNIAL COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5872, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 5872, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 8, not voting 22, as follows:

[Roll No. 327]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—8

Baldwin
Frank (MA)
Gutierrez
Kucinich
Lee
McDermott
Stark
Woolsey

NOT VOTING—22

Boehner
Bono Mack
Braley (IA)
Crenshaw
Cummings
DeGette
Dingell
Gerlach
Gillibrand
Hastings (WA)
Hulshof
Larson (CT)
Lewis (KY)
Loebsack
Mack
Marshall
Myrick
Reichert
Rush
Shuster
Walsh (NY)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1229

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I could not be present today, Thursday, May 15, 2008, to vote on rollcall votes Nos. 323 through 327 due to a funeral. Had I been present, I would have voted:

"Yea" on rollcall No. 323 on agreeing to the motion ordering the previous question on H. Res. 1197, the rule providing for consideration of the Senate amendment to H.R. 2642, the Supplemental Appropriations Act, 2008;

"Yea" on rollcall No. 324 on agreeing to H. Res. 1197, the rule providing for consideration of the Senate amendment to H.R. 2642, the Supplemental Appropriations Act, 2008;

"Yea" on rollcall No. 325 on agreeing to the motion to suspend the rules and pass H.R. 5614, the Original Saint-Gaudens Double Eagle Ultra-High Relief Bullion Coin Act;

"Yea" on rollcall No. 326 on agreeing to the motion to suspend the rules and pass H.R. 406, Alice Paul Women's Suffrage Congressional Gold Medal Act;

"Yea" on rollcall No. 327 on agreeing to the motion to suspend the rules and pass H.R. 5872, the Boy Scouts of America Centennial Commemorative Coin Act.

SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1197, I call from the Speaker's table the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TIERNEY). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

H.R. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,928,149,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $317,149,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,168,315,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $115,258,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,048,518,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $64,958,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,758,755,000, to remain available until September 30, 2012: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $154,728,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $478,836,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $228,995,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $138,424,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $59,150,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $27,559,000, to remain available until September 30, 2012: Provided, That of the funds appropriated for "Military Construction, Air Force Reserve" under Public Law 109–114, $3,100,000 are hereby rescinded.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $201,400,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $419,400,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $742,920,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law,

$288,329,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $371,404,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $362,747,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $688,335,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,848,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $104,176,000, to remain available until September 30, 2012, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $320,689,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $8,174,315,000, to remain available until expended: Provided, That funds made available under this heading for the construction of facilities are subject to the notification and reprogramming requirements applicable to military construction projects under section 2853 of title 10, United States Code, and section 0703 of the Department of Defense Financial Management Regulation of December 1996, including the requirement to obtain the approval of the congressional defense committees prior to executing certain reprogramming actions.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea if that country has not increased its defense spending by at least 3 percent in calendar year 2005, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $750,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term "host country" means other member countries of NATO, Japan,

South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

SEC. 126. Funds made available by this title for the construction of facilities identified in the State table of the report accompanying this Act as "Grow the Force" projects are subject to the notification and reprogramming requirements applicable to military construction projects under section 2853 of title 10, United States Code, and section 0703 of the Department of Defense Financial Management Regulation of December 1996, including the requirement to obtain the approval of the congressional defense committees prior to executing certain reprogramming actions.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS PROGRAMS

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $41,236;322,000, to remain available until expended: Provided, That not to exceed $28,583,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical administration" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,300,289,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, $41,250,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the *program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2008, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.*

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,562,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $71,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,287,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $311,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $628,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical services" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $28,979,220,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed $1,350,000,000 shall remain available until September 30, 2009: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $3,642,000,000, plus reimbursements, of which $250,000,000 shall remain available until September 30, 2009.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,092,000,000, plus reimbursements, of which $350,000,000 shall remain available until September 30, 2009: Provided, That not less than $350,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $500,000,000, plus reimbursements, to remain available until September 30, 2009.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $217,709,000, of which not to exceed $25,000,000 shall remain available until September 30, 2009.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,612,031,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,329,044,000: Provided further, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2009: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978, $88,700,000, of which $3,630,000 shall remain available until September 30, 2009.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $727,400,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2008, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2008; and (2) by the awarding of a construction contract by September 30, 2009: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $751,398,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $250,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $1,898,000,000, to remain available until September 30, 2009: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 60 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2008, in this Act or any other Act, for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2008, in this Act or any other Act, under the "Medical services", "Medical Administration", and "Medical facilities" accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2007.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2008, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2008 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2008 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $32,067,000 for the Office of Resolution Management and $3,148,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, *may be transferred to "Medical services", to remain available until expended for the purposes of this account.*

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the "Medical services", "Medical Administration", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2008, may be transferred to or from the "Information technology systems" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new "Information technology systems" account, funds made available for fiscal year 2008, in this or any other Act, may be transferred from the "General operating expenses", "National Cemetery Administration", and "Office of Inspector General" accounts to the "Medical services" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Amounts made available for the "Information technology systems" account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 224. Of the amounts made available for fiscal year 2008, in this Act or any other Act, under the "Medical Facilities" account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last two months of the fiscal year.

SEC. 225. PROHIBITION ON DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS LANDS AND IMPROVEMENTS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA. (a) IN GENERAL.—The Secretary of Veterans Affairs may not declare as excess to the needs of the Department of Veterans Affairs, or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the Department of Veterans Affairs West Los Angeles Medical Center, California, encompassing approximately 388 acres on the north and south sides of Wilshire Boulevard and west of the 405 Freeway.

(b) SPECIAL PROVISION REGARDING LEASE WITH REPRESENTATIVE OF THE HOMELESS.—Notwithstanding any provision of this Act, section 7 of the Homeless Veterans Comprehensive Services Act of 1992 (Public Law 102–590) shall remain in effect.

(c) CONFORMING AMENDMENT.—Section 8162(c)(1) of title 38, United States Code, is amended—

(1) by inserting "or section 225(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008" after "section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553)"; and

(2) by striking "that section" and inserting "such sections".

(d) EFFECTIVE DATE.—This section, including the amendment made by this section, shall apply with respect to fiscal year 2008 and each fiscal year thereafter.

SEC. 226. The Department shall continue research into Gulf War Illness at levels not less than those made available in fiscal year 2007, within available funds contained in this Act.

SEC. 227. (a) ANONYMOUS REPORTING OF WASTE, FRAUD, OR ABUSE.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Veterans Affairs shall establish and maintain on the homepage of the Internet website of the Office of Inspector General a mechanism by which individuals can anonymously report cases of waste, fraud, or abuse with respect to the Department of Veterans Affairs.

(b) LINK TO OFFICE OF INSPECTOR GENERAL FROM HOMEPAGE OF DEPARTMENT OF VETERANS AFFAIRS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish and maintain on the homepage of the Internet website of the Department of Veterans Affairs a direct link to the Internet website of the Office of Inspector General of the Department of Veterans Affairs.

SEC. 228. (a) AUTHORITY FOR TRANSFER OF FUNDS TO SECRETARY OF HEALTH AND HUMAN SERVICES TO TRAIN PSYCHOLOGISTS.—Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) NOTIFICATION.—The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 229. (a) REPORTS ON RECONSTRUCTION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN NEW ORLEANS, LOUISIANA.—(1) Not later than October 1 and April 1 each year, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations a report on the current status of the reconstruction of the Department of Veterans Affairs Medical Center in New Orleans, Louisiana. Each report shall include the following:

(A) The current status of the reconstruction of the Medical Center, including the status of any ongoing environmental assessments, the status of any current construction, and an assessment of the adequacy of funding necessary to complete the reconstruction.

(B) If reconstruction of the Medical Center is subject to any major delay—

(i) a description of each such delay;

(ii) an explanation for each such delay; and

(iii) a description of the action being taken or planned to address the delay.

(C) A description of current and anticipated funding for the reconstruction of the Medical Center, including an estimate of any additional funding required for the reconstruction.

(2) The requirement in paragraph (1) shall cease on the day that the reconstruction of the Medical Center referred to in that paragraph is completed.

(b) REPORT ON DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN NEW ORLEANS AS POLYTRAUMA REHABILITATION CENTER OR POLYTRAUMA NETWORK SITE.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations a report setting forth the recommendation of the Secretary as to whether or not the Department of Veterans Affairs Medical Center being reconstructed in new Orleans, Louisiana, should be designated as a tier I polytrauma rehabilitation center or a polytrauma network site.

SEC. 230. (a) ADDITIONAL AMOUNT FOR MEDICAL SERVICES.—The amount appropriated or otherwise made available by this title under the heading "MEDICAL SERVICES" is hereby increased by $125,000,000.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by this title under the heading "MEDICAL SERVICES", as increased by subsection (a), $125,000,000 shall be available for the Veterans Beneficiary Travel Program. The amount available for the Veterans Beneficiary Travel Program under this subsection is in addition to any other amounts available for that program under this title.

(c) OFFSET.—The amount appropriated or otherwise made available by this title for the Veterans Health Administration under the heading "MEDICAL ADMINISTRATION" is hereby decreased by $125,000,000.

SEC. 231. (a) REPORT ON ACCESS TO MEDICAL SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS TO VETERANS IN REMOTE RURAL AREAS.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

(1) A description of the following:

(A) The unique challenges and costs faced by veterans in remote rural areas of contiguous and non-contiguous States when obtaining medical services from the Department of Veterans Affairs.

(B) The need to improve access to locally-administered care for veterans who reside in remote rural areas.

(C) The need to fund alternative sources of medical services—

(i) in areas where facilities of the Department of Veterans Affairs are not accessible to veterans without leaving such areas; and

(ii) in cases in which receipt of medical services by a veteran in a facility of the Department requires transportation of such veteran by air due to geographic and infrastructural constraints.

(2) An assessment of the potential for increasing local access to medical services for veterans in remote rural areas of contiguous and noncontiguous States through strategic partnerships with other government and local private health care providers.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Veterans' Affairs of the Senate and the House of Representatives; and

(2) the Subcommittees referred to in section 407.

SEC. 232. None of the funds appropriated or otherwise made available by this Act may be used during fiscal year 2008 to round down dollar amounts to the next lower whole dollar for payments of the following:

(1) Disability compensation under section 1114 of 38, United States Code.

(2) Additional compensation for dependents under section 1115(1) of such title.

(3) Clothing allowance under section 1162 of such title.

(4) Dependency and indemnity compensation to surviving spouse under subsections (a) through (d) of section 1311 of such title.

(5) Dependency and indemnity compensation to children under sections 1313(a) and 1314 of such title.

SEC. 233. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 234. LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC. (a) DESIGNATION.—The Department of Veterans Affairs clinic located in Alpena, Michigan, shall be known and designated as the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs clinic referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic".

SEC. 235. The Secretary of Veterans Affairs may carry out a major medical facility lease in fiscal year 2008 in an amount not to exceed $12,000,000 to implement the recommendations outlined in the August, 2007 Study of South Texas Veterans' Inpatient and Specialty Outpatient Health Care Needs.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $45,600,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $11,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, $24,217,000: Provided, That $1,120,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $31,865,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned watermain at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,724,000.

GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT HOME

For payment to the "Armed Forces Retirement Home", $5,900,000, to remain available until expended.

ADMINISTRATIVE PROVISION

SEC. 301. None of the funds in this title under the heading "American Battle Monuments Commission" shall be available for the Capital Security Costs Sharing program.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. (a) ASSESSMENT OF MENTAL HEALTH CARE SERVICES FOR FEMALE SERVICEMEMBERS AND VETERANS.—The Comptroller General of the United States shall conduct an assessment of the adequacy of the mental health care services provided by the Department of Veterans Affairs and the Department of Defense to female members of the Armed Forces and female veterans to meet the mental health care needs of such members and veterans.

(b) REPORT.—Not later than September 1, 2008, the Comptroller General shall submit to the Subcommittees referred to in section 407 a report on the assessment required by subsection (a).

SEC. 409. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default or the assessment is the subject of a non-frivolous administrative or judicial appeal.

SEC. 410. (a) In this section:

(1) The term "City" means the City of Aurora, Colorado.

(2) The term "deed" means the quitclaim deed—

(A) conveyed by the Secretary to the City; and

(B) dated May 24, 1999.

(3) The term "non-Federal land" means—

(A) parcel I of the Fitzsimons Army Medical Center, Colorado; and

(B) the parcel of land described in the deed.

(4) The term "Secretary" means the Secretary of the Interior.

(b)(1) In accordance with paragraph (2), and subject to each term and condition required *under paragraph (3), to allow the City to convey to the United States the non-Federal land to be used by the Secretary of Veterans Affairs for the construction of a veterans medical facility, the Secretary may execute such instruments as determined by the Secretary to be necessary to modify or release any condition under which the non-Federal land would revert to the United States.*

(2) In carrying out paragraph (1), with respect to the non-Federal land, the Secretary shall alter—

(A) each provision of the deed relating to a reversionary interest of the United States; and

(B) any other reversionary interest of the United States.

To authorize the use of the property to include use as a veteran's facility in addition to use for recreational purposes.

(3) The Secretary shall carry out paragraph (1) subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States.

SEC. 411. For an additional amount $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available to the Department of Homeland Security for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Convention and Republican National Convention in 2008. The Department of Homeland Security shall provide for an audit of all amounts made available under this section, including expenditures by State and local law enforcement entities. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 412. None of the funds appropriated or otherwise made available by this Act may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

This Act may be cited as the "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008".

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer the motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. OBEY:

Mr. OBEY moves that the House concur in the Senate amendment with three House amendments.

The text of House amendment No. 1 to the Senate amendment is as follows:

Page 60 of the Senate engrossed amendment, strike lines 1 through 3 and insert the following:

TITLE IX—DEFENSE MATTERS

CHAPTER 1—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $11,807,655,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $866,753,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,820,571,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,286,153,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $16,343,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,952,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,922,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,387,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph:

Provided further, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided* *further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $5,393,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $15,967,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $3,411,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $1,260,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,153,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $7,028,563,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,903,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $750,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $278,427,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,363,864,000, of which $907,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the "Defense Health Program" for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 9101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 9102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,026,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 9105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed

$6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 9106. Of the amount appropriated by this chapter under the heading "Drug Interdiction and Counter-Drug Activities, Defense," not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 9107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading "Other Procurement, Navy" may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

"(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.".

SEC. 9109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $37,300,000,000.

OPERATION AND MAINTENANCE NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a nonreimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For "Iraq Security Forces Fund", $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $84,000,000 to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,000,000,000 to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 9201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 9202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110-116, except for the fourth proviso.

SEC. 9204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense, in consultation with the Secretary of State, shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 9205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 9206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the "Mine Resistant Ambush Protected Vehicle Fund", to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 9209. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3—GENERAL PROVISIONS, THIS TITLE

SEC. 9301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 9302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 9303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 9305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking "$362,159,000" and inserting "$435,259,000".

SEC. 9307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 9308. (a) Of the funds made available for "Defense Health Program" in Public Law 110–28, $75,000,000 is rescinded.

(b) Of the funds made available for "Joint Improvised Explosive Device Defeat Fund" in Division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 is rescinded.

SEC. 9309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the "Iraq Freedom Fund", $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 9310. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

The text of House amendment No. 2 to the Senate amendment is as follows:

Page 60 of the Senate engrossed amendment, after line 3, insert the following:

TITLE X—POLICY REGARDING OPERATIONS IN IRAQ

SENSE OF CONGRESS REGARDING UNITED STATES MILITARY PERSONNEL

SEC. 10001. It is the sense of the Congress that the performance of United States military personnel should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately.

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 10002. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220–1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 10003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days and that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 10004. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

LIMITATION ON INTERROGATION TECHNIQUES

SEC. 10005. (a) No individual in the custody or under the effective control of an element of the intelligence community or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

(b) In this section, the term "instrumentality", with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

REGISTRATION WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 10006. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community or an instrumentality thereof unless the International Committee of the Red Cross is provided notification of the detention of and access to such person in a timely manner and consistent with the practices of the Armed Forces of the United States.

(b) For purposes of this section, the term "instrumentality", with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(c) Nothing in this section shall be construed to create or otherwise imply the authority to detain, or to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 10007. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 10008. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement any agreement with the Government of Iraq that includes security assurances for mutual defense, unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by a law enacted after the date of enactment of this Act.

(b) For purposes of this section, an agreement shall be considered to include security assurances for mutual defense if it includes provisions addressing any of the following:

(1) A binding commitment to deploy United States Armed Forces in defense of Iraq, or of any government or faction in Iraq, against any foreign or domestic threat.

(2) The number of United States Armed Forces personnel to be deployed to, or stationed in, Iraq.

(3) The mission of United States Armed Forces deployed to Iraq.

(4) The duration of the presence of United States Armed Forces in Iraq.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 10009. None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REQUIREMENT FOR MATCHING FUNDS FROM GOVERNMENT OF IRAQ

SEC. 10010. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act for assistance for Iraq, including training, capacity building, and construction and repair of infrastructure, shall be available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(b) subsection (a) shall not apply to—

(1) grants and cooperative agreements for programs to promote democracy and human rights;

(2) the Community Action Program and other direct assistance to non-governmental organizations;

(3) humanitarian demining;

(4) assistance for refugees, internally displaced persons, and civilian victims of military operations;

(5) intelligence or intelligence-related activities; or

(6) projects with an estimated cost of less than $750,000 undertaken through the Commander's Emergency Response Program.

(c) The Secretary of State and the Secretary of Defense shall certify to the Committees on Appropriations of the House of Representatives and Senate, prior to the initial obligation by their respective Departments of funds covered by the limitation in subsection (a), that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary of State shall submit a report to the Committees on Appropriations not later than September 30, 2009 detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(d) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(e) As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 10011. (a) None of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

TIMETABLE FOR REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ

SEC, 10012. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this Act may be used to plan and execute a safe and orderly redeployment of United States Armed Forces from Iraq.

(b) Within 30 days after enactment of this Act, the President shall commence an immediate and orderly redeployment of United States Armed Forces from Iraq, with a goal of completing such redeployment within 18 months. The President shall endeavor to begin such redeployment with units of the Armed Forces that have been deployed in excess of 365 days, except to the extent those units are needed to provide for the safe withdrawal of other units of the Armed Forces or to protect United States and Coalition personnel and infrastructure.

(c) After completion of the redeployment required by subsection (b), members of the United States Armed Forces may be deployed to, or maintained in, Iraq only to the extent necessary to carry out the following missions:

(1) Protecting the diplomatic facilities, Armed Forces, and citizens of the United States in Iraq.

(2) Conducting limited training of, equipping, and providing logistical and intelligence support to, Iraqi security forces.

(3) Engaging in targeted counterterrorism operations against al-Qaeda, groups affiliated with al-Qaeda, and other terrorist organizations in Iraq.

(d) Not later than July 1, 2008, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The current plan for and the status of the reduction of United States Armed Forces in Iraq and the transition of the Armed Forces in Iraq to a limited presence whose missions do not exceed the missions specified in subsection (c), including the associated force reductions and adjustments and expectations with respect to timelines and the force levels anticipated to perform those missions.

(2) A comprehensive current description of efforts to prepare for the reduction and transition of United States Armed Forces in Iraq in accordance with this section and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and countries in the region toward that objective.

(e) Not later than 45 days after enactment of this Act, the Secretary of State shall provide to the Committees on Appropriations of the House of Representatives and Senate a strategy for civilian-led post-conflict stabilization and reconstruction assistance for Iraq. The strategy (which may be provided in classified form if necessary) shall include—

(1) the plans and timetable for transfer of all responsibility for United States post-conflict stabilization and reconstruction assistance from the Department of Defense to the Department of State and the United States Agency for International Development; and

(2) the staff, security and resource requirements for United States diplomatic efforts and assistance programs in Iraq.

TITLE XI—REFORMS RELATED TO WAR PROFITEERING AND CONTRACTORS

CHAPTER 1—ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS

ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS

SEC. 11101. Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the

Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

CHAPTER 2—WAR PROFITEERING AND FRAUD

WAR PROFITEERING AND FRAUD

SEC. 11201. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. War profiteering and fraud

''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

''(2) in connection with the contract or the provision of those goods or services—

''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(B) makes any materially false, fictitious, or fraudulent statements or representations; or

''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

''1041. War profiteering and fraud.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1041''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.

CHAPTER 3—MILITARY EXTRATERRITORIAL JURISDICTION

SHORT TITLE

SEC. 11301. This chapter may be cited as the ''MEJA Expansion and Enforcement Act of 2008''.

LEGAL STATUS OF CONTRACT PERSONNEL

SEC. 11302. (a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

''(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

''(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,''.

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

''(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);''; and

(B) by adding at the end the following new paragraphs:

''(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily a resident in the host nation.

''(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) authorized in the course of such employment—

''(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

''(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this chapter;

''(iii) to use force against another; or

''(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

''(C) present or residing outside the United States in connection with such employment; and

''(D) not a national of or ordinarily resident in the host nation.

''(7) The term 'qualifying military operation' means—

''(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

''(B) a contingency operation (as defined in section 101 of title 10); or

''(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.''.

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT

SEC. 11303. (a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 11302(a) of this chapter); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this chapter. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this chapter and the amendments made by this chapter and chapter 212 of title 18, United States Code.

REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS

SEC. 11304. (a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

"(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.".

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3261(a)—

(i) by inserting "against the United States" after "offense" the first time it appears; and

(ii) by inserting "within the United States or" after "had been engaged in";

(B) in section 3262—

(i) in subsection (a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

"(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).";

(C) in section 3263(a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(D) in section 3264(a), by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested";

(E) section 3265(a)(1) by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested"; and

(F) in section 3266(a), by striking "under this chapter" and inserting "described in section 3261(a)(1) or 3261(a)(2)".

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking "section 3261(a)" and inserting "section 3261(a)(1) or 3261(a)(2)".

RULES OF CONSTRUCTION

SEC. 11305. (a) IN GENERAL.—Nothing in this chapter or the amendments made by this chapter shall apply to authorized and otherwise lawful intelligence activities carried out by or at the direction of the United States.

(b) DEFENSES.—Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(c) EXISTING EXTRATERRITORIAL JURISDICTION.—Nothing in this chapter or the amendments made by this chapter shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this chapter.

DEFINITION

SEC. 11306. For purposes of this chapter and the amendments made by this chapter, the term "Executive agency" has the meaning given in section 105 of title 5, United States Code.

EFFECTIVE DATE

SEC. 11307. (a) IMMEDIATE EFFECTIVENESS.—The provisions of this chapter shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this chapter applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this chapter.

The text of House amendment No. 3 to the Senate amendment is as follows:

Page 1 of the Senate engrossed amendment, strike line 1 and all that follows through the end of line 21 on page 59, and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $850,000,000, to remain available until expended.

For an additional amount for "Public Law 480 Title II Grants", $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $92,169,000, to remain available until September 30, 2009.

For an additional amount for "Salaries and Expenses", $82,600,000, to become available on October 1, 2008, and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $12,166,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $9,100,000, to remain available until September 30, 2009.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,432,700,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $73,400,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $72,000,000 shall not be obligated or expended until after that date on which the Secretary of Defense submits a detailed spending plan, including a 1391 form for each facilities replacement project, to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That of the funds provided under this heading, $533,700,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $423,357,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $15,843,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $409,627,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $36,427,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds provided under this heading, $58,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $1,009,600,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided, $982,000,000 shall be for medical treatment facilities construction (including planning and design) and shall remain available until September 30, 2012.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Construction, Navy and Marine Corps," $11,766,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,354,634,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $100,000,000, to remain available until September 30, 2009.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $20,000,000, to remain available until September 30, 2009.

GENERAL PROVISION, THIS CHAPTER

SEC. 1301. None of the funds appropriated in this or any other Act may be used to terminate, reorganize, or relocate the Armed Forces Institute of Pathology until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,606,808,000, to remain available until September 30, 2009, of which $210,508,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,295,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be available to establish and implement a coordinated civilian response capacity at the United States Department of State.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $7,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $53,000,000 to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $333,600,000, to remain available until September 30, 2009, for the United Nations-African Union Hybrid Mission in Darfur.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $142,000,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,747,000,000, to remain available until September 30, 2009, of which not more than $440,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $100,000,000 of the funds appropriated under this heading shall be made available for assistance for the West Bank and none of such funds shall be for cash transfer assistance: *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $75,000,000, to remain available until September 30, 2009, for democracy programs in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $419,300,000, to remain available until September 30, 2009: *Provided*, That not more than $25,000,000 of the funds appropriated by this subchapter shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $300,000,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $25,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $11,200,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $72,500,000, to remain available until September 30, 2009, of which up to $66,500,000 shall be made available for assistance for Mexico.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $737,900,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $581,500,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $46,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance," $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $8,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund," $1,147,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $100,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $150,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $204,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That not more than $50,000,000 of the funds made available by this subchapter shall be made available for security assistance for the West Bank and up to $53,500,000 shall be made available for assistance for Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $170,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan and up to $50,000,000 shall be made available for assistance for Mexico: *Provided*, That section 3802(c) of title III, chapter 8 of Public Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

AFGHANISTAN

SEC. 1402 (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTICORRUPTION.—Not later than 90 days after enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WEST BANK

SEC. 1403. Not later than 90 days after the date of enactment of this Act, and 180 days thereafter, the Secretary of State shall submit to the Committees on Appropriations a report on assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of the training, curriculum, and equipment provided; an assessment of the training and the performance of forces after training has been completed; and a description of the assistance that has been pledged and provided to Palestinian security forces by other donors: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations, in classified form if necessary, on the security strategy of the Palestinian Authority.

MEXICO

SEC. 1404. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund" in this chapter, not more than $296,500,000 of the funds appropriated in subchapter A and $103,500,000 of the funds appropriated in subchapter B shall be made available for assistance for Mexico, only to combat drug trafficking and related violent crime, and for judicial reform, institution building, and rule of law activities, of which not less than $73,500,000 shall be used for judicial reform, institution building, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that relevant members and units of the Mexican armed forces and police forces that may receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—25 percent of the funds made available by this chapter for assistance for Mexico under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations on the requirements described in subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (b) are the following:

(1) The Government of Mexico is—

(A) improving the transparency and accountability of Federal police forces and engaging with state and municipal authorities to improve the transparency and accountability of state and municipal police forces through mechanisms such as police complaints commissions;

(B) ensuring meaningful engagement with civil society to monitor efforts to combat drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities to ensure due process and the protection of freedom of expression, association, and assembly in accordance with Mexican and international law; and

(C) ensuring that, in accordance with applicable Mexican law, the Mexican armed forces and the Federal police forces are cooperating with civilian prosecutors and judicial authorities in investigating and prosecuting in the civilian justice system those individuals, including military personnel, who have been credibly alleged under Mexican law to have committed violations of internationally recognized human rights, and, consistent with Mexican and international law, is vigorously enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment.

(2) The Federal Public Security Secretary and the Minister of Defense, respectively, in accordance with applicable Mexican law, are suspending or placing on administrative duty, those members of the Federal police and armed forces who have been credibly alleged under Mexican law, to have committed violations of internationally recognized human rights or participated in corrupt acts and have established policies that reward respect for human rights, in particular regarding the use of force.

(3) The Attorney General and other relevant authorities of the Mexican Government are investigating and prosecuting members of the Mexican armed forces and police forces who have been credibly alleged under Mexican law to have committed violations of internationally recognized human rights.

(d) EXCEPTION.—Notwithstanding subsections (b) and (c), of the funds appropriated by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement", $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry encompassing Federal, state, and municipal police officials, and $5,000,000 may be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases: *Provided*, That section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)) shall not apply with respect to assistance for Mexico made available by this chapter.

(e) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (c) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(f) VETTING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, in classified form if necessary, detailing the procedures used to vet Mexican armed forces and police forces for eligibility to receive assistance under this section.

(g) NOTIFICATION.—Funds made available for Mexico by this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(h) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico by this chapter, which shall include a strategy for combating drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(i) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (c).

CENTRAL AMERICA

SEC. 1405. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", and "Economic Support Fund", $61,500,000 shall be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violent crime, and for judicial reform, institution building, rule of law activities, and maritime security: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", $15,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for the countries of Central America: *Provided further*, That of the funds appropriated under the heading "International Narcotics Control and Law Enforcement", $2,500,000 shall be made available for assistance for Haiti and $2,500,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that Federal and municipal police forces and the armed forces of the countries of Central America that may receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—(1) Up to 75 percent of the funds appropriated under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" in subchapter A that are available for assistance for the countries of Central America may be obligated prior to the certification and report by the Secretary of State required in paragraph (2).

(2) The balance of the funds may be obligated not less than 120 days after the date of the enactment of this Act if, before such obligation, the Secretary of State determines and reports to the Committees on Appropriations that the requirements in subsection (c) have been met.

(c) REQUIREMENTS.—The requirements referred to in subsection (b)(2) are the following:

(1) The International Law Enforcement Academy (ILEA) in San Salvador, El Salvador is establishing a vetting procedure for police and other public security officials attending programs at the ILEA.

(2) The countries of Central America are—

(A) vetting members and units of Federal and municipal police forces and the armed forces that may receive assistance to ensure such members and units have not been involved in human rights violations or corrupt acts;

(B) strengthening law enforcement capabilities, developing effective systems information exchange, improving demand reduction, and expanding public education, prevention, and treatment programs;

(C) improving controls on chemical precursors;

(D) adopting and implementing reforms that improve the capacity and protect the independence of the judiciary;

(E) reforming criminal procedures to ensure due process and training Federal and municipal police leadership in modern policing to curb police abuses;

(F) targeting organizational structures and financial and other assets of drug cartels;

(G) taking steps to curb corruption in law enforcement agencies; and

(H) suspending, prosecuting, and punishing members of the police forces who have been credibly alleged to have committed violations of human rights and corrupt acts, and establishing policies for members of such forces that reward respect for human rights, in particular regarding the use of force.

(d) REPORT.—The report required in subsection (b)(2) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(e) VETTING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, in classified form if necessary, detailing the procedures used by the Government of the United States to vet the Federal and municipal police and the armed forces of the countries of Central America for eligibility to receive assistance under this section.

(f) NOTIFICATION.—Funds made available for the countries of Central America in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(g) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities, with concrete goals, actions to be taken, budget proposals and anticipated results.

(h) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (c).

(i) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1406. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

RESCISSIONS

SEC. 1407. (a) WORLD FOOD PROGRAM.—(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior Acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) Section 8002 of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1408. (a) Funds provided in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement printed in the Congressional Record accompanying this Act:

"Diplomatic and Consular Programs"

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the explanatory statement printed in the Congressional Record accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1409. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1410. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1411. Unless otherwise provided for in this Act, funds appropriated or otherwise made available by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), except that section 699K of such Act shall not apply to funds in this chapter.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That not less than $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

CHAPTER 2—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,835,000,000, to remain available until expended: *Provided*, That such sums shall not be available until October 1, 2008: *Provided further*, That the Secretary of the Army is directed to use $1,997,000,000 of the funds provided herein to modify authorized projects in southeast Louisiana to provide hurricane, storm and flood damage reduction in the greater New Orleans and surrounding areas to the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of enactment of this Act, and shall use $1,077,000,000 of those funds for the Lake Pontchartrain and Vicinity project and $920,000,000 of those funds for the West Bank and Vicinity project: *Provided further*, That, in addition, $838,000,000 of the funds provided herein shall be for elements of Southeast Louisiana Urban Drainage project within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects, to provide for interior drainage of runoff from rainfall with a ten percent annual exceedance probability: *Provided further*, That the amounts provided herein shall be subject to a 65 percent Federal / 35 percent non-Federal cost share for the specified purposes: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,926,000,000, to remain available until expended: *Provided*, That such sums shall not be available until October 1, 2008: *Provided further*, That funds provided herein shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for the following: $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; and $359,000,000 shall be used to complete the authorized protection for the Lake Pontchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Assistant Secretary of the Army for Civil Works requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of completed elements and to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized, subject to the approval of the House and Senate Committees on Appropriations.

CHAPTER 3—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

CHAPTER 4—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California, $169,300: *Provided*, That section 8002 shall not apply to this appropriation.

TITLE III—VETERANS EDUCATIONAL ASSISTANCE

SHORT TITLE

SEC. 3001. This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

FINDINGS

SEC. 3002. Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001

SEC. 3003. (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.

"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§ 3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

"(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or

"(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

"(8) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 6 months; or

"(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

"(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

"(1) A discharge from active duty in the Armed Forces with an honorable discharge.

"(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

"(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) A discharge or release from active duty in the Armed Forces for—

"(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

"(B) hardship; or

"(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

"(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

"(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

"(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

"(3) A period of service that is terminated because of a defective enlistment and induction based on—

"(A) the individual's being a minor for purposes of service in the Armed Forces;

"(B) an erroneous enlistment or induction; or

"(C) a defective enlistment agreement.

"(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

"§ 3312. Educational assistance: duration

"(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

"(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

"(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

"(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§ 3313. Educational assistance: amount; payment

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

"(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§ 3314. Tutorial assistance

"(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3315. Licensure and certification tests

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§ 3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§ 3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 3003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§3323. Administration

"(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

"(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

"(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

"(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

"(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

"(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting "33," after "32,"; and

(ii) in subsection (c), by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

SEC. 3004. (a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS

SEC. 3005. Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 4001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable

to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 4002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 4002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 4003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 4005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 4006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 4007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 4002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE V—MEDICAID PROVISIONS

SEC. 5001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110-28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(B) in subparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)"; and

(C) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110-173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking "June 30, 2008" and inserting "April 1, 2009";

(B) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(C) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(3) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B), (C), or (D) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (E) for such provision.

(B) PORTION OF INTERIM FINAL REGULATION RELATING TO MEDICAID TREATMENT OF OPTIONAL CASE MANAGEMENT SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the interim final regulation relating to optional State plan case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portion of such regulation as relates directly to implementing section 1915(g)(2)(A)(ii) of the Social Security Act, as amended by section 6052 of the Deficit Reduction Act of 2005 (Public Law 109–171), through the definition of case management services and targeted case management services contained in proposed section 440.169 of title 42, Code of Federal Regulations, but only to the extent that such portion is not more restrictive than the policies set forth in the Dear State Medicaid Director letter on case management issued on January 19, 2001 (SMDL #01–013), and with respect to community transition case management, the Dear State Medicaid Director letter issued on July 25, 2000 (Olmstead Update 3).

(C) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(D) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(E) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is December 3, 2007;

(ii) subparagraph (C) is September 27, 2007; or

(iii) subparagraph (D) is February 21, 2008.

(b) FUNDS TO REDUCE MEDICAID FRAUD AND ABUSE.—

(1) IN GENERAL.—For purposes of reducing fraud and abuse in the Medicaid program under title XIX of the Social Security Act—

(A) there is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $25,000,000, for fiscal year 2009; and

(B) there is authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2010 and each subsequent fiscal year.

Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to the Secretary for such purposes with respect to the Medicaid program.

(2) ANNUAL REPORT.—Not later than September 30 of 2009 and of each subsequent year, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the activities (and the results of such activities) funded under paragraph (1) to reduce waste, fraud, and abuse in the Medicaid program under title XIX of the Social Security Act during the previous 12 month period, including the amount of funds appropriated under such paragraph for each such activity and an estimate of the savings to the Medicaid program resulting from each such activity.

(c) STUDY AND REPORTS TO CONGRESS.—

(1) SECRETARIAL REPORT IDENTIFYING PROBLEMS.—Not later than July 1, 2008, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—

(A) outlines the specific problems the Medicaid regulations referred to in the amendments made by paragraphs (1) and (2) of subsection (a) and in the provisions described in subparagraph (B) through (D) of paragraph (3) of such subsection were intended to address;

(B) detailing how these regulations were designed to address these specific problems; and

(C) cites the legal authority for such regulations.

(2) INDEPENDENT COMPREHENSIVE STUDY AND REPORT.—

(A) IN GENERAL.—Not later than July 1, 2008, the Secretary of Health and Human Services shall enter into a contract with an independent organization for the purpose of—

(i) producing a comprehensive report on the prevalence of the problems outlined in the report submitted under paragraph (1);

(ii) identifying strategies in existence to address these problems; and

(iii) assessing the impact of each regulation referred to in such paragraph on each State and the District of Columbia.

(B) ADDITIONAL MATTER.—The report under subparagraph (A) shall also include—

(i) an identification of which claims for items and services (including administrative activities) under title XIX of the Social Security Act are not processed through systems described in section 1903(r) of such Act;

(ii) an examination of the reasons why these claims for such items and services are not processed through such systems; and

(iii) recommendations on actions by the Federal government and the States that can make claims for such items and services more accurate and complete consistent with such title.

(C) DEADLINE.—The report under subparagraph (A) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate not later than March 1, 2009.

(D) COOPERATION OF STATES.—If the Secretary of Health and Human Services determines that a State or the District of Columbia has not cooperated with the independent organization for purposes of the report under this paragraph, the Secretary shall reduce the amount paid to the State or District under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) by $25,000 for each day on which the Secretary determines such State or District has not so cooperated. Such reduction shall be made through a process that permits the State or District to challenge the Secretary's determination.

(3) FUNDING.—

(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary without further appropriation, $5,000,000 to carry out this subsection.

(B) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to subparagraph (A) shall—

(i) remain available until expended; and

(ii) be in addition to any other amounts appropriated or made available to the Secretary of Health and Human Services with respect to the Medicaid program.

(d) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are material to the determination of the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110-90 is repealed.

(e) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,940,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,750,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 6101. This chapter may be cited as the "Close the Contractor Fraud Loophole Act".

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 6102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007-006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 6103. In this chapter, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 6201. This chapter may be cited as the "Government Funding Transparency Act of 2008".

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 6202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VII—GI BILL FINANCING PROVISION

GI BILL FINANCING PROVISION

SEC. 7001. (a) IN GENERAL.—Part I of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 1 the following new section:

"SEC. 1A. INCREASE IN TAX ON HIGH INCOME INDIVIDUALS TO FINANCE THE GI BILL.

"(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.47 percent of so much of modified adjusted gross income as exceeds $500,000 ($1,000,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)).

"(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, a rule similar to the rule of section 67(e) shall apply for purposes of determining adjusted gross income for purposes of this section.

"(c) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed by section 871(b) shall be taken into account under this section.

"(d) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 7703.

"(e) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 1 the following new item:

"Sec. 1A. Increase in tax on high income individuals to finance the GI bill.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE VIII—GENERAL PROVISIONS

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SHORT TITLE

SEC. 8003. This Act may be cited as the "Supplemental Appropriations Act, 2008".

POINT OF ORDER

Mr. RYAN of Wisconsin. Mr. Speaker, I make a point of order against consideration of the measure.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. RYAN of Wisconsin. Mr. Speaker, I make a point of order that the measure causes an increase in the deficit over a 6- and 11-year period and therefore violates clause 10 of House rule XXI, the PAYGO point of order.

Mr. Speaker, there is undeniably net direct spending included in this bill. Hence it increases the deficit. Simply by putting new entitlement spending on an appropriation bill in order to evade PAYGO would constitute a blatant loophole in the PAYGO point of order. If PAYGO is designed to prevent increases in the deficit, this measure should not be considered here today.

I therefore urge that my point of order be sustained.

The SPEAKER pro tempore. Does any other Member wish to be heard?

Mr. OBEY. Mr. Speaker, the gentleman may be reciting the PAYGO rule as he wishes it were, but that's not the way it is.

The legislation before the House fully complies with the PAYGO rule. That rule deals with direct spending and revenues.

As to revenues, the revenue effects of this package reduce the deficit, rather than increasing it. As to spending, none of the spending in this package falls into the direct spending category, which is basically defined as spending outside the appropriations process.

Even though not technically required to do so, the Medicaid provisions and the expansion of veterans' education benefits fully meet the PAYGO standard. Both sets of provisions contain offsets to ensure that they do not increase the deficit over the 5- and 10-year periods used by the PAYGO rule.

The rest of the bill consists mostly of emergency appropriations for defense and other security-related needs, largely for things requested by the President. And the other major spending item, relating to extended unemployment compensation benefits, is temporary in nature and responds to current hardships created by the economic downturn.

So I believe that we ought to abide by the House rules as they are, not as some Members wish they were.

The SPEAKER pro tempore. The gentleman from Wisconsin makes a point of order that the motion violates clause 10 of rule XXI by increasing a deficit.

Clause 10 of rule XXI provides a point of order against a measure if the provisions of such measure affecting direct spending or revenues have the net effect of increasing a deficit or reducing a surplus. Clause 10 of rule XXI further provides that the effect of the measure on the deficit or surplus is determined by the Committee on the Budget relative to certain estimates supplied by the Congressional Budget Office.

The gentleman from Wisconsin has asserted that the motion contains direct spending that causes an increase in a deficit. As a threshold matter, the Chair must determine if provisions in the measure affect "direct spending."

In reviewing the text of clause 10 of rule XXI, the Chair finds no definition of the term "direct spending." Because clause 10 of rule XXI is a budget enforcement mechanism, the Chair finds it prudent to look to other budget enforcement schemes for guidance in defining this term. In a review of relevant budget enforcement statutes, the Chair finds a definition of the term "direct spending" in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985, hereafter section 250. The definition in section 250 provides, in pertinent part, that "direct spending" means budget authority provided by law other than appropriation Acts.

The underlying bill, H.R. 2642, is a general appropriation bill. This measure constitutes an "appropriation Act" within the meaning of section 250. The motion proposes amendments that would make emergency supplemental appropriations for the fiscal year 2008. Accordingly, the budget authority portended by the motion does not constitute "direct spending" for purposes of section 250, and by extension, the Chair finds that the motion does not affect direct spending for purposes of clause 10 of rule XXI.

Pursuant to clause 10 of rule XXI, the Committee on the Budget is required to provide estimates to the Chair on the effect of the measure on the deficit. In consonance with the Chair's findings, the Chair is authoritatively guided by estimates from the Committee on the Budget that the net effect of the provisions of the pending motion affecting revenues and direct spending would not increase a deficit.

Accordingly, the point of order is overruled.

PARLIAMENTARY INQUIRY

Mr. RYAN of Wisconsin. One quick parliamentary inquiry for the purposes of clarification, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. RYAN of Wisconsin. Condensing all of that, is it my understanding, then, that this is not sustained because PAYGO does not apply to direct spending so long as it's in an appropriations bill? Is that correct?

The SPEAKER pro tempore. The Chair's ruling will have to speak for itself in that regard.

Pursuant to House Resolution 1197, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 1 hour.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a tough problem before the House today. We have a war which the majority of this House despises. We have a war that we do not have the power to end so long as the President is as obstreperous as he has been on the subject. That means that we have to find a way to try to manage this problem in a way that sends a clear message to the public that they are the only ones who can, in fact, muster the power to change direction on this war by electing a President who will get us out of this war. It also means we have to manage it in such a way that we set the table for the new President to give him at least a few months to think through how he is going to proceed to extricate us from this war and to get his ducks in a row on Iraqi policy. Therefore, we are taking the Senate bill and we are asking the House to consider three amendments and work their will on it.

The first amendment is very simple. It's an up-or-down vote on providing the funding to pay for the equipment and to pay for the salaries for the troops as long as they are going to be in the war situation. That money will be estimated to run out by June of 2009.

The second amendment would simply be an up-or-down vote on the conditions that the House believes should appropriately be attached to the spending of that money, many of which the House has seen before. Those conditions will, among other things, require that virtually every unit sent to the war be fully combat ready. They will provide that no one who works for the United States may engage in interrogation techniques that are at variance with the Army Field Manual. In plain language, no torture. The conditions will also say that there shall be no long-term security agreements entered into with Iraq without submission of those agreements to the United States Senate for their consideration. It will establish a timetable for extricating ourselves from combat by setting a goal, not a firm date but a goal, of 18 months from the date of enactment.

Also, we have added two conditions which would have the effect of requiring Iraq to provide a dollar-for-dollar match for any of the redevelopment and reconstruction activities that are being carried out by the United States Government. The effect of that would be the functional equivalent of turning 50 percent of what we provide to Iraq into loans. We've done it this way because we have faith that the loans would ever be repaid, and this way we guarantee that the Iraqis, who are now about to develop very large surpluses in their own budget—they will have to meet these costs up front on an equal basis before the United States proceeds to expend its own money. And it would also require that the American military be provided gasoline in Iraq at the same subsidized price as the Iraqis are being subsidized. We don't see why the United States troops who are defending that country ought to have to pay a premium.

Then we will have a third amendment, again up or down, on the other administration requests. Those include food aid. We've increased the international food aid recommended by the President by $745 million. Anybody who has read the newspapers or watched television for the last 2 weeks understands why that is a moral necessity. We have also included the administration request for the Louisiana levies exactly as they have requested it as fiscal 2009 money. We have responded to a request from the Bureau of Prisons to provide $178 million so that they do not have to lay off prison guards and other personnel in the U.S. prison system. The Secretary of Commerce has requested that we provide additional funding because they run into technology problems at the U.S. Census Bureau; so we have responded to that with a $210 million appropriation. We have also added $2.2 billion in military construction funds above the President's request to fully fund the administration's 2008 BRAC requests. We have also included $210 million for military child care centers, which the President from that rostrum told the country he was for but neglected to ask the money for in his budget this year.

There are no Members' projects whatsoever in this bill. In the military construction portion of the bill, for instance, there are 121 facilities that are provided for; 111 of those were specifically asked for by the White House, and the others were identified by the committee as top service priorities after testimony from the military services.

There's only one proposal that could be really considered a specific project earmark, and that is one hospital which the Assistant Secretary of Defense asked to be included in the recommendations, and we're providing planning funds for that facility.

In addition, the other items in that third amendment to be considered would deal with the following:

If we're going to fight the war, we happen to believe that we ought to provide a "thank you" to the people who have fought it, especially because there has been no sense of shared sacrifice in this country. The only people who have been asked to sacrifice are military families again and again and again. So what we are doing is including the Webb bill, which would provide for the equivalent of a full-boat 4-year education at a public university for persons who have spent 36 months on active duty, and the benefits are scaled down in accordance with time served. It's long past time that we do that.

We have also included emergency funding for unemployment compensation so that for persons who have exhausted their unemployment benefits, they will have an additional 13 weeks available to them.

We have also in this amendment recommended delaying the administration's rules changes in Medicaid that have been so controversial, and we include two contractor reforms which the House had already passed.

The main difference, Mr. Speaker, between this bill and the administration's bill is that we pay for everything in the bill except the unemployment compensation provision and the President pays for virtually none of his requests.

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Now I prefer to pay for the entire war if we are going to have it. I don't think we ought to have it. But if we were going to have it, I thought we ought to pay for the whole thing. So did Mr. MURTHA and Mr. MCGOVERN. So we introduced legislation to pay for the whole war with the war surtax. We lost that argument. That is not in this bill.

I felt that if we weren't going to pay for the war up front, then there should be no requirement to provide an offset to provide the additional GI Bill expanded benefits, which are the equivalent of only about 6 percent of the cost of this war so far. But I lost that argument, too.

And so this bill does pay for the expansion of GI benefits. And it pays for that in probably the best way possible, by asking the most fortunate citizens in our society, those who individually make $500,000 or more a year, or as a couple who make $1 million or more a year, we are asking them to help out in the form of a patriot premium by, in essence, asking them to pay a one-half of 1 percent surtax in order to finance the GI Bill expansion.

As I look at this bill, what we are doing is we are asking people who, on average, have gotten a $126,000 annual tax cut to take a tiny portion of that tax cut to help us make life better for the persons who have been doing the most in order to preserve the way of life which has enabled those people to do so well in life. And I make no apology for it.

Ninety-nine percent of the appropriated dollars in the bill—99 percent of the appropriated dollars in this bill—are being requested by the administration.

This war, Mr. Speaker, has screwed up our economy. This war has injected chaos in the lives of military families all across the country. We make no apology in trying to use this vehicle to respond to the needs of the two groups in society who have been hit the hardest by this war; one being those who have lost their jobs because of the turmoil we have had in the economy because of the war and other factors, and second, the military families whom we believe ought to be treated about as well as the GIs were when they came back from World War II. This war has now lasted longer than World War II. And we think we have an obligation to respond to what is actually out there on the ground in communities all across the country.

We can debate our political philosophies. We can debate our economic theories. We can behave like little budgeteers, arguing about this comma and that comma, this offset and that offset: But in the end, we are dealing with the lives of human beings. We are dealing with the lives of families. We are dealing with people who have sacrificed incredibly much with their family members being sent to Iraq and Afghanistan once, twice, three times. Kids are not seeing their parents.

I represent a city of 37,000 people. We have had almost 35,000 casualties in this country. It is as if 4,000 people in my hometown were killed, and virtually every other person in that hometown wound up in a VA hospital. That is the human toll that has been paid so far just by Americans on this war.

So this is a process which will give Members the opportunity to vote up or down on the major pieces that comprise this legislation.

And I urge the House to move forward.

I, myself, will be intending to vote against the first amendment. I will be voting for the second and the third amendment. I hope that every Member here today exercises his conscience. That is what they are supposed to do.

With that, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. LEWIS of California. I very much appreciate your recognizing me to respond to my friend, DAVID OBEY.

I am going to speak just a little bit out of order, for two of my colleagues on the floor, DAVID OBEY, the chairman of the committee, and my colleague, Mr. MURTHA, the chairman of the Defense Subcommittee, have shared with me, I thought, over some years, the traditional order of this House. I've seen how the committee system works, especially in the Appropriations Committee, making certain that all Members, Democrats and Republicans, had an opportunity to provide input. And now to have us move so far away from that traditional order by way of this process today is a great disappointment to me.

I can't help but wonder if maybe there is some lack of commitment to regular order that I had never perceived before. For example, my colleague from San Diego, the chairman of the VA Subcommittee, if he had been given an opportunity, could have marked up and had hearings and otherwise on the VA portions some time ago.

This supplemental came from the President well over a year ago. We have had plenty of time to exercise the process in the way that maximizes Members' involvement, remembering that those Members are elected to represent their people at home.

And so the procedure we are going through today has undermined that representative process.

I think many of my colleagues, particularly those who serve with me on the Appropriations Committee, know that I have a great deal of respect for the senior Senator from West Virginia, the chairman of the Senate Appropriations Committee, Senator ROBERT BYRD. While he and I may disagree on issues from time to time, it is fair to say that we both share a deeply held love and respect for this institution.

Senator BYRD also reveres the established traditions and precedents of the committee he leads. He understands that we will only truly know what is in the supplemental if it is exposed to the light of day through the regular order committee process. No one, not even the Senate majority leader, is going to tell Senator BYRD to abdicate his devotion to regular order or his responsibility as chairman of his beloved Appropriations Committee.

Unfortunately, the adherence to regular order has now been completely abandoned on the House side of the Capitol. Both Chairman OBEY and Speaker PELOSI, the sole authors of the House supplemental before us today, have dismissed as "a nonissue" those bipartisan voices calling for full committee consideration of this critically important legislation.

In conversations with both Republicans and Democrats in the House, it is widely felt that the Democrat leadership has unfairly and wrongly circumvented the House Appropriations Committee process.

Further, the House majority has chosen to proceed under a closed rule, eliminating any and all amendments on the House floor, and is intent on bypassing a conference committee with the Senate. In effect, the Democrat leadership has eliminated every conceivable opportunity for Republicans and Democrats to represent the views of their own constituents.

I find this sadly ironic, for it was NANCY PELOSI in 2006 who outlined the new Democrat majority's governing philosophy. And I will quote her: "Bills should come to the House floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute. Bills should be developed following full hearings and open subcommittee markups."

As the body knows full well, we have had not an open process, let alone full and fair debate. Nor have we had any amendment process. Nor have we had any hearings whatsoever. So, I ask the Speaker, what has changed?

In an October 20, 2006 press release, then-minority leader NANCY PELOSI wrote in a letter to then-Speaker Hastert, "The voice of every American has a right to be heard. No Member of Congress should be silenced on the floor."

My colleagues know that I have expressed grave concerns about Speaker PELOSI and Chairman OBEY being the sole authors of this legislation without any input from other Members with considerable expertise in these subject matters. I am not alone in expressing this concern.

Last week, my dear friend and colleague, MARCY KAPTUR, voiced her displeasure with Chairman OBEY and her own leadership. She said, "Leadership, by keeping the supplemental too close to the vest and not going through a committee markup, has failed to engage the broader membership. It does disenfranchise the voice of people who don't come from leadership locations."

I just happen to be the ranking member on this full committee. I saw the text and the heart of this proposal only yesterday in the early part of the afternoon. They have had it for months in the works, but have chosen to ignore entirely the minority in this connection. My colleagues know that I have expressed grave concern about this process before.

The House majority leader, STENY HOYER, has said that it is disingenuous for Republicans to speak out over the Iraq war supplemental bypassing the Appropriations Committee process. He suggested that the House Republicans, while in the majority, had engaged in similar practices. This argument would be convenient if it were, in fact, true. However, we all know that facts are stubborn things.

According to the April 29 edition of the Politico, "There have been about three dozen emergency spending bills in the past 20 years, and a handful has passed without input from the Appropriations Committee, including billions in Hurricane Katrina aid and post-September 11 funds. But none of the Iraq war funding bills has bypassed the appropriations panel in the process."

Have there been occasions where supplemental spending bills have not been considered by the full committee? Sure there have. But on those rare instances, such as the aftermath of September 11 and so on, there was bipartisan consensus on the need to act quickly. And we did so by working together.

In no circumstance, to my knowledge, did either the Republican majority or the Democrat minority that preceded it ever deny either the opposition party or even members of its own party a seat at the table in writing such critical legislation.

Yet here we stand today, debating the merits of a bill that only a handful of Members have even seen. Very, very few Members know what is in this legislation.

I ask you, anybody in this room, have any of you, besides DAVID OBEY, had a chance to really read this bill and know what's in it in detail? You're going to be asked to vote on it anyway, regardless of that lack of input.

Members of the House, Republicans and Democrats, deserve to have their voice heard. By the end of the day, not one Member will have an opportunity to offer an amendment or propose any alternative ideas to this body for a vote.

What are Speaker PELOSI and Chairman OBEY afraid of?

This is the fifth time since January 2007 that this majority has brought a supplemental appropriations bill to the House floor under a closed rule, violating the entire tradition of the appropriations process.

In order for the people's voices to be heard, it is fundamental that the representatives' voices are heard. What is happening here is that we are beginning to lay a pattern to destroy the representative process that allows the people to be heard through the people they send here to represent them in the first place.

Speaker PELOSI and Chairman OBEY have effectively said to virtually every Democrat and Republican serving this great body: "Your voice is irrelevant, and your input is not welcome." Again, what are Speaker PELOSI and Chairman OBEY afraid of?

I believe this practice of circumventing our traditional committee process and ignoring the voices of rank and file Members and their constituents is detrimental to the health of the legislative process. It puts in place a process wherein a handful of powerful legislators become "the Great Deciders" of what should or should not be included in this almost $250 billion spending bill. This is not the "House of the Few Great Deciders." It is the "People's House." It is the House of Representatives. We fail to recognize this at our great peril.

On May 24, 2002, my friend and my chairman, Mr. OBEY, said, and I quote, "What a shame, when the legislative process is corrupted to polarize a product that should have been used to forge national unity."

These words are particularly true today as Chairman OBEY and Speaker PELOSI put partisan interests ahead of the interests of the Members of the House and ahead of the people of this country. We can do better. And ladies and gentlemen, we must do better.

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We can do better, and, ladies and gentlemen, we must do better. Vote "no" on this package and send it back to where it belongs.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank the gentleman from California. Those are some of the nicest words he has ever said about me, and I appreciate them deeply.

Let me also say that I think his speech simply bears out that because they can find no real substantive fault with the legislation, they have to fall back on whining about process.

I would suggest that the gentleman from California is the last person I will take lectures from when it comes to talking about an open appropriations process. I was not chairman when the Appropriations Committee when, after the conference was closed and the work was done and the names are on the conference report, I was not the chairman of the committee who allowed 30 pages of unrelated new language not seen by anybody to be inserted in that conference report which insulated the pharmaceutical industry from suit if their products damaged their customers.

I was not the chairman of the committee when the committee, after the conference was closed, and after it was finished, inserted anonymously, anonymously, in the dead of night, language which changed the definition of organic foods on the agriculture bill and led to nicely enriched profits for certain people in this society.

All I can say is that the gentleman may not like the fact that we couldn't finish discussions as fast as we wanted to on this bill. He says he has only been able to see the text for the last day or so. Let me simply suggest that at least the text he reads is the text that will be in the bill after we vote on the bill, which is more than you can say for what happened under his stewardship on several locations.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. OBEY. Mr. Speaker, I yield myself 1 additional minute.

Let me simply make the point, there is virtually nothing in this bill that hasn't been around here for months. This is not new material. The President's war request has been around here for months, as the gentleman himself has indicated.

The unemployment compensation provision that we are providing in this bill already passed the House on one occasion. The Webb bill has been around for months, and it has the support, and, in fact, the sponsorship of the majority of the House and wide bipartisan support in the Senate as well.

I would suggest, I think the question is, the Pentagon is saying you've got to get the money to the troops, because they're about to run out of money and won't get paid. Yet our friends on the other side are asking us to follow a process which would have taken a much longer period of time.

You can't have it both ways. This is a fair process.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired.

Mr. OBEY. Mr. Speaker, I yield myself another minute.

I am personally opposed to the first amendment which we are presenting to the House. But out of courtesy to the minority, who support it, and out of courtesy to the White House, who supports it, we are allowing that to come to a vote. Our party has not even whipped on that question. We told Members, vote your conscience. I don't see how you could be more fair than that.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to my colleague from Florida, BILL YOUNG.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding the time to me, and I am here to comment on the defense part of the package, the request by the administration, the issue of procedure.

Chairman MURTHA was very outgoing and worked together with the minority and me, as the ranking member, in drafting this bill. We have always done that. When I was chairman, we did that. When he was chairman, we did that. The defense part of this bill is a good package. That's amendment No. 1.

As a matter of fact, we actually followed the process, and we went to the subcommittee, and the subcommittee members had a full discussion of the defense part of this bill, and the subcommittee members on both size of the aisle agreed that we had produced a pretty good bill, and it met most of what the administration had asked for.

Then we reported it on to the full committee. That's where the process broke down. The process up to that point, while it was at the subcommittee level, the process worked fine, regular order, just like it was supposed to.

But then all of a sudden the process did break down. I don't know to what extent any other Members might have been involved, but this Member, as the ranking member on the subcommittee, was not involved.

There were subsequent meetings, despite the fact it hadn't gone to the full committee, it hadn't gone to the floor of the House so that the Members could express their interest, either by amendment or by debate. There was a meeting between the leadership in the House and the Senate on the defense package where it was actually conferenced, a conference agreement was reached. There was no conference, but a conference agreement was reached, and that is my understanding of what is in this bill today.

As Mr. LEWIS has said, we just got the actual language of what is in this package last night. So it does take a little time to read all of these bills and to understand.

But I think the defense part of it, there may have been an additional change after that preconference conference, or whatever it was, I don't know that. That might have happened.

But I support amendment No. 1, and I believe that we have done a good job in providing for our troops.

The largest portions of amendment No. 1 will deal with pay, military personnel costs, what it takes to maintain the lives of our members of the military and their families. The other very large part of this package is operations and maintenance, something that is essential to keep the military going.

So I support this package, but I really am concerned about the process as well. I like the package, but there may be some Members on this side of the aisle or on that side of the aisle who would like to see some changes, who would like to have an opportunity to debate what is included in that package, who might want to offer an amendment that could be productive, that may be something we would all support.

But we all know, because the opportunity to do that just isn't there. It is a little strange place.

My friend—and I think everyone knows that Mr. OBEY and I are friends, and that we have a strong respect for each other, and we have worked very well together in our respective positions—but he mentioned early on that we moved very quickly after September 11, 2001, after the attacks on the World Trade Center, and the airplane that flew into the Pentagon, and the airplane that flew into the ground in Pennsylvania in Mr. MURTHA's district that very likely was directed at this United States Capitol, where the Defense Subcommittee was in session working on the Defense appropriations bill. But we didn't know what was happening there. We didn't know what was next.

If you recall, all of the airplanes flying in and around the United States were grounded because we didn't know if additional airplanes had been hijacked, we just didn't know the extent of the attack that we were experiencing, the terrible, vicious terrorist attack against an innocent Nation. So we did move quickly, and we appropriated $3 billion——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. Mr. Speaker, I yield the gentleman an additional minute.

Mr. YOUNG of Florida. I thank the gentleman.

So we did move quickly, and on the third day after September 11, we produced a bill. Mr. OBEY and I wrote that bill together, we consulted with each other, we had a couple of disagreements, we worked those out. We had some accountability in the bill.

We then had a meeting with Senators, and on the third day we had worked together, Republicans and Democrats, to produce a bill that sailed through the House, sailed through the Senate, signed by the President. That's the way it was done. The process was not the regular order, but it was a process done in consultation with both parties and any Member that wanted to be included.

While I do support amendment No. 1, I think the process is terrible, I think the process is inexcusable. I cannot support the process, but I think we have a good package on amendment No. 1, which is to pay for the national defense requirements in this supplemental.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the chairman of the Defense Appropriations Subcommittee.

Mr. MURTHA. Well, as BILL YOUNG said, we worked together when he was chairman. When JERRY was chairman, we worked together.

The only thing I disagree with, when it comes to the floor, I am not sure I like to hear a lot about amendments. I mean, you know, I like to see it try to work in a hurry.

But, anyway, I am concerned, when I heard the other day the Secretary of Defense say that the United States military must prepare for more fighting, future wars against insurgents and militias, such as in Iraq and Afghanistan, rather than spend money and time preparing for conventional conflicts.

Overemphasizing the Department's focus on training and equipment for counterinsurgency missions appears to be simply a rationalization of a short-term budget decision made in the waning months of this administration. I am worried because we have been saying over and over again, let's look beyond Iraq, let's make sure we get the military back to the position where it should be.

These decisions have left the Armed Forces in a degraded state of readiness. Both of us, when JERRY was chairman, when BILL was chairman, we have tried to increase the amount of money for the military to increase our readiness without the support of the administration in many cases.

They have let the facilities, which directly impact service personnel, quality of life, in disrepair. Every place we have gone we have seen the disrepair. They have left many defense acquisition programs broken or badly damaged.

I sent a letter to the Secretary of Defense saying, Mr. Secretary, we have got some real problems here. We have got to fix these procedures by sending a budget up to it. We have got to stop the supplementals, put it in one budget so we can have some semblance of order when we look at these decisions. These decisions fail to take into account the potential missions the U.S. armed forces must prepare for and may have to undertake in the years ahead.

I find these comments questionable that he has made at a time when not one combat unit in the United States is rated as combat ready. We need a national strategy. We have tried to provide a national strategy to identify both near term and long-term threats to this country. We need a vigorous debate to achieve this strategy, and it hasn't happened since the Cold War.

Now, I hope that in the base bill and this supplemental we are moving in that direction. I hope that's what we are going to be able to accomplish.

Now, we spend more money on intelligence than any other country in the world. Put them all together, and we spend more money. I have got Punxsutawney Phil in my district. Punxsutawney Phil comes out once a year, he sees his shadow, and 50 percent of the time he is right.

Well, I will tell you, I wouldn't say that the intelligence effort that we spend so much money on is any more than that, because so many things have not been right.

I am concerned that if we don't pay attention to what we know, we who have been here a long time, we are not going to be prepared not only to fight a war, but to prevent a war. We can no longer be the world's policeman, and I think all of us understand that.

We need to rebuild our diplomatic alliances, and we need to restore our international credibility. Our military and diplomatic force must include the strengths of our allies. We cannot do it alone.

Now, let me say in this bill we have $3.6 billion for C–17s. We produced 34 C–130s. We went through it with the subcommittee in detail. We had to make some changes because the full committee wanted us to make some changes, $3 billion for medium and heavy trucks. I remember when we went to Saudi Arabia the first time, we asked General Schwarzkopf, what was the biggest shortage, and he said trucks.

We have tried to take care of the things we realize need to be done. We put money in for Humvees and Marine Corps facility maintenance, and we put in for medical maintenance. We transferred money to the military construction committee, and they made the decision where that money should go—and $570 billion—no one in Congress, probably in the history of Congress, paid more attention to medical care for the military than Mr. LEWIS, Mr. YOUNG and myself. We have tried to be in the forefront in making sure that they have what they need in order to take care of the troops.

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As a matter of fact, we put money in some years ago for a center to take care of the amputees, and it took them awhile to understand that we were serious about it, but it happened. I am proud to say that is working very effectively.

So what we have done under the Constitution is appropriate the money where we think it will do the most good, and we will continue to do that. This is a good bill, and I hope Members vote for it so we can get the money to the troops that they need.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from New York, JIM WALSH.

Mr. WALSH of New York. Mr. Speaker, I thank my friend from California for yielding me this time.

I have the greatest respect for the gentleman from Wisconsin. He is a good Member of this body. He is my chairman on the full committee. He is the chairman of my subcommittee, and on that subcommittee we work very well together to address the key issues of our country.

However, Mr. Speaker, the bill before the House today is a phony bill for many reasons. The rules have been thrown under the bus. No markup, no conference with the Senate. First and foremost, this product is the product of a couple of people in a body of 435. It does not reflect the best ideas of bipartisan membership of the Appropriations Committee. And when it leaves this Chamber, it will not reflect the best ideas of the 435 Members of this House.

While I often disagree with the chairman of the Appropriations Committee in the Senate, Senator BYRD, at least he stood up for his committee and for the regular order and for the prerogatives of the Appropriations Committee in the Senate.

I have heard over the last several days the assertion that Members of the minority were offered an opportunity to participate. I must have missed it; I don't remember any consultation.

Mr. Speaker, I am embarrassed that the committee on which I am so revered and on which I have been so proud to serve for so many years has been reduced to this phony exercise.

The reality is that the majority knows that this bill is going to be vetoed. Staff representing the Democratic leadership were quoted yesterday in the press as saying: "Oh, yeah, it will be vetoed. That's the whole part I forgot."

Quite frankly, Mr. Speaker, there is a time and place for fun, but not here and not now. The Democratic leadership, by virtue of that flippant remark to the press, a remark made quite clearly without regard to the needs of the men and women who risk their lives every day in service to this great Nation seems to me to recognize that they are playing politics with our troops.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of California. I yield the gentleman 1 additional minute.

Mr. WALSH of New York. If they know this bill will be vetoed, if they know that our troops need food and ammunition and armor and equipment quickly, and if they know that the families of our troops need a paycheck, following a veto strategy seems to be nothing more than phony, political posturing at the expense of the heroes who, with their families, sacrifice to protect our Nation.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Military Construction Subcommittee, the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this bill honors our troops, our veterans, and their families. I want to thank Chairman OBEY for being a true champion for our Nation's veterans, our troops, and our military families. His leadership and partnership with Speaker PELOSI are why this bill includes an historic 21st Century GI Bill of Rights, to make college education a reality, not a dream, for America's veterans.

Perhaps less noticed, but vitally important to our military troops and their families, we also made a commitment in this bill to significantly improve health care and daycare for military families, and housing for single servicemen and women. Better housing, health care and daycare are our way of letting those who defend our Nation know that this Congress will respect their service and sacrifice in a meaningful way.

For troops in Iraq and Afghanistan, many of whom are on their second or third tours of duty, this measure provides the essential facilities required to live and fight this war so far away from their homes. It recognizes for force protection projects wherever our troops are located.

For the young men and women just volunteering now for military service, amendment No. 3 also provides $300 million to build much-needed training barracks and other facilities. This barracks initiative will send a clear message to our newest heroes that we deeply respect their decision to serve our Nation.

For the men or women wounded or ill, this amendment provides $1.3 billion to modernize outdated and inefficient military hospitals. Twenty-first century troops and their families deserve better than to be treated in World War II and Korean-era medical facilities. This commitment tells our troops they will have the best care if they are wounded, and even more important to so many of them, that their families will have the best of care while they are gone.

I want to especially thank and salute Chairman MURTHA for his dedicated, strong support for this military health care initiative. All of our military troops deserve his thanks, and should thank him and respect him for his leadership here.

For the families left behind here at home while their loved ones are at combat overseas, this bill provides $200 million to build new child care and youth facilities. Our military spouses and children may not be wearing our Nation's uniform, but they are making sacrifices each and every day, and we should never forget their service to the American family.

To address the housing, training and other facilities needed at military bases that are growing as a result of the 2005 Base Realignment and Closing law, this bill fully funds the administration's BRAC request for the fiscal year 2008.

And let me point out, Mr. Speaker, that individual Member earmarks were neither requested nor considered by our Military Construction and VA Subcommittee. Every project funded was either requested by the administration, the Department of Defense, or funded based on the merit and need for our troops.

Voting "yes" on this bill is a vote to honor our troops and our veterans.

Mr. LEWIS of California. Mr. Speaker, it is my pleasure to recognize my colleague from Virginia, FRANK WOLF, for 2 minutes.

Mr. WOLF. I had wanted to offer two amendments, one that would have prohibited government officials from attending the genocide Olympics on taxpayer money, and also Members of Congress. And no Member of Congress who speaks out on human rights should go to that Olympics.

Secondly, I wanted to offer an amendment that would create a bipartisan commission, much like the Iraq Study Group, to look at everything, to put everything on the table, all of the spending and tax policies, to get control of our spending and where we are.

We have $54 trillion of unfunded liabilities in this Nation. We have $9 trillion of debt, $1 trillion that the Chinese hold, and the Saudis also hold a large portion, the Saudis who had 15 Wahabbies on those airplanes that went into our buildings.

Standard & Poor's says we will lose our AAA bond rating in 2012, and Moody's says we will lose it in 2018. The value of the dollar is falling like a rock. Gasoline is increasing. Mr. Speaker, what kind of country are we leaving to our children? Are we leaving a country whereby China and Saudi Arabia will be their bankers?

Dietrich Bonhoeffer, the Lutheran pastor who stood up to the Nazis, said, "The ultimate test of a moral society is the kind of world it leaves to its children."

This Congress, on both sides of the aisle, Republican and Democratic side, is not leaving a very good situation to their children and their grandchildren. I would ask you as Members of this Congress, as parents and grandparents, what kind of country do you want to leave? What are you going to tell your kids and your grandkids later on when you say, When I was there, there was $54 trillion of debt, and I did nothing. There was $1 trillion held by the Chinese, who are spying against us, and Mr. MURTHA knows how they are spying against us, we did nothing.

We lost our AAA bond rating, Mom or Dad or Grandma or Grandpa while you were there, did you do anything? And the answer will be: We did nothing.

I rise in opposition to this legislation.

I have been a member of the Appropriations Committee since 1995, yet I cannot recall a time that the House has avoided the Appropriations Committee process with such a critical nationally and internationally important piece of legislation.

Members of the Committee—including the minority—are being shut out of the process.

I wanted to offer an amendment that would prohibit U.S. government employees from attending the Olympics on the taxpayer's dime.

When awarded the honor of hosting the 2008 Summer Olympics, China had the opportunity to show the world that it has changed. But the China of today is worse than the China of yesterday, or of last year, or of the last decade. China is not progressing. It is regressing. It is more violent, more repressive, and more resistant to democratic values than ever before.

China, which jails Catholic bishops, Protestant house church leaders, Tibetan Buddhists, Muslim Uyghurs and Falun Gong practitioners; which is spying against us and supplying weapons to regimes like Khartoum; which has an extensive system of slave labor camps, was awarded the honor of hosting the 2008 summer Olympic games.

We should not reward the Beijing regime with our taxpayer dollars. U.S. officials should not be permitted to use Federal funds to attend the 2008 Olympics. But I am being prevented from offering this amendment because the Democrat leadership has gone around the Appropriations Committee and brought this bill to the floor under a closed rule.

I also wanted to offer an amendment that would create a bipartisan commission—much like the Iraq Study Group—to look at everything—tax policy and entitlement spending—and recommend legislative action to rein in our Federal debt.

We have $53 trillion in unfunded liabilities, and over $9 trillion dollars in debt. Standard and Poor's Investment Service has indicated that we could lose our triple-A bonding rating as early as 2012. The value of the dollar is falling through the floor. China holds our debt. OPEC countries like Saudi Arabia hold our debt. Dietrich Bonhoeffer said, "The ultimate test of a moral society is the kind of world it leaves to its children."

Our grandchildren will bear the burden of out-of-control entitlement spending if we do not act. It's on our watch to fix, and the process being used today shuts out critical issues that we must face.

This House needs to come together and work in a bipartisan manner to address the critical issues facing our country. This legislation today is the product of the heavy hand of the Democrat leadership in foreclosing an open and fair process and I cannot support it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

As many of our student veterans have come to realize, the current Montgomery GI Bill falls far short in meeting the needs of today's college students. The current program is designed as a benefit for peacetime service and was never intended as a wartime benefit.

The 21st Century GI Bill in this bill will give our men and women in uniform who have served multiple tours of duty and extended tours of duty in Iraq and Afghanistan the educational benefits similar to the ones earned in World War II. Our veterans today have served multiple tours of duty. They are getting pulled away from school, their jobs, and their families. The current GI Bill does not honor their service sufficiently. This bill will.

I commend our bipartisan cosponsors, especially my Virginia colleague, JIM WEBB, for writing this bill. This bill will honor the service of our veterans. We need to pass this bill.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong opposition to this legislation, and I thank the gentleman for yielding.

I oppose this legislation on two distinct grounds. On process, the American people should expect more from this Congress. They should expect that when the United States sends our brave men and women into combat, we provide them with the resources to protect themselves and to accomplish their mission, both military and humanitarian, and we do it expeditiously.

In this context, the chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, the Nation's top military officer, has warned all of us and our congressional leaders, and I quote: "The Pentagon is dangerously close to running out of money. We need the supplemental appropriations very badly before the Memorial Day recess. We stop paying soldiers on the 15th of June, and we have precious little flexibility with respect to that."

Should it be a surprise to the majority leadership? Absolutely not. Our troops have been waiting nearly 450 days since the President delivered his request for emergency funds to Congress. Our soldiers need this funding to continue their efforts in the global war on terror.

Yet this is a process that amounts to deliberate brinksmanship. You have waited until the 11th hour before bringing the bill to the floor in an effort to force the President and the Congress to endorse and accept billions of dollars of nonwar, nonemergency spending.

Having said that, Mr. Speaker, on substance, on the funding for Iraq and Afghanistan, this is a solid package and I commend the gentleman, Chairman MURTHA, and the gentleman from Florida (Mr. YOUNG) for their work. However, my colleagues, once again we are being asked to endorse a policy that amounts to retreat from our battles with terrorists in Iraq.

But this bill in the end should not be about binding or nonbinding deadlines for withdraw or how to conduct this war. The critical mass of this bill is about supporting our troops and making sure that all of these volunteers get what they need.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from South Dakota.

Ms. HERSETH SANDLIN. Mr. Speaker, I thank Chairman OBEY for his hard work in putting together this emergency supplemental and overcoming a number of challenges in readying the amendments the House is considering today.

As chairwoman of the Economic Opportunities Subcommittee of the House Veterans' Affairs Committee with jurisdiction over veterans' education benefits, I am proud to support today's efforts to modernize the Montgomery GI Bill. Members of the subcommittee have worked diligently throughout the 110th Congress to understand how best to enhance education benefits and make them easier to access for our Nation's veterans in the 21st century.

My stepbrother, a 3rd Class Petty Officer in the United States Navy, next week deploys to the Persian Gulf on the USS *Ronald Reagan*. He, like so many thousands of brave and dedicated service men and women, stands to benefit from our important vote today, a vote to invest more wisely in these men and women who make the commitment to serve our country and keep us safe, a vote that reflects our priorities as a Nation to recognize their honored service.

I urge my colleagues to support this much-needed improvement in veterans education benefits.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from California.

Mr. Speaker, Washington is broken and it needs to be changed. This bill has been excluded from the normal rules and regulations of the House, and America's Representatives have not had their voices heard or their rights allowed. It would be a totally different bill if we had not violated the House rules and let the committee process work. Washington is broken and we need to have it changed.

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For example, if we had committee meetings, we would not have had a tax increase in here. We have a huge tax increase in this bill that affects small business owners. Eighty percent or 83 percent of the taxes here, of the people that are going to be taxed here, are small businessmen.

Now, in Kansas, just like a lot of America, four out five jobs are created by small businesses. And for those of you that have not been reading the newspaper, our country is in a period of slow growth. This is exactly the time we need to strengthen small businesses, instead of punishing them through this bill. Eighty-three percent of the people punished in this bill are people that are creating jobs.

If we'd had a committee process, we may not have added in other ancillary issues into this idea. Instead, we would have had a clean bill that would address the needs of our young men and women who are faithfully serving this Nation, protecting our families, take the fight to the enemy and helping us keep this country safe.

But, Mr. Speaker, Washington is broken and it needs to be changed. We have avoided the committee process and because of that, there are portions of this bill that could have been improved, portions of it that could have been improved for our veterans that have served so faithfully, come home to us broken, people we need to take care of. But because the committee was not involved in this process, we have not had the ability to improve this care for those who have done so much for us. The reason is, Mr. Speaker, is because Washington is broken and it needs to be changed.

We need to use the committee process. The committee process is a very important part of this. It's been violative of our own House rules. Washington is broken and it needs to be changed.

Mr. OBEY. I yield myself 2 minutes.

Mr. Speaker, I just cannot allow the impression to continue that somehow we have violated House rules or committee rules by this procedure. The fact is that despite some Members having not been around here long enough to remember, the House used to often proceed in this way, moving amendments back and forth between the Senate and the House as a device by which to reach agreement on legislation. That happened routinely during the old abortion debates back in the seventies when amendments offered by Mr. Magnuson and Mr. Flood were bounced back and forth between the Houses.

The fact is also that I offered, and my staff director specifically offered, to have the minority staff participate in every discussion related to appropriation items. We pointed out, we were not drafting, in our committee, the unemployment insurance issues.

That was drafted by the authorizing committee. And we were not drafting the language with respect to Medicaid rules. That was done by the Energy and Commerce Committee.

But we offered to have the minority staff participate in all of the staff meetings that were going on with respect to anything over which the Appropriations Committee had direct jurisdiction. If they chose not to exercise that right, that's their responsibility, not ours.

I would also point out that my understanding is that in the 109th and 110th Congress, fully 12 percent of legislation that was passed was passed using this process of moving amendments back and forth between the Senate and the House. So this may be an unusual procedure, but it is far from unprecedented.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I thank the gentleman from Wisconsin.

I rise in strong support of amendment No. 2 and amendment No. 3 to the Supplemental Appropriations Act of 2008.

As a member of the Foreign Operations Appropriations Subcommittee, I have fought to include overseas humanitarian assistance in these supplemental appropriations bills. I want to thank Chairman OBEY for including several of these provisions in amendment No. 3 which truly reflect the will and generosity of the American people.

Because of the rising cost and shortage of food, riots and instability have hit Haiti, have hit Egypt and the Philippines. Amendment No. 3 contains a total of $850 million for P.L. 480 Food for Peace Programs, which will be made available as soon as this bill is signed into law.

In Sudan, Chad, Kenya, Somalia and the Democratic Republic of the Congo, thousands of people die each day, not from conflict, but mostly from malnourishment and lack of health care and shelter. Amendment No. 3 includes $200 million for urgent humanitarian disaster assistance, and $300 million for assistance for refugees and internally displaced persons.

These funds are desperately needed, and I strongly urge my colleagues to vote for amendment No. 3.

Mr. LEWIS of California. May I inquire of the Chair how much time is left on each side.

The SPEAKER pro tempore. The gentleman from California has 35½ minutes remaining. The gentleman from Wisconsin has 31 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, one of the delights of this process, preparing for this bill, has been to go back through the process of the past and look at some of the protestations and expressions of concern by my colleague, now the chairman of the full Appropriations Committee. I love this quote particularly. He says, "Now this bill is going nowhere. It's going to be vetoed." Which bill are we talking about? This one or that one?

The American people know that once again Congress is putting partisan political considerations ahead of the needs of the American people. What we ought to do is to stop these political games and go forward with the regular process.

I reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Thank you, Chairman OBEY, for the time.

Today the Congressional Progressive Caucus held an event called "Winter Soldier." We listened to the veterans of the Iraq occupation, and they told us about what it's been like over there and what they've learned. The meeting actually followed in tradition of hearings first held during the Vietnam War. The forum gave veterans who have firsthand experience a chance to tell their stories. It was a solemn, thought-provoking event. What these men and women saw, what they've experienced, is really heartbreaking.

But today we have it in our power, we have it in our power to put an end to the tragedy that is the Iraq war. Today, this Congress will decide if we will give the President a blank check to continue his endless occupation of Iraq, or if we will fund redeployment and reconciliation and if we will do something for the refugees in Iraq.

The American people have been clear in their demands. They want to end the occupation, not extend it. They want us to bring our troops and military contractors home. They want us to reaffirm our commitment to the Iraqi people.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in strong opposition to this continued occupation in Iraq, and I want to thank Chairman OBEY for his leadership and for yielding me this time. I'm so much opposed to giving this President this new funding to continue this occupation with no strings attached until last night, once again, I went to the Rules Committee to propose the Lee amendment, which would provide funding only for the safe, responsible redeployment of our troops and contractors, and also for a strong diplomatic initiative. Not one dime should be spent anymore for funding this combat operation.

We just left a hearing of our Winter Soldiers. These young men and women told us about the dehumanizing effects of what has happened to them in terms of our troops. This has got to stop.

One of their first requests was to ask us not to vote for any more funding, to fund only redeployment and to bring them home.

In honor of our troops, let's bring them home and not send any more money over there to fight this war.

Mr. Speaker, I rise in strong opposition to the continued occupation in Iraq and I want to thank my Chairman, DAVID OBEY for his leadership and for yielding me the time. I am opposed to giving this president $180 billion with no strings attached to continue the disastrous war and occupation in Iraq as amendment No. 1 does.

The war and occupation in Iraq has put our country and economy in a hole. When you are in a hole, you've got to stop digging and climb your way out. Today that means funding the safe redeployment of our American troops and contractors out of Iraq.

The Lee Amendment I offered at the Rules Committee would have accomplished that but it was not made in order. So I have no choice but to vote against providing more funding for Iraq.

Unlike amendment No. 1, amendment No. 2 contains important restrictions and limitations on funding and would begin redeployment of our troops within 30 days. The second amendment also contains two restrictions and conditions that I have long championed. The first is the prohibition against the establishment of permanent military bases in Iraq. The second condition prohibits the President from unilaterally binding the U.S. to an agreement with the Government of Iraq that includes security assurances for mutual defense.

Finally, I support amendment No. 3 which provides urgent funding for domestic and international priorities, including a new GI bill for our brave veterans, extension of unemployment benefits, funding for peacekeeping operations in Darfur, and urgently needed international food and disaster assistance.

The sad fact is that in the last 5 years this Administration has spent nearly a half trillion dollars on the Iraq war and occupation and we have precious little to show for it. Iraq has been destabilized, our national prestige has been tarnished, and national attention has been diverted from the real and urgent challenges facing the American people.

Over 4,000 American troops and tens of thousands of Iraqis have died, more than 30,000 Americans are wounded, and more than 4 million Iraqis are displaced.

It is far past time to stop the madness.

I urge a "no" vote on amendment No. 1. I urge a "yes" vote on amendment No. 2 and No. 3. We must redeploy and honor our troops by bringing them home.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the minority whip, Mr. BLUNT of Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

This week, we're in the week before we break for our annual Memorial Day work period. Historically, this has been a time when we recognized those who have served and those who are serving, those who are willing to give even their life to help protect the freedom of this country. This is a time-honored tradition in our country.

It's today that we finally come to the floor, after literally months and months of a request for this funding for troops, nearing the deadline where troop withdrawal notices or troop furlough notices and other furlough notices would go out, and we come to the floor with a bill that puts restrictions on the troops. We come to the floor with a bill that does, in fact, finally meet those funding needs of the troops. And we come in a way that doesn't allow us to have any different ideas, have any amendments to these provisions that are brought to us today.

This is an extraordinary procedure in the way we have handled supplementals in the past. The only supplementals that have ever been brought to the floor in the last 20 years, with a closed rule, were supplementals where both sides agreed that we had to immediately respond to an immediate emergency, and it was a bipartisan agreement. There is no bipartisan agreement on the way this bill is brought to the floor. And because of that, it does not meet the needs of the troops as it should. The restrictions are wrong. The time line is wrong. Even the GI benefits that all of us believe need to be updated to meet the needs of today's military, as opposed to yesterday's military, doesn't have transferability of those benefits, the thing that spouses and people in the military and dependents in the military would like. It isn't designed for a military that's a volunteer Army.

There is a better House provision, but are we allowed to offer that House provision? No.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. LEWIS of California. I yield the gentleman 1 additional minute.

Mr. BLUNT. We get to say yes or no because everybody in this building knows that this bill will never become law. We've waited till the week before Memorial Day to bring a bill to the floor that will not become law. The majority leader announced earlier today that maybe it will be the middle of June before we get to a bill that would actually get to the President's desk and become law, when furlough notices have gone out.

This is a shameful way for us to meet the needs of our troops, and I hope we'll get down to business next week and see if we can't actually pass a bill that will meet the needs of our troops.

Mr. OBEY. I yield 2 minutes to the distinguished majority caucus chairman, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank my colleagues from Wisconsin and from Pennsylvania.

This is about our eighth war funding supplemental, emergency spending for the war. But what's intriguing about this one is that, in every other war supplemental, we've asked the American taxpayers to give the Iraqis approximately $50 billion to rebuild their country, schools, hospitals, roads, electricity, all so Iraq can rebuild after the war. And this is the first supplemental that we've asked to rebuild America. These kids lives, approximately the same amount of money.

Over the last eight funding bills for the war, we've dedicated approximately $50 billion of American money to rebuild Iraq's schools and roads. We're asking approximately a little over $50 billion to help these kids, our GIs, to rebuild their lives, to get the education that they've earned, to start on a new life for them and their family, whether they be Guard, Reserve or active duty.

So there has been no conscience, no problem when it came to Iraq's roads. They got the money. There was no problem when it came to Iraqi schools and hospitals. We said that was our moral obligation, to help Iraq get back on their feet.

What moral obligation do we have to our own GIs to get back on their feet?

□ 1345

Where is the decency to these kids who we've sent, not once, not twice, some of them three times who signed up to be Guard or Reserve and then we've implemented a stop-loss program that totally changed the contracts?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OBEY. Mr. Speaker, the gentleman is yielded 1 additional minute.

Mr. EMANUEL. We have an obligation to these children to restart their lives.

At the height of 1949, the original GI Bill of Rights for World War II was 1 percent of our GDP. This is far less. And look how well that paid off for this country. Everybody knows somebody who went to school on that GI Bill. We are doing right by those kids who are doing right by us.

You have compared this war with the equivalent of what we've done in World War II. Well, let's make it the equivalent by giving these kids a GI Bill. They've earned it every day doing something that not one of us have done in this context.

And yes, we've asked those who are the most well-off in this country, people we all know, to pay a little so these kids can go to college and pursue their dream that they made possible for us because of their sacrifice. And I know a lot of those people, and they're willing to pay a little more to make sure that these kids have an opportunity for the American Dream.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 1 minute to my colleague from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, unlike the previous speaker from Illinois, whom I greatly respect, I support the war in Iraq. I have supported it from the beginning. I support providing the resources to our soldiers who are in the fight in Iraq and Afghanistan. I pray for some 3,000 Indiana soldiers who are on the ground in Operation Iraqi Freedom every day. But though I support providing our soldiers with the resources they need to get the job done and come home safe, I cannot support this war supplemental bill.

Mr. Speaker, I believe the American people need to know what is going on here. I mean, this is a backroom deal for $250 billion that includes $72 billion in domestic spending that has nothing whatsoever to do with our soldiers and the war on terror. It also will increase taxes on working families by $51 billion. Higher taxes and higher domestic spending put on the backs of our soldiers is indecent, Mr. Speaker.

When my colleague from Illinois speaks about decency, it is indecent to come to this floor and play politics with our troops during a time of war. This Congress should bring a clean supplemental bill to this floor that provides our soldiers with the resources they need to get the job done and come home safe, not billions of dollars in domestic spending and higher taxes.

I urge my colleagues to vote "no" on this legislation to reject playing politics with our troops in the field.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I cannot believe what I just heard.

The gentleman just indicated that somehow we're adding $72 billion to a bill "that has nothing whatsoever to do with the welfare of soldiers." I would point out by far the largest item that we are adding to this bill, $51 billion over 10 years, is devoted to help those very same soldiers so that the people who fought, when they come home, get treated the same way that the GIs did at the end of World War II. That isn't on the backs of the soldiers. That's trying to enhance their lives. It's trying to enable Reservists and Guard members and regular forces who have had their lives disrupted, who have gone to Iraq two and three times. We're trying to say, Okay, you can stay home for a while. Get yourself a college education.

The GI Bill paid back this country $7 for every dollar it cost.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OBEY. I yield myself 1 additional minute.

The GI Bill paid back to this society $7 for every dollar that it cost. There are unfortunately some people in this House who know the cost of everything and the value of nothing. Fortunately, the people who support this third amendment today will not be among them.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. The people of southeast Louisiana have faced tremendous challenges during the last 2½ years. Thousands of people lost their homes due to the failure of Federal levees. However, today we find out that the flood protection that they need is going to be held in jeopardy by a poison pill in the name of a $52 billion tax increase on the backs of small businesses that was thrown into the bill last night with no debate. Our flood protection should not be held hostage to $52 billion in new taxes on the backs of small businesses.

This language clearly will not make it through the legislative process and will only give false hope to a people who deserve much better. Let us go back to work, come up with a solution that we can all agree can pass through the legislative process. I look forward to working with you to achieve that solution.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, when these people say they're going to provide the resources for the war and for the veterans but they're not going to pay for it, what they're really saying is China is going to provide the resources to our veterans; China is going to finance this war because that's what has been going on. They have borrowed more money from foreign sources since George W. Bush took office than all 42 Presidents of the United States before him put together, and they still want to keep borrowing.

And talk about working families, we are asking people who make over $1 million a year to increase their taxes $500 for these veterans to go to college so the veterans will not be subject to future deficits and future matters that may be beyond our control where the program has to be cut.

This is dedicated funding, and it comes from those in this country who have the most to give to the people who gave the most with no arms and no legs. I have seen them and you have seen them at Walter Reed and Bethesda.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OBEY. I yield the gentleman 1 additional minute.

Mr. TANNER. And we're going to provide resources? No, we're not going to provide any resources for these veterans unless you vote for this bill. What you're doing is we're going to ask China and Japan to give the resources to our veterans. I think that's a moral outrage.

If we can send more, we can damned sure help them get through college when they get home with one arm and one leg.

Mr. LEWIS of California. Mr. Speaker, I am pleased to recognize for 2 minutes the former chairman of the Veterans' Committee, STEVE BUYER of Indiana.

Mr. BUYER. I thank the gentleman for yielding, and I would like to limit my remarks to the veterans' education benefits that's contained in the amendment.

I don't believe that there is a Member here in the House who opposes improving the GI Bill. What I find objectionable and, Mr. Speaker, I have listened to the lectures by the then-ranking member and now the chairman of Appropriations with regard to process over the years and how conflicted he must feel, the fact that his leadership has directed him to bring a bill to the floor that has not gone through the process and, matter of fact, that there's no bipartisanship in agreement. You had brought bills to the floor before that didn't go through the appropriations process, but you two had agreements.

So you must be incredibly conflicted at the moment because you have given us lectures on process, and now you've thrown all of your lectures out the window.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. BUYER. Mr. Speaker, he's thrown all of them out the window.

What upsets most of us who sit on the Veterans' Affairs Committee is in fact there was a response. Chairwoman HERSETH SANDLIN and Ranking Member JOHN BOOZMAN have a bill. It's called H.R. 5684, and that bill was amended through regular order in the House. And what that bill did was improve the existing GI model, and the entire committee passed it.

Now what has happened, instead of using the bill that came from the Veterans' Affairs Committee, she hijacked that process to bring a bill in the Senate that the House here has never even considered. We've never had any hearings on it. It might be the greatest of bills, but if we're about to do this, Mr. MURTHA and others, for all of our comrades and buddies and pals, we better make sure it's done right.

So in this process, I also know, and I agree with Mr. TANNER's remarks, Mr. Speaker, about paying for.

Now I'm going to vote for this. I'm going to vote for it not because I like the tax provisions. I would have much preferred some offsets. I also recognize the Senate probably aren't going to go with the tax provisions.

But we better be smart about our business here because if this House adopts this bill, we're going to have to be correcting it in conference instead of doing our business like we should have done in the House.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Veterans' Affairs Committee, the gentleman from California (Mr. FILNER).

Mr. FILNER. I hear my colleagues on the other side talking about political games and partisanship and process. The GI Bill of 1944 made the middle class of this Nation. Many of us are here today because of the GI Bill. My dad came back from World War II and was able to get some education, but he bought a house in Levittown, New York, for a couple grand, and we became part of the middle class for the first time in our history.

It's time for a GI Bill for the 21st century, and that's what this supplemental has. It says to our young men and women who are fighting, We're going to pay for the full cost of college for 4 years when you get back; we're going to take care of some of the living expenses if you have a family, and we're going to put the National Guard and Reserve that are doing so much of the fighting in Iraq as eligible for most of the benefits for the GI Bill. That's what we need in the supplemental.

We have a supplemental for the war. We need a supplemental for the warrior. The fact the first year, 2 years of this bill for the GI Bill was paid for, we spent the same amount in 2 days of the war in Iraq. This is a reasonable amount of money to spend on those who have given us so much.

General Washington said over 220 years ago, The single most important factor in the morale of our fighting troops is a sense of how they're going to be treated when they come home. When they come home, many of them with amputations, many of them with psychological wounds, we want to say we're going to make sure we take care of you, we're going to make sure you get some college education, we're going to make sure that you can take a part of the American dream. That's what we owe our soldiers. That's what we owe our Reserve and National Guard, and that's what this supplemental has.

I don't care. You can talk about partisanship and political games. We're talking about the welfare of these young men and women who have given so much. Let's give them a part of the American Dream.

Mr. LEWIS of California. Mr. Speaker, before I yield to my next speaker, I would yield myself 10 seconds.

The chairman of the committee could have raised this 6 months ago since the bill has been around for a full year, but he chose to use political rhetoric today rather than really carry out his responsibilities.

I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Again, it's a travesty that we are on this floor yet again expecting our fighting men and women to carry other spending on their backs while they're trying to preserve our freedom. We've seen it before. There ought to be a clean up-or-down vote: do you support our troops; do you not support our troops.

Now as the ranking member said, Mr. BUYER from Indiana, we all support an increase in GI benefits. But do you want to do it in such a way that the Secretary of Defense and the Commander in Chief says compromises our all-volunteer Army? I am the son, I am the grandson, I am the brother of veterans. I honor these people. But to harm our all-volunteer Army is not the way to do it.

And then we have heard lectures about well, we have to pay for it. Well, why yesterday did this body hand out Federal subsidies to millionaire farmers and then today turn around and try and tax them. A tax on small businesses is the way we're going to pay for this? It's absurd.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. I thank the chairman of the Appropriations Committee and my neighbor over in Wisconsin for all of his work and, of course, Chairman MURTHA for his unending and tireless support of our veterans.

□ 1400

I rise today in strong support of the long overdue modernizations to the GI Bill. The original bill, that you have heard so many talk about, was one of the best pieces of legislation that ever left this floor. It allowed millions to attend college that wouldn't normally have been able to do so. I am, like my father before me is, one of those that stands before you because of that.

I also stand before you in a humble position of being the highest ranking enlisted soldier ever to serve in this body, and the understanding of what these soldiers sacrifice and what our responsibility is should be known by everyone here.

At times of war, we are asking so much, and as Senator DOLE told our committee not more than a year ago, you spent billions putting them in harm's way, you spend the billions getting them out.

We have a moral obligation to provide these veterans benefits when they return. It is also a national security issue to keep faith with our young people to know that, if they choose to sign up to defend their Nation, we will stand with them.

Now I can tell you this. I'm not an attorney like many of my colleagues here. I'm a high school teacher and a 24-year veteran of our military, but I hear people stand here talking about process, talking about legalese, talking about everything like that. Your process when you were in charge, you had 5 years, Mr. Speaker, 5 years to do something about the GI Bill.

Mr. Speaker, our colleagues on the Republican side had those 5 years. They chose to do nothing. They spent their time in enacting tax cuts for the wealthiest Americans. They tell us today this is a tax on small business. They must be doing well in Louisiana and Texas compared to Minnesota because $1 million a year for a family of two is an awful lot of money.

The time to do this is now. We hear all the talk. We hear there's soul searching being done by my Republican colleagues. The only thing you need to do is look in the eyes of those veterans and tell them that you are unwilling to provide the necessary benefit for them to come back and make their lives whole.

This provides for our warriors in the field. It provides for our veterans, and it does it by paying for it, and for that, I encourage all of our colleagues to vote with this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to address their remarks through the Chair.

Mr. LEWIS of California. Mr. Speaker, could you give us the time, please, on both sides.

The SPEAKER pro tempore. The gentleman from California has 26¼ minutes remaining. The gentleman from Wisconsin has 19 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. McCRERY).

Mr. McCRERY. Mr. Speaker, I rise in strong opposition to this legislation before us. Besides increasing taxes, this bill would create an untargeted emergency extended unemployment benefits program that would add to the deficit and ultimately increase State payroll taxes.

Moreover, this provision is untargeted, meaning it would pay extended unemployment benefits in all States, regardless of the availability of jobs in those States. Today's national unemployment rate is 5.0 percent. In March, 32 States had unemployment rates below 5 percent. Congress has never created a temporary extended benefits program at such a low unemployment rate. The lowest prior unemployment rate when such a program was created was 5.7 percent. Especially given today's low unemployment rate nationwide, it just doesn't make sense to extend benefits in States where jobs are readily available.

While I do not support the legislation before us on this subject, Republicans know that laid off workers are hurting, especially in States with struggling economies where jobs are hard to find and unemployment rates are high. That is why, during committee consideration of this legislation, I supported targeting extended unemployment benefits so real help would be provided where it is needed most. Unfortunately, that effort was rebuffed in favor of the general untargeted proposal before us today.

This legislation also shows the sham that is PAYGO. The broad extended unemployment program is projected to cost $16 billion over the next 5 years and increase State payroll taxes by $1 billion over that time. And this is likely just the start. The typical temporary program in recent decades lasted about 30 months. If the program started under the legislation before us today follows that path, the ultimate cost will exceed $30 billion.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of California. I yield the gentleman an additional 30 seconds.

Mr. McCRERY. This program will cost about $30 billion if it follows that path.

Yet despite pledges in this House to adhere to the letter and spirit of PAYGO, this bill does neither. Our colleagues' argument is that today's economic conditions constitute an emergency. Only 20 percent of all months since 1970 had a lower unemployment rate than today. So if we're in an emergency now, when won't we be in an emergency? We may as well just have extended unemployment benefits 100 percent Federally paid for forever and ever. It doesn't make sense, and it's very costly.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, just imagine, the mortal sin that we're accused of committing on this side of the aisle is believing that we ought to provide some additional economic assistance to people who have been hit the hardest by economic dislocation and have been unemployed until their benefits have expired and haven't been able to find a job.

It's suggested that we're doing this "on the backs" of our fighting men and women who return home. I'd suggest it's just the opposite. When a man or a woman returns home from Iraq, when we find out that in addition to their having their reentry problem, they also, some of them, may have post-trauma stress reaction, they find out in addition to what they have to worry about for themselves, they also have to worry about the fact that their sister or their brother-in-law is now unemployed, adding to the burden on that family.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OBEY. I yield myself 30 seconds.

I think those GIs recognize this is supposed to be a seamless society. We're supposed to help take care of the people who are in the most trouble, and I don't apologize for using some of the money that we use for veterans benefits. I don't apologize for getting that money from some of the people in this society who have had the least stress in their lives.

It seems to me that that's what the Judeo-Christian ethic is all about, and we plead fully guilty on this side of the aisle.

Mr. LEWIS of California. Mr. Speaker, I proudly yield 1 minute to my colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman. I just want to make a brief observation here.

We were here yesterday with the farm bill and witnessed the kind of traveling back in time, if you will, to find a baseline to use so that we could comply with PAYGO. So the majority party seems to use PAYGO however it fits their purposes. They will use PAYGO or they will ignore PAYGO or find ways around it by shopping for a baseline that works rather than what the law provides, or they will say we've got to comply with PAYGO today because we need to increase taxes.

So it seems just an observation here that PAYGO is only used as a way not to enforce spending discipline because, if it actually does enforce any discipline, we waive it, but if it's used to increase taxes, then, by golly, we've got to enforce it.

I just don't see how one day can make such a big difference if this wasn't the case.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of the Iraq provisions included in amendment No. 2 calling for the responsible redeployment of our troops to begin within 30 days. After voting against this war, I have supported the goal of responsibly redeploying our troops for over 2 years.

And after President Bush and Prime Minister al-Maliki signed a "Declaration of Principles" document outlining unprecedented security commitments and assurances to Iraq from the United States, I introduced the Iraq Strategic Agreement Review Act.

So today I want to voice my support for the provision that makes clear, as my bill does, that any security arrangement between the United States and Iraq will not be funded unless it comes in the form of a treaty or is specifically authorized by a law.

As we speak, the administration is negotiating a strategic framework agreement that goes well beyond a typical Status of Forces Agreement, essentially amounting to a treaty. It will need to be ratified by the Iraqi parliament, and it must be ratified by the United States Congress as well.

Mr. Speaker, this issue goes to the heart of our constitutional duties as a Congress and the power to declare war with which we have been entrusted as representatives.

I urge my colleagues to support this provision.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from the Appropriations Committee, the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, I think it's important for the American people to understand that throughout the history of this Congress and this Nation that party divisions in time of war have always ended at the water's edge, until today.

Tragically, for this Congress, for this House, for the Appropriations Committee, the Speaker of the House has decided to unilaterally impose on the will of the entire Nation this appropriations bill without the benefit of a hearing, without the benefit of amendments, without the benefit of input not just from the Republican Members, Mr. Speaker, but from the Democrat Members.

It's, I think, a terrible precedent to set for this great committee that I am so proud to be a member of. I know that my colleague, Mr. LEWIS, and my colleague, Chairman OBEY, are both men of good will and good hearts. I know this is, I think, a particularly sad day for the institution and the Nation where 300 million Americans are not given an opportunity to be heard on a question of national security as important as the issue of funding our troops is. Never before in the history of this institution have the entire committees, the Congress been shut out of this process.

On the aftermath of 9/11, when you could stand in front of the Capitol Building and still smell the Pentagon burning, the Congress came together and by unanimous consent agreed to approve a supplemental appropriations bill to help pay for the costs of the war. In a time of emergency with the hurricane damage in New Orleans and across the South, we all came together and agreed to do this.

But this is done unilaterally, without the consent of both sides, in a time of national emergency, and it is a travesty, Mr. Speaker. It contains provisions that have nothing to do with our troops' survival and safety in the field. To burden our troops with pork, with tax increases, with special provisions that have nothing to do with the war, adds to, I think, the obvious misuse of the process, and I urge Members to vote against the pork and support our troops.

Mr. OBEY. I yield myself 30 seconds, and I yield to the gentleman from Texas.

I would like the gentleman from Texas to point out a single piece of Member pork in this bill.

Mr. CULBERSON. Will the gentleman yield?

Mr. OBEY. Yes.

Mr. CULBERSON. Mr. Chairman, there's a number of unnecessary provisions in this bill.

Mr. OBEY. Name one.

Mr. CULBERSON. Well, why are we separating out——

Mr. OBEY. Name one.

Mr. CULBERSON. Why are we——

Mr. OBEY. Can you name one or can't you? The fact is there's not a single piece of Member pork in this bill. You ought to know.

Mr. CULBERSON. Why are we passing provisions in this bill——

The SPEAKER pro tempore. The gentlemen will cease their conversation. The gentleman's time has expired.

All Members are reminded to address their remarks through the Chair.

Mr. OBEY. I yield myself 1 additional minute.

And through the Chair, I would invite the Member to name a specific piece of congressional pork in this bill. He cannot because there is none. He's at least had enough time to read the bill to know that.

The only possible piece of pork in this bill is one which we inserted at the request of the Deputy Secretary of Defense for a military hospital in Guam that came here at the request of the Secretary of Defense's office.

You can find no Member's pork in this package, and you know it as well as I do.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague, Mr. WAMP from Tennessee.

Mr. WAMP. I thank the gentleman for yielding.

I don't want to get into the blame game because the American people are sick and tired of the blame game. I think the truth is, Republicans screwed up running this place, and now Democrats are screwing up running this place. So there's plenty of blame to go around. And they're sick and tired of this process debate because they don't understand how it affects them.

But let me say to the people who are talking process. If the Congress is not going to work together on matters of the military funding at a time of war, the Congress is never going to work together. And that is the underlying problem, and it does affect our lives.

I've got a nephew in Iraq right now. I've got another nephew on his way to Afghanistan and that affects our lives.

I am the ranking member of the Military Construction and Veterans Affairs Subcommittee. I heard my chairman, Mr. EDWARDS, whom I very much respect, go through 3 minutes of excellent reasons why to support this bill, but not one time did he talk about anybody on this side because we didn't have any voice in the process. He didn't compliment anything over here because we were not involved this time around. I think we should be.

And the way that they pay for the extras in this bill are with taxes. We don't want to raise your taxes. And I know that we're spending a lot of money in Iraq, but it's easy for everybody to forget, over half the Democrats in the United States Senate voted to remove Saddam Hussein by force. Almost half the Democrats in the House voted to remove Saddam Hussein by force.

☐ 1415

The President of the United States acknowledged just a week ago that he never should have said "Mission Accomplished," and he shouldn't have because it's not. We've got a long way to go.

This is the serious business of freedom, and it needs to be funded without all the extraneous stuff, and frankly, all the tricks associated with getting what they want in addition to what we need. And they're doing it with tax increases, and it's the wrong way. And I'm sorry, I'm not blaming anybody; we just need to do better.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, the economy has been one of the casualties of the Iraq war. And this administration has consistently refused to be interested in dealing with the problems of the unemployed.

We tried to get this introduced when we had the stimulus package some months ago. The administration didn't want to do anything with the unemployed. Long-term unemployment in this country is up to 17.9 percent. Now, you would think they would care, but they still aren't asking for it.

They have never changed their tune from 1935. They never thought we should have unemployment insurance in the Social Security Act of 1935 because they said if you give people unemployment insurance, they won't want to go to work, they will just want to sit home and get a check. That comes from people who have never been unemployed. That comes from people who don't know anybody who has ever been unemployed. It is simply nonsense.

We need to put the money into the economy. We need to give it to the workers who have lost their jobs through no fault of their own. And this administration still sits there and says, no, we're not going to extend unemployment benefits.

There are 26 weeks in here; 13 for everybody, and 13 weeks for those States that are over 6 percent.

Mr. Speaker, the U.S. economy is one of the casualties of the Iraq war, and passing an extension of unemployment benefits is nothing less than battlefield triage for innocent American workers who have lost their jobs through no fault of their own.

When I first introduced legislation several months ago to extend unemployment benefits, I had hoped the White House would declare a cease fire so that we could act quickly and on a bipartisan basis to help the American people and U.S. economy.

Instead, months went by while the administration pretended the gathering economic storm was nothing to worry about. And matters just kept getting worse.

Long-term unemployment—the percentage of unemployed workers who have not been able to find a job for at least 6 months—now stands at 17.8 percent. That is something to worry about. And act on.

My bipartisan unemployment extension bill will extend benefits in every State for an additional 13 weeks, and in States where the overall unemployment rate exceeds 6 percent, there is another 13-week extension.

We are going to help the American people weather this storm. And at the same time, we're going to lessen the economic blow to the U.S. economy.

We know people spend their unemployment benefits quickly, and we know a dollar in benefits yields $1.73 in positive economic impact as the money ripples through the economy.

Governors, mayors, State legislators, economists, advocates for working families, and the faith community are all asking for this extension of unemployment benefits.

Only those on the far right are opposed.

They say that unemployment benefits keep people from going out and looking for a job, but they are both out of line and out of touch.

Across America the average unemployment benefit is less than $300 a week—below the poverty-level for an American family.

What we're doing today is throwing a lifeline to the American people. Enough damage has already been done to the U.S. economy because of all the money spent on the endless Iraq war.

It's time for Congress to tend to the economic casualties at home.

Vote for extending unemployment benefits because it is a vote for helping the American people.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 1, 2008.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Committee on Finance, U.S. Senate, Washington, DC.
Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. JIM McCRERY,
Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN BAUCUS, SENATOR GRASSLEY, CHAIRMAN RANGEL AND REPRESENTATIVE McCRERY: On behalf of the nation's governors, we write to express our support for an extension of unemployment benefits and to request federal assistance for states to serve a growing number of jobless individuals.

In the last month, 36 states experienced an increase in the unemployment rate. The national unemployment rate increased to 5.1 percent in March 2008. Most notable, however, is the significant number of individuals that are unemployed for 27 weeks or longer, thus exhausting all unemployment benefits. Today, approximately 16.7 percent of jobless individuals are experiencing long-term unemployment compared to approximately 11 percent at the beginning of the last recession.

Beginning in 1935, a federal-state partnership was formed to create an unemployment program that would provide a core stabilizing function during economic downturns through short-term income support for jobless individuals, In prior recessions including the economic downturn that began in 2001, Congress and the Administration utilized the program to extend unemployment benefits to jobless individuals.

At the same time, any proposal to extend unemployment benefits must also address the reality that states need additional resources to administer unemployment claims for a larger number of individuals for a longer period of time. This year alone, states may have to administer an average of nearly 400,000 unemployment insurance claims without federal funding. Federal support is needed by state employment and workforce agencies to administer increased initial unemployment claims, to support weekly unemployment benefits, and to provide employment and training services.

Given the current economic indicators and historical precedent, governors believe it is prudent and appropriate for Congress and the Administration to enact a temporary federally funded extension of unemployment insurance benefits and to provide a sufficient increase in funding for states to assist jobless individuals during this period of economic slowdown.

We stand ready to work with you and thank you for your leadership on this issue of national importance.

Sincerely,

DONALD L. CARCIERI,
Governor, Chair, Education, Early Childhood and Workforce Committee.
BRAD HENRY,
Governor, Vice Chair, Education, Early Childhood and Workforce Committee.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, May 7, 2008.

Re Extension of unemployment compensation benefits.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, U.S. Capitol, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: We are writing to express the support of the National Conference of State Legislatures (NCSL) for a temporary extension of unemployment compensation benefits, with adequate funds appropriated for state administrative functions.

Since its inception during the Great Depression, the unemployment compensation system has provided a temporary income support to workers who lose their jobs. The counter-cyclical partnership between states and the federal government was designed to accumulate and hold significant funds in trust accounts during good economic times and pay out benefits during bad economic times and simultaneously stimulate a stagnant economy.

State legislators are concerned that the percentage of unemployed workers is rising and that state unemployment insurance agencies have experienced reduced funding appropriated by Congress in recent years. Nationally, unemployment insurance claims levels and the exhaustion of benefits rate have been on the rise and states are struggling to respond with less federal administrative funding than previous years, especially those states with high unemployment rates.

In the 2006 legislative session, at least one state had to appropriate general funds to support the administration of the program. These funds should have been appropriated by Congress as part of the FY 2008 appropriations legislation and/or through Reed Act distributions to meet the needs of the program. Economic assumptions did not anticipate the increases in unemployment claims that the Congressional Budget Office now projects as a result of the current economic slowdown.

During the current Congress, several bills were introduced (e.g., S 1871, LIR 2233, HR 3920, HR 5749) to extend benefits or modernize state unemployment systems. We support efforts by Congress to continue on the path to assist jobless individuals during this time of economic downturn. However, it is imperative that Congress continue to collaborate with states to strengthen unemployment systems and enact unemployment insurance legislation that would provide adequate resources for administering the program and supplement, not supplant, current state efforts.

We appreciate your leadership and look forward to working with you on this issue. Should you or your staff have any questions about NCSL's position on this matter, please contact Diana Hinton Noel.

Sincerely,

PHILLIP FRYE,
Representative, North Carolina; Chair, NCSL Labor and Economic Development Committee.

STEVE CONWAY,
Representative, Washington; immediate Past Chair, NCSL Labor and Economic Development Committee.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to Mr. KINGSTON from Georgia.

Mr. KINGSTON. Mr. Speaker, this is an important bill that we're debating today. In fact, it's a bill that has been kind of in the hopper, if you will, for months, and maybe even a year's time right now. This is a bill that the troops very badly need. And that's why it's odd to me that there are so many unrelated amendments to it.

I understand that when the Democrats took over, their promise to the MoveOn.org fringe of their party was that we are going to get the troops out of Iraq. They have not delivered on that. And so what we have here is a little fig leaf debate on getting out of Iraq so that their Get Out of Iraq Caucus can have a political cover story so that when they go home over the Memorial Day recess, they can tell people, yeah, I voted to get out Iraq. But the truth is, there is no delivery here.

That debate alone should be something that we do all day long. It should be at least a week's worth of our time, if not more, the debate on getting out of Iraq and imperiling troops in the way. But no, the Democrat Party will not give that to their group that wants the Get Out of Iraq Caucus. What they want is a little fig leaf amendment to a bill, which they know is going to pass and they're hoping that this is going to cover their politics. That is a sham, and that is a shame. I respect somebody who wants to get out of Iraq now, but they should have a debate on that on a freestanding bill. It should not be an amendment.

Secondly, I want to point out the stuff which Mr. CULBERSON referred to as pork. Mr. OBEY took exception to that. And I'd say this stuff isn't pork, but it isn't an emergency. It isn't stuff you put on the backs of our troops in the field.

I don't know how much money we spent in New Orleans, I would like to know. I think we, as Republicans, spent too much. I think you guys, as Democrats, are spending too much. I understand there is $5.8 billion for levees in New Orleans. Now, Mr. Speaker, as I recall, that did not happen recently.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of California. I yield the gentleman an additional minute.

Mr. KINGSTON. There is money in here for the census. And I learned in eighth grade geography we do a census every 10 years. Why should that be put on an emergency bill? We know that the end of the decade comes. That funding should be done on an appropriate freestanding manner.

The Bureau of Prisons? Why are we passing that on the backs of soldiers? Contractor language. And I'm a former member of military construction and I represent four military installations. MILCON is very important to me. But why is it put on the back of a supplemental emergency bill? That is not what we do here. It should go through the regular appropriations process. It should go through a subcommittee. It should through a full committee before it comes to the House floor. It should not be an amendment that is put on a troop's bill.

I think that if we look back in history at the way that we were sticking it to, if you will, the minority party when we were in the majority, I think you guys have a very good case for that. In fact, I respect Mr. OBEY. I have a page full of quotes from him.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute to answer the gentleman's question.

The gentleman wants to know why do we have money in this bill for the census? Simple. It's because the Secretary of Commerce asked us to put it in because they've had a huge technical screw-up in the Department of the Census. The last time I looked, the Secretary of Commerce was appointed by the President of the United States, Mr. George W. Bush.

He wants to know why we have money in this bill for prisons. Simple. We've been told by the Bureau of Prisons—last time I looked, it's run by the Bush Administration—that if we didn't provide this money, because of cost overruns they're going to have to fire guards and lay off people in Federal prisons. Anybody interested in law and order I don't think is going to be happy about that.

So it seems to me it is responsible to respond to emergencies on both the domestic side and on the international side.

I'm sorry that the gentleman doesn't seem to be aware of the fact that we have, in writing, requests from both of those agencies, but that happens to be the fact. And that's the answer.

Mr. LEWIS of California. Mr. Speaker, in the interest of keeping this wonderful dialogue going on, I yield the gentleman from Georgia 1 additional minute.

Mr. KINGSTON. I'm touched with the bipartisan support of the Democrat Party that suddenly when the Bush administration asks for something, it's like that, they get it. I'm really impressed with that.

Did you get a formal letter from OMB on the census? Because we haven't seen it on the minority side.

Mr. OBEY. We got requests in writing from the agencies.

Mr. KINGSTON. Well, we haven't seen it from OMB on our side, so I just want to point that out.

Mr. OBEY. They testified before the committees. I don't know if you were there or not, but they testified.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. KINGSTON. Mr. Speaker, what I would say is that these things may or may not be legitimate expenditures, but if they went through a subcommittee and a full committee and they're on a freestanding piece of legislation, that is the proper process of Congress. And when the Democrat Party was in the minority, the distinguished chairman of the Appropriations Committee was one of the biggest proponents of regular order. What we are asking for is regular order. I agree, we did it wrong, but you don't have to repeat that.

Mr. OBEY. I yield myself 10 seconds.

Once again, when they can't argue about the substance, they whine about process. That's not going to impress very many people. It certainly didn't in Mississippi yesterday.

With that, I would like to yield 1 minute to the distinguished Speaker of the House, the gentlewoman from California.

Ms. PELOSI. I thank the gentleman for yielding. And I want to commend you, Chairman OBEY, and Mr. MURTHA, for your tireless work on behalf of our men and women in uniform, and for bringing this critical legislation to the floor today. I am particularly interested in part two and three of the resolution.

We're all grateful for the fact that this will be the last time we will vote on an Iraq supplemental in the House of Representatives. Again, I thank the chairman and the chairman for their important work in this regard.

When the House completes its work today, we will have achieved three goals. First, we will have set a new direction in Iraq that will end this sad chapter in American history and bring our brave men and women home. That is necessary because President Bush, in his request to the Congress, insists on his failed course of action in Iraq, failed from day one; day one, when they went in and thought the war would end in one day.

They're asking us to trust the same impaired judgment that took us into this war on a false premise, without the proper training and equipment for our troops, without a strategy for success or an exit strategy from Iraq.

Isn't it sad that here we are, over 5 years later, over 4,000 of our precious treasure have died, tens of thousands of our men and women in uniform have been wounded, many of them permanently. Our reputation in the world has been greatly diminished, harming our ability to stop the proliferation of weapons of mass destruction and eradicate disease and alleviate poverty, and all of the other leadership roles we have played in the past. It has come at a tremendous cost in dollars to American taxpayers, trillions of dollars, which have taken us deeply into debt, which has taken us into recession. More on that later. But think of the opportunity cost of that money, what we could have done to invest in education and health care. We will pay any price any time to protect the American people, but not to follow the whim of the impaired judgment of this Bush administration.

Only when we finally end this war can we rebuild our military. And that is another cost of this war, diminishing the capacity of our military to meet challenges and threats to our security wherever they may occur. When we do that, we will be able to refocus our attention on the real war on terror.

So this action that we are proposing today, a new direction in Iraq that will end the war, will rebuild our military, refocus on the real war on terror, and restore our reputation in the world. That is why this legislation directs that a redeployment begin within 30 days of this bill's enactment, and with the goal of being completed by December 2009, be completed by then. The new President will have the flexibility to bring our troops home safely, honorably, responsibly, and soon.

Essential to restoring our reputation in the world is to regain our moral authority, which has been lost in this war. That is why under the conditions of this legislation torture is banned. Thank you, Mr. MURTHA, for your leadership on this subject. This condition has passed this House overwhelmingly in the defense appropriation bill.

It will also ban permanent bases in Iraq. This condition has passed this House overwhelmingly on any number of occasions, over 300 votes. Insist that the Iraqis pay their fair share for reconstruction. This is a relatively new condition, but a necessary one predicated on the fact that the Iraqis are amassing a budget surplus while we're going deeply in debt to pay for their reconstruction. We're saying if we put up a dollar, you put up a dollar, dollar for dollar to participate in their reconstruction. They have to be at least as interested in rebuilding Iraq as we are, especially when we are doing it to the neglect of our own reconstruction needs in the United States.

This legislation will also ensure that our military pays only its fair share for fuel. Do you know that in Iraq, we pay almost 2½ times as much for gasoline, our military does, than the Iraqi people do? The Iraqi Government subsidizes the Iraqi people and makes our military pay more than double. And that's a new condition.

The conditions here calling for the cleaning up of waste, fraud and abuse in Iraq and reviewing of contracting passed by suspension. Over two-thirds of the House voted for this legislation that is contained in this condition. And require that any agreements with Iraq that commit U.S. forces for the protection of the Iraqi Government from an external force or from a civil war internally must be approved by the Congress of the United States.

Under the guise of a Status of Forces Agreement, the administration is committing the United States to a treaty without congressional approval. I remind the President of article I. Read the Constitution, Mr. President.

I believe that these provisions should receive bipartisan support. They have every time they have come to the floor. The only two new ones are about the cost of fuel and the dollar for dollar.

What we will also accomplish in this bill is to honor our responsibility to our men and women in uniform. I have been to the theater, to the war area, five or six times in the course of this military action, sometimes with Mr. MURTHA, with Mr. SKELTON, with Mr. LANTOS, with our committee Chairs of jurisdiction.

□ 1430

And when we meet the young people there, they always say the same thing: "What is going to happen to me when I go home?" "What is going to happen to me when I go home?"

Some of the soldiers were telling me about their lives at home, and one of them was very quiet, and I said to him, "What did you do before you came to Iraq?"

He said, "I was in high school, ma'am." He was in high school. He was a teenager with a gun over his shoulder. If that's necessary for our country's security, it has to happen. But this young man, a teenager, fighting that fight without any thought about what was going to happen to him when he came home.

Well, what we would like to say in the final amendment here is that when you come home, young man, we will thank you for your service to our country by sending you to college. That's what the student veterans have asked us for. That is what we have done for veterans in the past. That is what we owe these young people now. And in doing so, we will be doing a great thing not only for them but for our country because their education will be part of the economic recovery of our country. In the security of our country, they have led the way. In the economic recovery of our country, they will be in the lead.

Third in this bill, we will begin to address America's domestic priorities. We will address the deep economic pain facing many families. As I mentioned, this war, President Bush's war, which is enabled by the complicity of the Republicans in Congress, has taken us deeply into debt, which has taken us deeply into recession, and now has taken our economy to a place where we have record numbers of people unemployed. Today 7.6 million people are unemployed. Of these, 1.4 million Americans, jobless Americans, have been looking for work for over 6 months. And our economy has lost 260,000 jobs this year so far alone. These people need our help as they continue to seek work in this difficult economy.

Thank you, Mr. OBEY, for including the unemployment insurance for America's workers in this legislation.

The contrast, I believe, Mr. Speaker, is clear. President Bush and the Republicans in Congress insist on a war without end in Iraq. Democrats, Independents, and Republicans across the country, but, sadly, too few Republicans in this House, are insisting on a New Direction. A New Direction that strengthens America's military by ending the war in Iraq. A New Direction that strengthens America's economy by investing in our veterans and our workers here at home.

We have said over and over again that one way to support our troops is to build a future worthy of their sacrifice. We can begin building that future worthy of their sacrifice by saying "thank you" to them and, when they come home, to send them to college.

I urge my colleagues to support the second and the third amendments that are being presented today. And in closing, I want to, as always, salute our men and women in uniform for their service, their sacrifice, their courage, their patriotism, and with our commitment, again, to build a future worthy of their sacrifice.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the Republican Policy chairman, the gentleman from Michigan (Mr. McCOTTER).

Mr. McCOTTER. Mr. Speaker, we find ourselves today as a minority party watching a very perplexing bill come towards us. It's perplexing in the sense that we watch a majority party which has promised America to end the war, which many of us, I think, rightly view and the world will view as an American defeat because it has failed and cannot be changed to the point where America can win. We've also watched a majority party tell us that the spending on the Iraq war has destroyed the American economy. We can differ on that but that is their position. And we now watch the Democratic Party bring forward a bill that will fund a failed war and will evidently, by their logic, further decimate the American economy.

Now how does one come to the conclusion that this is a necessary step for said party? Well, you have discretionary spending added into it. Now, I would argue that a fine piece of legislation has been attached to this bill, which was introduced by the gentleman from Washington, to help people who are unemployed. Thanks to the policies of my State legislature, which has raised taxes and helped drive business out of Michigan, we have seen that people need unemployment insurance to get themselves through difficult times in the hopes they can find employment.

Which brings me to the next problem with this, which is in an attempt to help veterans, we are raising taxes on small business income. Eighty percent of the income that will be taxed comes from small business. So now what we have is an attempt to show that we can fund a war that we believe has failed with money that has decimated the American economy by going overseas; yet we will try to help the unemployed, who will further suffer from this, and we will try to help veterans who come back from that war by making sure that there are no jobs here waiting for them.

Again, it is a very perplexing bill. I would suggest to the gentleman who earlier suggested there was nothing Congress could do to end this war to rethink the position.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of California. I yield the gentleman 1 additional minute.

Mr. McCOTTER. Congress still holds the power of the purse. If the war is not funded, the war cannot continue. That's perhaps a position I disagree with, but it is a factual matter. If you are serious about this, you would do that.

Or you would have a straightforward vote on funding the troops to ensure that we continue to move forward and that America is not defeated in Iraq. You would have dealt with the McDermott bill and sent it to the President despite his veto threat because he has also threatened to veto this legislation. There would be much Republican support for this. And then you would deal with the veterans in the way they should be.

Now many friends of mine are Blue Dogs. You were not questioned on your patriotism when you determined that this money for veterans had to be offset. No one said you cared more about big government than veterans. I would suggest that those of us who want to make sure our economy recovers and do not want to tax it into submission and decimation should not have any patriotism questioned about supporting veterans by opposing tax increases and instead looking for cuts in Federal pork to pay for it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I urge my colleagues to reject the President's demand for war money and to instead support an amendment that will force the redeployment of our troops from Iraq and to fully fund the benefits that our veterans deserve.

A half decade after "Mission Accomplished," the President is asking once again for $160 billion to fund a war that cannot be won militarily. But, Mr. Speaker, it's past time to look this President in the eye and say, "Read my lips: No."

Our military is superb, but it cannot impose peace in a country plagued by sectarian violence. Peace will not come to Iraq until Iraqis stop killing each other.

Nevertheless, the President's followers demand hundreds of billions more for combat operations while they insist on blocking a relatively small appropriation for our veterans. This is an outrage, and we owe our servicewomen and men the best. The years of neglecting their safety and well-being must come to an end.

Mr. Speaker, I urge my colleagues to join me in rejecting funds for war, in requiring withdrawal from Iraq, and in providing the education and health care benefits our veterans deserve.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

Mr. Speaker, we're dealing here with a bill that until today has never seen the light of day. This bill was concocted in the back room of the Speaker. We were not allowed to have input on it. We have not been allowed to have amendments. JACK MURTHA's subcommittee on national defense was not allowed to have a hearing on this or discuss it with his subcommittee members. No subcommittee on appropriations was allowed to have a hearing and debate the issues.

Mr. MURTHA. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. We did have a meeting, and I explained the part of our bill to the subcommittee, and we had no dissension at all. We had a lot of suggestions. We spent a long time on the bill. We spent at least an hour, much more time than we usually spend on a bill.

Mr. ROGERS of Kentucky. You say you met with the subcommittee and informed them about what's in the bill that the Speaker wrote? I agree with that.

Mr. MURTHA. Absolutely.

Mr. ROGERS of Kentucky. That's what I'm saying.

Mr. MURTHA. Okay.

Mr. ROGERS of Kentucky. And the full chairman of the committee did the same thing. He didn't draft this bill. This bill was given to him. And the Members of the minority have had no say in what's in this bill.

The people of this country deserve to have their representatives in Congress have a say-so in what comes before the House and what's debated on the House floor, and we have not been given that.

This is a dictatorship here. This bill has not seen the light of day. It has not been the subject of amendments. We have not been allowed to ask questions. We didn't know what was in it until yesterday, a bill this thick.

So the process here is flawed. And it's the first time that I recollect in my 28 years here of a bill coming to the floor, an appropriations bill, without the minority's having a say-so unless they had agreed to it. This is a new procedure we are having here.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of California. I yield the gentleman 1 additional minute.

Mr. ROGERS of Kentucky. That's objection number one. We did not have a chance to have a say-so on this bill. The American people have been shut out of a discussion of what's in this bill, until today.

Number two, this bill is loaded down with matters that are not related to helping the brave men and women on the battlefield on the other side.

Now, there are all sorts of amendments that you're hearing today that will be offered, one of which contains a lot of spending and a lot of spending that's not related to helping the troops overseas.

And so I am disappointed. I'm disappointed in the fact that the Appropriations Committee was bypassed, therefore the people were denied a voice, and this bill brought directly to the floor without ever having had a single day of hearings in the subcommittees and the full committee.

I urge a "no" vote.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. BOYD).

Mr. BOYD of Florida. I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, ladies and gentlemen, the last GI Bill was written after World War II, and 64 years later we're passing a new expanded GI Bill that will provide important education benefits for our veterans. Simply put, ladies and gentlemen, it's the right thing to do.

In the wars in Iraq and Afghanistan, our guardsmen and our reservists have been used and deployed by our Commander in Chief at a level that we haven't seen since World War II. Many of these guardsmen and reservists were in a career profession before these wars, and many will come home unable to continue that career profession because of physical or mental injuries sustained during their service in that war.

This GI Bill will restore the promise of a full 4-year education for our benefits, 60 years since the last one was written, and make the veterans of Iraq and Afghanistan part of the American economic recovery efforts just as the veterans of World War II were.

I want to thank the Speaker and the House leadership for bringing this bill to the floor.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OBEY. I yield the gentleman 1 additional minute.

Mr. BOYD of Florida. Mr. Speaker, this bill was brought to the floor in a fiscally responsible manner. By fully funding this GI Bill for the next 10 years and paying for it up front, we have made this legislation better for our veterans and better for the American people.

We are asking those who benefit the most from living in a strong country to pay to take care of those who risk their lives to defend it instead of borrowing the money from China or bucking the costs to our children and grandchildren.

Supporting this bill is the right thing to do. And I want to thank Chairman OBEY and Chairman MURTHA for also including the Iraq loan provisions which will require the Iraqis to pay for the security training of their own people and the reconstruction efforts.

□ 1445

Mr. LEWIS of California. I reserve the balance of my time.

Mr. OBEY. Could I inquire of the gentleman from California how many speakers he has remaining.

Mr. LEWIS of California. As of this moment, we have one additional speaker. I may take 10 seconds to close or something like that.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Thank you, Chairman OBEY and Chairman MURTHA.

As a solemn and distinguished body, we again stand ready to break with President Bush and demand change in Iraq. And again, we have a chance to do what is right after years of pursuing the wrong strategy, a misguided strategy, that I saw firsthand and a battle my fellow paratroopers are still fighting today.

Today, we can come together to do what is right. Today, we can change direction in Iraq, refocus on al Qaeda in Afghanistan and give our troops the GI Bill that they have earned.

The question before us is clear: Do we proceed in a bipartisan way with the support of military experts and American families? Or do we continue to allow more political posturing and more of the same while American troops are stuck refereeing a religious civil war?

That is the choice we all must make. And to those who stand in the way of change and accountability in Iraq, the American people are paying attention.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield the gentleman 30 additional seconds.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I am proud to stand with those who want a change. I am proud to fight for accountability in our foreign policy and proud to fight until our brave veterans get the benefits that they deserve.

A year ago, I called on my colleagues from both sides of the aisle to stand ready for change. I renew that same call today. Neither our troops nor our veterans can wait for us to change our foreign policy in Iraq, not until next year's sixth anniversary, or the seventh anniversary, or the tenth.

Mr. LEWIS of California. I reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

I rise in opposition to one more dollar being spent on the war in Iraq but many, many dollars spent on the brave men and women. I thank the leadership and I thank this committee for allowing us to spend dollars because of a responsibility to our troops with the GI Bill.

I also offer to my constituents, but also to this body, that we have an emergency, as well, with our summer jobs program. And I hope that we will find a way to fund a summer jobs program for our youth.

Let me say that there is not a tax burden in this bill, and I thank our leadership for understanding PAYGO. This is nothing more than an opportunity for those who make over $1 million to experience the burden, if you will, of the sacrifice this Nation is making on behalf of our troops. The moneys that are expended, only $500 for those making over $1 million and more, will be given to our troops with the GI Bill of Rights.

Where do we stand? I stand with the flag on behalf of the American troops. This is a great bill. Vote against the funding for the war and vote for the redeployment of our troops, a better domestic plan, and yes, an opportunity to pass the GI Bill of Rights, the GI Bill for our young men and women.

Mr. Speaker, I rise today in opposition to the continued funding of the Iraq war. While I offer my support for amendments No. 2 and No. 3, I must oppose amendment No. 1. While amendments 2 and 3 contain provisions beneficial to the American people, designed to improve our economy and protect our young men and women, amendment 1 continues a disastrous policy of providing unrestricted funding to continue the Bush administration's war in Iraq.

Last night, I offered three amendments to this legislation in the rules committee. My first amendment would have added three sense of Congress paragraphs: "(1) The war in Iraq should end as safely and quickly as possible and our troops should be brought home; (2) the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately, including through the observance of a national day of celebration; and (3) the primary purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war."

This amendment is borne from my deeply held belief that we must commend our military for their exemplary performance and success in Iraq. As lawmakers continue to debate U.S. policy in Iraq, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Iraq did everything we asked them to do. We sent them overseas to fight an army; they are now caught in the midst of an insurgent civil war and continuing political upheaval. The United States will not and should not permanently prop up the Iraqi government and military. U.S. military involvement in Iraq will come to an end, and, when U.S. forces leave, the responsibility for securing their nation will fall to Iraqis themselves. However, whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

I very strongly believe that our Nation has a moral obligation to ensure that our veterans are treated with the respect and dignity that they deserve. One reason we are the greatest Nation in the world is because of the brave young men and women fighting for us in Iraq and Afghanistan. They deserve honor, they deserve dignity, and they deserve to know that a grateful Nation cares about them.

The second amendment that I offered explicitly states that the goals laid out by the Authorization for Use of Military Force Against Iraq Resolution of 2002, AUMF, have all been achieved by our troops in Iraq.

As my amendment describes, the brave men and women of our military have done everything we asked them to do. The United States Armed Forces successfully toppled the regime of Saddam Hussein and captured the key cities of Iraq in only 21 days. Because of the skill and dedication of the members of the Armed Forces, the entire world has now been assured that Iraq does not possess weapons of mass destruction that could threaten the United States or any member nation of the international community. The Armed Forces performed magnificently in conducting military operations designed to ensure that the people of Iraq would enjoy the benefits of a democratically-elected government governing a country that is capable of sustaining itself economically and politically and defending itself militarily. In June 2004, the Armed Forces facilitated the transfer of sovereignty from the Coalition Provisional Authority to the interim Government of Iraq, which governed Iraq until December 2005 when national elections were held in which more than 8 million Iraqi men and women voted in elections that were free and fair.

While our troops have achieved the objectives for which they were sent to Iraq, they are now caught in the midst of a sectarian conflict. Unfortunately, there is no military solution to Iraq's ongoing political and sectarian conflicts. This is a war without end. Though President Bush continues to rely on a strategy that seeks to stabilize and reconcile Iraq by force, only the Iraqi government can secure a lasting peace. Thus far, the Iraqi government has demonstrated an inability or an unwillingness to deliver on the political benchmarks that they themselves agreed were essential to achieving national reconciliation, which was the rationale and stated objective of the recent troop surge. Continuing to put the lives of our soldiers and our national treasury in the hands of what by most informed accounts—even by members of the Bush Administration—is an ineffective central Iraqi government is irresponsible and contrary to the wishes of the overwhelming majority of the American people.

The third amendment that I offered would provide funds for summer youth employment and training activities under the Workforce Investment Act. Unfortunately, many of our youth have to help out their families in these troubling economic times. Many of the youth who could obtain skills and training in their summer jobs state that they would either be sitting around watching television or getting into trouble if they were not in their communities working.

For more than 30 years, beginning in the 1960s, the Federal Government saw the enormous benefit of providing summer jobs to millions of disadvantaged youth across America. But since 2000, the Summer Youth Employment and Training Program, SYETP, has lost its direct funding, and is now effectively buried among 10 competing programs within the Workforce Investment Act, WIA. With unemployment soaring and the summer heat approaching, there is an urgent need to bring back summer jobs for youth. We need to be cognizant of the fact that many families count on their children working during the summer to raise money for college.

Families are facing a foreclosure crisis, the rising cost of gas, and health care; this amendment provides more money for workforce preparedness among our youth. When we invest in our youth and foster a sense of responsibility it will last a lifetime, aiding not only them, but their families, and our communities. This amendment would give our youth the skills and training they need to enter the workforce, and the money they and their families need to make it in these tough economic times.

However, the legislation we are considering today contains many important provisions, but, unfortunately, the first amendment continues funding for a war that I strongly oppose. I oppose amendment No. 1 because I stand with the American taxpayers who have paid over $600 billion to finance the misadventure in Iraq. I stand with the 4076 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country. Last May, I was proud to vote for H.R. 1591, a supplemental spending bill that would have provided funds for our troops in Iraq and Afghanistan, which included a timetable for the redeployment of U.S. troops. Though this bill passed the House by a clear majority, the President opted to veto this legislation.

Mr. Speaker, I must oppose amendment No. 1. This amendment provides a total of $162.9 billion for the Department of Defense for FY 2008 and FY 2009, funds that are handed over without any strings. The amendment does not withhold funding for the Iraq war, a war that so many of my colleagues in Congress oppose, and which only 32 percent of Americans now support. The amendment does not require that war funds can only be used for the responsible redeployment of American troops home from Iraq.

Mr. Speaker, I voted against the 2002 Iraq War Resolution. I am proud of that vote. I have consistently voted against the Administration's practice of submitting a request for war funding through an emergency supplemental rather than the regular appropriations process which would subject the funding request to more rigorous scrutiny and require it to be balanced against other pressing national priorities. I cannot support legislation that provides the President with the resources to prolong his ill-advised war effort unrestrained.

I rise today in strong support of amendment No. 2. This amendment lays out a responsible U.S. policy toward Iraq, requiring that troops begin redeployment from Iraq within 30 days, with a goal of completing the withdrawal of combat troops by December 2009. As a Member of both the Out of Iraq and the Progressive Caucuses, I am proud to vote for legislation that, like other measures passed by this Congress, begins the process of withdrawing U.S. men and women from Iraq.

In addition, Mr. Speaker, this legislation specifically requires that any agreement between the United States and the Government of Iraq committing future U.S. forces must be specifically authorized by Congress. The governments of Iraq and the United States announced their intention to forge a strategic framework agreement, a long-term, bilateral pact, to be completed by July 31, 2008. This negotiated agreement is to be based on the Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America, signed November 26, 2007, by Iraqi Prime Minister Nuri al-Maliki and President Bush.

Under the Declaration of Principles, the parties will negotiate a security agreement, under which the United States will support the Iraqi government and Security Forces in providing security and stability and fighting al-Qaeda and other terrorist groups. The Declaration of Principles envisions an agreement setting forth a wide-ranging set of commitments, which will cover issues including politics, economics, and security. In hearings before the Committee on Foreign Affairs, administration officials have indicated that the President intends to negotiate this agreement as an executive agreement, not subject to Congressional approval. It is essential that any agreement which commits future U.S. troops to the defense of Iraq is outside the purview of existing authorizations, and such an agreement must be submitted to the Congress for approval. This legislation also prohibits the establishment of permanent bases in Iraq.

Mr. Speaker, amendment No. 2 requires that the Iraqi government step up and pay its share of Iraqi reconstruction efforts. I am concerned that the United States has paid and continues to pay a disproportionate amount for Iraq reconstruction, especially when the Iraqi government reportedly has a $25–30 billion budget surplus this year. To date the United States has appropriated more than $45 billion for Iraq reconstruction.

American funded reconstruction programs have included: the training and equipping of Iraqi security forces.

Iraq is a resource-rich nation. Though still facing problems including a lack of technology, damage from previous mismanagement, the effects of looting, and water intrusion, Iraqi oil production is currently at around 2 million barrels per day. The price of oil has skyrocketed to over $100 a barrel and Iraqi oil exports are generating an estimated $56.4 billion this year alone, according to the GAO, yet it is U.S. taxpayers who continue to foot the bill for Iraqi reconstruction. The government of Iraq is stashing its money in global banks, including a reported $30 billion in the U.S., instead of investing this money in the development of crucial Iraqi infrastructure. This legislation requires the Iraqi government to take responsibility for the future of its own nation.

There are a number of other key provisions in this amendment. It requires the President to reach an agreement with Iraq to subsidize fuel costs for U.S. Armed Forces operating in Iraq so that our military pays what Iraqis pay. It requires that troop's meet the Pentagon's definition of combat ready before they are deployed to Iraq; Prohibits troops from being deployed longer than Pentagon guidelines recommend; and requires that troops spend adequate time at home between deployments. This legislation makes substantial strides toward cleaning up contracting in Iraq, expanding current law to make all contractors working in war zones subject to prosecution for offenses that would otherwise be in violation of U.S. law; extending the statute of limitations for fraud cases during wartime; and amending the federal criminal code to prohibit profiteering and fraud involving contractors overseas. In addition, it prohibits interrogation techniques not authorized in the Army Field Manual, a provision necessary in eliminating torture.

AMENDMENT NO. 3

Mr. Speaker, the third amendment to H.R. 2642 provides over $21.2 billion for much needed domestic programs and foreign aid. By extending unemployment benefits, expanded veterans' education benefits, and placing a moratorium on the Bush Administrations' seven Medicaid regulations; this amendment gets us closer to where the Economic Stimulus package should have taken us.

This amendment will provide increased funds for food aid, military hospitals, and the reconstruction of the Louisiana levees.

INTERNATIONAL FOOD AID

As many of you know, we are facing an international food crisis. According to the International Monetary Fund, IMF, global food prices have increased an average of 43 percent. In fact since March 2007, wheat has increased by 146 percent, soybean has increased by 71 percent, corn by 41 percent, and rice prices have increased by 29 percent, according to the U.S. Department of Agriculture.

Many factors have played into this crisis. In China, India, and other emerging markets experiencing rapid economic growth, consumers are increasing their demand for food, oil, and energy supplies. Rising energy costs have directly raised the cost of agricultural production. Adverse weather-related events have lowered crop yields, particularly affecting wheat harvests. Depreciation of the U.S. dollar accounts for part of the increase in U.S. food prices, while increased production of biofuel has raised the price of corn.

Sadly, approximately 1 billion people—or one sixth of the world's population—subsist on less than $1 per day. Of this population, 162 million survive on less than $0.50 per day. Overall, increased food prices particularly affect developing countries, and the poorest people within those countries, where populations spend a larger proportional share of income on basic food commodities.

That is why I, along with other Hunger Caucus members, hosted a forum on the Food Crisis and what it is doing to our children. We met with leaders of the international aid community to come up with pragmatic solutions to the global hunger crisis, both in the short term and the long term.

In my district I submitted an appropriations request for the Houston Food Bank to expand their collection and distribution of food to the good people of Houston. We each have to do our part, not only in our district by supporting much needed programs and organizations, but across this great Nation and the rest of the world.

This amendment would give $9.9 billion, $496 million above the President's request, for the State Department, USAID and International Food Assistance. It is simply unacceptable in this day and age that children are going hungry. We have millions of dollars to bail out Bear Stearns, let's find that same money to help our families and our children.

EXPANDED GI BENEFITS FOR VETERANS EDUCATION

As champion for veterans, I am especially pleased to see the expansion of education benefits to veterans under the GI bill.

EXTENDED UNEMPLOYMENT COMPENSATION

The number of Americans looking for work has grown by 800,000 over the last year, and the number of American jobs has declined by 260,000 since the beginning of 2008. This supplemental would extend unemployment benefits for workers who have exhausted their benefits by up to 13 weeks in every State as well as an additional 13 weeks in States with high unemployment.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008 (H.R. 5613)

The Bush Administration sought to cut services and payments to American families by adding seven different Medicaid regulations to the stimulus. This amendment places a much needed moratorium on those regulations, giving back to our seniors, families, and those with disabilities as well as cut payments to safety net providers.

REFUGEE ASSISTANCE

$675 million, $454 million above the President's request, to address the refugee crisis in Iraq and elsewhere.

MERIDA

This amendment would give $461.5 million, $88.5 million below the President's request, for the initiative to provide counternarcotics and law enforcement assistance in Mexico, $400 million, and Central America, $61.5 million.

MILITARY CONSTRUCTION

The $4.6 billion for military construction, $2.2 billion over the President's request, including $939 million for BRAC, over $210 million for the military child care centers that the President announced in the State of the Union but never funded, and $992 million for military hospitals, to prevent the types of problems that faced Walter Reed.

BUREAU OF PRISONS

This $178 million urgently needed to meet rising incarceration costs and growing inmate population. The administration would have paid for these costs with cuts to State and local law enforcement funding.

CLEANING UP CONTRACTING (H.R. 3928 & H.R. 5712)

Increases accountability and transparency in federal contracting by requiring companies that receive more than 80 percent of their revenue from the federal government to disclose the names and salaries of their top officers, and requires federal contractors to report violations of federal criminal law and over-payments on contracts over $5 million.

Mr. LEWIS of California. Mr. Speaker, I recognize the minority leader of the Republican side of the aisle, my colleague, JOHN BOEHNER, for 1 minute.

Mr. OBEY. I want to make sure the gentleman's rights are protected. You indicated to me that you wanted the minority leader to close debate on your side?

Mr. LEWIS of California. No. I indicated I was recognizing him for 1 minute. I may have a few seconds myself at the end.

Mr. BOEHNER. Let me thank my colleague for yielding and ask my colleagues what is it that we are doing here? We got 1 week before we break for the Memorial Day recess. Admiral Mullen, Chairman of the Joint Chiefs, has said we have to have the funding for our troops in Iraq and Afghanistan.

We know that come early June, layoff notices go out to contract employees who work at the Pentagon. Why? Because we can't seem to get this bill finished. And why can't we get it finished? Because we have a bill in front of us that has all types of unrelated spending beyond what is needed to fund our troops.

The gentleman from California (Mr. LEWIS) earlier this week, introduced a clean troop funding bill, a bill that the President called for with the changes that were made up here to make sure that we got funding to the troops as quickly as possible. That is the bill that ought to be on the floor today, not a bill that handcuffs our generals, starves our troops and puts them in a position where they can't succeed in their mission in Iraq and Afghanistan.

The bill also includes a $54 billion tax hike on small businesses around the country. And if there is a time when we don't need to be raising taxes on small businesses, it is now. They are the engine of new job growth in our country. And what are we going to do? We are going to put more taxes on them.

I think that what we are doing here is that we are playing political games on the backs of our troops. You know it. All this bill is going to do is delay the process for weeks and weeks and weeks while we play political games because you know the President is not going to sign this bill.

Why don't we move Mr. LEWIS' bill? We can do it today. We can do it early next week. It is a clean troop funding bill that takes care of our troops and honors them on the eve of Memorial Day instead of playing political games on their backs.

Mr. OBEY. How many speakers does the gentleman have remaining?

Mr. LEWIS of California. I will just have a few seconds. I will reserve the balance of my time.

Mr. OBEY. I'm sorry. I couldn't hear you.

Mr. LEWIS of California. I will have a few seconds, but at the end of it, if you are at the end.

Mr. OBEY. I guess by default I am the last remaining speaker. The majority leader is otherwise occupied and so I would ask the gentleman to proceed.

Mr. LEWIS of California. With that, Mr. Speaker, I have enjoyed in many ways this discussion today. But most particularly, I have enjoyed having a chance to review the comments, sometimes even the lectures, of my colleague, the chairman of the committee, over the years. It wasn't that long ago that I had the chance to be the chairman myself. And earlier today, I used a quote from the then-ranking member of the committee in which he, in part, said, "The American people know that, once again, Congress is putting partisan political considerations ahead of the needs of the American people."

He protested so much. In that same conversation, Mr. OBEY went on to say, "In my view, the quickest way to end this political nonsense is to vote 'no' on this bill so that we can send the President a bill which is respectable, responsible and can be signed."

I must say that serving in the ranking member position at this point in time, I couldn't more heartily adopt the words of my colleague when he formerly had a position like mine.

In the meantime, this bill goes forward. The chairman knows full well that the bill that was written in the corner of this building by a couple of hands is going nowhere. It is very likely to be vetoed. In turn, he is repeating that very process he was protesting against so strongly not so long ago.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, first of all, I want Members to understand this bill was not written in the Speaker's office or any other leadership office. Virtually every appropriation issue of this bill was written in the Appropriations Committee. We did not, obviously, write language that has previously passed the House under the control of other committees. The Energy and Commerce Committee produced the language, for instance, on the Medicaid rules. And the authorizing committee produced the language on unemployment compensation. That's normal.

In fact, the Speaker herself was joking the other day and teasing me, indicating that there were three items that she had wanted in the bill that the committee had turned down. So I would suggest this is not quite the dictatorship that the myth-makers on the other side of the aisle are trying to portray.

Having said that, let me explain what it is we are doing here today, since the minority leader was courteous enough to ask. What we are trying to do is to recognize a sad fact, which is that as long as George Bush is President of the United States, we are not going to be able to shut down the war. So what we are trying to do is proceed in the most responsible possible manner in order to assure that the next President, whoever he or she is, has at least 3 or 4 months to think through how he or she would get us out of this god-awful mess in Iraq, which I regard to be the most misguided foreign policy decision in my lifetime.

What we are trying to do is to recognize that we do not have a majority in the United States Senate to shut down this war. And so we are looking at ways to provide Members with an opportunity to speak out on whether they want to see that war funding go ahead or not, a straight up-or-down vote. No coercion, at least on this side of the aisle, no whipping that question on this side of the aisle. Members were told, "Vote your conscience."

We are also trying to do two other things. We are trying, once again, to attach conditions to the use of this money. Now I myself will vote against the first amendment because I have no guarantee that the conditions in the second amendment will survive Senate action. If they did, I would be perfectly comfortable with the first amendment because I think the first amendment is a straight effort to do what I just described a minute ago.

But the reason we want to pursue the second amendment is because we think it is about time that the Iraqis, now that they are generating oil surpluses and budget surpluses, we believe it is about time that they begin to assume the costs of their own reconstruction, at least 50 percent of it. This is why we have a 50–50, dollar-for-dollar match requirement which we are imposing on the Iraqis if we are to be expected to spend any more money in reconstructing Iraq. We think that's eminently sensible.

We also think it is about time that Iraq quit overcharging the U.S. military for the price of gasoline. There is no reason why we should be paying through the nose at a much higher price than Iraqis are paying for gasoline.

And then thirdly, we are asking the President of the United States to remember that the United States of America still exists, too, and that there are some problems that we need to address here. In fact, the administration itself has recognized some of them because the administration sent down a reprogramming request to deal with the problem of the Bureau of Prisons. They sent down a reprogramming request to deal with the census. We didn't think we ought to fix those problems by cutting even more deeply into local law enforcement funding, because those budgets have already been cut far too much. So we rejected the way that the administration wanted to pay for those items. And instead we have included them in this bill fully, fully paid for.

We also have the temerity to believe that if we are going to fight this war, then we ought to also provide a thank you note, a healthy thank you note, for the people who fought the war on our behalf. That is why we are insistent that we pass the expansion of the GI Bill so that you can take people whose lives have been turned upside-down for years, military families from the east coast to the west coast, their lives have been disrupted for years. We want to say "we want to at least partially compensate you by giving you the opportunity for a full, 4-year college education at any State university in your State." And we have provisions that will even expand beyond that if they go to other schools that also participate in helping finance their education. We make no apology for including that.

We have heard from at least three speakers on that side of the aisle that we are providing $51 billion for that on the backs of the soldiers.

□ 1500

It isn't on their backs. It's an effort to help them. I would point out in the previous GI Bill in World War II, this country got a return of $7 for every dollar that it invested in the GI Bill. We recognize the value of doing that again. We recognize the moral obligation of doing that again, and we make no apology in going forward with it.

We also make no apology for recognizing that when we have millions of Americans unemployed, that there is no harm done by providing to those who have been unemployed the longest and have exhausted their benefits, with 13 weeks of additional assistance as those people look for jobs. This Congress sits here in a comfortable room making $160,000 a year, nickel nursing about our efforts to provide a few additional benefits to people who have been unemployed that long.

If we don't vote for that provision, we ought to be ashamed of ourselves. I ask each and every Member to vote your conscience. I am not going to tell you how to vote on any of the amendments. I will be voting against the first, for the second and the third.

But I urge us to get on with it. This is the only way that we can get the problem dealt with.

Mr. Speaker, following is an explanation of the amendments of the House of Representatives (relating to supplemental appropriations for fiscal years 2008 and 2009) to the amendment of the Senate to H.R. 2642, the Military Construction and Veterans Affairs Appropriations Act, 2008.

In this statement, the provisions of the House amendments to the Senate amendment are generally referred to as "the amended bill".

House Amendment 1 strikes lines 1 through 3 on page 60 of the Senate amendment and inserts language providing supplemental appropriations for the Department of Defense for fiscal year 2008, and additional supplemental funds for fiscal year 2009 for operations in Iraq and Afghanistan.

House Amendment 2 inserts after line 3 on page 60 of the Senate amendment language regarding policy for operations in Iraq and reforms relating to war profiteering and contractors.

House Amendment 3 strikes line 1 on page 1 of the Senate amendment and all that follows through line 21 on page 59, and inserts language providing supplemental appropriations for military construction, international affairs, and other security-related and domestic needs, as well as language providing for improved veterans education benefits, temporary extended unemployment compensation, and a moratorium on certain Medicaid regulations, and establishing a surtax on high income taxpayers to offset the cost of the veterans benefit provision.

The texts of the amendments are printed in the Rules Committee report (H. Rpt. 110–636) to accompany House Resolution 1197.

Unless otherwise noted, all appropriations in the amendments are designated as emergency requirements and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21, the congressional budget resolution for fiscal year 2008.

AMENDMENT NO. 1

TITLE IX—DEFENSE MATTERS

CHAPTER 1—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

OVERVIEW

RECOMMENDATION

In title IX, chapter 1, total new appropriations of $96,622,127,000 are recommended. A detailed review of the recommendations for programs funded in this chapter is provided in the following pages.

The recommended supplemental appropriations for the Department of Defense are intended for ongoing military and intelligence operations in support of Operation Iraqi Freedom (OIF), Operation Enduring Freedom (OEF), and the larger Global War on Terror (GWOT). The recommendations in this chapter are based on the initial budget request, an update to that request, formal hearings, and numerous briefings and are intended to address emergency, high-priority needs of the United States military and intelligence community. In some cases, funding has been reduced or eliminated for certain activities that are either not emergency in nature; that cannot be obligated and/or executed in a timely fashion; or which involve new policy and program decisions that should be addressed in the regular authorization and appropriations bills for fiscal year 2009.

The following table summarizes by appropriation account or general provision, the recommendation:

(Amounts in thousands)

	Bill
CHAPTER 1	
DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FY 2008	
DEPARTMENT OF DEFENSE--MILITARY	
Military Personnel	
Military Personnel, Army (emergency)	11,807,655
Military Personnel, Navy (emergency)	866,753
Military Personnel, Marine Corps (emergency)	1,820,571
Military Personnel, Air Force (emergency)	1,286,153
Reserve Personnel, Army (emergency)	304,200
Reserve Personnel, Navy (emergency)	72,800
Reserve Personnel, Marine Corps (emergency)	16,720
Reserve Personnel, Air Force (emergency)	5,000
National Guard Personnel, Army (emergency)	1,369,747
National Guard Personnel, Air Force (emergency)	4,000
Total, Military Personnel	17,553,599
Operation and Maintenance	
Operation & Maintenance, Army (emergency)	16,343,512
Operation & Maintenance, Navy (emergency)	2,952,864
(Transfer out) (emergency)	(-112,607)
Coast Guard (By transfer) (emergency)	(112,607)
Operation & Maintenance, Marine Corps (emergency)	159,900
Operation & Maintenance, Air Force (emergency)	5,922,520
Operation & Maintenance, Defense-Wide (emergency)	3,387,562
Operation & Maintenance, Army Reserve (emergency)	164,839
Operation & Maintenance, Navy Reserve (emergency)	109,876
Operation & Maintenance, Marine Corps Reserve (emergency)	70,256
Operation & Maintenance, Air Force Reserve (emergency)	165,994
Operation & Maintenance, Army National Guard (emergency)	685,644
Operation & Maintenance, Air National Guard (emergency)	287,369
Subtotal, Operation and Maintenance	30,250,336
Iraq Freedom Fund (emergency)	50,000
Afghanistan Security Forces Fund (emergency)	1,400,000
Iraq Security Forces Fund (emergency)	1,500,000
Subtotal, Other	2,950,000
Grand total, Operation and Maintenance	33,200,336
Procurement	
Aircraft Procurement, Army (emergency)	954,111
Missile Procurement, Army (emergency)	561,656
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	5,393,471
Procurement of Ammunition, Army (emergency)	344,900
Other Procurement, Army (emergency)	15,967,340
Aircraft Procurement, Navy (emergency)	3,411,254
Weapons Procurement, Navy (emergency)	317,456
Procurement of Ammunition, Navy and Marine Corps (emergency)	304,945

(Amounts in thousands)

	Bill
Other Procurement, Navy (emergency)	1,260,135
Procurement, Marine Corps (emergency)	2,153,390
Aircraft Procurement, Air Force (emergency)	7,028,563
Missile Procurement, Air Force (emergency)	66,943
Procurement of Ammunition, Air Force (emergency)	205,455
Other Procurement, Air Force (emergency)	1,903,167
Procurement, Defense-Wide (emergency)	408,209
National Guard and Reserve Equipment (emergency)	750,000
Total, Procurement	41,030,995
Research, Development, Test and Evaluation	
Research, Development, Test & Evaluation, Army (emergency)	162,958
Research, Development, Test & Evaluation, Navy (emergency)	366,110
Research, Development, Test & Evaluation, Air Force (emergency)	278,427
Research, Development, Test and Evaluation, Defense-Wide (emergency)	816,598
Total, Research, Development, Test and Evaluation	1,624,093
Revolving and Management Funds	
Defense Working Capital Funds (emergency)	1,837,450
National Defense Sealift Fund (emergency)	5,110
Total, Revolving and Management Funds	1,842,560
Other Department of Defense Programs	
Defense Health Program (emergency)	1,363,864
Operation and maintenance (emergency)	(907,064)
Procurement (emergency)	(91,900)
Research, development, test and evaluation (emergency)	(364,900)
Psychological health & traumatic brain injury (emerg)	75,000
Total, Defense Health Program (emergency)	1,438,864
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	65,317
Office of the Inspector General (emergency)	6,394
Total, Other Department of Defense Programs	1,510,575
General Provisions--Chapter 1	
Special transfer authority (emergency)	(2,500,000)
Defense Cooperation Account (transfer authority) (emergency)	6,500
Rescissions (emergency)	-146,531
Total, General Provisions	-140,031
Total, Chapter 1	96,622,127

Additionally, a number of needs were identified that were not adequately addressed by the Department of Defense. Major initiatives in the recommendation include:

Facilities Sustainment, Restoration and Modernization (FSRM): The recommendation includes an additional $500,000,000 for FSRM at Army and Marine Corps facilities;

Department of Defense Identified Operation & Maintenance Shortfalls: The recommendation includes $3,617,308,000 to address the increasing price of fuel and other petroleum products;

Yellow Ribbon Reintegration Program: The recommendation includes $65,400,000 to support the Yellow Ribbon Reintegration program to help members of the National Guard and Reserve transition from combat to civilian life. The recommendation is summarized as follows:

FY 2008 YELLOW RIBBON

[In thousands of dollars]

Military Personnel:	
Reserve Personnel, Army	5,000
Reserve Personnel, Navy	2,800
Reserve Personnel, Marine Corps	1,300
Reserve Personnel, Air Force	2,000
National Guard Personnel, Army	15,000
National Guard Personnel, Air Force	4,000
Total, Military Personnel	30,100
Operation and Maintenance:	
Operation and Maintenance, Army Reserve	8,300
Operation and Maintenance, Navy Reserve	2,200
Operation and Maintenance, Marine Corps Reserve	1,300
Operation and Maintenance, Air Force Reserve	3,500
Operation and Maintenance, Army National Guard	18,000
Operation and Maintenance, Air National Guard	2,000
Total, Operation and Maintenance	35,300

Contract Management: The recommendation includes $52,000,000 for the Defense Contract Management Agency to hire more than 200 additional contract managers to prevent waste, fraud and abuse in Department of Defense contracting in Iraq and Afghanistan;

Land Warrior: The recommendation includes $102,000,000 to outfit one "next to deploy" brigade combat team with Land Warrior equipment sets;

C–17 Procurement: The recommendation includes $3,604,500,000 to procure 15 C–17 aircraft;

C–130 Procurement: The recommendation includes $2,469,700,000 for the procurement of 34 C–130 aircraft including Air Force, Marine Corps and Special Operations variants; and

Department of Defense Identified Acquisition Shortfalls: The recommendation includes over $1,200,000,000 for a variety of military service Joint Urgent Operational Needs identified by the Department of Defense; and

Overall, the recommendations total $96,622,127,000 and are structured to maximize support to our men and women in uniform. They meet important force protection, equipment and personnel needs, while fully funding the operational requirements to conduct the Global War on Terror.

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and direction in the classified annex accompanying this Act.

REPORTING REQUIREMENTS

The Secretary of Defense is directed to provide a report to the congressional defense committees within 30 days of enactment of this Act on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. These reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and subactivity group for the continuation of military operations in Iraq and Afghanistan and a listing of equipment procured using funds provided in this chapter. It is expected that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriation accounts for purposes other than those specified in this statement. The Department of Defense is directed to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

Additionally, the Department of Defense is directed to submit monthly supplemental execution reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

CIVIL SUPPORT RESPONSIBILITIES REPORT

The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide a report on the progress of the Department of Defense efforts to plan for and provide support to civil authorities during incidents of national significance as required by sections 1814 and 1815 of Public Law 110–181. The report shall be provided to the Committees on Appropriations and other congressional defense committees no later than 60 days after enactment of this Act. Specifically the report shall provide a projected timeframe for completing the determination of requirements requested in sections 1814 and 1815, milestones for implementation of planning and readiness improvements, and any available information on the Department of Defense's current state of readiness and gaps in readiness for each of the National Planning Scenarios. In addition, the Secretary of Defense shall include in the report an explanation on how the Department's civil support and homeland defense responsibilities are incorporated into the validation and prioritization of the services' equipment requirements.

CONTRACTING

There is concern over the numerous instances of waste, fraud, and abuse that have occurred in Department of Defense contracting activities in support of contingency operations. The Department and the military services did not properly address the necessary personnel, training, and technology requirements over the years, but are now taking steps to improve their capabilities. This recommendation includes additional funds to further many of the initiatives and increased personnel requirements identified by the Department of Defense and outside reviews such as the Gansler report. The recommendation also calls for enhanced reporting requirements to ensure improved oversight over the Iraq and Afghanistan Security Forces Funds, and the Commander's Emergency Response Program. Finally, it provides funding for the Department of Defense Inspector General to improve its antiquated tracking system for the Criminal Investigation Service.

OPERATION ENDURING FREEDOM

The recommendation provides additional resources to aid U.S. military operations in Afghanistan and to strengthen the Afghanistan Security Forces. Afghanistan Security Forces are critical to the stability of Afghanistan and essential to our fight against al Qaeda and other terrorist organizations. To increase our efforts to train and equip these forces, the recommendation funds additional trainers for the Afghan National Army and the Afghan National Police. It also doubles the Commander's Emergency Response Program (CERP) in Afghanistan from fiscal year 2007 levels to address critical small scale humanitarian efforts. Included in this amount are the necessary resources to support the CERP program for the additional Marines in Afghanistan. These and other efforts related to Afghanistan are discussed elsewhere in this report and in the classified annex.

CASE MANAGEMENT AND DISABILITY EVALUATION FOR WOUNDED WARRIORS

The recommendation includes $94,900,000 in the Operation and Maintenance, Defense-Wide; Procurement, Defense-Wide; Research, Development, Test and Evaluation, Defense-Wide; and the Defense Health Program appropriation accounts to address gaps identified by the President's Commission on Care for America's Returning Wounded Warriors. The funding will enable improvements in case management, data sharing, and the disability evaluation system (DES). Additionally, the funding will support the on-going DES Pilot program, information technology development, support for case management, and improvement of Department of Defense and Department of Veterans Affairs data sharing gateways, and distribution of wounded warrior care and benefits informational handbooks.

DEFENSE HEALTH PROGRAM OVERVIEW

The recommendation includes a total appropriation of $1,438,864,000 for the Defense Health Program. This funding will provide medical and dental services to active forces and mobilized Reserve Components, as they support Operation Iraqi Freedom and Operation Enduring Freedom, and their family members. The funding also provides for costs associated with the treatment of combat-related injuries.

The recommendation also provides $293,023,000 for facilities sustainment, restoration and modernization; $1,000,000 for the Center of Excellence for Eye Injuries; $70,000,000 for the Center for Neuroscience and Regenerative Medicine and $47,100,000, in various budget activities for disability evaluation system and case management.

FUNDING FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation has historically not been funded in large amounts in emergency supplemental appropriations. Generally, funding has been provided for items that have been funded in prior supplemental appropriations, or that can be developed and fielded in a timely manner to impact the Global War on Terror.

MILITARY PERSONNEL

An appropriation of $17,553,599,000 is recommended for Military Personnel.

The recommendations for each military personnel account are shown below:

[In thousands of dollars]

Account	Recommendation
MILITARY PERSONNEL, ARMY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
BASIC PAY	1,142,768
RETIRED PAY ACCRUAL	230,280
BASIC ALLOWANCE FOR HOUSING	286,673
BASIC ALLOWANCE FOR SUBSISTENCE	38,324
SPECIAL PAYS	517,490
SOCIAL SECURITY TAX	87,416
TOTAL, BUDGET ACTIVITY 1	2,302,951
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
BASIC PAY	2,747,209
RETIRED PAY ACCRUAL	598,216
BASIC ALLOWANCE FOR HOUSING	902,271
SPECIAL PAYS	2,507,642
SOCIAL SECURITY TAX	210,161
TOTAL, BUDGET ACTIVITY 2	6,965,499
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
BASIC ALLOWANCE FOR SUBSISTENCE	300,904
SUBSISTENCE-IN-KIND	1,365,832
TOTAL, BUDGET ACTIVITY 4	1,666,736
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL	
ACCESSION TRAVEL	11,472
TRAINING TRAVEL	9,537
OPERATIONAL TRAVEL	101,482
ROTATIONAL TRAVEL	126,759
SEPARATION TRAVEL	14,826
TRAVEL OF ORGANIZED UNITS	1,344
TOTAL, BUDGET ACTIVITY 5	265,420
ACTIVITY 6: OTHER MILITARY PERSONNEL COST	
INTEREST ON SOLDIERS DEPOSITS	21,780
RESERVE INCOME REPLACEMENT PROGRAM	8,200
UNEMPLOYMENT COMPENSATION	142,364
DEATH GRATUITIES	72,900
SGLI EXTRA HAZARD PAYMENTS	116,805
TOTAL, BUDGET ACTIVITY 6	362,049
UNDISTRIBUTED ADJUSTMENTS	
ACCELERATION OF GROW THE FORCE	100,000
CHANGE IN RESERVE AND GUARD MOBILIZATION LEVELS	-101,000
YEAR OF EXECUTION/RATE CHANGES	246,000
TOTAL, UNDISTRIBUTED ADJUSTMENTS	245,000
TOTAL, MILITARY PERSONNEL, ARMY	11,807,655

[In thousands of dollars]

Account	Recommendation
MILITARY PERSONNEL, NAVY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
BASIC PAY	119,911
RETIRED PAY ACCRUAL	22,902
BASIC ALLOWANCE FOR HOUSING	32,930
BASIC ALLOWANCE FOR SUBSISTENCE	3,663
SPECIAL PAYS	31,433
SOCIAL SECURITY TAX	9,173
TOTAL, BUDGET ACTIVITY 1	220,012
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
BASIC PAY	139,495
RETIRED PAY ACCRUAL	26,643
BASIC ALLOWANCE FOR HOUSING	60,550
SPECIAL PAYS	132,692
SOCIAL SECURITY TAX	10,671
TOTAL, BUDGET ACTIVITY 2	370,051
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
BASIC ALLOWANCE FOR SUBSISTENCE	14,855
SUBSISTENCE-IN-KIND	14,727
TOTAL, BUDGET ACTIVITY 4	29,582
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL	
ACCESSION TRAVEL	7,291
OPERATIONAL TRAVEL	12,660
ROTATIONAL TRAVEL	14,073
SEPARATION TRAVEL	5,724
TOTAL, BUDGET ACTIVITY 5	39,748
ACTIVITY 6: OTHER MILITARY PERSONNEL COST	
RESERVE INCOME REPLACEMENT PROGRAM	3,000
UNEMPLOYMENT COMPENSATION	28,200
DEATH GRATUITIES	1,500
SGLI EXTRA HAZARD PAYMENTS	10,060
TOTAL, BUDGET ACTIVITY 6	42,760
UNDISTRIBUTED ADJUSTMENTS	
CHANGE IN RESERVE MOBILIZATION LEVELS	21,600
YEAR OF EXECUTION/RATE CHANGES	143,000
TOTAL, UNDISTRIBUTED ADJUSTMENTS	164,600
TOTAL, MILITARY PERSONNEL, NAVY	866,753

[In thousands of dollars]

Account	Recommendation
MILITARY PERSONNEL, MARINE CORPS	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
BASIC PAY	197,281
RETIRED PAY ACCRUAL	45,947
BASIC ALLOWANCE FOR HOUSING	64,464
BASIC ALLOWANCE FOR SUBSISTENCE	7,260
SPECIAL PAYS	33,269
SOCIAL SECURITY TAX	15,089
TOTAL, BUDGET ACTIVITY 1	363,290
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
BASIC PAY	487,327
RETIRED PAY ACCRUAL	116,280
BASIC ALLOWANCE FOR HOUSING	121,093
SPECIAL PAYS	552,658
SOCIAL SECURITY TAX	37,281
TOTAL, BUDGET ACTIVITY 2	1,314,639
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
BASIC ALLOWANCE FOR SUBSISTENCE	53,848
TOTAL, BUDGET ACTIVITY 4	53,848
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL	
ACCESSION TRAVEL	3,583
OPERATIONAL TRAVEL	50,195
TOTAL, BUDGET ACTIVITY 5	53,778
ACTIVITY 6: OTHER MILITARY PERSONNEL COST	
UNEMPLOYMENT COMPENSATION	500
DEATH GRATUITIES	23,700
SGLI EXTRA HAZARD PAYMENTS	20,616
TOTAL, BUDGET ACTIVITY 6	44,816
UNDISTRIBUTED ADJUSTMENTS	
ACCELERATION OF GROW THE FORCE	93,600
CHANGE IN RESERVE MOBILIZATION LEVELS	-103,400
TOTAL, UNDISTRIBUTED ADJUSTMENTS	-9,800
TOTAL, MILITARY PERSONNEL, MARINE CORPS	1,820,571
MILITARY PERSONNEL, AIR FORCE	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
BASIC PAY	187,704
RETIRED PAY ACCRUAL	35,851
BASIC ALLOWANCE FOR HOUSING	56,600
BASIC ALLOWANCE FOR SUBSISTENCE	6,416
SPECIAL PAYS	27,247
SOCIAL SECURITY TAX	14,359
TOTAL, BUDGET ACTIVITY 1	328,177

[In thousands of dollars]

Account	Recommendation
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
BASIC PAY	468,692
RETIRED PAY ACCRUAL	89,520
BASIC ALLOWANCE FOR HOUSING	127,850
SPECIAL PAYS	86,304
SOCIAL SECURITY TAX	35,855
TOTAL, BUDGET ACTIVITY 2	808,221
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
BASIC ALLOWANCE FOR SUBSISTENCE	35,749
SUBSISTENCE-IN-KIND	68,793
TOTAL, BUDGET ACTIVITY 4	104,542
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL	
OPERATIONAL TRAVEL	5,621
TOTAL, BUDGET ACTIVITY 5	5,621
ACTIVITY 6: OTHER MILITARY PERSONNEL COST	
UNEMPLOYMENT COMPENSATION	16,200
DEATH GRATUITIES	2,200
SGLI EXTRA HAZARD PAYMENTS	21,192
TOTAL, BUDGET ACTIVITY 6	39,592
TOTAL, MILITARY PERSONNEL, AIR FORCE	1,286,153
RESERVE PERSONNEL, ARMY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
SCHOOL TRAINING	56,100
SPECIAL TRAINING	56,400
RECRUITING AND RETENTION	186,700
YELLOW RIBBON REINTEGRATION PROGRAM	5,000
TOTAL, BUDGET ACTIVITY 1	304,200
TOTAL, RESERVE PERSONNEL, ARMY	304,200
RESERVE PERSONNEL, NAVY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	35,000
SPECIAL TRAINING	22,000
SCHOOL TRAINING	13,000
YELLOW RIBBON REINTEGRATION PROGRAM	2,800
TOTAL, BUDGET ACTIVITY 1	72,800
TOTAL, RESERVE PERSONNEL, NAVY	72,800

[In thousands of dollars]

Account	Recommendation
RESERVE PERSONNEL, MARINE CORPS	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
SCHOOL TRAINING	15,420
YELLOW RIBBON REINTEGRATION PROGRAM	1,300
TOTAL, BUDGET ACTIVITY 1	16,720
TOTAL, RESERVE PERSONNEL, MARINE CORPS	16,720
RESERVE PERSONNEL, AIR FORCE	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
SPECIAL TRAINING	3,000
YELLOW RIBBON REINTEGRATION PROGRAM	2,000
TOTAL, BUDGET ACTIVITY 1	5,000
TOTAL, RESERVE PERSONNEL, AIR FORCE	5,000
NATIONAL GUARD PERSONNEL, ARMY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	124,400
SPECIAL TRAINING	190,298
SCHOOL TRAINING	441,663
ADMINISTRATION AND SUPPORT	380,386
RECRUITING EFFORTS	75,000
RETENTION EFFORTS	143,000
YELLOW RIBBON REINTEGRATION PROGRAM	15,000
TOTAL, BUDGET ACTIVITY 1	1,369,747
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	1,369,747
NATIONAL GUARD PERSONNEL, AIR FORCE	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT	
YELLOW RIBBON REINTEGRATION PROGRAM	4,000
TOTAL, BUDGET ACTIVITY 1	4,000
TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	4,000

GROW THE FORCE

The recommendation includes funding to support the Army and Marine Corps plans to grow their end strength in an effort to better sustain operational tempo and relieve strain on current units.

WOUNDED WARRIOR PROGRAMS

The recommendation fully funds the identified requirements for enhanced Traumatic Servicemembers' Group Life Insurance (TSGLI) benefits and wounded service members' separation pay, and provides additional funding for health care professional bonuses to support the recruitment of additional medical personnel.

COST AND RATE INCREASES

The recommendation includes funding for recent increases for Basic Allowance for Housing, Basic Allowance for Subsistence, Permanent Change of Station, Unemployment Compensation, and Cost of Living Adjustments.

OPERATION AND MAINTENANCE

An appropriation of **$33,200,336,000** is recommended for Operation and Maintenance.

The recommendations for each operation and maintenance account are shown below:

[In thousands of dollars]

Account	Recommendation
OPERATION & MAINTENANCE, ARMY	
MANEUVER UNITS	28,088
MODULAR SUPPORT BRIGADES	1,316
ECHELONS ABOVE BRIGADE	29,670
THEATER LEVEL ASSETS	24,466
LAND FORCES OPERATIONS SUPPORT	916
AVIATION ASSETS	59,466
FORCE READINESS OPERATIONS SUPPORT	16,257
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	408,000
BASE OPERATIONS SUPPORT	41,282
ADDITIONAL ACTIVITIES	14,551,866
COMMANDER'S EMERGENCY RESPONSE PROGRAM	1,026,841
FLIGHT TRAINING	33,214
SUBTOTAL BA-1	16,221,382
SECURITY PROGRAMS	102,130
SERVICEWIDE TRANSPORTATION	700,000
SUBTOTAL BA-4	802,130
CONTRACT EFFICIENCIES	-300,000
UNDISTRIBUTED REDUCTION	-380,000
TOTAL, OPERATION AND MAINTENANCE, ARMY	16,343,512
OPERATION & MAINTENANCE, NAVY	
MISSION AND OTHER FLIGHT OPERATIONS	753,193
FLEET AIR TRAINING	81,238
AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,221
AIR OPERATIONS AND SAFETY SUPPORT	26,586
AIR SYSTEMS SUPPORT	11,279
AIRCRAFT DEPOT MAINTENANCE	118,287
MISSION AND OTHER SHIP OPERATIONS	568,841
SHIP OPERATIONS SUPPORT & TRAINING	4,134
SHIP DEPOT MAINTENANCE	219,268
SHIP DEPOT OPERATIONS SUPPORT	11,618
COMBAT COMMUNICATIONS	4,839
ELECTRONIC WARFARE	4,262
SPACE SYSTEMS AND SURVEILLANCE	12
WARFARE TACTICS	5,657
OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	774
COMBAT SUPPORT FORCES	573,811
EQUIPMENT MAINTENANCE	23,470
IN-SERVICE WEAPONS SYSTEMS SUPPORT	13,500
WEAPONS MAINTENANCE	28,162
OTHER WEAPON SYSTEMS SUPPORT	1,058
SUSTAINMENT, RESTORATION AND MODERNIZATION	2,912
BASE OPERATING SUPPORT	193,072
SUBTOTAL BA-1	2,647,194
SHIP PREPOSITIONING AND SURGE	94,140
FLEET HOSPITAL PROGRAM	7
SUBTOTAL BA-2	94,147

[In thousands of dollars]

Account	Recommendation
OFFICER ACQUISITION	136
SPECIALIZED SKILL TRAINING	35,340
FLIGHT TRAINING	24,003
RECRUITING AND ADVERTISING	3,887
SUBTOTAL BA-3	63,366
ADMINISTRATION	1,422
EXTERNAL RELATIONS	139
MILITARY MANPOWER AND PERSONNEL MANAGEMENT	523
OTHER PERSONNEL SUPPORT	2,544
SERVICEWIDE COMMUNICATIONS	11,566
SERVICEWIDE TRANSPORTATION	6,985
ACQUISITION AND PROGRAM MANAGEMENT	540
COMBAT/WEAPONS SYSTEMS	155
NAVAL INVESTIGATIVE SERVICE	4,081
SUBTOTAL BA-4	27,955
OTHER PROGRAMS	32,595
COAST GUARD SUPPORT	112,607
CONTRACT EFFICIENCIES	-25,000
TOTAL, OPERATIONS & MAINTENANCE, NAVY	2,952,864
OPERATION & MAINTENANCE, MARINE CORPS	
OPERATIONAL FORCES	104,772
MARITIME PREPOSITIONING	2
SUSTAINMENT, RESTORATION, & MODERNIZATION	46,040
BASE OPERATING SUPPORT	6,787
SUBTOTAL BA-1	157,601
RECRUIT TRAINING	333
OFFICER ACQUISITION	7
SPECIALIZED SKILL TRAINING	88
TRAINING SUPPORT	1,293
BASE OPERATING SUPPORT	578
SUBTOTAL BA-3	2,299
TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	159,900
OPERATION & MAINTENANCE, AIR FORCE	
OPERATION & MAINTENANCE, AIR FORCE	1,620,673
PRIMARY COMBAT FORCES	9,309
COMBAT ENHANCEMENT FORCES	72,599
AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	10,992
COMBAT COMMUNICATIONS	576,665
DEPOT MAINTENANCE	190,117
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	72,424
BASE SUPPORT	860,101

[In thousands of dollars]

Account	Recommendation
NAVIGATION/WEATHER SUPPORT	2,160
OTHER COMBAT OPS SPT PROGRAMS	64,297
MANAGEMENT/OPERATIONAL HQ	66,518
TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	666
LAUNCH VEHICLES	4
BASE SUPPORT	2,583
SUBTOTAL BA-1	3,549,108
AIRLIFT OPERATIONS	1,843,258
DEPOT MAINTENANCE	63,772
BASE SUPPORT	67,530
SUBTOTAL BA-2	1,974,560
BASE SUPPORT	1,229
SPECIALIZED SKILL TRAINING	98,851
FLIGHT TRAINING	60,135
PROFESSIONAL DEVELOPMENT EDUCATION	174
TRAINING SUPPORT	966
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,414
BASE SUPPORT	6,767
RECRUITING AND ADVERTISING	50
SUBTOTAL BA-3	170,586
LOGISTICS OPERATIONS	72,179
BASE SUPPORT	5,027
OTHER SERVICEWIDE ACTIVITIES	8,129
OTHER PERSONNEL SUPPORT	1,455
SECURITY PROGRAMS	170,431
INTERNATIONAL SUPPORT	21,045
SUBTOTAL BA-4	278,266
CONTRACT EFFICIENCIES	-50,000
TOTAL, OPERATION & MAINTENANCE, AIR FORCE	5,922,520
OPERATION & MAINTENANCE, DEFENSE-WIDE	
JOINT CHIEFS OF STAFF	26,216
SPECIAL OPERATIONS COMMAND	760,811
SUBTOTAL BA-1	787,027
AMERICAN FORCES INFORMATION SERVICE	7,109
DEFENSE CONTRACT AUDIT AGENCY	8,245
DEFENSE INFORMATION SYSTEMS AGENCY	106,078
DEFENSE LOGISTICS AGENCY	105,815
DEFENSE THREAT REDUCTION AGENCY	2,636
DEPARTMENT OF DEFENSE EDUCATION AGENCY	196,927
DOD HUMAN RESOURCES ACTIVITY	36,670
DEFENSE CONTRACT MANAGEMENT AGENCY	52,000

[In thousands of dollars]

Account	Recommendation
DEFENSE LEGAL SERVICES AGENCY (DLSA)	12,962
DEFENSE SECURITY COOPERATION AGENCY (DSCA)	950,000
OFFICE OF THE SECRETARY OF DEFENSE	27,322
WASHINGTON HEADQUARTERS SERVICES (WHS)	7,210
OTHER PROGRAMS	1,087,561
SUBTOTAL BA-4	2,600,535
TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	3,387,562
OPERATION & MAINTENANCE, ARMY RESERVE	
AVIATION ASSETS	37,581
ADDITIONAL ACTIVITIES	127,258
TOTAL, OPERATION & MAINTENANCE, ARMY RESERVE	164,839
OPERATION & MAINTENANCE, NAVY RESERVE	
MISSION AND OTHER FLIGHT OPERATIONS	91,495
INTERMEDIATE MAINTENANCE	48
MISSION AND OTHER SHIP OPERATIONS	6,388
COMBAT COMMUNICATIONS	3,354
COMBAT SUPPORT FORCES	8,372
BASE OPERATING SUPPORT (BOS)	219
TOTAL, OPERATION & MAINTENANCE, NAVY RESERVE	109,876
OPERATION & MAINTENANCE, MARINE CORPS RESERVE	
OPERATING FORCES	23,149
TRAINING SUPPORT	950
BASE OPERATING SUPPORT	157
FACILITIES, SUSTAINMENT, RESTORATION & MODERNIZATION	46,000
TOTAL, OPERATION & MAINTENANCE, MARINE CORPS RESERVE	70,256
OPERATION & MAINTENANCE, AIR FORCE RESERVE	
PRIMARY COMBAT FORCES	165,994
TOTAL, OPERATION & MAINTENANCE, AIR FORCE RESERVE	165,994
OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	
AVIATION ASSETS	102,394
ADDITIONAL ACTIVITIES	583,250
TOTAL, OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	685,644

[In thousands of dollars]

Account	Recommendation
OPERATION & MAINTENANCE, AIR NATIONAL GUARD	
AIRCRAFT OPERATIONS	
MISSION SUPPORT OPERATIONS	287,369
TOTAL, OPERATION & MAINTENANCE, AIR NATIONAL GUARD	287,369
IRAQ FREEDOM FUND	50,000
AFGHANISTAN SECURITY FORCES FUND	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	54,326
MOD TRAINING	71,182
MOD SUSTAINMENT	513,515
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	67,328
MOI TRAINING	422,509
MOI SUSTAINMENT	271,140
TOTAL, AFGHANISTAN SECURITY FORCES FUND	1,400,000
IRAQ SECURITY FORCES FUND	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	522,500
MOD TRAINING	66,400
MOD SUSTAINMENT	154,700
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	332,000
MOI TRAINING	185,000
MOI SUSTAINMENT	86,000
RELATED ACTIVITIES	153,400
TOTAL, IRAQ SECURITY FORCES FUND	1,500,000

COMMANDER'S EMERGENCY RESPONSE PROGRAM

The recommendation includes $1,026,841,000 for the Commander's Emergency Response Program (CERP). Included in this amount is $479,900,000 for CERP in Afghanistan and $2,000,000 to support our ongoing efforts in the Global War on Terror in the Philippines. Small scale, humanitarian projects led by the Joint Interagency Task Force—Philippines should have a tremendous impact on combating the spread of terrorist cells in the Philippines. However, the provision of these funds does not represent an invitation to expand CERP beyond its current mission and application.

CERP projects are also currently benefiting the 2.7 million internally-displaced Iraqis. The Iraqi government should devote more of its own resources to returning them to their homes, or resettling them permanently in functioning communities. However, recognizing that CERP is an effective tool for meeting urgent humanitarian needs, the Secretary of Defense is urged to encourage commanders to give priority to humanitarian and reconstruction projects that respond to the needs of internally-displaced Iraqis who have settled in their area of responsibility.

CERP has proven beneficial to both U.S. commanders and the Iraqi people, but there is concern over the Department's growing requests for these funds. Since its inception in 2004, this program has grown exponentially, from $180,000,000 in fiscal year 2004 to $956,400,000 in fiscal year 2007. Congress provided $500,000,000 in the fiscal year 2008 supplemental bridge appropriation but the Department is obligating funds for this program at a rate that would exceed the authorized level of $977,441,000 before the end of the fiscal year.

While there is a need to maintain commanders' flexibility and control in administering CERP funds, there is concern that, in the absence of any minimum standards for project monitoring or specific performance indicators, commanders exercise varying levels of oversight and typically compile only anecdotal evidence on the impact of projects. Furthermore, CERP funds are administered at the battalion level, often by troops whose Military Operational Specialty has little or no connection to program or acquisition management. The limited information provided to Congress about CERP projects makes it difficult to conduct thorough oversight over how this program is administered, what its actual impact is on the Iraqi people, and how it fits into our overall strategy for Iraq.

To provide Congress sufficient visibility over the use of funding provided for CERP, the Department is directed to: (1) establish minimum guidelines for commanders to follow in monitoring project status and performance indicators to assess the impact of CERP projects, (2) provide more complete information in its quarterly reports to Congress, including: listings of projects by province; project status, such as completed and being used, completed but not sustained, destroyed, vandalized, or not found; the source of each individual initiative, whether it was generated by a local national or the command; the name of the authority or organization who serves as the primary local partner for each project; and the number of local citizens who will benefit from the project, including the number who will be employed in implementing it, and if it directly benefits internally-displaced Iraqis. In addition, the report should include information on the nature of the Government of Iraq's commitment to sustain projects requiring government support, and on the impact of CERP projects, individually and collectively, in assisting the U.S. to carry out its strategy in Iraq.

So Congress may better understand how troops are trained to administer CERP funds, the Secretary of Defense is directed to submit to the congressional defense committees, within 45 days of enactment of this Act, a detailed report on the training provided to troops authorized to manage or disperse CERP funds. The report should include the duration of the training, its primary objectives, and a syllabus of the training course.

For greater clarity on how commanders incorporate the use of CERP funds into their operational planning, the Secretary of Defense is directed to provide a report to the congressional defense committees, no later than September 4, 2008, on operational planning for the use of CERP. The report should include plans from each of the current Multinational Division (MND) commands in Iraq and each of the current Task Force commands in Afghanistan, to include information on the criteria used for prioritizing individual CERP projects and how the use of CERP funds is intended to advance the tactical and strategic objectives.

CONTRACT SERVICES

The continued lack of transparency and accountability with regard to contracts and contractors serving in both theaters of operation (Iraq and Afghanistan) is concerning. The Department of Defense has indicated a need for approximately $40,000,000,000 of operation and maintenance funding for contracted services in this supplemental appropriation. This includes $6,000,000,000 for the Army-managed Logistics Civil Augmentation Program (LOGCAP), which provides for a spectrum of services to include power generation, management of facilities, dining operations, latrines, water systems, fire protection and laundry services. Approximately $5,400,000,000 was expended by the Army on LOGCAP contracts in 2007. Within 90 days of enactment of this Act, the Secretary of Defense is directed to submit a comprehensive report to the House and the Senate Committees on Appropriations that provides the following information for each existing operations and maintenance contract in excess of $1,000,000:

— contractor name;
— amount;
— purpose;
— start and end date;
— type of contract; and
— amount of awards per fiscal year, if applicable.

This report should also identify the Department of Defense organization responsible for oversight of the contracts and should reflect the type of services provided, such as vehicle maintenance, food service, security, information technology support, reconstruction, analysis, and other relevant information.

This report should also include a discussion of the roles and responsibilities of the following organizations and how they work collaboratively to ensure appropriate contract oversight in theaters of operation for Iraq and Afghanistan:

— LOGCAP;
— AFCAP;
— Defense Reconstruction Support Office;
— Joint Contracting Command Iraq/Afghanistan;
— Deputy Assistant Secretary—Army (Policy and Procurement)—Iraq and Afghanistan; and
— Project and Contracting Office, Washington.

Further, the report should include the number of Department of Defense military and federal civilian personnel assigned to each of these offices, the number of contractors assigned to each office and the roles the contractors perform. As part of this report, should the Department of Defense determine that it has insufficient in-house capability to effectively monitor these contracts, it should then develop a robust staffing proposal and submit it to the House and the Senate Committees on Appropriations for consideration in the fiscal year 2009 Defense Appropriations Act. The report shall be submitted in unclassified form, but may contain a classified annex.

The recommendation includes contract service efficiencies in the amount of $375,000,000 as follows: Army $300,000,000; Navy $25,000,000 and Air Force $50,000,000.

SUBSISTENCE CONTRACTS

The Army requested $987,000,000 to fund purchases of subsistence items in support of Department of Defense civilian employees and contractors deployed to the Iraq and Afghanistan areas of operations. This also includes subsistence that is provided to these individuals within the Department of Defense dining facilities.

The Army estimates that 5,000 Department of Defense civilians and 73,000 contractor personnel constitute the population of "Department of Defense authorized personnel". This is an average cost for subsistence of nearly $13,000 per individual per year.

There are significant unanswered questions regarding the management of this overall process, as well as the absence of appropriate internal control procedures. For example, how the Department manages access to the dining facilities; the number of civilian employees and contractors who dine in Department of Defense dining facilities; why the cost per person is so high; and the number of contractors and subcontractors who provide subsistence to the Department of Defense in this theater of operations.

Based on these unresolved issues, the recommendation includes a ten percent reduction to the nearly $1,000,000,000 request for this program to encourage better management and accountability of subsistence funds. Currently the Department's Cost of War Report does not account for obligation of funds for subsistence. The Secretary of Defense is directed to, within 90 days of enactment of this Act, submit a comprehensive report to the Committees on Appropriations of the House and the Senate which: (1) Identifies the number of contractors dining in the Department of Defense facilities in and around the Iraq and Afghanistan theaters of operations and a description of the method for charging the subsistence cost back to the contractor; (2) Lists the total cost and the cost elements in the prior and current years for subsistence for Department of Defense civilians and contractors deployed to the Iraq and Afghanistan areas of operations and dining in Department of Defense facilities; (3) Cites the Department's policy on the movement of freight in general and subsistence items specifically in and around the Iraq and Afghanistan theaters of operation; the method for ensuring the best value subsistence contracts are awarded; and describes the method for ensuring the most fuel efficient and effective mode of transportation is used; (4) Identifies the number of contractors and subcontractors supplying subsistence items to contractors and civilians deployed to the Iraq and Afghanistan areas of operations (by location); the number and types of subsistence contracts from local vendors in Iraq and Afghanistan, and the method and factors used to determine local vs. non local purchase of these items in and around the Iraq and Afghanistan theaters of operation; and (5) Provides the Department's policy on access to dining facilities in the theaters of operations and associated internal control procedures.

DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS

The Office of Management and Budget's (OMB) influence over the Department of Defense's public-private competitions is concerning. Section 325 of the 2008 National Defense Authorization Act (Public Law 110–181) prohibits OMB from directing or requiring any initiation, continuation, or completion of a public-private competition or the Department taking action based on such an OMB direction or requirement. Questions have been raised as to whether this provision is being implemented. If OMB continues to influence public-private competitions and contracting out of federal employees at the Department of Defense stronger provisions may be warranted.

SUPPORT TO GLOBAL REPOSITIONING OF GROUND FORCES

The impact to the Army and Marine Corps of rebasing activities, particularly as large numbers of service members return from overseas bases to the Continental United States (CONUS), must be addressed. The recommendation provides $408,000,000 to the Army's Facilities Sustainment, Restoration, and Modernization program and $92,000,000 to the Marine Corps' Facilities Sustainment, Restoration, and Modernization program to offset the growing infrastructure costs associated with the global repositioning of forces. These funds will be used to repair barracks, improve child care facilities, and enhance community services at Army and Marine Corps bases throughout the United States.

OPERATING TEMPO

The supplemental funding requested in the operation and maintenance accounts is largely a function of anticipating operating tempo for continuation of military operations in Afghanistan and Iraq through September 2008. The actual operating tempo in fiscal years 2007 and 2008 has differed from the estimated levels. Therefore, the recommendation provides operation and maintenance funding to account for the actual operating tempo.

DIRECTED REPROGRAMMING

The recommendation directs a reprogramming of funds totaling $380,000,000 from substantial unobligated balances in Department of Defense investment accounts to otherwise unfunded operation and maintenance requirements in support of Iraq and the Global War on Terror.

THE JOINT STAFF

The recommendation includes no funding for the Combating Terrorism Readiness Fund because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

SPECIAL OPERATIONS COMMAND INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (ISR) ACCELERATION

The recommendation includes an additional $76,450,000 in Operation and Maintenance, Defense-wide to accelerate the fielding of ISR capabilities to Special Operations Command for use in missions pertaining to high value targets. The Secretary of Defense is urged to include sustainment costs for these items in future budget requests.

DEFENSE LOGISTICS AGENCY: LITHIUM BATTERIES SUPPLIES

Primary lithium batteries have been and remain a critical consumable warfighting asset for our military. A reliable and sustainable U.S. manufacturing source for these supplies is critical to maintaining the full warfighting capability of our military forces. The Defense Logistics Agency is encouraged to take the necessary actions to ensure that at least one supplier of LiSO2 batteries and one supplier of LiMnO2 batteries continue manufacturing in the U.S. with a reasonable sustaining rate of production.

DEFENSE THREAT REDUCTION AGENCY

The recommendation includes no funding for NIMBLE ELDER because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

FAMILY ADVOCACY PROGRAM

The recommendation includes $50,000,000 for family advocacy programs to provide counseling and family assistance including child psychologists, Parents as Teachers and other intervention efforts. This funding will enhance the activities of the Family Advocacy Program (FAP) and provide for children and families managing the difficult challenges of military service. There is concern about the growing need for family members to have access to professional counseling to help alleviate the mental stresses associated with deployments. These activities provide programs, products and services to help mitigate the disruption and stress in the military family when a service member is deployed, killed or seriously wounded.

DEFENSE HUMAN RESOURCES ACTIVITY

The recommendation includes no funding for Homeland Security Presidential Directive 12 because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

DEFENSE SECURITY COOPERATION AGENCY

The recommendation includes $600,000,000 for coalition support funds and $200,000,000 for lift and sustainment in Iraq and Afghanistan. It also includes an additional $150,000,000 for the Global Train and Equip Program. The Department of State is tasked to train and equip allied nations for counterterrorism operations, yet the Department of Defense continues to request funds to augment these efforts due to the Global War on Terror. Training allied nations is primarily the responsibility of the Department of State. As such, the Administration is urged to request the appropriate level of funding for the Global Train and Equip Program entirely within the Department of State in the next fiscal year.

OFFICE OF THE SECRETARY OF DEFENSE

There is deep concern over the waste, fraud, and abuse that has occurred in the Department's contracting activities that support contingency operations overseas. The Office of the Undersecretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)) is tasked with contractor oversight in forward areas of operations. In an effort to further many of the initiatives developed by USD(AT&L), the recommendation includes additional resources to fully fund these requirements, including: $8,000,000 for the Synchronized Predeployment and Operational Tracker (SPOT), $2,500,000 for the Joint Contingency Contract Support Office (JCCSO), $2,000,000 for Military Non Contracting Officer Training, and $400,000 for the Materiel Readiness Board (MRB). The recommendation also includes $3,000,000 for the Wartime Contracting Commission, established by the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181), and directs that $1,200,000 would be available for the WMD Commission.

IRAQ FREEDOM FUND

The recommendation includes $50,000,000 for the Iraq Freedom Fund only for the Task Force to Improve Business and Stability Operations—Iraq to execute the Factory Restart Program.

AFGHANISTAN AND IRAQ SECURITY FORCES

Reprogramming: The Department of Defense has been provided significant flexibility in executing this program in the past but new reprogramming procedures are required at this juncture. With respect to the Iraq Security Forces Fund and the Afghanistan Security Forces Fund, the Department is directed to submit prior approval reprogramming requests to the congressional defense committees for proposed transfers of funds in excess of $20,000,000, to the Infrastructure subactivity groups or other construction related projects.

Infrastructure: The Department of Defense is directed to provide the congressional defense committees with a detailed report by August 1, 2008 on current and future infrastructure requirements for the Iraq and Afghanistan Security Forces. The report shall detail all infrastructure projects that have been previously funded, projects that are planned, and projects that require future funding from either the U.S. or the Governments of Iraq or Afghanistan. The projects shall be broken out by Ministry of Defense and Ministry of Interior requirements, year or projected year of funding, source of funding, and current status of project.

Logistics: The Iraq Security forces will not be able to operate independent of coalition support unless they have an organic logistics capability of their own. The Department of Defense is directed to provide the congressional defense committees with a report no later than 30 days after enactment of this Act, on the plan for an independent logistics capability within the Iraq Security Forces. The plan should address required support facilities at the national, regional, and base levels, motor transport capabilities, life support self sufficiency, logistics training, mechanics training, ammunition re-supply (decentralization, distribution, and security), fuel (decentralization, distribution, and security), medical supply and services, and depot warehousing, maintenance, and capacity. The report should also include a resource plan to reach these goals.

Trainers: There is deep concern that the Department of Defense has only been able to resource 44% of the required trainers for the Afghan National Army and only 39% for the Afghan National Police. While progress is being made on training and equipping these forces, the shortfall of capable trainers severely hampers our ability to further this momentum. There are enormous demands for this low density skill to support this mission, and the recommendation provides the Department $50,000,000 for additional contract personnel to address this shortfall, including: $25,000,000 for the training of the Afghanistan National Army for mentors at the corps and brigade levels for intelligence, communications, operations, and force protection, for contract mobile training teams, and for contract Counter Insurgency Academy instructors; and $25,000,000 for the training of the Afghanistan National Police to include contract logistics system mentors, and contractors for the Afghanistan National Police National Training Center.

PISTOLS FOR AFGHAN ARMY AND AFGHAN NATIONAL POLICE

Poor quality pistols were provided to the Afghan National Police and the Afghan National Army in 2005 and 2006. While they have no record of manufacturing defects in service, the 5,000 pistols purchased for the Afghan National Army, and the 51,175 purchased for the Afghan National Police, under the U.S. Foreign Military Sales program, through the U.S. Army Security Assistance Command, lack important features desired in a quality service pistol. A key missing feature is a positive external safety mechanism, although the pistol does have a trigger safety. It appears that there were two prominent motivations for selection of the current 9mm pistol. The first was cost, and for the Afghan National police, the second key consideration was the fact that the pistol already was in service with the Afghan National Army. Based on concerns expressed by U.S. trainers, ongoing procurements of pistols under 2007 and 2008 contracts are delivering a pistol manufactured with the desired features that were lacking in the pistols procured in 2005 and 2006. Future purchases will be made by competitive bid and the requirements will specify features consistent with the U.S. M9 service pistol. The government agencies of the United States and Afghanistan are commended for having made these appropriate adjustments in the acquisition of pistols for the Afghan National Army and Afghan National Police. They are cautioned that haste and incomplete definition of requirements, and inadequate testing, can lead to acquisition of military equipment that once in use by the military may prove to be inadequate in performance, reliability and safety. Finally, the Department of Defense and the Department of State are urged to work cooperatively to ensure that programs for the provision of equipment to the Afghan National Army and Afghan National Police employ rigorous requirements definition and disciplined contracting procedures, and that the Secretary of Defense initiate a review of the utility of pistols provided to the Afghan National Army and Afghan National Police under U.S. Foreign Military Sales transactions and assist where necessary in the replacement and demilitarization of inferior pistols.

PROCUREMENT

An appropriation of $41,030,995,000 is recommended for Procurement. The recommendations for each procurement account are shown below:

[In thousands of dollars]

Account	Recommendation
AIRCRAFT PROCUREMENT, ARMY	
UTILITY FIXED WING CARGO AIRCRAFT	7,500
GUARDRAIL MODS (TIARA)	33,000
ARL MODS (TIARA) (Note: Includes $3,000,000 for Airborne ISR Sensor Reset)	28,000
AH-64 MODS	70,000
CH-47 CARGO HELICOPTER MODS	311,107
UH-60 MODS (Note: Includes $30,000,000 for A to L Initiative, and $14,650,000 for Aircraft Safety Enhancements)	44,650
KIOWA WARRIOR	38,000
ASE INFRARED CM	403,535
COMMON GROUND EQUIPMENT	356
AIRCREW INTEGRATED SYSTEMS	10,200
AIR TRAFFIC CONTROL	7,763
TOTAL, AIRCRAFT PROCUREMENT, ARMY	954,111
MISSILE PROCUREMENT, ARMY	
HELLFIRE MSL (BASIC/IHW/HFII)	228,426
JAVELIN	121,210
GUIDED MLRS ROCKET (GMLRS)	67,200
ARMY TACTICAL MISSILE SYSTEM (ATACMS) BLK IA (Note: Funds 84 unitary missiles)	92,000
PATRIOT MODS	25,000
ITAS/TOW MODIFICATIONS	27,820
TOTAL, MISSILE PROCUREMENT, ARMY	561,656
PROCUREMENT OF W&TCV, ARMY	
BRADLEY BASE SUSTAINMENT	821,000
STRYKER VEHICLE	1,989,581
FIST VEHICLE (MOD)	65,000
BRADLEY FIGHTING VEHICLE SYSTEMS SERIES (MOD)	84,900
HOWITZER, MED SP FT 155MM M109A6 (MOD)	41,211
M1 ABRAMS TANK (MOD)	388,586
HOWITZER, LIGHT, TOWED, 105MM, M119	17,600
IMPROVED RECOVERY VEHICLE (M88 MOD)	25,000
ABRAMS UPGRADE PROGRAM (M1A2 SEP)	1,030,000
M240 MEDIUM MACHINE GUN (7.62mm)	61,541
MACHINE GUN, CAL .50 M2 ROLL	27,327
M249 SAW MACHINE GUN, 5.56MM (SAW)	1,784
MK-19 GRENADE MACHINE GUN (40mm)	30,614
MORTAR SYSTEMS (Note: Includes $15,000,000 for Expanded Organic Mortar Capability)	48,459
M107, CAL 50, SNIPER RIFLE	402
XM320 GRENADE LAUNCHER MODULE (GLM)	3,500
M4 CARBINE	79,469
SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	2,400
COMMON REMOTELY OPERATED WEAPONS STATION (CROWS)	210,000
HOWITZER, LT WT 155MM	52,000
M4 CARBINE MODS	125,115
M2 50 CAL MACHINE GUN MODS	5,000

[In thousands of dollars]

Account	Recommendation
M249 SAW MACHINE GUN MODS	7,056
M240 SAW MACHINE GUN MODS	3,271
PHALANX MODS	150,000
MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	14,454
SMALL ARMS EQUIPMENT (SOLDIER ENHANCEMENT PROGRAM)	8,202
TOTAL, PROCUREMENT OF W&TCV, ARMY	5,393,471
PROCUREMENT OF AMMUNITION, ARMY	
7.62MM ALL TYPES	10,000
CTG, .50 CAL, ALL TYPES	13,500
40MM ALL TYPES	9,300
MODULAR ARTILLERY CHARGE SYSTEM, ALL TYPES	2,000
SHOULDER FIRED ROCKETS ALL TYPES	20,000
ROCKET, HYDRA 70, ALL TYPES	8,000
DEMOLITION MUNITIONS ALL TYPES	8,000
GRENADES ALL TYPES	10,000
SIMULATORS ALL TYPES	8,000
NON-LETHAL AMMUNITION ALL TYPES	54,000
ITEMS LESS THAN $5M	1,500
PROVISION OF INDUSTRIAL FACILITIES	200,600
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	344,900
OTHER PROCUREMENT, ARMY	
TACTICAL TRAILERS/DOLLY SETS	232,316
SEMITRAILERS, FLATBED	37,840
SEMITRAILERS, TANKERS	67,318
HI MOB MULTI-PURP WHEELED VEHICLE (HMMWV) (Note: Includes $23,500,000 for Roll Over Trainers for Home Station, Mob Station, and Theater)	1,521,530
FAMILY OF MEDIUM TACTICAL VEH (FMTV)	673,600
FIRE TRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT	46,524
FAMILY OF HEAVY TACTICAL VEH (FHTV) (Note: Includes $185,000,000 for HEMTT Wrecker)	2,274,519
ARMORED SECURITY VEHICLES (ASV)	309,354
MINE PROTECTION VEHICLE FAMILY	179,440
TRUCK, TRACTOR, LINE HAUL, M915/M916	520,302
HEAVY EXPANDED MOBILE TACTICAL TRUCK EXTENDED SERVICE	273,148
HMMWV RECAPITALIZATION PROGRAM	325,000
MODIFICATION OF IN-SERVICE EQUIPMENT (Note: Includes $13,000,000 for Kevlar Overhead Protective Gunners Kits, and $7,000,000 for Spark Mine Rollers)	809,699
HEAVY ARMORED SEDAN	3,500
PASSENGER CARRYING VEHICLES	5,000
NONTACTICAL VEHICLES, OTHER	600
SHF TERM	22,822
SAT TERM, EMUT (SPACE)	9,800
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	28,000
SMART-T (SPACE)	2,041
MOD OF IN-SVC EQUIP (TAC SAT) (Note: Funds additional communications links (SIPR/NIPR))	38,100
ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,510

[In thousands of dollars]

Account	Recommendation
ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	23,540
SINCGARS FAMILY	500,347
BRIDGE TO FUTURE NETWORKS	1,698,371
COMMS-ELEC EQUIP FIELDING	4,000
COMBAT SURVIVOR EVADER LOCATOR (CSEL) (Note: Includes $35,000,000 for CSEL Radios for ARNG and SOF)	120,000
RADIO, IMPROVED HF (COTS) FAMILY	455,000
MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	74,655
CI AUTOMATION ARCHITECTURE	7,410
TSEC - ARMY KEY MGT SYS (AKMS)	75,600
INFORMATION SYSTEM SECURITY PROGRAM-ISSP (Note: Includes $10,500,000 for Biometric Automated Tool Sets)	143,891
INFORMATION SYSTEMS	9,546
ALL SOURCE ANALYSIS SYS (ASAS) (MIP)	103,500
PROPHET GROUND (MIP)	23,000
TACTICAL UNMANNED AERIAL SYS (TUAS) MIP	233,245
SMALL UNMANNED AERIAL SYSTEM (SUAS)	24,174
DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	3,800
TACTICAL EXPLOITATION SYSTEM (MIP)	19,500
DCGS-A (MIP)	62,331
ITEMS LESS THAN $5.0M (MIP)	15,300
LIGHTWEIGHT COUNTER MORTAR RADAR	10,470
COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	149,937
NIGHT VISION DEVICES (Note: Includes $30,000,000 for Mini-Thermal Binoculars)	435,394
NIGHT VISION, THERMAL WEAPON SIGHT	50,000
RADIATION MONITORING SYSTEMS	1,564
COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	245,000
ARTILLERY ACCURACY EQUIP	2,800
ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SETTER	87
PROFILER	75,483
MOD OF IN-SVC EQUIP (Firefinder Radars)	21,500
FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	425,110
LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDR)	57,000
COMPUTER BALLISTICS: LHMBC XM32	10,550
MORTAR FIRE CONTROL SYSTEM	6,192
COUNTERFIRE RADARS	174,000
INTEGRATED MET SYS SENSORS (IMETS) - MIP	1,400
TACTICAL OPERATIONS CENTERS	263,709
FIRE SUPPORT CMD & CONTROL C2 FAMILY	19,248
FAAD C2	21,500
AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD PCS)	45,200
KNIGHT FAMILY	18,077
AUTOMATIC IDENTIFICATION TECHNOLOGY	71,030
TC AIMS II	56,290
TACTICAL INTERNET MANAGER	12,400
MANEUVER CONTROL SYSTEM (MCS)	57,905
SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	77,681
AUTOMATED DATA PROCESSING EQUIPMENT	9,949
CSS COMMUNICATIONS	227,879
SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	12,813
RECONNAISSANCE SYSTEMS, NUCLEAR BIOLOGICAL	72,000
CBRN SOLDIER PROTECTION	83,065
SMOKE & OBSCURANT FAMILY: SOF	1,098

[In thousands of dollars]

Account	Recommendation
TACTICAL BRIDGING	60,000
TACTICAL BRIDGE, FLOAT-RIBBON	42,500
GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS) (Note: Funds Explosive Detection Equipment - FLIR)	19,500
EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,650
HEATERS AND ENVIRONMENTAL CONTROL UNITS	13,512
LAUNDRIES, SHOWERS, AND LATRINES	5,200
SOLDIER ENHANCEMENT (Note: Includes $102,000,000 for Land Warrior)	110,767
FORCE PROVIDER	9,000
FIELD FEEDING EQUIPMENT	12,060
CARGO AERIAL DELIVERY PROGRAM	49,150
QUALITY SURVEILLANCE EQUIPMENT	65,364
DISTRIBUTION SYSTEMS, PETROLEUM & WATER	64,549
WATER PURIFICATION SYSTEMS	8,135
COMBAT SUPPORT MEDICAL	8,078
MOBILE MAINTENANCE	265,625
GRADER, MTZD, HVY	788
SCRAPERS, EARTHMOVING	1,438
LOADERS	9,502
HYDRAULIC EXCAVATOR	400
CRANES	30,000
HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	14,609
CONST EQUIP ESP	9,500
GENERATORS AND ASSOCIATED EQUIPMENT	152,258
ROUGH TERRAIN CONTAINER HANDLER	109,414
ALL TERRAIN LIFTING ARMY SYSTEM	33,381
TRAINING DEVICES, NONSYSTEM	342
CALIBRATION SETS EQUIPMENT	57,307
INTEGRATED FAMILY OF TEST EQUIPMENT	133,918
TEST EQUIPMENT MODERNIZATION (TEMOD)	10,840
RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	50,592
PHYSICAL SECURITY SYSTEMS (OPA3) (Note: Funds Unattended Sensors for Situational Awareness)	2,791
MODIFICATION OF IN-SVC EQUIP (OPA3)	23,007
BUILDING PRE-FAB RELOCATABLE	134,469
CLASSIFIED PROGRAMS	570
AMC CRITICAL ITEMS	131,740
WARLOCKS	34,000
BASE EXPEDITIONARY TARGETING SURVEILLANCE SYSTEMS- COMBINED (BETSS-C)	490,000
TOTAL, OTHER PROCUREMENT, ARMY	15,967,340

[In thousands of dollars]

Account	Recommendation
AIRCRAFT PROCUREMENT, NAVY	
EA-18G (Note: Provides 2 aircraft)	150,000
F/A-18E/F (FIGHTER) HORNET (MYP) (Note: Provides 13 aircraft)	768,040
V-22 (MEDIUM LIFT) (Note: Provides 2 aircraft)	140,500
MH-60S (MYP) (Note: Provides 2 aircraft)	68,200
MH-60R (Note: Provides 2 aircraft)	70,400
KC-130J (Note: Provides 9 aircraft)	602,400
EA-6 SERIES	192,500
AV-8 SERIES (Note: Funding for Litening Pods)	3,200
F-18 SERIES	60,264
H-46 SERIES	18,200
AH-1W SERIES	33,974
H-53 SERIES (Note: No funding for AMARC or IMDS)	63,700
SH-60 SERIES	6,696
H-1 SERIES	42,134
P-3 SERIES	313,900
C-130 SERIES	28,100
EA-6 SERIES	1,000
EXECUTIVE HELICOPTERS SERIES	3,360
SPECIAL PROJECT AIRCRAFT	5,610
POWER PLANT CHANGES	6,300
COMMON ECM EQUIPMENT	136,000
COMMON DEFENSIVE WEAPON SYSTEM (Note: Funds Marine Corps Helicopter Defensive Weapons)	3,500
V-22 (TILT/ROTOR ACFT) OSPREY SERIES (Note: Includes funding for Defensive Weapon System)	45,992
SPARES AND REPAIR PARTS (Note: Includes funding for UH-1Y first deployment)	412,412
COMMON GROUND EQUIPMENT	9,800
WAR CONSUMABLES	16,072
SPECIAL SUPPORT EQUIPMENT	209,000
TOTAL, AIRCRAFT PROCUREMENT, NAVY	3,411,254
WEAPONS PROCUREMENT, NAVY	
TOMAHAWK (Note: Provides 123 missiles)	103,460
SLAM-ER (Note: Provides 9 missile kits)	13,500
HELLFIRE (Note: Provides 525 missiles)	44,000
SMALL ARMS AND WEAPONS	22,196
CIWS MODS	67,000
MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM	67,300
TOTAL, WEAPONS PROCUREMENT, NAVY	317,456

[In thousands of dollars]

Account	Recommendation
PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS	
JOINT DIRECT ATTACK MUNITION (JDAM)	5,000
AIR EXPENDABLE COUNTERMEASURES	6,625
OTHER SHIP GUN AMMUNITION	42
SMALL ARMS AND LANDING PARTY AMMUNITION	32,928
PYROTECHNIC AND DEMOLITION	63
SMALL ARMS AMMUNITION	27,644
LINEAR CHARGES, ALL TYPES	3,874
40 MM, ALL TYPES	23,096
60 MM, ALL TYPES	30,252
81 MM, ALL TYPES	36,002
120 MM, ALL TYPES	59,021
CTG 25 MM, ALL TYPES	671
GRENADES, ALL TYPES	9,384
ROCKETS, ALL TYPES	8,273
ARTILLERY, ALL TYPES	51,033
DEMOLITION MUNITIONS, ALL TYPES	3,538
FUZE, ALL TYPES	881
NON LETHALS	5,615
AMMO MODERNIZATION	2,002
ITEMS LESS THAN $5 MILLION	1
TOTAL, PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS	304,945
OTHER PROCUREMENT, NAVY	
POLLUTION CONTROL EQUIPMENT	11,000
STANDARD BOATS	19,396
TACTICAL SUPPORT CENTER	3,060
SHIPBOARD IW EXPLOIT (Note: No funding for DDG-51 equipment)	28,000
SUBMARINE SUPPORT EQUIPMENT PROGRAM (Note: No funding for antenna upgrades)	17,100
GCCS-M EQUIPMENT	920
MATCALS	26,890
COMMON IMAGERY GROUND SURFACE SYSTEM	38,000
SHIP COMMUNICATIONS AUTOMATION	12,021
EXPEDITIONARY AIRFIELDS	29,750
METEOROLOGICAL EQUIPMENT (Note: No funding for NITES upgrades)	5,300
EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	73,400
PASSENGER CARRYING VEHICLES	4,530
CONSTRUCTION & MAINTENANCE EQUIPMENT	111,100
TACTICAL VEHICLES	104,615
AMPHIBIOUS EQUIPMENT	360

[In thousands of dollars]

Account	Recommendation
ITEMS UNDER $5 MILLION (Note: Includes $3,600,000 for Rugged Deployable Satellite Communications)	126,331
MATERIALS HANDLING EQUIPMENT	832
SPECIAL PURPOSE SUPPLY SYSTEMS	556,000
COMMAND SUPPORT EQUIPMENT	40,109
C4ISR EQUIPMENT	16,900
PHYSICAL SECURITY EQUIPMENT	34,306
SPARES AND REPAIR PARTS	225
TOTAL, OTHER PROCUREMENT, NAVY	1,260,135
PROCUREMENT, MARINE CORPS	
AAV7A1 PRODUCT IMPROVEMENT PROGRAM (PIP)	28,567
LIGHT ARMORED VEHICLE (LAV) PIP	43,901
IMPROVED RECOVERY VEHICLE (IRV)	8,247
M1A1 FIREPOWER ENHANCEMENTS	90
155MM LIGHTWEIGHT TOWED HOWITZER	62,400
WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	16,695
MODULAR WEAPON SYSTEM	17,098
MODIFICATION KITS(BA2)	14,706
WEAPONS ENHANCEMENT PROGRAM	34,223
JAVELIN	10,000
MODIFICATION KITS (BA3)	949
UNIT OPERATIONS CENTER (Note: Includes one year logistics support)	84,700
REPAIR AND TEST EQUIPMENT	7,638
COMBAT SUPPORT SYSTEM	8,435
MODIFICATION KITS (BA4)	15,584
ITEMS UNDER $5M (COMM & ELEC INFRASTRUCTURE SUPPORT)	2,409
AIR OPERATIONS C2 SYSTEMS	78,593
RADAR SYSTEMS	22,900
FIRE SUPPORT SYSTEM	18,075
INTELLIGENCE SUPPORT EQUIPMENT	26,348
NIGHT VISION EQUIPMENT	153,631
COMMON COMPUTER RESOURCES	87,410
COMMAND POST SYSTEMS	43,416
RADIO SYSTEMS (Note: No funding for Enhanced Land Mobile Radios)	359,765
COMMUNICATIONS SWITCHING & CONTROL SYSTEMS	22,913
5/4T TRUCK HMMWV (MYP)	153,683
MOTOR TRANSPORT MODIFICATIONS	377,962
MEDIUM TACTICAL VEH REPLACEMENT	13,676
TRAILERS	43,000
FAMILY OF TACTICAL TRAILERS	4,402
ITEMS LESS THAN $5 MILLION (BA5)	8,048
ENVIRONMENTAL CONTROL EQUIPMENT ASSORTED	2,829
BULK LIQUID EQUIPMENT	13,189
TACTICAL FUEL SYSTEMS	21,702
POWER EQUIPMENT ASSORTED	76,080
AMPHIBIOUS SUPPORT EQUIPMENT	6,343
EOD SYSTEMS	124,563
MATERIAL HANDLING EQUIPMENT	17,242
TRAINING DEVICES	30,300
CONTAINER FAMILY	18,032
FAMILY OF CONSTRUCTION EQUIPMENT	37,383

[In thousands of dollars]

Account	Recommendation
FAMILY OF INTERNALLY TRANSPORTED VEHICLE (ITV)	18,000
BRIDGE BOATS	13,195
RAPID DEPLOYABLE KITCHEN	68
ITEMS LESS THAN $5 MILLION (BA6)	4,007
SPARES AND REPAIR PARTS	2,983
TOTAL, PROCUREMENT, MARINE CORPS	2,153,390
AIRCRAFT PROCUREMENT, AIR FORCE	
C-17 (Note: Includes funding for 15 C-17 aircraft)	3,604,500
C-130J (Note: Includes funding for 18 C-130J aircraft and 7 MC-130J aircraft)	1,802,300
CV-22 OSPREY (Note: deletes funding for initial spares)	300,540
REAPER UAV (Note: Includes funding for 18 Reaper systems)	340,700
B-1 (Note: No funding included for Digital Mission Recorder)	40,100
B-52	10,395
F-15 (Note: Funding not included for BLOS, Tactical Targeting Network and 56 JHMCS)	139,158
F-16 (Note: Includes no less than $50,000,000 for the Air National Guard SLOS/BLOS radios and targeting pods upgrades)	72,900
C-5 (Note: Fully funds aft crown skin project)	27,400
C-17	72,000
C-32	43,000
C-37	11,000
C-40	39,000
C-130 (Note: Includes radar upgrades for LC-130 aircraft)	152,640
COMPASS CALL	6,500
DARP	40,000
E-3	25,000
HH-60	6,900
INITIAL SPARES/REPAIR PARTS	36,900
AIRCRAFT REPLACEMENT SUPPORT EQUIPMENT	100,000
OTHER WAR CONSUMABLES	68,900
OTHER PRODUCTION CHARGES	88,730
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	7,028,563
MISSILE PROCUREMENT, AIR FORCE	
PREDATOR HELLFIRE MISSILE	65,143
ADVANCED CRUISE MISSILE MODS	600
INITIAL SPARES/REPAIR PARTS	1,200
TOTAL, MISSILE PROCUREMENT, AIR FORCE	66,943
PROCUREMENT OF AMMUNITION, AIR FORCE	
SMALL ARMS	25,400
CARTRIDGES	33,954
GENERAL PURPOSE BOMBS	7,887
JOINT DIRECT ATTACK MUNITIONS	13,094

[In thousands of dollars]

Account	Recommendation
ITEMS LESS THAN $5 MILLION	12,100
FLARES	112,545
FUZES	475
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	205,455
OTHER PROCUREMENT, AIR FORCE	
PASSENGER CARRYING VEHICLES	23,396
MEDIUM TACTICAL VEHICLE	34,939
SECURITY AND TACTICAL VEHICLES (Note: Includes MRAP adjustment)	66,124
FIRE FIGHTING/CRASH RESCUE VEHICLES	15,200
HALVORSEN LOADER	19,500
RUNWAY SNOW REMOVAL AND CLEANING EQUIPMENT	6,987
ITEMS LESS THAN $5 MILLION (VEHICLES)	12,500
NATIONAL AIRSPACE SYSTEM	4,200
GENERAL INFORMATION TECHNOLOGY	7,776
AIR FORCE PHYSICAL SECURITY SYSTEM (Note: Funding not included for C-RAM and CROWS)	4,500
GLOBAL COMBAT SUPPORT SYSTEM–AF FAMILY OF SYSTEMS	7,500
DEFENSE MESSAGE SYSTEM	400
BASE INFORMATION INFRASTRUCTURE (Note: only for ANG installations)	52,000
SPACELIFT RANGE SYSTEM SPACE	10,000
CONTINGENCY OPERATIONS	9,200
ITEMS LESS THAN $5 MILLION (BASE SUPPORT) (Note: Includes $12,000,000 for Intelligence Communications Equipment and no funding for Senior Leader In Transit Conference Capsules)	61,000
DISTRIBUTED GROUND SYSTEMS	56,000
CLASSIFIED PROGRAMS	1,511,945
TOTAL, OTHER PROCUREMENT, AIR FORCE	1,903,167
PROCUREMENT, DEFENSE-WIDE	
MAJOR EQUIPMENT, DHRA	7,800
CV-22	173,800
C-130 MODS	65,000
SMALL ARMS AND WEAPONS	1,365
UNMANNED VEHICLES	14,550
SOF OPERATIONAL ENHANCEMENTS	59,000
CLASSIFIED PROGRAMS	86,694
TOTAL, PROCUREMENT, DEFENSE-WIDE	408,209
NATIONAL GUARD AND RESERVE EQUIPMENT	
ARMY RESERVE	125,000
ARMY NATIONAL GUARD	625,000
TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	750,000

ARMY AVIATION

Urgent needs have been identified in certain Army aviation programs. Accordingly, the recommendation provides additional funding as follows: $30,000,000 for UH–60A to UH–60L modifications, to remanufacture 30 aircraft; $14,650,000 for UH–60 aircraft safety enhancements; $38,000,000 for Kiowa Warrior Safety Enhancement program; and $196,100,000 for Army fixed and rotary wing aircraft survivability enhancements in infrared countermeasures.

There is strong support for the Army plan to replace the aging Kiowa Warrior fleet with Armed Reconnaissance Helicopters (ARH) as soon as possible. However, the funding provided in the Department of Defense Appropriations Act, 2008 fully funded the ARH production capacity for fiscal year 2008. Accordingly, the recommendation includes no additional funding for the Armed Reconnaissance Helicopter program.

M4 CARBINE

Numerous concerns have been raised about continued procurement of the M4 carbine. These concerns range from performance issues (such as jamming in dusty environments) to the current sole source contract. The Army recently conducted tests on the M4 and similar weapons in the same class to assess its performance. The Army is also evaluating the capability of the M4 and other weapons to determine if a new performance requirement is needed. To allay the concerns regarding performance and competition in contracting, the Secretary of the Army is directed to provide a report to the congressional defense committees no later than June 15, 2008, on the findings of the recent comparative capability assessment and with a determination as to whether a change in the acquisition strategy is needed.

FAMILY OF MEDIUM TACTICAL VEHICLES

The recommendation includes $673,600,000 for the Family of Medium Tactical Vehicles program. This funding level includes $94,000,000 to reimburse the program for funds that were used under rapid acquisition authority to procure Sky Warrior intelligence, surveillance and reconnaissance assets.

SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCGARS)

The recommendation includes $500,347,000 for the procurement of SINCGARS radios, which will fully fund Army SINCGARS radio requirements for fiscal year 2008. However, the Army has yet to fully address certain issues including concerns of the Army Science Board regarding SINCGARS compatibility with the Joint Tactical Radio System (JTRS), encryption modernization, and compatibility with local first responder radios. The Army is urged to move forward with a plan that addresses these and other urgent tactical radio issues.

The Army has recently updated the acquisition strategy for the SINCGARS family of radios and has released a market survey seeking sources of supply that are compliant with the operational requirements. The Army is encouraged to implement "best value" selection criteria in any upcoming competition where the operational requirements are stated as the minimum needed and advanced capabilities and features would be evaluated according to the value they bring above that minimum functionality level. Not more than 60 days after enactment of this Act, the Secretary of the Army shall provide a report and briefing to the Committees on Appropriations of the House of Representatives and the Senate addressing the acquisition objective; encryption modernization and capability enhancement; alignment with the JTRS program; and a procurement plan that includes a strategy for full, fair and open competition.

MARITIME PATROL AIRCRAFT

The Navy has recently grounded 39 P–3 Orion Maritime Patrol Aircraft due to wing cracking discovered during inspections. These aircraft have logged significant hours flying in support of the Global War on Terror. To keep these aircraft flying until the replacement Multi-Mission Aircraft (P–8A Poseidon) is fielded, $313,900,000 is provided for the procurement and installation of wing repair kits.

MARINE CORPS AIRCRAFT DEFENSIVE WEAPONS

Marine Corps aircraft deployed in theater should have a capable self defense system. Some of the deployed Marine Corps aircraft have less than capable or outdated defensive systems. To improve the capability of deployed Marine Corps aircraft, $15,000,000 is provided for the procurement of defensive weapons for V–22 aircraft and $3,500,000 is provided for the procurement of defensive weapons for CH–46 aircraft.

GROW THE FORCE—MARINE CORPS

The recommendation provides funds identified by the Marine Corps associated with growing the size of its force, to include $26,400,000 for lightweight 155mm howitzers, $12,000,000 for weapons, $43,000,000 for trailers and $100,000,000 for armored vehicle sets.

MARINE CORPS GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM (G–BOSS)

The fiscal year 2008 supplemental request included $640,000,000 for G-BOSS, a capability that will provide updated base security for the Marine Corps. Public Law 110–161 provided $340,000,000 of that total program requirement. Briefings with the Marine Corps and the Joint Improvised Explosive Device Defeat Organization (JIEDDO) indicate that JIEDDO will fund the remaining G-BOSS requirement of $300,000,000.

C–17 GLOBEMASTER

In light of increases to both the Army and Marine Corps end-strength and the emerging lift needs of the Future Combat System, the Department of Defense has not adequately assessed strategic lift requirements. The need for an accurate assessment is critical because the C–17 aircraft production line is facing shut-down in the very near-term. As a prudent course of action to avoid plant shutdown before the requirement is fully assessed, the recommendation provides $3,604,500,000 to procure 15 C–17 aircraft.

C/KC/MC–130J PROCUREMENT

An appropriation of $2,469,700,000 is recommended for the procurement of 34 C/KC/MC–130J aircraft. Given the age and usage of the C–130, KC–130 and MC–130 fleets, it is justifiable to acquire replacement aircraft faster and in higher quantities in order to drive down unit acquisition costs and operating costs. Therefore, the recommendation fully funds 18 C–130J aircraft, seven MC-130J aircraft and nine KC–130J aircraft. These funds are provided with the expectation that the Department of Defense will proceed expeditiously with negotiations to enter into a follow-on joint multi-year procurement contract in order to lock in lower acquisition prices. It is anticipated that the savings achieved with a multi-year procurement contract will be applied to the associated economic order quantity requirement.

LARGE AIRCRAFT INFRARED COUNTERMEASURES (LAIRCM)

The fiscal year 2007 supplemental provided $112,400,000 to install LAIRCM on C–37 aircraft at an estimated cost of $11,200,000 per aircraft. Due to discounts offered by the vendor and installer for subsequent aircraft, each additional aircraft modification was approximately 50% of the original estimate, resulting in a savings of $55,000,000. The Secretary of the Air Force is directed to use the savings to fund the LAIRCM modification for C–20B and C–20H aircraft. These aircraft are not currently tasked for missions into areas defensive countermeasures are required. Passengers are transferred to combat aircraft such as the C–130 and C–17 that are equipped with countermeasure equipment. These modifications will allow the C–20B/H aircraft to be tasked for missions directly into areas where countermeasures are required and, thus, negate the need for combat aircraft to be diverted for these missions.

HANDGUN REPLACEMENT

The recommendation includes no funding for the Air Force to replace its handgun. $5,000,000 was provided in fiscal year 2007 to perform a study on replacing the handgun that was not executed because there was no validated requirement for a new handgun. This remains an unsubstantiated need for fiscal year 2008 supplemental funds and the Air Force is urged to request funds in the baseline account if it intends to pursue this program in the future.

NATIONAL GUARD AND RESERVE EQUIPMENT

The recommendation for the National Guard and Reserve Equipment Account is $750,000,000. Of this amount, $625,000,000 is for the Army National Guard and $125,000,000 is for the U.S. Army Reserve to meet urgent equipment needs that may arise this fiscal year. This funding will allow the Army Guard and Army Reserve to procure high priority items such as: AH–64 helicopter modifications from A model to D model for the Army Guard; HH–60 Blackhawk medical evacuation helicopters for the Army Reserve; UH–60 helicopter model A to L conversions; HMMWV utility vehicles; Heavy Expanded Mobile Tactical Trucks; Liquid Logistics Storage and Distribution Systems; sniper detection devices; MILSATCOM, NAVSTAR GPS, and other communications equipment; Night Vision equipment; psychological operations equipment; Water Purification Systems; Air Traffic Control Simulator Systems; Light Medium and Medium Tactical Vehicles; trucks, tractors, and line haul equipment; Armored Security Vehicles; Joint Service Transportable Decontamination Systems—Small Scale (JSTDS–SS); Logistics Automation Systems (SAMS–E, CAISI, and VSAT); and tactical bridging and power generating equipment.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

An appropriation of $1,624,093,000 is recommended for Research, Development, Test and Evaluation.

The recommendations for each research, development, test and evaluation account are shown below:

[In thousands of dollars]

Account	Recommendation
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY	
MILITARY ENGINEERING ADVANCED TECHNOLOGY (Note: Includes development of surveillance technology)	5,000
SOLDIER SUPPORT AND SURVIVABILITY	10,000
INFANTRY SUPPORT WEAPONS	8,158
FAMILY OF HEAVY TACTICAL WHEELS (Note: Adapt SPARK Mine Rollers to OEF)	3,400
LIGHT TACTICAL WHEELED VEHICLES	10,000
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE	38,900
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	2,000
INFORMATION TECHNOLOGY DEVELOPMENT (Note: Includes $16,000,000 for Enhanced DIHMRS Capability)	21,000
INFORMATION SYSTEMS SECURITY PROGRAM	23,300
WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	3,800
JOINT COMMAND AND CONTROL PROGRAM	6,200
DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,000
BASE EXPEDITIONARY TARGETING SURVEILLANCE SYSTEMS- COMBINED (BETSS-C)	10,000
FUEL PRICE INCREASE - KWAJALEIN	6,000
LIGHT WEIGHT MISSILE LAUNCHER	9,200
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY	162,958
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY	
USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) (Note: Includes funding for IED Detection Program)	17,000
RETRACT LARCH	18,800
RETRACT MAPLE	3,400
LINK EVERGREEN	47,200
NON-LETHAL WEAPONS (Note: Funds only for ADS and Silent Guardian)	7,000
OTHER HELICOPTER DEVELOPMENT (Note: Includes funding for CH-53 VDE)	5,000
AV-8B AIRCRAFT--ENGINE DEVELOPMENT	6,406
V-22A (Note: Funding for Defensive Weapons System)	14,000
ELECTRONIC WARFARE (EW) DEVELOPMENT	8,676
MEDICAL DEVELOPMENT (Note: Includes funding for wound care research)	10,000
INFORMATION TECHNOLOGY DEVELOPMENT	800
SHIP AND AIRCRAFT SUPPORT	8,952
MARINE CORPS COMMS SYSTEMS (Note: Funds only for GBOSS, CREW, CESAS, and TPS-59)	55,500
MARINE CORPS GROUND COMBAT /SUPPORTING ARMS SYSTEMS (Note: No funds for PERM)	10,600
MARINE CORPS CMBT SERVICES SUPT (Note: Funds only for M1A1 Crew Weapon and Test Equipment)	1,075
AIRBORNE RECONNAISSANCE SYSTEMS	11,000
MANNED RECONNAISSANCE SYS	32,000
CLASSIFIED PROGRAMS	108,701
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	366,110

[In thousands of dollars]

Account	Recommendation
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE	
MATERIALS	3,700
ADVANCED MATERIALS FOR WEAPON SYSTEMS	5,900
AEROSPACE TECHNOLOGY DEV/DEMO	300
B-1B	40,000
SMALL DIAMETER BOMB	7,900
ARMAMENT/ORDNANCE DEVELOPMENT	4,200
TEST AND EVALUATION SUPPORT (Note: Includes $300,000 for deployed civilians and $18,818,000 for fuel cost increase)	19,118
FACILITY RESTORATION AND MODERNIZATION-T&E	1,610
CLASSIFIED PROGRAMS	7,700
NIGHT FIST USSTRATCOM	1,640
F-16 SQUADRONS (Note: Only for BLOS for SINCGARS)	7,700
COMPASS CALL	5,600
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROG (CIP)	16,000
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYS (JSTARS)	64,109
DRAGON U-2 (JMIP)	660
AIRBORNE RECONNAISSANCE SYSTEMS	1,520
GLOBAL HAWK UAV (Note: Only for fixing imagery and shading issues)	800
CLASSIFIED PROGRAMS	89,970
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	278,427
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE	
AEGIS BALLISTIC MISSILE DEFENSE (Note: Only for activities associated with the February 2008 satellite intercept)	112,360
GENERAL SUPPORT TO USD	26,374
CLASSIFIED PROGRAMS USD (P)	15,000
DHRA - WOUNDED WARRIOR	20,300
CRITICAL INFRASTRUCTURE PROGRAM (CIP)	4,500
DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,170
SOF OPERATIONAL ENHANCEMENTS	2,270
MANAGEMENT HEADQUARTERS (JCS)	1,028
UNMANNED VEHICLES (Note: Only for Global Observer)	38,000
CLASSIFIED PROGRAMS	593,596
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	816,598

JOINT STARS

An appropriation of $64,109,000 is recommended for the Joint Stars aircraft program. $22,600,000 is for the Primary Mission Equipment and Diminishing Manufacturing Source (PME/DMS) development program, $1,409,000 is for the Surface Warfare Joint Capability Technology Demonstration, $36,000,000 is for increased bandwidth and beyond line of site capability for the aircraft, $4,100,000 is for Single Channel Ground to Air Radio System (SINCGARS) voice initial capability insertion.

C–17 HEADS-UP DISPLAY

Beginning in fiscal year 2012 the current C–17 Heads-Up Display (HUD) will no longer be supportable due to problems associated with parts obsolescence. Given this timeline, the Air Force may use C–17 research, development, test and evaluation funds already appropriated in fiscal year 2008 to start a replacement program for the HUD.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

An appropriation of $1,837,450,000 is recommended for the Defense Working Capital Funds.

The recommendations for each Defense Working Capital Fund account are shown below:

[In thousands of dollars]

Account	Recommendation
DEFENSE WORKING CAPITAL FUNDS	
DEFENSE WORKING CAPITAL FUND, ARMY	
PREPOSITIONED WAR RESERVE STOCKS	511,100
SPARES AUGMENTATION--COMBAT LOSSES	62,000
SPARES AUGMENTATION--OIF DEMANDS	70,000
FUEL COSTS	7,471
TOTAL, DEFENSE WORKING CAPITAL FUND, ARMY	650,571
DEFENSE WORKING CAPITAL FUND, NAVY	
FUEL COSTS	272,020
TOTAL, DEFENSE WORKING CAPITAL FUND, NAVY	272,020
DEFENSE WORKING CAPITAL FUND, AIR FORCE	
FUEL COSTS	594,784
TOTAL, DEFENSE WORKING CAPITAL FUND, AIR FORCE	594,784
DEFENSE WORKING CAPITAL FUND, DEFENSE-WIDE	
THEATER DISTRIBUTION CENTER, KUWAIT	13,000
COMBAT FUEL LOSSES	43,400
FUEL TRANSPORTATION	96,100
DEFENSE REUTILIZATION AND MARKETING OPTIONS	5,275
DLA FUEL TERMINAL OPERATIONS	16,100
FUEL COSTS	146,200
TOTAL, DEFENSE WORKING CAPITAL FUND, DEFENSE-WIDE	320,075
TOTAL, DEFENSE WORKING CAPITAL FUNDS	1,837,450

NATIONAL DEFENSE SEALIFT FUND

An appropriation of $5,110,000 is recommended for the National Defense Sealift Fund.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

An appropriation of $1,438,864,000 is recommended for the Defense Health Program.

The recommendations for operation and maintenance, procurement and research, development, test and evaluation are shown below:

[In thousands of dollars]

Account	Recommendation
OPERATION AND MAINTENANCE	907,064
IN-HOUSE CARE	38,700
Navy Personnel Backfill	37,700
Medical Care of Former Members w/ Severe Injuries	1,000
PRIVATE SECTOR CARE	491,164
Respite Care for Active Duty Members	10,000
Medical Care for Families of Seriously Injured Members	1,000
CONSOLIDATED HEALTH CARE SUPPORT	43,311
Notification of Combat Wounded	2,000
Center of Excellence for Eye Injuries	1,000
Establish Office for Interoperable Electronic Health Record	2,500
Disability Evaluation System & Case Management	7,600
INFORMATION MANAGEMENT	19,393
Joint Medical Communications Infrastructure	5,000
Navy Civilian Hires	300
Disability Evaluation System & Case Management	13,500
MANAGEMENT ACTIVITIES	773
EDUCATION AND TRAINING	20,700
Enhanced Recruiting/Retention of HC Professionals	18,500
Navy Civilian Hires	2,200
BASE OPERATIONS/COMMUNICATIONS	293,023
Army FSRM	140,200
Navy FSRM	93,211
Air Force FSRM	59,612
PROCUREMENT	91,900
Disability Evaluation System & Case Management	4,900
Joint Medical Communications Infrastructure	25,000
Army Medical Procurement	35,000
Navy Medical Procurement	27,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION	364,900
Disability Evaluation System & Case Management	21,100
Battle Casualty and Psychological Health Research	273,800
Center for Neuroscience and Regenerative Medicine	70,000
PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY	75,000
TOTAL, DEFENSE HEALTH PROGRAM	1,438,864

FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION

The recommendation includes an additional $293,023,000 for sustainment, restoration and modernization of military medical projects for the Army, Navy and Air Force. The average "recapitalization rate" (aggregate investment in infrastructure) for civilian hospitals is 21 years and the current Department of Defense medical facility recapitalization rate exceeds 75 years. This funding is only a temporary band-aid for certain facilities and the Department is urged to request the necessary military construction funds.

UNFUNDED FISCAL YEAR 2008 PROCUREMENT REQUIREMENTS

The recommendation includes an additional $62,000,000 for unfunded procurement requirements for the Army and Navy. The Air Force does not have any unfunded procurement requirements for fiscal year 2008. Providing the most advanced medical equipment is essential for the care of our service members and their families and the Services have a limited ability to procure critical medical technology because of the exponential cost growth for medical equipment and the restrictions on the service medical accounts. Additional procurement resources have been provided to the Services for the past two years and the Department must make a concerted effort to reflect these requirements in future budget submissions for the Defense Health Program.

BATTLE CASUALTY AND PSYCHOLOGICAL HEALTH RESEARCH

The recommendation includes an additional $273,800,000 to address prevention, diagnosis, treatment, and mitigation of deployment-related injuries and psychological health concerns. These funds are targeted to accelerate ongoing programs and are for peer reviewed research into emergent approaches and technologies. These funds are directed towards the following research areas: final development of medical devices for use in theater (including portable suction machines and EKGs for theater hospitals); blood safety and blood products; burns (including tissue viability and fluid resuscitation); orthopedic and other trauma treatment and rehabilitation (including face, visual/ocular and nerve damage, dental, and auditory systems); suicide prevention and counseling (including reducing nurse stress and fatigue at military treatment facilities); traumatic brain injury and psychological health (including Post Traumatic Stress Disorder); injury prevention; wound infection and healing; treatment for severe cutaneous leishmaniasis; and wound infection vaccines. These funds shall be executed through the Army's Medical Research and Materiel Command. The Army is directed to work in conjunction with the Navy and the Air Force to augment all Department of Defense research efforts in these areas. The Department is directed to provide a report with a detailed plan for the use of these funds and timeline for execution by August 1, 2008.

CENTER FOR NEUROSCIENCE AND REGENERATIVE MEDICINE

The recommendation includes an additional $70,000,000 to increase investigators and research capabilities in Traumatic Brain Injury and regenerative medicine across the Armed Forces. The focus of this initiative is an intramural start-up for the study of blast injury to the brain and post traumatic stress by studying actual combat casualties cared for at Walter Reed Army Medical Center and the National Naval Medical Center and using sophisticated neuroimaging technology at the National Institute of Health's Clinical Center.

POST TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY

In addition to amounts otherwise available to the Defense Health Program, $75,000,000 is available to continue work for traumatic brain injury and psychological health.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

An appropriation of $65,317,000 is recommended for Drug Interdiction and Counter-Drug Activities, Defense for operations in Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Thailand and Turkmenistan.

OFFICE OF THE INSPECTOR GENERAL

An appropriation of $6,394,000 is recommended for the Office of the Inspector General. This is an increase of $2,000,000 in research, development, test and evaluation funding for the development of an Investigative Data System for the Defense Criminal Investigative Service.

GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

Section 9101 establishes the period of availability for obligation of appropriations provided in this chapter.

Section 9102 provides that funds made available in this chapter are in addition to amounts provided elsewhere for the Department of Defense for fiscal year 2008.

Section 9103 provides for special transfer authority of up to $2,500,000,000 of funds in this chapter, subject to the terms and conditions in section 8005 of the Department of Defense Appropriations Act, 2008.

Section 9104 provides that of the funds made available for the Department of Defense, $1,026,841,000 may be used to execute programs under the Commander's Emergency Response Program for Iraq, Afghanistan, and the Philippines.

Section 9105 provides for transfer of funds to the Defense Cooperation Account to appropriations or funds as determined by the Secretary of Defense.

Section 9106 provides that not to exceed $20,000,000 of funds made available under "Drug Interdiction and Counter-Drug Activities, Defense" may be used to support counter-drug activities of certain governments, and that such support is in addition to support provided under any other provision of law.

Section 9107 provides for up to 20 heavy and light armored vehicles for force protection purposes in Iraq and Afghanistan and up to 21 vehicles from funds previously appropriated.

Section 9108 provides for the transfer of funds to the Mine Resistant Ambush Protected Vehicle Fund.

Section 9109 provides up to $150,000,000 to support the development of foreign national counterterrorism capabilities.

CHAPTER 2—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

OVERVIEW

RECOMMENDATION

On May 2, the Administration presented a request of $66,062,936,000 for supplemental appropriations for the Department of Defense, not including military construction. The recommendation in title IX, chapter 2, is $65,921,157,000.

The following table summarizes by appropriation account or general provision, the recommendation:

(Amounts in thousands)

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FY 2009

DEPARTMENT OF DEFENSE--MILITARY

Military Personnel

	Bill
Military Personnel, Army (emergency)	839,000
Military Personnel, Navy (emergency)	75,000
Military Personnel, Marine Corps (emergency)	55,000
Military Personnel, Air Force (emergency)	75,000
National Guard Personnel, Army (emergency)	150,000
Total, Military Personnel	1,194,000

Operation and Maintenance

	Bill
Operation & Maintenance, Army (emergency)	37,300,000
Operation & Maintenance, Navy (emergency)	3,500,000
(Transfer out) (emergency)	(-112,000)
Coast Guard (By transfer) (emergency)	(112,000)
Operation & Maintenance, Marine Corps (emergency)	2,900,000
Operation & Maintenance, Air Force (emergency)	5,000,000
Operation & Maintenance, Defense-Wide (emergency)	2,648,569
Operation & Maintenance, Army Reserve (emergency)	79,291
Operation & Maintenance, Navy Reserve (emergency)	42,490
Operation & Maintenance, Marine Corps Reserve (emergency)	47,076
Operation & Maintenance, Air Force Reserve (emergency)	12,376
Operation & Maintenance, Army National Guard (emergency)	333,540
Operation & Maintenance, Air National Guard (emergency)	52,667
Subtotal, Operation and Maintenance	51,916,009
Afghanistan Security Forces Fund (emergency)	2,000,000
Iraq Security Forces Fund (emergency)	1,000,000
Subtotal, Other	3,000,000
Grand total, Operation and Maintenance	54,916,009

Procurement

	Bill
Aircraft Procurement, Army (emergency)	84,000
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	822,674
Procurement of Ammunition, Army (emergency)	46,500
Other Procurement, Army (emergency)	1,009,050
Other Procurement, Navy (emergency)	27,948
Procurement, Marine Corps (emergency)	565,425
Aircraft Procurement, Air Force (emergency)	201,842
Other Procurement, Air Force (emergency)	1,500,644
Procurement, Defense-Wide (emergency)	177,237
Total, Procurement	4,435,320

(Amounts in thousands)

	Bill
Research, Development, Test and Evaluation	
Research, Development, Test & Evaluation, Navy (emergency)	113,228
Research, Development, Test & Evaluation, Air Force (emergency)	72,041
Research, Development, Test and Evaluation, Defense-Wide (emergency)	202,559
Total, Research, Development, Test and Evaluation	387,828
Other Department of Defense Programs	
Defense Health Program (emergency)	1,100,000
Operation and maintenance (emergency)	(1,100,000)
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	188,000
Joint IED Defeat Fund (emergency)	2,000,000
Total, Other Department of Defense Programs	3,288,000
General Provisions--Chapter 2	
Special transfer authority (emergency)	(4,000,000)
Mine Resistant Ambush Protected Vehicle Fund (emerg.)	1,700,000
Total, Chapter 2	65,921,157

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and direction in the classified annex accompanying this Act.

REPORTING REQUIREMENTS

The Secretary of Defense is directed to provide a report to the congressional defense committees within 30 days of enactment of this Act on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The Secretary is directed that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and subactivity group for the continuation of military operations in Iraq and Afghanistan and a listing of equipment procured using funds provided in this chapter. It is expected that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriation accounts for purposes other than those specified in this report. The Department of Defense is directed to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriation accounts in this chapter.

Additionally, the Department of Defense is directed to submit monthly supplemental execution reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

MINE RESISTANT AMBUSH PROTECTED VEHICLES

The recommendation includes $1,700,000,000 for the Mine Resistant Ambush Protected Vehicle Fund. This funds requirements for ballistic testing, sustainment and transportation of Mine Resistant Ambush Protected Vehicles, as identified by the Department. The Department shall continue to adhere to the execution and reporting requirements contained in section 8122 of Public Law 110-116. Additionally, the Secretary of Defense is directed to include future requests for Mine Resistant Ambush Protected Vehicle sustainment in the base budget starting with the fiscal year 2010 President's budget request submission.

MILITARY PERSONNEL

An appropriation of $1,194,000,000 is recommended for Military Personnel. The recommendations for each military personnel account are shown below:

[In thousands of dollars]

Account	Recommendation
MILITARY PERSONNEL, ARMY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS	
BASIC PAY	85,298
RETIRED PAY ACCRUAL	24,906
BASIC ALLOWANCE FOR HOUSING	25,374
BASIC ALLOWANCE FOR SUBSISTENCE	3,322
SOCIAL SECURITY TAX	6,516
TOTAL, BUDGET ACTIVITY 1	145,416
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	
BASIC PAY	190,920
RETIRED PAY ACCRUAL	55,748
BASIC ALLOWANCE FOR HOUSING	58,173
SOCIAL SECURITY TAX	14,605
TOTAL, BUDGET ACTIVITY 2	319,446
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL	
BASIC ALLOWANCE FOR SUBSISTENCE	17,563
SUBSISTENCE-IN-KIND	251,700
TOTAL, BUDGET ACTIVITY 3	269,263
ACTIVITY 6: OTHER MILITARY PERSONNEL COST	
DEATH GRATUITIES	10,488
SGLI AND TSGLI PAYMENTS	94,387
TOTAL, BUDGET ACTIVITY 6	104,875
TOTAL MILITARY PERSONNEL, ARMY	839,000
MILITARY PERSONNEL, NAVY	
ACTIVITY 6: OTHER MILITARY PERSONNEL COST	
DEATH GRATUITIES	13,000
SGLI AND TSGLI PAYMENTS	62,000
TOTAL, BUDGET ACTIVITY 6	75,000
TOTAL MILITARY PERSONNEL, NAVY	75,000
MILITARY PERSONNEL, MARINE CORPS	
ACTIVITY 6: OTHER MILITARY PERSONNEL COST	
DEATH GRATUITIES	22,000
SGLI AND TSGLI PAYMENTS	33,000
TOTAL, BUDGET ACTIVITY 6	55,000
TOTAL MILITARY PERSONNEL, MARINE CORPS	55,000
MILITARY PERSONNEL, AIR FORCE	

[In thousands of dollars]

Account	Recommendation
ACTIVITY 6: OTHER MILITARY PERSONNEL COST	
DEATH GRATUITIES	12,000
SGLI AND TSGLI PAYMENTS	63,000
TOTAL, BUDGET ACTIVITY 6	75,000
TOTAL MILITARY PERSONNEL, AIR FORCE	75,000
NATIONAL GUARD PERSONNEL, ARMY	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	16,500
SCHOOL TRAINING	58,500
SPECIAL TRAINING	24,000
ADMINISTRATION AND SUPPORT	51,000
TOTAL NATIONAL GUARD PERSONNEL, ARMY	150,000

OPERATION AND MAINTENANCE

An appropriation of $54,916,009,000 is recommended for Operation and Maintenance.

The recommendations for each operation and maintenance account are shown below:

[In thousands of dollars]

Account	Recommendation
OPERATION AND MAINTENANCE, ARMY	
INCREMENTAL WARTIME OPERATING COSTS	23,343,665
DEPOT MAINTENANCE/RESET	7,886,730
FACILITIES/BASE SUPPORT	5,205,036
TRANSPORTATION	778,198
CLASSIFIED PROGRAMS	86,371
TOTAL, OPERATION AND MAINTENANCE, ARMY	37,300,000
OPERATION AND MAINTENANCE, NAVY	
INCREMENTAL WARTIME OPERATING COSTS	2,517,826
DEPOT MAINTENANCE/RESET	236,829
TRANSPORTATION	594,906
COAST GUARD SUPPORT	112,000
CLASSIFIED PROGRAMS	38,439
TOTAL, OPERATION AND MAINTENANCE, NAVY	3,500,000
OPERATION AND MAINTENANCE, MARINE CORPS	
INCREMENTAL WARTIME OPERATING COSTS	2,109,788
DEPOT MAINTENANCE/RESET	430,660
TRANSPORTATION	359,552
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	2,900,000
OPERATION AND MAINTENANCE, AIR FORCE	
INCREMENTAL WARTIME OPERATING COSTS	2,689,203
DEPOT MAINTENANCE/RESET	238,347
AIRLIFT OPERATIONS	2,031,723
CLASSIFIED PROGRAMS	40,727
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	5,000,000
OPERATION AND MAINTENANCE, DEFENSE-WIDE	
THE JOINT STAFF	22,500
SPECIAL OPERATIONS COMMAND	
OPERATING EXPENSES	901,550
ISR SUSTAINMENT	123,450
AMERICAN FORCES INFORMATION SERVICE	6,500
DEFENSE CONTRACT AUDIT AGENCY (DCAA)	5,000
DEFENSE CONTRACT MANAGEMENT AGENCY (DCMA)	2,100
DEFENSE HUMAN RESOURCE ACTIVITY (DHRA)	2,900
DEFENSE INFORMATION SYSTEMS AGENCY (DISA)	31,100
DEFENSE LOGISTICS AGENCY	34,000

[In thousands of dollars]

Account	Recommendation
DEFENSE LEGAL SERVICES AGENCY (DLSA)	7,000
DEPARTMENT OF DEFENSE EDUCATION ACTIVITY (DODEA)	102,460
DEFENSE SECURITY COOPERATION AGENCY (DSCA)	300,000
DEFENSE THREAT REDUCTION AGENCY (DTRA)	1,440
OFFICE OF THE SECRETARY OF DEFENSE	30,000
WASHINGTON HEADQUARTERS SERVICES	5,000
CLASSIFIED PROGRAMS	1,073,569
TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	2,648,569
OPERATION AND MAINTENANCE, ARMY RESERVE	
OPERATING EXPENSES	79,291
TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	79,291
OPERATION AND MAINTENANCE, NAVY RESERVE	
OPERATING EXPENSES	42,490
TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	42,490
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	
OPERATING EXPENSES	47,076
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	47,076
OPERATION AND MAINTENANCE, AIR FORCE RESERVE	
OPERATING EXPENSES	12,376
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	12,376
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	
OPERATING EXPENSES	333,540
TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	333,540
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	
OPERATING EXPENSES	52,667
TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	52,667

[In thousands of dollars]

Account	Recommendation
AFGHANISTAN SECURITY FORCES FUND	
MINISTRY OF DEFENSE (MOD) INFRASTRUCTURE	300,510
MOD EQUIPMENT AND TRANSPORTATION	234,558
MOD TRAINING	138,271
MOD SUSTAINMENT	480,340
MINSTRY OF INTERIOR (MOI) INFRASTRUCTURE	210,276
MOI EQUIPMENT AND TRANSPORTATION	42,727
MOI TRAINING	313,803
MOI SUSTAINMENT	275,515
RELATED ACTIVITIES	
DETAINEE OPERATIONS – TRAINING	1,000
DETAINEE OPERATIONS – SUSTAINMENT	3,000
TOTAL, AFGHANISTAN SECURITY FORCES FUND	2,000,000
IRAQ SECURITY FORCES FUND	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	300,000
MOD TRAINING	60,000
MOD SUSTAINMENT	100,000
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	200,000
MOI TRAINING	300,000
MOI SUSTAINMENT	40,000
TOTAL, IRAQ SECURITY FORCES FUND	1,000,000

DEFENSE SECURITY COOPERATION AGENCY

The recommendation includes $200,000,000 for coalition support funds and $100,000,000 for lift and sustainment of coalition partners in Iraq and Afghanistan.

AFGHANISTAN AND IRAQ SECURITY FORCES

Reprogramming. The Depatment of Defense has been provided significant flexibility in executing this program in the past but new reprogramming procedures are required at this juncture. With respect to the Iraq Security Forces Fund and the Afghanistan Security Forces Fund, the Department is directed to submit prior approval reprogramming requests to the congressional defense committees for proposed transfers of funds in excess of $20,000,000, to the Infrastructure subactivity groups or other construction related projects.

PROCUREMENT

An appropriation of $4,435,320,000 is recommended for Procurement. The recommendations for each procurement account are shown below:

[In thousands of dollars]

Account	Recommendation
AIRCRAFT PROCUREMENT, ARMY	
COMMON GROUND EQUIPMENT	5,000
AIRCRAFT SURVIVABILITY INFRARED COUNTERMEASURES	20,000
KIOWA WARRIOR	59,000
TOTAL, AIRCRAFT PROCUREMENT, ARMY	84,000
PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY	
BRADLEY BASE SUSTAINMENT	394,800
M1 ABRAMS TANK MOD	47,800
ABRAMS UPGRADE PROGRAM	130,400
STRYKER VEHICLE	248,053
MORTAR WEAPON SYSTEM	1,621
TOTAL, PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY	822,674
PROCUREMENT OF AMMUNITION, ARMY	
NON-LETHAL AMMUNITION, ALL TYPES	46,500
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	46,500
OTHER PROCUREMENT, ARMY	
HMMWV RECAP PROGRAM	390,219
HEMTT EXTENDED SERVICE PROGRAM	15,000
SEMI TRAILER, FLATBED	58,014
SEMI TRAILER, TANKER	26,941
TACTICAL BRIDGING, FLOAT-RIBBON	14,000
DRY SUPPORT BRIDGE	76,000
FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	90,000
TACTICAL TRAILER/DOLLY SETS	40,000
TACTICAL RADIOS	4,855
GROUND STANDOFF MINE DETECTION SYSTEM	5,000
MEDICAL COMMUNICATIONS FOR COMBAT CASUALTY CARE	12,109
NIGHT VISION DEVICES	20,000
NIGHT VISION THERMAL WEAPONS SIGHT	20,000
ALL TERRAIN LIFTING ARMY SYSTEM	5,000
LOADERS	15,000
TRACTORS	20,000
GENERATORS AND ASSOCIATED EQUIPMENT	20,000
DIGITAL TOPOGRAPHIC SUPPORT SYSTEM	9,000
TRUCK, TRACTOR, LINE HAUL, M915/M921	110,000
PROPHET GROUND	2,500
TACTICAL UNMANNED AERIAL SYSTEMS	9,876
MODIFICATION OF IN-SERVICE EQUIPMENT	15,000
ROUGH TERRAIN CONTAINER HANDLER (RTCH)	30,000
CLASSIFIED PROGRAMS	536
TOTAL, OTHER PROCUREMENT, ARMY	1,009,050

[In thousands of dollars]

Account	Recommendation
OTHER PROCUREMENT, NAVY	
CONSTRUCTION AND MAINTENANCE EQUIPMENT	3,142
TACTICAL VEHICLES	5,554
ITEMS UNDER $5 MILLION	5,687
PHYSICAL SECURITY EQUIPMENT	13,565
TOTAL, OTHER PROCUREMENT, NAVY	27,948
PROCUREMENT, MARINE CORPS	
LIGHT ARMORED VEHICLE (LAV)-PRODUCT IMPROVEMENT PROGRAM (PIP)	30,000
WEAPONS & COMBAT SYSTEMS UNDER $5M	8,000
MODULAR WEAPONS SYSTEM (Note: Includes FK4 Underbody Armor, M1114 Frag Kits, M1A1 IED Survivability Enhancements)	101,500
UNIT OPERATIONS CENTER	16,000
REPAIR AND TEST EQUIPMENT (Note: Includes Blue Force Tracking Support, Platform Devices, Spares and Vehicles)	105,175
RADAR SYSTEMS	8,000
INTELLIGENCE SUPPORT EQUIPMENT	21,500
COMMON COMPUTER RESOURCES	5,000
5/4T TRUCK HMMWV (RESET)	25,000
EOD SYSTEMS (Note: Including CREW Upgrades)	211,750
PHYSICAL SECURITY EQUIPMENT (Note: Includes Electronic Security Systems and G-BOSS)	9,000
FIELD MEDICAL EQUIPMENT	8,000
COUNTER RC IED WARFARE	1,500
FAMILY OF CONSTRUCTION EQUIPMENT	15,000
TOTAL, PROCUREMENT, MARINE CORPS	565,425
AIRCRAFT PROCUREMENT, AIR FORCE	
LAIRCM (Note: Includes funds for EC130/C-17 LAIRCM)	26,000
F-16 MODIFICATIONS (Note: Only for the National Guard $34,200,000 for F-16 Advanced Identification Friend/Foe (AIFF))	34,200
F-15 MODIFICATIONS (Note: $34,000,000 only for National Guard AESA Systems)	34,000
MQ-9 REAPER (Note: Includes 5 UAVs)	87,642
PREDATOR/REAPER GCS RETROFIT	20,000
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	201,842

[In thousands of dollars]

Account	Recommendation
OTHER PROCUREMENT, AIR FORCE	
HALVORSEN	13,500
CLASSIFIED PROGRAMS	1,487,144
TOTAL, OTHER PROCUREMENT, AIR FORCE	1,500,644
PROCUREMENT, DEFENSE-WIDE	
C-130 MODIFICATIONS (Note: Funds are provided for the Special Operations Command Gunship Multispectral Sensor 2 Readiness Spares)	17,000
SOF ORDNANCE REPLENISHMENT	43,640
SOF OPERATIONAL ENHANCEMENT (Note: $20,750,000 is for Special Operations Command ISR Mission Equipment Package and $13,000,000 for Sensors for Additional Leased ISR Aircraft)	33,750
SMALL ARMS AND WEAPONS (Note: For SOF Soldier Protection and Survival System)	16,250
CLASSIFIED PROGRAMS	66,597
TOTAL, PROCUREMENT, DEFENSE-WIDE	177,237

FORCE PROTECTION AND RESET

The recommendation provides funding for critical force protection and reset initiatives identified by the Marine Corps, to include $30,000,000 for Light Armored Vehicle survivability upgrades; $97,500,000 for Frag Kit 4 underbody armor and M1114 Frag Kits; $105,175,000 for Blue Force Tracker platform devices; and $201,750,000 for jammer upgrades.

SPECIAL OPERATIONS PSYCHOLOGICAL OPERATIONS

The Special Operations Command is encouraged to use funds provided in fiscal year 2009 for the Department of Defense to fund psychological operations equipment for C-130 aircraft.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

An appropriation of $387,828,000 is recommended for Research, Development, Test and Evaluation only for classified programs.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

An appropriation of $1,100,000,000 is recommended for the Defense Health Program. The recommendations for the Defense Health Program are shown below:

[In thousands of dollars]

	Recommendation
OPERATION AND MAINTENANCE	1,100,000
IN-HOUSE CARE	740,052
CONSOLIDATED HEALTH CARE SUPPORT	220,147
INFORMATION MANAGEMENT	78,219
MANAGEMENT ACTIVITIES	1,159
EDUCATION AND TRAINING	51,157
BASE OPERATIONS/COMMUNICATIONS	9,266
TOTAL, DEFENSE HEALTH PROGRAM	1,100,000

TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH

The recommendation includes $300,000,000 to support programs and activities relating to the treatment, care, rehabilitation, recovery and support of the Armed Forces for traumatic brain injury and psychological health issues. Of the funds provided, $200,000,000 is in In-House Care, $75,000,000 is in Consolidated Health, and $25,000,000 is in Education and Training. The Assistant Secretary of Defense for Health Affairs, in coordination with the Service Surgeons General and the Deputy Assistant Secretary of Defense for Force Health Protection and Readiness, is directed to provide a report to the congressional defense committees no later than August 1, 2008 with a detailed spend plan including funding requirements, sources of funding, and a break out of initiatives.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

An appropriation of $188,000,000 is recommended for Drug Interdiction and Counter-Drug Activities, Defense for operations in Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan and Turkmenistan.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

An appropriation of $2,000,000,000 is recommended for the Joint Improvised Explosive Device Defeat Fund.

[In thousands of dollars]

Account	Recommendation
JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	
ATTACK THE NETWORK	725,000
DEFEAT THE DEVICE	950,000
TRAIN THE FORCE	250,000
STAFF AND INFRASTRUCTURE	75,000
TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	2,000,000

GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

Section 9201 establishes that the funds made available in this chapter are not available until October 1, 2008.

Section 9202 establishes the period of availability for obligation for appropriations provided in this chapter.

Section 9203 provides for special transfer authority up to $4,000,000,000 of funds in this chapter.

Section 9204 provides that the Secretary of Defense continue to provide quarterly reports to Congress on a comprehensive set of indicators and measures for progress towards military and political stability in Iraq.

Section 9205 provides that the Director of the Office of Management and Budget, (in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command-Iraq; and the Commander, Combined Security Transition Command-Afghanistan), shall submit a report detailing, among other assessments, the total cost of training and equipping the Iraq and Afghanistan security forces.

Section 9206 provides that funds available to the Department of Defense for operation and maintenance may be used to provide supplies, services and transportation to coalition forces in Iraq and Afghanistan.

Section 9207 provides that supervision and administrative costs associated with a construction project funded through operation and maintenance, Afghanistan Security Forces Fund, or Iraq Security Forces Fund may be obligated at the time a construction contract is awarded.

Section 9208 provides $1,700,000,000 in emergency funding for the Mine Resistant Ambush Protected Vehicle Fund.

Section 9209 defines the Congressional Defense Committees as being the Armed Services Committees and the Subcommittees on Defense of the Committees on Appropriations of the House and the Senate.

CHAPTER 3—GENERAL PROVISIONS, THIS TITLE

The amended bill includes the following general provisions for this title:

Section 9301 provides that the amounts recommended under this title are designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

Section 9302 provides for the obligation and expenditure of funds related to activities pursuant to section 504(a)(1) of the National Security Act of 1947.

Section 9303 prohibits the use of funds to contravene laws or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Section 9304 requires a report on the United States global strategy to combat and defeat Al Qaeda and its affiliates.

Section 9305 provides that none of the funds appropriated in this title may be obligated and expended to finance programs or activities denied by Congress in fiscal year 2007 or 2008 appropriations for the Department of Defense or to initiate a new start without prior approval.

Section 9306 provides for an increase in the amount authorized for the United States contribution to NATO to $435,259,000.

Section 9307 prohibits award fees to any defense contractor in contravention to provisions of section 814 of the National Defense Authorization Act, 2007.

RESCISSIONS

Section 9308 provides that: (a) of the funds made available for "Defense Health Program" in Public Law 110–28, $75,000,000 is rescinded and, (b) of the funds made available for "Joint Improvised Explosive Device Defeat Fund" in Division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 is rescinded.

Section 9309 provides that of the funding provided in the Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007 that remains available for obligation under the Iraq Freedom Fund 2007/2008, $150,000,000 is only for the Joint Rapid Acquisition Cell program and $10,000,000 is only for the transportation of fallen service members.

Section 9310 allows Combatant Commanders to use funds available in this title in operation and maintenance to purchase an investment item of not more than $500,000 to meet operational requirements.

TITLE IX--DEFENSE MATTERS
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE IX--DEFENSE MATTERS			
CHAPTER 1			
SUPPLEMENTAL APPROPRIATIONS FOR FY 2008			
DEPARTMENT OF DEFENSE--MILITARY			
Military Personnel			
Military Personnel, Army (emergency)	11,535,055	11,807,655	+272,600
Military Personnel, Navy (emergency)	696,053	866,753	+170,700
Military Personnel, Marine Corps (emergency)	1,733,971	1,820,571	+86,600
Military Personnel, Air Force (emergency)	1,277,853	1,286,153	+8,300
Reserve Personnel, Army (emergency)	299,200	304,200	+5,000
Reserve Personnel, Navy (emergency)	70,000	72,800	+2,800
Reserve Personnel, Marine Corps (emergency)	15,420	16,720	+1,300
Reserve Personnel, Air Force (emergency)	3,000	5,000	+2,000
National Guard Personnel, Army (emergency)	1,136,747	1,369,747	+233,000
National Guard Personnel, Air Force (emergency)	---	4,000	+4.000
Total, Military Personnel	16,767,299	17,553,599	+786,300
Operation and Maintenance			
Operation and Maintenance, Army (emergency)	18,720,113	16,343,512	-2,376,601
Operation and Maintenance, Navy (emergency)	2,498,765	2,952,864	+454,099
(Transfer out) (emergency)	(-112,607)	(-112,607)	---
Coast Guard (By transfer) (emergency)	(112,607)	(112,607)	---
Operation and Maintenance, Marine Corps (emergency)	306,050	159,900	-146,150
Operation and Maintenance, Air Force (emergency)	5,927,212	5,922,520	-4,692
Operation and Maintenance, Defense-Wide (emergency)	3,220,388	3,387,562	+167,174
Operation and Maintenance, Army Reserve (emergency)	118,958	164,839	+45,881
Operation and Maintenance, Navy Reserve (emergency)	41,750	109,876	+68,126
Operation and Maintenance, Marine Corps Reserve (emergency)	22,040	70,256	+48,216
Operation and Maintenance, Air Force Reserve (emergency)	12,133	165,994	+153,861
Operation and Maintenance, Army National Guard (emergency)	430,008	685,644	+255,636
Operation and Maintenance, Air National Guard (emergency)	51,633	287,369	+235,736
Subtotal, Operation and Maintenance	31,349,050	30,250,336	-1,098,714
Iraq Freedom Fund (emergency)	103,750	50,000	-53,750
Afghanistan Security Forces Fund (emergency)	1,350,000	1,400,000	+50,000
Iraq Security Forces Fund (emergency)	1,500,000	1,500,000	---
Subtotal, Other	2,953,750	2,950,000	-3,750
Grand total, Operation and Maintenance	34,302,800	33,200,336	-1,102,464
Procurement			
Aircraft Procurement, Army (emergency)	1,181,864	954,111	-227,753
Missile Procurement, Army (emergency)	641,764	561,656	-80,108
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	5,860,252	5,393,471	-466,781
Procurement of Ammunition, Army (emergency)	359,600	344,900	-14,700
Other Procurement, Army (emergency)	21,103,261	15,967,340	-5,135,921
Aircraft Procurement, Navy (emergency)	3,859,958	3,411,254	-448,704
Weapons Procurement, Navy (emergency)	318,281	317,456	-825
Procurement of Ammunition, Navy and Marine Corps (emergency)	304,945	304,945	---

TITLE IX--DEFENSE MATTERS

(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Other Procurement, Navy (emergency)	1,515,116	1,260,135	-254,981
Procurement, Marine Corps (emergency)	2,444,490	2,153,390	-291,100
Aircraft Procurement, Air Force (emergency)	3,894,839	7,028,563	+3,133,724
Missile Procurement, Air Force (emergency)	1,800	66,943	+65,143
Procurement of Ammunition, Air Force (emergency)	104,405	205,455	+101,050
Other Procurement, Air Force (emergency)	2,430,034	1,903,167	-526,867
Procurement, Defense-Wide (emergency)	267,440	408,209	+140,769
Rapid Acquisition Fund	150,000	---	-150,000
National Guard and Reserve Equipment (emergency)	---	750,000	+750,000
Total, Procurement	44,438,049	41,030,995	-3,407,054
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army (emergency)	163,299	162,958	-341
Research, Development, Test and Evaluation, Navy (emergency)	610,567	366,110	-244,457
Research, Development, Test and Evaluation, Air Force (emergency)	1,487,493	278,427	-1,209,066
Research, Development, Test and Evaluation, Defense-Wide (emergency)	684,389	816,598	+132,209
Total, Research, Development, Test and Evaluation	2,945,748	1,624,093	-1,321,655
Revolving and Management Funds			
Defense Working Capital Funds (emergency)	957,675	1,837,450	+879,775
National Defense Sealift Fund (emergency)	5,110	5,110	---
Total, Revolving and Management Funds	962,785	1,842,560	+879,775
Other Department of Defense Programs			
Defense Health Program (emergency)	561,741	1,363,864	+802,123
Operation and maintenance (emergency)	(561,741)	(907,064)	(+345,323)
Procurement (emergency)	---	(91,900)	(+91,900)
Research, development, test and evaluation (emergency)	---	(364,900)	(+364,900)
Psychological health & traumatic brain injury (emerg)	---	75,000	+75,000
Total, Defense Health Program (emergency)	561,741	1,438,864	+877,123
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	65,017	65,317	+300
Office of the Inspector General (emergency)	4,394	6,394	+2,000
Total, Other Department of Defense Programs	631,152	1,510,575	+879,423
General Provisions--Chapters 1 and 3			
Special transfer authority (emergency)	---	(2,500,000)	(+2,500,000)
Defense Cooperation Account (transfer authority) (emergency)	6,500	6,500	---
Rescissions (emergency) (Chapter 3)	---	-146,531	-146,531
Total, General Provisions	6,500	-140,031	-146,531
Total, Chapter 1 and Chapter 3	100,054,333	96,622,127	-3,432,206

TITLE IX--DEFENSE MATTERS
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
CHAPTER 2			
BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FY 2009			
DEPARTMENT OF DEFENSE--MILITARY			
Military Personnel			
Military Personnel, Army (emergency)	3,500,000	839,000	-2,661,000
Military Personnel, Navy (emergency)	95,000	75,000	-20,000
Military Personnel, Marine Corps (emergency)	85,000	55,000	-30,000
Military Personnel, Air Force (emergency)	105,000	75,000	-30,000
National Guard Personnel, Army (emergency)	20,000	150,000	+130,000
Total, Military Personnel	3,805,000	1,194,000	-2,611,000
Operation and Maintenance			
Operation and Maintenance, Army (emergency)	35,560,055	37,300,000	+1,739,945
Operation and Maintenance, Navy (emergency)	238,437	3,500,000	+3,261,563
(Transfer out) (emergency)	(-200,000)	(-112,000)	(+88,000)
Coast Guard (By transfer) (emergency)	(200,000)	(112,000)	(-88,000)
Operation and Maintenance, Marine Corps (emergency)	2,200,000	2,900,000	+700,000
Operation and Maintenance, Air Force (emergency)	3,644,078	5,000,000	+1,355,922
Operation and Maintenance, Defense-Wide (emergency)	3,193,494	2,648,569	-544,925
Operation and Maintenance, Army Reserve (emergency)	---	79,291	+79,291
Operation and Maintenance, Navy Reserve (emergency)	---	42,490	+42,490
Operation and Maintenance, Marine Corps Reserve (emergency)	34,000	47,076	+13,076
Operation and Maintenance, Air Force Reserve (emergency)	---	12,376	+12,376
Operation and Maintenance, Army National Guard (emergency)	---	333,540	+333,540
Operation and Maintenance, Air National Guard (emergency)	---	52,667	+52,667
Subtotal, Operation and Maintenance	44,870,064	51,916,009	+7,045,945
Afghanistan Security Forces Fund (emergency)	3,666,259	2,000,000	-1,666,259
Iraq Security Forces Fund (emergency)	2,000,000	1,000,000	-1,000,000
Subtotal, Other	5,666,259	3,000,000	-2,666,259
Grand total, Operation and Maintenance	50,536,323	54,916,009	+4,379,686
Procurement			
Aircraft Procurement, Army (emergency)	---	84,000	+84,000
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	---	822,674	+822,674
Procurement of Ammunition, Army (emergency)	---	46,500	+46,500
Other Procurement, Army (emergency)	80,536	1,009,050	+928,514
Other Procurement, Navy (emergency)	---	27,948	+27,948
Procurement, Marine Corps (emergency)	---	565,425	+565,425
Aircraft Procurement, Air Force (emergency)	1,209,300	201,842	-1,007,458
Other Procurement, Air Force (emergency)	1,467,475	1,500,644	+33,169
Procurement, Defense-Wide (emergency)	72,733	177,237	+104,504
Rapid Acquisition Fund	100,000	---	-100,000
Total, Procurement	2,930,044	4,435,320	+1,505,276

TITLE IX--DEFENSE MATTERS

(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Navy (emergency)	113,228	113,228	---
Research, Development, Test and Evaluation, Air Force (emergency)	71,741	72,041	+300
Research, Development, Test and Evaluation, Defense-Wide (emergency)	194,156	202,559	+8,403
Total, Research, Development, Test and Evaluation	379,125	387,828	+8,703
Revolving and Management Funds			
Defense Working Capital Funds (emergency)	2,200,000	---	-2,200,000
Total, Revolving and Management Funds	2,200,000	---	-2,200,000
Other Department of Defense Programs			
Defense Health Program (emergency)	400,000	1,100,000	+700,000
Operation and maintenance (emergency)	(400,000)	(1,100,000)	(+700,000)
Psychological health & traumatic brain injury (emerg)	100,000	---	-100,000
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	130,000	188,000	+58,000
Joint IED Defeat Fund (emergency)	2,970,444	2,000,000	-970,444
Total, Other Department of Defense Programs	3,600,444	3,288,000	-312,444
General Provisions--Chapter 2			
Special transfer authority (emergency)	(4,000,000)	(4,000,000)	---
Defense Cooperation Account (transfer authority) (emergency)	2,000	---	-2,000
Mine Resistant Ambush Protected Vehicle Fund (emerg.)	2,610,000	1,700,000	-910,000
Total, General Provisions	2,612,000	1,700,000	-912,000
Total, Chapter 2	66,062,936	65,921,157	-141,779
Grand total, Title IX	166,117,269	162,543,284	-3,573,985

TITLE IX--DEFENSE MATTERS
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
FY 2008 RECAPITULATION			
Military Personnel	16,767,299	17,553,599	+786,300
Operation and Maintenance	31,349,050	30,250,336	-1,098,714
Other	2,953,750	2,950,000	-3,750
Procurement	44,438,049	41,030,995	-3,407,054
Research, Development, Test and Evaluation	2,945,748	1,624,093	-1,321,655
Revolving and Management Funds	962,785	1,842,560	+879,775
Other Department of Defense Programs	631,152	1,510,575	+879,423
General Provisions	6,500	-140,031	-146,531
Total, FY 2008 Department of Defense	100,054,333	96,622,127	-3,432,206
FY 2009 RECAPITULATION			
Military Personnel	3,805,000	1,194,000	-2,611,000
Operation and Maintenance	44,870,064	51,916,009	+7,045,945
Other	5,666,259	3,000,000	-2,666,259
Procurement	2,930,044	4,435,320	+1,505,276
Research, Development, Test and Evaluation	379,125	387,828	+8,703
Revolving and Management Funds	2,200,000	---	-2,200,000
Other Department of Defense Programs	3,600,444	3,288,000	-312,444
General Provisions--Chapter 2	2,612,000	1,700,000	-912,000
Total, FY 2009 Department of Defense	66,062,936	65,921,157	-141,779
Grand Total, Title IX	166,117,269	162,543,284	-3,573,985

AMENDMENT NO. 2

TITLE X—POLICY RELATING TO OPERATIONS IN IRAQ

SENSE OF CONGRESS REGARDING UNITED STATES MILITARY PERSONNEL

Section 10001 includes a sense of the Congress commending the performance, courage, and sacrifice of the United States military personnel.

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CABABLE

Section 10002 prohibits the use of funds to deploy to Iraq any combat unit of the Armed Forces that is not assessed "fully mission capable" of performing their assigned mission to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the Department of Defense's written policies. These readiness standards may be waived on a unit-by-unit basis if the President certifies, in writing, that the deployment of a unit that is not assessed mission capable is required for reasons of national security, and submits along with the certification a report detailing the particular reasons why the unit's deployment is necessary.

TIME LIMIT ON COMBAT DEPLOYMENTS

Section 10003 prohibits the use of funds to initiate or execute any order extending the deployment for Operation Iraqi Freedom of any unit of the Army, Army Reserve or Army National Guard beyond 365 days, and any unit of the Marine Corps or Marine Corps Reserve beyond 210 days. This limitation may be waived on a unit-by-unit basis if the President certifies, in writing, that the extension of a unit's deployment in Iraq beyond the period applicable to the unit is required for reasons of national security, and includes in the certification a report detailing the particular reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

Section 10004 prohibits the use of funds to initiate, continue, or execute any order that has the effect of redeploying for Operation Iraqi Freedom any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous consecutive 365 days, and any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days. This limitation may be waived on a unit-by-unit basis if the President certifies, in writing, that the redeployment of a unit in advance of the expiration of the period applicable to the unit is required for reasons of national security, and includes in the certification a report detailing the particular reasons why the unit's early redeployment is necessary.

LIMITATION ON INTERROGATION TECHNIQUES

Section 10005 provides that no person in the custody or under the effective control of an element of the intelligence community, including contractors and subcontractors at any tier of the element of the intelligence community, shall be subject to any treatment or technique of interrogation not authorized by the U.S. Army Field Manual on Human Intelligence Collector Operations.

REGISTRATION WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS

Section 10006 prohibits the use of funds to detain any individual in the custody or under the effective control of an element of the intelligence community, including contractors and subcontractors at any tier of the element of the intelligence community, unless the International Committee of the Red Cross is provided notification of the detention of and access to such person in a timely manner and consistent with the practices of the Armed Forces of the United States.

PROHIBITION OF PERMANENT BASES IN IRAQ

Section 10007 prohibits the use of funds to establish a permanent base in Iraq or to exercise United States control over any oil resource of Iraq.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

Section 10008 prohibits the use of funds to negotiate, enter into, or implement any agreement with the Government of Iraq that includes security assurances for mutual defense, unless the agreement is in the form of a treaty requiring the advice and consent of the Senate, or is specifically authorized by a law enacted after the date of enactment of this Act.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

Section 10009 prohibits the use of funds to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the United States Armed Forces to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REQUIREMENT FOR MATCHING FUNDS FROM GOVERNMENT OF IRAQ

Section 10010 prohibits the use of funds for assistance for Iraq, including training, capacity building, and construction and repair of infrastructure, unless the funds are matched by the Government of Iraq on a dollar-for-dollar basis. The provision also requires a new report by the Secretary of Defense on the Budget of the Government of Iraq, to be included in the Secretary's quarterly report on Progress Toward Stability in Iraq.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

Section 10011 requires that, within 90 days of enactment of this Act, the President shall complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq, so that the price of fuel for those forces is equal to the discounted price that is provided for domestic Iraqi consumption. Funds provided under the heading "Operation and Maintenance, Defense-Wide" for the Secretary of Defense or Washington Headquarters Services may not be obligated or expended until such agreement is complete and the President transmits a report on that agreement to the House and Senate Committees on Appropriations. This limitation on funding may be waived by the President upon certification that it is in the national security interests of the United States.

TIMETABLE FOR REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ

Section 10012 provides for the withdrawal of United States Armed Forces from Iraq, beginning within 30 days of enactment of this Act, with a goal of completing such redeployment within 18 months. After completion of the redeployment, U.S. Armed Forces may be deployed to, or maintained in, Iraq only to the extent necessary to carry out the following missions: protecting diplomatic facilities, Armed Forces, and U.S. citizens in Iraq; conducting limited training of, equipping, and providing logistical and intelligence support to Iraqi security forces; and engaging in targeted counterterrorism operations against al-Qaeda, groups affiliated with al-Qaeda, and other terrorist organizations in Iraq.

This section requires the Secretary of Defense to submit to Congress no later than July 1, 2008, and every 90 days thereafter, a report providing a description of current efforts and future plans to reduce and transition U.S. Armed Forces to a limited presence in Iraq. The section also includes a requirement that, within 45 days of enactment of this Act, the Secretary of State shall provide to the House and Senate Committees on Appropriations a strategy for civilian-led post-conflict stabilization and reconstruction assistance for Iraq.

TITLE XI—REFORMS RELATED TO WAR PROFITEERING AND CONTRACTORS

CHAPTER 1—ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS

This chapter extends current law on the wartime suspension of statutory limitations for military contract fraud prosecutions to the wars in Iraq and Afghanistan. It also extends the statute of limitations to five years after the termination of hostilities, instead of three years as provided in current law.

CHAPTER 2—WAR PROFITEERING AND FRAUD

This chapter establishes a new criminal offense to prohibit profiteering and fraud in Federal contracts associated with military actions, relief, and reconstruction efforts overseas. The penalty is a fine of up to $1,000,000 and/or a prison term not to exceed 20 years.

CHAPTER 3—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

This chapter expands the Military Extraterritorial Jurisdiction Act of 2000 to cover all persons employed under Federal contracts and subcontracts where U.S. Armed Forces are conducting overseas military operations. MEJA provides for the prosecution of an offense that would be punishable by imprisonment for more than one year if committed in the U.S. This chapter also designates the Attorney General as the principal authority for investigation and enforcement of the Act.

AMENDMENT NO. 3

TITLE I—MILITARY CONSTRUCTION, VETERANS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The amended bill provides a total of $850,000,000 to remain available until expended for Public Law 480 Title II Grants for fiscal year 2008. The amended bill provides $350,000,000, as requested, for the urgent humanitarian needs identified by the administration. Further, the amended bill provides an additional $500,000,000 for unanticipated cost increases for food and transportation to be made available immediately.

In addition, because the need for urgent humanitarian food assistance and continuing volatility of food and transportation costs are expected to continue into fiscal year 2009, the amended bill provides a total of $395,000,000, as requested, to be made available beginning October 1, 2008.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

The amended bill includes $4,000,000 for the Office of Inspector General. The Inspector

General is directed to continue its audit and oversight activities of the Federal Bureau of Investigation's use of National Security Letters (NSLs) and orders for business records, pursuant to Section 215 of the USA PATRIOT Act.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The amended bill includes $1,648,000 for General Legal Activities for the Criminal Division to provide litigation support services to the Special Inspector General for Iraq Reconstruction for its ongoing investigations and cases involving corruption in the reconstruction of Iraq. The amended bill does not include funding requested to create Iraq and Afghanistan support units within General Legal Activities, Criminal Division. These worthy activities should be supported through funds made available to the departments of State or Defense.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The amended bill includes $5,000,000 for the U.S. Attorneys for extraordinary litigation expenses associated with terrorism prosecutions in the United States.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The amended bill includes $18,621,000 for the U.S. Marshals Service. Within this funding level is $7,951,000 to provide security at high-threat terrorist trials in the United States and $3,700,000 to improve court and witness security in Afghanistan.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The amended bill provides $92,169,000 for the Federal Bureau of Investigation (FBI) for operations in Iraq and Afghanistan and for enhanced counterterrorism activities. The FBI is directed to provide the House and Senate Committees on Appropriations with a detailed plan for the obligation of these funds no later than 30 days after the enactment of this Act and to update this plan on a quarterly basis with actual obligations.

The amended bill also provides $82,600,000 in bridge funding for the FBI to maintain the operations described above into fiscal year 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The amended bill includes $12,166,000 for the Drug Enforcement Administration to further its narco-terrorism initiative and Operation Breakthrough and to conduct financial investigations.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The amended bill includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives for necessary costs of operations in Iraq.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill provides $9,100,000 for the Bureau of Prisons to monitor communications of incarcerated terrorists, collect intelligence, and disseminate relevant information to other Federal law enforcement agencies.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

Iraq.—Central Command has reiterated its intention eventually to consolidate the U.S. force posture in Iraq into four contingency operating bases at Al Asad Air Base, Balad Air Base/Camp Anaconda, Camp Speicher, and Victory Base, as well as four convoy centers at Camp Adder, Korean Village, Qayyarah West, and Scania. The Administration's request has been reviewed for military construction in Iraq to ensure that the recommended projects are consistent with the consolidation plan. The projects included in the amended bill support current operations pursuant to the consolidation plan, as well as force protection and quality of life projects for deployed personnel. Each project request has also been reviewed to ensure consistency with contingency construction standards. The amended bill therefore does not include $183,000,000 for five power plants to replace expeditionary generator sets. The establishment of permanent bases in Iraq is not supported, and the amended bill does not include any funds to establish any such base, or convert any base in Iraq from a temporary to permanent status. The amended bill includes language prohibiting the obligation or expenditure of $533,700,000 provided for Military Construction, Army, and $58,300,000 provided for Military Construction, Air Force, until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for permanent basing of U.S. military personnel in Iraq.

Child Development Centers.—The amended bill recommends a total of $210,258,000 to design and build twenty new child development centers for the Army, Navy, Marine Corps, and Air Force as requested by the Department. The Department should be commended for following the lead of Congress by requesting funds for additional child development centers. The projects included in the amended bill will provide additional space to serve 4,900 children, in addition to the facilities for approximately 3,500 children provided by Congress in the enacted fiscal year 2008 appropriation.

Trainee and Recruit Facilities.—The amended bill recommends a total of $299,600,000 for eight projects providing barracks and other facilities for Army and Marine Corps trainees and recruits. These projects are included to further the eventual elimination of a large backlog of needed recapitalization for trainee and recruit facilities, and to assist the Army and Marine Corps with their efforts to grow and revitalize the force to continue the global war on terrorism.

MILITARY CONSTRUCTION, ARMY

The amended bill recommends $1,432,700,000 for Military Construction, Army. The funds are provided as follows:

[dollars in thousands]

Location	Project description	Request	Amended Bill
AK: Fort Wainwright	Child Development Center (1/)	17,000	17,000
CA: Fort Irwin	Child Development Center (1/)	11,800	11,800
CO: Fort Carson	Child Development Center (1/)	8,400	8,400
CO: Fort Carson	Soldier Family Assistance Center	8,100	8,100
GA: Fort Benning	Classrooms & Battalion Dining Facilities	2/	30,500
GA: Fort Gordon	AIT Complex 1, Phase 1	2/	32,000
GA: Fort Gordon	Child Development Center (1/)	7,800	7,800
GA: Fort Stewart	Soldier Family Assistance Center	6,000	6,000
HI: Schofield Barracks	Child Development Center (1/)	12,500	12,500
KS: Fort Riley	Transitioning Warrior Support Complex	50,000	50,000
KY: Fort Campbell	Child Development Center (1/)	9,900	9,900
KY: Fort Campbell	Soldier Family Assistance Center	7,400	7,400
KY: Fort Knox	Child Development Center (1/)	7,400	7,400
LA: Fort Polk	Soldier Family Assistance Center	4,900	4,900
MO: Fort Leonard Wood	Starbase Complex 6, Phase 1	2/	50,000
NC: Fort Bragg	Child Development Center (1/)	8,500	8,500
NY: Fort Drum	Warrior in Transition Facilities	38,000	38,000
OK: Fort Sill	Child Development Center (1/)	9,000	9,000
SC: Fort Jackson	Student Barracks	2/	27,000
TX: Fort Bliss	Child Development Center (1/)	5,700	5,700
TX: Fort Bliss	Child Development Center (1/)	5,900	5,900
TX: Fort Bliss	Child Development Center (1/)	5,700	5,700
TX: Fort Hood	Child Development Center (1/)	7,200	7,200
TX: Fort Hood	Warrior in Transition Unit Ops Facilities	9,100	9,100
TX: Fort Sam Houston	AIT Barracks	2/	47,000
TX: Fort Sam Houston	Child Development Center (1/)	7,000	7,000
VA: Fort Eustis	AIT Complex 1, Phase 1	2/	50,000
VA: Fort Lee	Child Development Center (1/)	7,400	7,400
Afghanistan: Bagram AB	Administrative Building (1/)	13,800	13,800
Afghanistan: Bagram AB	Aircraft Maintenance Hangar	5,100	5,100
Afghanistan: Bagram AB	Ammunition Supply Point	62,000	62,000
Afghanistan: Bagram AB	Bulk Fuel Storage and Supply, Phase 3	23,000	23,000
Afghanistan: Bagram AB	Bulk Fuel Storage and Supply, Phase 4	21,000	21,000
Afghanistan: Bagram AB	New Roads	27,000	27,000
Afghanistan: Bagram AB	Power Plant	41,000	41,000
Afghanistan: Bagram AB	Theater Internment Facility (1/)	60,000	-
Afghanistan: Ghazni	Rotary Wing Parking	5,000	5,000
Afghanistan: Kabul	Consolidated Compound	36,000	36,000
Afghanistan: Various Locations	Counter IED Road - Route Alaska	16,500	16,500
Afghanistan: Various Locations	Counter IED Road - Route Connecticut	54,000	54,000
Iraq: Al Asad AB	Hot Cargo Ramp	18,500	18,500
Iraq: Al Asad AB	Landfill	3,100	3,100
Iraq: Al Asad AB	Power Plant	40,000	-
Iraq: Al Asad AB	South Airfield Apron (India Ramp)	28,000	28,000
Iraq: Al Asad AB	Urban Bypass Road	43,000	-
Iraq: Baghdad	MNF Embassy Compound (1/)	10,500	-
Iraq: Baghdad IAP	Water Supply, Treatment & Storage Ph III	13,000	13,000
Iraq: Camp Adder	Convoy Support Center Relocation, Phase II	39,000	39,000
Iraq: Camp Adder	Corps Support Center, Phase III (1/)	13,200	-
Iraq: Camp Adder	Entry Control Point (1/)	-	-
Iraq: Camp Adder	Multi-Class Storage Warehouse	17,000	17,000
Iraq: Camp Adder	POL Storage Area	10,000	10,000
Iraq: Camp Adder	Power Plant	39,000	-

Location	Project description	Request	Amended Bill
Iraq: Camp Adder	Wastewater Treatment & Collection System	9,800	9,800
Iraq: Camp Anaconda	Hazardous Waste Incinerator	4,300	4,300
Iraq: Camp Anaconda	Landfill	6,200	6,200
Iraq: Camp Anaconda	Power Plant	39,000	-
Iraq: Camp Anaconda	Urban Bypass Road (1/)	-	-
Iraq: Camp Constitution	Juvenile TIFRIC	11,700	11,700
Iraq: Camp Cropper	Brick Factory	9,500	-
Iraq: Camp Marez	Landfill	880	880
Iraq: Camp Ramadi	Incinerator (1/)	6,200	-
Iraq: Camp Ramadi	Landfill	880	880
Iraq: Camp Speicher	Aviation Navigation Facilities	13,400	13,400
Iraq: Camp Speicher	Landfill	5,900	5,900
Iraq: Camp Speicher	Military Control Point	5,800	5,800
Iraq: Camp Speicher	Power Plant	39,000	-
Iraq: Camp Speicher	Rotary Wing Parking Apron	49,000	49,000
Iraq: Camp Speicher	Wastewater Treatment & Collection Sys. (1/)	-	-
Iraq: Camp Taqqadum	Landfill	880	880
Iraq: Camp Warrior	Landfill	880	880
Iraq: Fallujah	Incinerator (1/)	5,500	-
Iraq: Fallujah	Landfill	880	880
Iraq: Mosul	Urban Bypass Road	43,000	-
Iraq: Qayyarah West	North Entry Control Point	11,400	11,400
Iraq: Qayyarah West	Perimeter Security Upgrade	14,600	14,600
Iraq: Qayyarah West	Power Plant	26,000	-
Iraq: Scania	Entry Control Point	5,000	5,000
Iraq: Scania	Water Storage Tanks	9,200	9,200
Iraq: Tikrit	Urban Bypass Road (1/)	-	-
Iraq: Victory Base	Entry Control Point (1/)	-	-
Iraq: Victory Base	Landfill	6,200	6,200
Iraq: Victory Base	Level 3 Hospital	13,400	13,400
Iraq: Victory Base	Wastewater Treatment & Collection System	9,800	9,800
Iraq: Victory Base	Water Treatment & Storage Phase II	18,000	18,000
Iraq: Various Locations	Facilities Replacement	72,000	72,000
Iraq: Various Locations	Overhead Cover - eGlass	135,000	135,000
Kuwait: Camp Arifjan	Communication Center	30,000	30,000
Worldwide: Unspecified	Planning and Design (GWOT)	64,200	52,800
Worldwide: Unspecified	Planning and Design (WIT)	14,600	14,600
Worldwide: Unspecified	Planning and Design (CDC) (1/)	6,000	6,000
	Total	1,581,500	1,432,700

1/ Requested or deleted by the Dept. of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

2/ The Committee learned through hearings, site visits, and Departmental briefings that trainee and recruit facilities and medical treatment facilities are two high priority areas in dire need of additional funds. The projects included were identified by the Department as high priority projects and were not included at the request of Members of Congress.

Facilities Replacement.—The amended bill recommends $72,000,000 to replace deteriorated expeditionary facilities at a variety of locations throughout Iraq. As CENTCOM has not provided Congress with a final plan for how these funds will be spent, bill language is included prohibiting the obligation or expenditure of these funds until CENTCOM submits a detailed spending plan, including a 1391 form for each project by location.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $423,357,000 for Military Construction, Navy and Marine Corps. The funds are provided as follows:

[dollars in thousands]

Location	Project description	Request	Amended Bill
CA: Camp Pendleton	11th Marine Regiment HQ, Amory, BEQ	34,970	34,970
CA: Camp Pendleton	5th Marine Regiment Addition, San Mateo	10,890	10,890
CA: Camp Pendleton	Armory Intelligence Battalion, 16 Area	4,180	4,180
CA: Camp Pendleton	Armory, Regiment & Battalion HQ, 53 Area	5,160	5,160
CA: Camp Pendleton	BEQ & Mess Hall HQ (13) Area	24,390	24,390
CA: Camp Pendleton	EOD Operations Facility	13,090	13,090
CA: Camp Pendleton	ISR Camp - Intelligence Battalion	1,114	1,114
CA: Camp Pendleton	JIEDDO Battle Courses (1/)	9,270	9,270
CA: Camp Pendleton	Military Police Company Facilities	8,240	8,240
CA: Twentynine Palms	Regimental Combat Team HQ Facility	4,440	4,440
CA: China Lake NAWS	JIEDDO Battle Courses (1/)	7,210	7,210
CA: Point Mugu	JIEDDO Battle Courses (1/)	7,250	7,250
CA: San Diego	Child Development Center (1/)	17,930	17,930
CA: San Diego MCRD	Recruit Barracks	2/	43,200
CA: Twentynine Palms	JIEDDO Battle Courses (1/)	11,250	11,250
FL: Whiting Field NAS	JIEDDO Battle Courses (1/)	780	780
MS: Gulfport NCBC	JIEDDO Battle Courses (1/)	6,570	6,570
NC: Camp Lejeune	Child Development Center (1/)	16,000	16,000
NC: Camp Lejeune	JIEDDO Battle Courses (1/)	11,980	11,980
NC: Camp Lejeune	Maintenance/Operations Complex 2/9	43,340	43,340
SC: Parris Island MCRD	Recruit Barracks	2/	19,900
VA: Yorktown NWS	JIEDDO Battle Courses (1/)	8,070	8,070
Djibouti: Camp Lemonier	CJTF-HOA HQ Facility	29,710	29,710
Djibouti: Camp Lemonier	Dining Facility	20,780	20,780
Djibouti: Camp Lemonier	Fuel Farm (1/)	4,000	4,000
Djibouti: Camp Lemonier	Full Length Taxiway (1/)	15,490	15,490
Djibouti: Camp Lemonier	Network Infrastructure Expansion	6,270	6,270
Djibouti: Camp Lemonier	Water Production	19,140	19,140
Djibouti: Camp Lemonier	Western Taxiway (1/)	2,900	2,900
Worldwide: Unspecified	Planning and Design (GTF)	7,491	7,491
Worldwide: Unspecified	Planning and Design (GWOT)	4,300	4,300
Worldwide: Unspecified	Planning and Design (CDC) (1/)	1,101	1,101
Worldwide: Unspecified	Planning and Design (JIEDDO) (1/)	2,951	2,951
	Total	360,257	423,357

1/ Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

2/ The Committee learned through hearings, site visits, and Departmental briefings that trainee and recruit facilities and medical treatment facilities are two high priority areas in dire need of additional funds. The projects included were identified by the Department as high priority projects and were not included at the request of Members of Congress.

Joint IED Defeat Organization (JIEDDO) Battle Courses.—The amended bill recommends $65,331,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, AIR FORCE

The amended bill recommends $409,627,000 for Military Construction, Air Force. The funds are provided as follows:

[dollars in thousands]

Location	Project description	Request	Amended Bill
CA: Beale AFB	Child Development Center (1/)	17,600	17,600
FL: Eglin AFB	Child Development Center (1/)	11,000	11,000
NJ: McGuire AFB	JIEDDO Battle Courses (1/)	6,200	6,200
NM: Cannon AFB	Child Development Center (1/)	8,000	8,000
Afghanistan: Bagram AB	East Side Helo Ramp	44,400	44,400
Afghanistan: Bagram AB	ISR Ramp	26,300	26,300
Afghanistan: Bagram AB	Parallel Taxiway Phase 2	21,400	21,400
Afghanistan: Bagram AB	Strategic Ramp	43,000	43,000
Iraq: Balad AB	Fighter Ramp	11,000	11,000
Iraq: Balad AB	Foxtrot Taxiway	12,700	12,700
Iraq: Balad AB	Helicopter Maintenance Facilities	34,600	34,600
Kyrgyzstan: Manas AB	Strategic Ramp	30,300	30,300
Oman: Masirah AB	Expeditionary Beddown Site	6,300	6,300
Qatar: Al Udeid AB	Facility Replacements	40,000	40,000
Qatar: Al Udeid AB	Northwest (CAS) Ramp (1/)	60,400	60,400
Worldwide: Unspecified	Planning and Design (GWOT)	35,000	35,000
Worldwide: Unspecified	Planning and Design (CDC) (1/)	1,427	1,427
	Total	409,627	409,627

1/ Requested by the Department of Defense in the March 2008 Adjustments package.

Joint IED Defeat Organization (JIEDDO) Battle Courses.—The amended bill recommends $6,200,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The amended bill recommends $1,009,600,000 for Military Construction, Defense-Wide. The funds are provided as follows:

[dollars in thousands]

Location	Project description	Request	Amended Bill
GA: Fort Benning	Hospital Replacement	1/	350,000
KS: Fort Riley	Hospital Replacement	1/	404,000
NC: Camp Lejuene	Hospital Addition/Alteration	1/	122,000
TX: Fort Sam Houston	Burn Rehabilitation Center	21,000	21,000
Qatar: Al Udeid AB	Logistics Storage Warehouse	6,600	6,600
Worldwide: Unspecified	Planning and Design (MTF)	1/	80,000
Worldwide: Unspecified	Planning and Design (Guam NH)	1/	26,000
	Total	27,600	1,009,600

1/ The Committee learned through hearings, site visits, and Departmental briefings that trainee and recruit facilities and medical treatment facilities are two high priority areas in dire need of additional funds. The projects included were identified by the Department as high priority projects and were not included at the request of Members of Congress.

Medical Treatment Facilities Construction.—There is a great concern with the large backlog of needed recapitalization for medical treatment facilities for military service members and their families. The current Future Years Defense Plan (FYDP) for Tricare Management Activity military construction averages $412,000,000 per year for fiscal years 2009 through 2013, and much of this amount is accounted for by medical research facilities. With the services identifying recapitalization requirements ranging in the several billions of dollars, the current FYDP for medical construction is obviously and severely insufficient. The Department's inventory of medical treatment facilities is riddled with aging hospitals, clinics, and other facilities that do not meet current standards for medical care. Adding to this problem is the fact that several installations are adding thousands of personnel and dependents due to Base Realignment and Closure, the relocation of units from Europe and Korea to the United States, and the Growing the Force initiative that will add 92,000 active duty personnel to the Army and Marine Corps. The amended bill therefore recommends $982,000,000 for additional medical treatment facility construction. These funds will provide for the Army's top two priority hospital replacement projects in the United States as well as a top priority hospital addition/alteration for the Marine Corps. These funds also provide for the planning and design of a new hospital on Guam, the Navy's top priority hospital replacement project.

The Department of Defense is also directed to develop a comprehensive master plan for medical treatment facilities construction, to include both recapitalization and new requirements. This plan shall include a comprehensive priority list of projects for all services, provide a cost estimate for each project, supply data on the current state of facilities and the projected change in demand for services due to growth for each location on the list, indicate the extent to which identified construction requirements are programmed in the FYDP, and indicate the resources required for associated planning and design work. This report shall be submitted to the Committees on Appropriations no later than December 31, 2008.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $11,766,000 for Family Housing Construction, Navy and Marine Corps. The funds are provided as follows:

[dollars in thousands]

Location	Project description	Request	Amended Bill
CA: Camp Pendleton	Public-Private Venture, Phase 6B	10,692	10,692
CA: Twentynine Palms	Public-Private Venture, Phase 2A	1,074	1,074
	Total	11,766	11,766

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The amended bill recommends $1,354,634,000 for Department of Defense Base Closure Account 2005 instead of $1,202,886,000 as requested by the Administration. The amount provided fully funds the Administration's request to expedite medical facility construction at Bethesda and Fort Belvoir, and in addition provides $938,724,000 to fully fund the fiscal year 2008 budget for BRAC 2005.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

The amended bill recommends $100,000,000 for General Operating Expenses to implement the provisions of title III of this Act.

INFORMATION TECHNOLOGY SYSTEMS

The amended bill recommends $20,000,000 for Information Technology Systems to implement the provisions of title III of this Act, including support for any personnel increases within the Veterans Benefits Administration.

GENERAL PROVISION, THIS CHAPTER

The amended bill includes a general provision related to the Armed Forces Institute of Pathology.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

INTRODUCTION

The budget request totals $5,073,608,000 in emergency supplemental funds for fiscal year 2008, and the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) provided $1,473,800,000 for immediate requirements. The amended bill provides for Department of State and Foreign Operations a total of $5,073,608,000, the same as the pending budget request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS.

The budget request included $2,283,008,000 for Diplomatic and Consular Programs, of which $575,000,000 was appropriated in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for operations and security at the United States Embassy in Iraq.

The amended bill includes $1,606,808,000 for Diplomatic and Consular Programs, which is $101,200,000 below the pending request. Within the amount provided, $210,508,000 is for worldwide security protection. Funds for diplomatic and consular programs are to be allocated as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

[$ in thousands]

Activity	Pending request	Amended bill	Change from request
Iraq Diplomatic Operations	1,545,608	1,295,000	−250,608
Afghanistan—Operations and Worldwide Security Protection	162,400	205,200	42,800
Pakistan—Operations	0	7,500	7,500
Western Hemisphere Travel Initiative	0	1,000	1,000
Global Worldwide Security Protection	0	48,108	48,108
Civilian Workforce Initiative	0	50,000	50,000
Total, Diplomatic and Consular Programs	1,708,008	1,606,808	−101,200

Afghanistan.—Within the total, the amended bill includes $205,200,000, which is $42,800,000 above the request, and is for necessary expenses for diplomatic and security operations in Afghanistan. Of this amount, $162,400,000 is for enhanced security operations, including additional high threat protection teams, increased overhead cover and physical security measures, replacement of armored vehicles, and local guard service. In addition, $24,000,000 is for the establishment of a Department of State-managed air transport capability in Afghanistan for Department of State and United States Agency for International Development (USAID) personnel to manage country programs, provide support for medical evacuation and other security-related operations. Finally, $18,800,000 is for support of operations and personnel for Provincial Reconstruction Teams (PRTs) in Afghanistan.

Pakistan.—The amended bill includes $7,500,000 for operations, security, and personnel engaged in diplomatic activities aimed at promoting economic development and political change in the Federally Administered Tribal Areas (FATA) along the Pakistan and Afghanistan border.

Iraq.—Within the total, $1,295,000,000 is for the diplomatic and security operations of the United States Mission in Iraq, which is $250,608,000 below the pending request. The cost of operations of the United States Embassy in Iraq totals $2,286,000,000 for fiscal year 2008 including $1,295,000,000 provided in this Act, $575,000,000 provided as bridge funding in Public Law 110–161 and $416,000,000 in funds carried over from prior year appropriations. Of that amount, nearly $900,000,000 is for supporting security requirements for diplomatic and development personnel in Iraq. The amended bill includes funding for mission operations, security, logistics support, information technology and operations of PRTs. Congress has provided an additional $196,543,000 since fiscal year 2006 for additional facilities requirements identified by the Department of State, as follows: extend the perimeter wall; construct a dining facility; construct additional housing; construct a tactical operations center for Diplomatic Security; construct a static guard camp; and construct overhead cover. The actual cost of building the New Embassy Compound (NEC) has reached a total of $788,543,000 to date.

The number of permanent and temporary personnel assigned to Iraq, with the exception of USAID, should be decreased to accommodate all personnel within the NEC and any improvements can be made with previously appropriated funds. USAID will play a critical role in assisting the Government of Iraq in effectively allocating its budgetary resources.

The additional $43,804,000 requested for follow-on projects for the NEC in Baghdad is not included. At least $77,027,000 in prior year funding programmed for follow-on projects is available for obligation and these funds should be used to provide secure housing for a smaller number of personnel.

None of the funds provided under this heading in this Act shall be made available for follow-on projects, other than the proposed funding for overhead cover. The Department should include a detailed plan for the use of funds for follow-on projects as part of the spending plan required by this Act.

Due to an extended accreditation and verification process and the addition of follow-on projects, occupancy of the NEC offices and housing has been delayed. This rigorous process to address and validate whether the NEC was constructed to code and contract specifications was supported. Now that the process is complete, direct occupancy of the offices and housing should proceed without delay in order to provide the maximum protection to United States personnel.

The benefits of co-location of the Departments of State and Defense in the NEC are recognized. However, the proposed New Office Building (NOB) and the Interim Office Building (IOB) reconfigurations are projected to delay occupancy of NEC offices by up to one year. Given the difficult security environment in Baghdad, this lengthy delay is not acceptable. The Departments of State and Defense are expected to consult with the Committees on Appropriations on options for moving forward with limited co-location plans in the most accelerated, secure, and cost effective manner. Any future construction in Iraq shall be subject to the Capital Security Cost Sharing Program, in the same manner as all other embassy construction projects worldwide.

There is a concern that private security contractors have been relied upon without the necessary authority, oversight, or accountability. The Department of State is directed to provide a report to the Committees on Appropriations not later than 45 days after enactment of this Act on the implementation status of each of the recommendations of the October 2007 report of the Secretary of State's Panel on Personal Protective Services. The Department of State is encouraged to aggressively review security procedures and seek the necessary authority to ensure that increased security is achieved.

Sudan.—The amended bill includes resources to support the diplomatic mission in Sudan including the United States Special Envoy for Sudan.

Local Guard Forces-Worldwide Security Protection.—The amended bill also includes $48,108,000 above the request for global worldwide security protection. The amount provided is available to restore 100 positions in the global diplomatic security guard force that were redirected to Iraq to address urgent security requirements for United States personnel elsewhere in the world.

Civilian Workforce Initiative.—The amended bill includes $50,000,000 to increase the civilian diplomatic capacity of the Department of State to meet the increasing and complex demands of diplomacy in the 21st century. Within the total, $30,000,000 is for the initial development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction challenges and $20,000,000 is to strengthen capabilities of the United States diplomatic corps and promote broader engagement with the rest of the world, including expanding training and enhanced interagency collaboration.

The amended bill includes funds to replace Foreign Service positions worldwide which were previously moved to Iraq and to increase the number of positions participating in critical needs foreign language training. The Department of State has transferred approximately 300 Foreign Service positions from embassies around the world to Iraq and to associated language training, leaving key posts understaffed. These funds are to be used to support United States foreign policy in priority, understaffed regions, particularly South and East Asia, the Western Hemisphere, and Africa.

Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and to enhance operations of the Office of the Coordinator for Reconstruction and Stabilization. In addition to the funds provided to the Department of State,

$20,000,000 is appropriated in this Act under the heading, "Operating Expenses of the United States Agency for International Development" to implement the USAID portion of the civilian stabilization initiative. The funding request for the Civilian Response Corps will be considered as part of the fiscal year 2009 appropriations process and none of the funds provided in this Act are to be used to implement the civilian response corps portion of the initiative.

Middle East Peace Process.—The diplomatic operations that accompany the Middle East peace process are supported in fiscal year 2008. The Department of State should consult with the Committees on Appropriations on the use of funds for this purpose.

Directorate of Defense Trade Controls.— Increased demands on the Directorate of Defense Trade Controls' Office of Defense Trade Controls Licensing have led to delays in license processing. The Secretary of State is directed to review the workload demands and staffing needs of the office and report any recommendations to the Committees on Appropriations not later than 45 days after enactment of this Act.

Western Hemisphere Travel Initiative.—The amended bill includes not less than $1,000,000 to expand public outreach efforts related to implementation of the Western Hemisphere Travel Initiative (WHTI). With WHTI implementation occurring as early as June 2009, there is concern about the lack of a comprehensive, coordinated plan between the Department of State, the Department of Homeland Security, and the United States Postal Service to broadly disseminate information to the traveling public concerning the final WHTI implementation requirements at the nation's land and seaports. The Department of State is encouraged to provide significantly increased outreach to border communities, including through radio, print media, and additional passport fairs.

Buying Power Maintenance Account.—The amended bill includes authority to transfer funds available in this Act, and in a prior Act, to the Buying Power Maintenance Account in accordance with section 24 of the State Department Basic Authorities Act, to manage exchange rate losses in fiscal year 2008.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes an additional $7,500,000 for Office of Inspector General at the Department of State, which is $7,500,000 above the pending request. Of the total, $5,000,000 is to enhance the Department of State Inspector General's oversight of programs in Iraq and Afghanistan, and $2,500,000 is for operations of the Special Inspector General for Iraq Reconstruction (SIGIR).

The Inspectors General of USAID, the Department of State, the Department of Defense, the Government Accountability Office, SIGIR, and the Special Inspector General for Afghanistan Reconstruction, to the maximum extent practicable, should coordinate and de-conflict all activities related to oversight of security, stability, and reconstruction programs in Iraq and Afghanistan. The Department of State or the USAID Office of Inspector General should be designated as the lead for any investigations or audits of worldwide programs as they relate to the specific programs in Iraq or Afghanistan.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes $76,700,000 for urgent embassy security, construction, and maintenance costs, which is $83,300,000 below the request. The funds are to construct 300 secure apartments and a secure office building, including the necessary perimeter security, utility, and dining facilities, for United States Mission staff in Afghanistan. Currently, there are a small number of permanent construction apartments and the majority of diplomatic and Mission personnel live in structures with limited protection. Additional funds for this purpose are provided in subchapter B.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $53,000,000 for Contributions to International Organizations, which is for United States contributions to the UN Assistance Mission in Afghanistan and the UN Assistance Mission in Iraq, as requested.

The Department of State is directed, not later than 45 days after enactment of this Act, to provide a report to the Committees on Appropriations detailing total United States-assessed contributions, any arrears from prior years and potential arrears for fiscal years 2008 and 2009 for each of the organizations funded under this heading.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The budget request included $723,600,000 for Contributions for International Peacekeeping Activities, of which $390,000,000 of funds designated as an emergency was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for the United States Contribution to the United Nations/African Union hybrid peacekeeping mission to Darfur (UNAMID).

The amended bill includes $333,600,000 for UNAMID, which is the same as the request.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

The budget request included $80,000,000 for International Disaster Assistance. The State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) provided $110,000,000 for emergency humanitarian requirements.

The amended bill includes $200,000,000 for International Disaster Assistance, which is $200,000,000 above the pending request. These funds should be used to respond to urgent humanitarian requirements worldwide, including in countries severely affected by the international food crisis.

The amended bill also includes funds under this heading and the heading "Development Assistance" in subchapter B to help address the international food crisis. Programs should address both rural and urban food requirements. Funds are also available to augment humanitarian assistance to those affected by Cyclone Nargis in Burma, and the recent earthquake in China.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The budget request included $61,800,000 for Operating Expenses of the United States Agency for International Development, of which $20,800,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for operations in Iraq.

The amended bill includes $142,000,000 for Operating Expenses of the United States Agency for International Development.

Of the funds provided under this heading, the amended bill includes $41,000,000 to continue support for security needs in Iraq and Afghanistan, which is the same as the request. In addition, $31,500,000 is included to increase support for staffing, security, and operating needs in Afghanistan and Sudan, and $19,500,000 in Pakistan.

The amended bill also includes $20,000,000 to support the development of the Active and Standby Response Corps portion of the Civilian Stabilization Initiative and none of the funds provided in this Act may be used to develop the Civilian Response Corps. Additional funding for this initiative is provided in the "Diplomatic and Consular Programs" account for the Department of State portion of the initiative.

In addition, the amended bill includes $30,000,000 to enable USAID to hire above attrition in fiscal year 2008. The Administration's request for fiscal year 2009 includes $92,000,000 for hiring 300 USAID foreign service officers as part of a three-year initiative. Funding provided in this Act is intended to support the hiring of at least 85 additional Foreign Service officers in fiscal year 2008 in order to begin rebuilding the capacity of the Agency to carry out its mission. USAID is directed to consult with the Committees on Appropriations on the use of these funds and to recruit mid-career personnel. As USAID seeks to strengthen its workforce, USAID is encouraged to consult with the Department of Defense on ways to benefit from the experience of retiring officers.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF THE INSPECTOR GENERAL

The amended bill includes an additional $4,000,000 for the United States Agency for International Development Office of Inspector General to support increased oversight of programs in Iraq and Afghanistan.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The budget request included $2,217,000,000 for Economic Support Fund (ESF), of which $208,000,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for emergency requirements in the West Bank and in North Korea, as requested.

The amended bill includes a total of $1,747,000,000 for ESF. Of the funds requested under ESF, $75,000,000 is provided under the heading Democracy Fund for political development programs for Iraq. Funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[$ in thousands]

Country and region	Amended bill
Iraq	440,000
Afghanistan	859,000
Mexico	20,000
Central America	15,000
West Bank	100,000
North Korea	53,000
Jordan	150,000
Sudan	45,000
Africa	40,000
Bangladesh	25,000
Total	1,747,000

Iraq.—The amended bill includes $440,000,000 for Iraq, which is $357,000,000 below the request. The sums provided should enable the Department of State and USAID to continue programs in Iraq through the end of fiscal year 2008 and into the first two quarters of fiscal year 2009.

After providing more than $45,000,000,000 to help rebuild Iraq, the United States should seek to reduce bilateral assistance levels, and correspondingly to reduce the number of Department of State personnel involved in the reconstruction effort who are located in Iraq. Continued United States assistance for Iraq is supported, but the Government of Iraq is required to match such assistance dollar-for-dollar, with certain exceptions.

Funds provided for Iraq are to be allocated as follows:

IRAQ PROGRAMS

[$ in thousands]

Activity	Pending FY 2008 request	Amended bill	Change from request
Provincial Reconstruction Teams (PRTs) ...	165,000	140,000	−25,000
Provincial Reconstruction Development Councils	100,000	85,000	−15,000
Local Governance Program	65,000	55,000	−10,000
Community Stabilization Program (CSP)	155,000	100,000	−55,000
Community Action Program (CAP)	0	75,000	75,000
Infrastructure Security Protection for Oil, Water and Electricity	70,000	0	−70,000
Operations and Maintenance of Key USG-Funded Infrastructure	134,000	10,000	−124,000
Iraqi-American Enterprise Fund	25,000	0	−25,000
Provincial Economic Growth (including Agriculture and Microfinance)	0	40,000	40,000
National Capacity Development	248,000	70,000	−178,000
Marla Fund	0	5,000	5,000
Total	797,000	440,000	−357,000

Community Action Program (CAP).—The amended bill includes $75,000,000 for continued support for the Community Action Program.

Community Stabilization Program (CSP).—Within the amount provided for Iraq, $100,000,000 is for the CSP, which is $55,000,000 below the request. Recent findings of a March 18, 2008 USAID Inspector General audit (E-267-08-001-P) of possible fraud and misuse of some of the funds under this program are of concern. Therefore the amended bill withholds 50 percent of funding until the Secretary of State certifies and reports that USAID is implementing recommendations contained in the audit to ensure proper use of funds.

Enterprise Fund.—The amended bill includes no funding for an enterprise fund for Iraq and includes a general provision specifically denying the establishment of such an enterprise fund from this or any prior Acts.

Infrastructure Security Protection for Oil, Water, and Electricity.—The amended bill does not include funding for these functions, which should be supported by the Government of Iraq.

Operations and Maintenance of Key U.S. Government-Funded Infrastructure.—The amended bill includes $10,000,000 for Operations and Maintenance of key United States government-funded infrastructure, which is $124,000,000 below the request. These functions should be funded by the Government of Iraq and this Act includes sufficient funding to allow the United States to provide technical assistance and training. In addition, the amended bill conditions the funds on the signing and implementation of an asset transfer agreement between the United States and Iraq.

Marla Ruzicka Iraqi War Victims Fund.—The amended bill includes $5,000,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

Provincial Economic Growth.—The amended bill includes $40,000,000 for provincial economic growth activities, of which $10,000,000 should be available for programs to assist vulnerable Iraqi minority groups, including Christians. The Secretary of State should designate staff at United States Embassy Baghdad to oversee and coordinate such assistance.

National Capacity Development (NCD).—Within the amount provided in ESF for Iraq, $70,000,000 is provided for NCD, which is $178,000,000 below the request.

Afghanistan.—The amended bill includes $859,000,000 in ESF for Afghanistan, which is $25,000,000 above the request.

USAID is directed to review its reconstruction efforts in Afghanistan; focus its assistance, including capacity building, through local Afghan entities; give greater attention to accountability and monitoring to minimize corruption; and emphasize programs which directly improve the economic, social, and political status of Afghan women and girls. Funds provided for Afghanistan are to be allocated as follows:

AFGHANISTAN PROGRAMS

[$ in thousands]

Activity	Pending FY 2008 request	Amended bill	Change from request
Roads	329,000	200,000	−129,000
Power	175,000	150,000	−25,000
Trade and Investment ..	5,000	7,000	2,000
Rural Development/Alternate Livelihoods ..	0	65,000	65,000
Governance and Capacity Building	275,000	230,000	−45,000
2009 Elections	100,000	70,000	30,000
Provincial Reconstruction Teams (PRTs)/Provincial	0	50,000	50,000
Health and Education ..	50,000	75,000	25,000
Civilian Assistance Program	0	10,000	10,000
NATO Fund	0	2,000	2,000
Total	834,000	859,000	25,000

Roads.—The amended bill includes $200,000,000 for roads, which is $129,000,000 below the request. An additional $300,000,000 for road construction in Afghanistan has been requested through the Department of Defense under the Commanders Emergency Response Program.

Power.—The amended bill includes $150,000,000 for power, which is $25,000,000 below the request. The request includes funding for gas and diesel power projects and there is a concern that diesel generators are costly to maintain and will exacerbate Kabul's already heavily polluted air. The completion of the north-south transmission line to enable Afghanistan to purchase electricity from its northern neighbors for distribution to other areas of the country is supported. Funding for the Northern Electrical Power System or the Shebergan Gas-Fired Plant is not included.

The World Bank should play a larger role in financing such infrastructure projects. It is noted that Afghanistan has considerable potential for small hydro and solar power development to service Afghanistan's many remote communities that have no other access to electricity, and directs that not less than $15,000,000 of the funds be used for renewable energy projects in rural areas.

Rural Development and Alternative Livelihoods.—The amended bill includes $65,000,000 for rural development and alternative livelihood programs and an additional $65,000,000 for counternarcotics under the "International Narcotics Control and Law Enforcement" account to expand and scale up counternarcotics programs in Afghanistan. The Administration did not request funding for counternarcotics. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

Provincial Reconstruction Teams.—The amended bill provides $50,000,000 for PRTs in Afghanistan. The Administration did not request funds for this purpose.

Governance and Capacity Building.—The amended bill provides $230,000,000 for governance and capacity building programs, which is $45,000,000 below the request, to fund rule of law, human rights, local and national capacity building, and elections assistance. Of the amounts provided, not less than $65,000,000 shall be for the National Solidarity Program to support small-scale development initiatives; and not less than $70,000,000 shall be for preparations for the 2009 elections. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

Civilian Assistance.—The amended bill includes $10,000,000 for USAID's Afghan Civilian Assistance Program to continue assistance for civilians who have suffered losses as a result of the military operations, and $2,000,000 for the NATO/ISAF Post-Operations Humanitarian Relief Fund.

Pakistan.—The amended bill does not include $60,000,000 requested for Pakistan. These needs are addressed in funding appropriated in the fiscal year 2009 bridge.

Jordan.—The amended bill includes $150,000,000 for economic assistance to Jordan, which is $150,000,000 above the request. The government of Jordan remains a key ally and has played a leading role in supporting peace initiatives in the Middle East. Programming of these resources should be done in consultation with the Government of Jordan and refugee relief organizations and should be used to meet the needs of Iraqi refugees.

West Bank.—The amended bill includes not more than $100,000,000 for economic assistance for the West Bank, which is $95,000,000 below the request. The Administration has an unobligated balance of $120,000,000 for economic assistance for the West Bank from funds appropriated in prior acts. The additional sums appropriated in this Act will provide sufficient resources to continue programs for an additional year at the current rate of expenditure. The Department of State is directed to provide a report to the Committees on Appropriations not later than 90 days after the enactment of this Act on how United States economic assistance for the West Bank supports the larger Palestinian Reform and Development Plan as well as a description of other donor support of this plan. The report should describe how assistance from the United States and other donors will improve conditions in the West Bank, including through job creation and housing programs.

Sudan.—The amended bill includes $45,000,000 for assistance for Sudan to support election-related activities.

Africa.—The amended bill includes $40,000,000 for assistance for Africa to address political transitions in Kenya, Zimbabwe, the Democratic Republic of the Congo, northern Uganda, and eastern Chad.

Mexico.—The amended bill includes $20,000,000 for assistance for Mexico for institution building and support of civil society. Funding for these purposes was requested through the International Narcotics and Law Enforcement (INCLE) account. The amended bill includes $5,000,000 for human rights training for police, prosecutors, and prison officials; $3,000,000 for victim and witness protection; and $3,000,000 to support NGOs and civil society. The amended bill also includes $5,000,000 for a literacy program for local police. USAID is encouraged to work with non-governmental organizations, civil society, and local police to replicate the literacy program being implemented in Nezahualcoyotl, Mexico. The amended bill also includes funding for the Office of the UN High Commissioner for Human Rights in Mexico. The Department of State is directed to work with the UN and civil society organizations in Mexico to promote respect for international human rights at all levels of the Mexican Government.

Central America.—The amended bill includes $15,000,000 for Central America in fiscal year 2008, in addition to funds otherwise made available for assistance for countries in Central America for a program to be called the "Economic and Social Development Fund for Central America", to be administered by USAID, in consultation with the Department of State. The purpose of the program is to promote economic and social development and good governance in targeted, low-income areas, including rural communities, where people are particularly vulnerable to drug trafficking and related violent crime. These funds should support programs that emphasize community initiatives and public-private partnerships. United States funds should be matched with contributions from public and private sources to the maximum extent practicable. USAID is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

North Korea.—The amended bill includes up to $53,000,000 for assistance for North Korea in support of the goals of the Six-Party talks, which is the same as the request. This is in addition to the $53,000,000 appropriated in division J of Public Law 110–161. The recommendation also includes a proviso conditioning the obligation of the assistance for North Korea on the Secretary of State reporting to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under the Six-Party Talks agreements.

Bangladesh.—The amended bill includes $25,000,000 for assistance for Bangladesh for cyclone recovery and reconstruction assistance.

DEPARTMENT OF STATE

DEMOCRACY FUND

The amended bill includes $75,000,000 for Democracy Fund programs, requested under the heading "Economic Support Fund", for democracy activities in Iraq. These funds are intended to be made available through non-governmental organizations, including the National Endowment for Democracy and the United States Institute for Peace.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $419,300,000 for International Narcotics Control and Law Enforcement activities in Afghanistan, Iraq, Mexico, Central America, Haiti, the Dominican Republic, and the West Bank, which is $314,700,000 below the request.

Iraq.—The amended bill provides $85,000,000 for Iraq for justice and rule of law programs, which is $74,000,000 below the request. Funding for prison construction is not included.

Afghanistan.—The amended bill includes $65,000,000, which is $65,000,000 above the request, to accelerate and expand programs to strengthen counternarcotics efforts, to improve the training of the Afghan police, including border police, to advance the development of institutional capacity professionalism of the justice sector, and to help facilitate cooperation between the police and the judiciary at both the national and regional levels. The Department of State is directed to report to the Committees on Appropriations not later than 180 days after enactment of this Act on the level of counternarcotics cooperation by the Government of Afghanistan at the national and regional level and should detail, nationally and by province, the steps that the Government of Afghanistan is taking to arrest and prosecute leaders of Afghan drug cartels; disarm and disband private militias; and end corruption among national and provincial police forces.

Central America.—The amended bill includes $29,300,000 for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and an additional $5,000,000 for Haiti and the Dominican Republic under the Merida Initiative. Although funding was requested only through the INCLE account, funding for the Merida Initiative is provided in the accounts from which such activities are traditionally funded. The amended bill provides funding for specialized police training and non-lethal equipment to strengthen the law enforcement and criminal justice institutions for the purpose of combating drug trafficking and related violent crime and increasing the capacity and professionalism of Central American police forces. The impunity within the military and police forces of several of these countries is of concern, and their justice systems are corrupt and ineffective. There is a concern that United States assistance may be wasted or misused and therefore the Secretary of State is directed to submit a report, prior to the obligation of funds, on mechanisms in place to ensure adequate monitoring of funds.

The Secretary of State is directed to submit a report not more than 90 days after enactment of this Act detailing efforts by the Guatemalan Government to propose and promote legislation to raise the necessary revenues in Guatemala to fund comprehensive judicial and law enforcement reform.

The omission of Haiti and the Dominican Republic from the request for the Merida Initiative makes it more likely that these vulnerable countries would become increasingly favored transit routes for drug traffickers. The amended bill includes $2,500,000 for Haiti and $2,500,000 for the Dominican Republic as part of the Merida Initiative to support counternarcotics and border security programs, and institution-building and rule of law programs.

Mexico.—There is a shared responsibility between the United States and Mexico to combat drug trafficking and related violent crime. The amended bill supports a cooperative partnership between Mexico and the United States and supports coordinated security. The amended bill includes $210,000,000 to enable the Government of Mexico to expand and modernize its immigration database and document verification system, establish secure communications for Mexican national security agencies, procure non-intrusive inspection equipment, and support interdiction efforts as well as institution- building. The amended bill includes $10,000,000 for demand reduction and drug rehabilitation activities; $3,000,000 to provide technical and other assistance to enable the Government of Mexico to put into service a unified national police registry; and not more than $24,000,000 for program development and support.

Corruption and impunity within Mexico's armed forces and police are pervasive. Additionally, Mexican law enforcement and intelligence agencies have frequently persecuted legitimate groups for engaging in peaceful dissent. Recommendations of the National Human Rights Commission are often ignored and investigations of violations of human rights by Mexican military and police forces rarely result in convictions. Therefore, the Secretary of State is directed to report to the Committees on Appropriations prior to the obligation of assistance that mechanisms are in place in order to ensure proper vetting of recipients of United States assistance. Additionally, the amended bill provides resources to ensure a comprehensive database for vetting military and police forces shall be established by the United States Embassy in Mexico City and continually updated.

There is concern with the failure to investigate and prosecute the police officers responsible for human rights violations, including rape and sexual violence against women, at San Salvador Atenco on May 3-4, 2006, and in Oaxaca between June and December 2006. These and other such violations by members of the Mexican armed forces and police forces have been documented and require thorough, credible and transparent investigation and prosecution by the Mexican Attorney General. Additionally, the state and Federal investigations into the October 27, 2007, killing in Oaxaca of American citizen Bradley Will have been flawed and the Secretary of State is directed, not later than 45 days after enactment of this Act and 120 days thereafter, to submit a report to the Committees on Appropriations detailing progress in conducting a thorough, credible, and transparent investigation to identify the perpetrators of this crime and bring them to justice. The Department of State should work with relevant Federal government agencies of the United States to assist in the investigation of this case.

West Bank.—The amended bill includes $25,000,000 for ongoing training of vetted units of the Palestinian National Security Forces, which is the same as the request.

MIGRATION AND REFUGEE ASSISTANCE

The budget request included $230,000,000 for Migration and Refugee Assistance, of which $200,000,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for emergency refugee requirements in Iraq and the West Bank.

The amended bill includes $300,000,000 for Migration and Refugee Assistance, which is $270,000,000 above the pending request. Funds should be made available to meet unmet global refugee needs, including to assist Iraqi refugees in Jordan, Syria, Lebanon, Egypt, and the surrounding region, as well as internally displaced persons in Iraq. Funds may also be used, if necessary, for the admissions costs of Iraqis granted special immigrant status under the Special Immigrant Visa program authorized by the National Defense Authorization Act of 2008. In addition, funds may be used to offset administrative costs associated with the expanded requirements of the Iraqi refugee program, in consultation with the Committees on Appropriations.

The humanitarian crisis involving Iraqi refugees and internally displaced persons is of concern and the Government of Iraq has dedicated insufficient resources to assist this most vulnerable segment of the Iraqi population. The Department of State is directed to urge the Government of Iraq to provide a substantial increase in funding for humanitarian assistance to the Iraqi refugee population residing in the region and within the country. In addition, the Secretary of State should ensure that the Senior Coordinator for Iraqi Refugee Issues gives particular attention to the needs of vulnerable minority groups, including ethnic and religious minorities.

The welfare and security of the 7,900 Lao Hmong in the Thai military camp in Petchaboon, northern Thailand is of concern and the Government of Thailand is urged to support a transparent screening process to identify those who have a legitimate fear of return to Laos. Any attempt to force the return of Hmong refugees to Laos is strongly opposed.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The amended bill includes $25,000,000 for the United States Emergency Refugee and Migration Assistance Fund to prevent depletion of this emergency fund.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The amended bill includes $11,200,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs, which is $6,200,000 above the request.

Of these funds, $5,000,000 is for presidential protective service support in Afghanistan, which is the same as the request.

Central America.—The amended bill also includes $6,200,000 for the Merida Initiative for the countries of Central America, which is $6,200,000 above the request. Although funding for these purposes was requested only through the INCLE account, funding has been provided in the NADR account, from which such activities are traditionally funded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $72,500,000 for Foreign Military Financing Program, which is $72,500,000 above the request.

Central America.—The amended bill includes $6,000,000 to augment the ongoing naval cooperation program and maritime security assistance of Operation Enduring Friendship. Funds are provided to strengthen the ability of the countries of Central America to secure their maritime domains, and complement existing regional systems and programs to improve maritime security and interdiction capabilities.

Mexico.—The amended bill includes $66,500,000 in support of a gradual strengthening of military-to-military cooperation between the United States and Mexico.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

The budget request totals $3,605,000,000 in emergency supplemental funds for fiscal year 2009. The amended bill provides a total of $3,600,000,000 for the Department of State, Foreign Operations, and related programs for fiscal year 2009 emergency supplemental requirements, which is $5,000,000 below the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The amended bill includes $737,900,000 for Diplomatic and Consular Programs. Within this amount, $78,400,000 is available for worldwide security protection and not more than $581,500,000 is available as a bridge fund for Iraq operations.

To meet increased security and personnel requirements, the amended bill includes $91,400,000 for Afghanistan, $7,000,000 for Pakistan, $3,000,000 for Somalia, and $15,000,000 for Sudan. In addition, the amended bill includes $40,000,000 to continue the support of new positions to develop language and other critical skills of the diplomatic corps and for civilian post-conflict stabilization initiatives.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $57,000,000 for the Office of the Inspector General at the Department of State, of which $5,500,000 is to continue oversight of programs in Iraq and Afghanistan.

Special Inspector General for Iraq Reconstruction (SIGIR).—The amended bill includes $46,500,000 for the SIGIR for continued oversight of United States reconstruction programs in Iraq, as authorized by section 3001 of Public Law 108–106.

Special Inspector General for Afghanistan Reconstruction (SIGAR).—The amended bill includes $5,000,000 for the SIGAR, for which no funds were requested, and which is authorized by section 1229 of Public Law 110–181. Such funds shall be used for oversight of United States reconstruction programs in Afghanistan. None of the funds shall be used to duplicate investigations that have been conducted or to support offices or systems of inspectors general at the Department of State or USAID. The SIGAR should co-locate staff and "back office" support systems with other inspectors general to the extent feasible.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes $41,300,000 for urgent embassy security, construction and maintenance costs. Funds should be used to construct safe and secure office space for the increasing number of diplomatic and development personnel living and working in Kabul, Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $75,000,000 for Contributions to International Organizations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The amended bill includes $150,500,000 for Contributions for International Peacekeeping Activities to fund the Administration's revised estimate of the United States-assessed contribution to international peacekeeping.

RELATED AGENCIES

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTNG OPERATIONS

The amended bill includes $8,000,000 for International Broadcasting Operations.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

GLOBAL HEALTH AND CHILD SURVIVAL

The amended bill includes $75,000,000 for Global Health and Child Survival to continue programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

Food Security Initiative.—The amended bill includes $200,000,000 for Development Assistance, which is for a new Food Security Initiative to promote food security in countries affected by significant food shortages, including programs to assist farmers to increase crop yields. Of this amount, up to $50,000,000 should be used for local and regional purchase. The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, on the proposed uses of funds to alleviate starvation, hunger, and malnutrition overseas, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

The amended bill includes $200,000,000 for International Disaster Assistance to meet urgent humanitarian requirements worldwide, including support for critical needs in Bangladesh. A portion of these funds should be used for assistance for internally displaced persons in Iraq and Afghanistan. In addition, funds are available under this heading to assist in the response to the international food crisis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The amended bill includes $93,000,000 for Operating Expenses of the United States Agency for International Development to address staffing, security, and operating needs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes $1,000,000 for Operating Expenses of the United States Agency for International Development Office of Inspector General.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The amended bill includes $1,147,300,000 for Economic Support Fund. The amended bill includes funding to address critical health, economic, and security needs. These funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[$ in thousands]

Country and region	Amended bill
Iraq	100,000
Afghanistan	455,000
Pakistan	175,000
West Bank	150,000
North Korea	15,000
Jordan	100,000
Sudan	25,000
Democratic Republic of the Congo	10,000
Kenya	25,000
Uganda	15,000
Zimbabwe	15,000
Chad	5,000
Central African Republic	2,000
Bangladesh	50,000
Burma	5,300
Total	1,147,300

Funds made available for Burma should be used for humanitarian programs along the Thai-Burma border.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $204,500,000 for International Narcotics Control and Law Enforcement activities in Iraq, Afghanistan, the West Bank, Mexico, and Africa.

MIGRATION AND REFUGEE ASSISTANCE

The amended bill includes $350,000,000 for Migration and Refugee Assistance. Funds are available to respond to urgent humanitarian and refugee admissions requirements, including those involving refugees from Iraq, Afghanistan, and central Africa.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The amended bill includes $4,500,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs, for humanitarian demining in Iraq.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $170,000,000 for the Foreign Military Financing Program, of which $100,000,000 is for assistance for Jordan and up to $50,000,000 is for assistance for Mexico.

PEACEKEEPING OPERATIONS

The amended bill includes $85,000,000 for Peacekeeping Operations for programs in Africa to address needs beyond those projected in the fiscal year 2009 budget request, including for Darfur.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

EXTENSION OF AUTHORITIES

Section 1401 extends certain authorities necessary to expend Department of State and foreign assistance funds.

AFGHANISTAN

Section 1402 imposes certain conditions and limitations on assistance for Afghanistan and requires a report.

WEST BANK

Section 1403 directs the Department of State to provide a report to the Committees on Appropriations not later than 90 days after enactment of this Act, and 180 days thereafter, on the Palestinian security assistance program.

MEXICO

Section 1404 sets a ceiling on funding for Mexico at $400,000,000 and provides funding in the accounts through which such activities are traditionally funded. The provision also provides a restriction on the use of funding for budget support or cash payments and includes a limitation of 25 percent of the funding provided under the headings "Foreign Military Financing Program" and "International Narcotics Control and Law Enforcement" to the armed forces and police until the Secretary of State certifies certain conditions have been met.

CENTRAL AMERICA

Section 1405 sets a floor of $61,500,000 on funding for the countries of Central America, Haiti and the Dominican Republic and provides a restriction on the use of funding for budget support or cash payments. Additionally, the provision restricts obligation of 25 percent of the funding provided under the headings "Foreign Military Financing Program" and "International Narcotics Control and Law Enforcement" until certain conditions are met.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Section 1406 provides authority to utilize $26,000,000 from appropriations for Diplomatic and Consular Programs from a prior Act and authority to transfer up to an additional $74,000,000 of the funds made available by this Act to the Buying Power Maintenance Account to manage exchange rate losses in fiscal year 2008. The Department of State shall consult on any proposed transfers resulting from this authority. The Department of State estimates the impact of currency fluctuations to be at least $260,000,000 on United States diplomatic operations worldwide.

In addition, the provision recommends authority to transfer unobligated and expired balances after fiscal year 2008 into the Buying Power Maintenance Account to address future exchange rate losses. The Secretary of State shall submit a report to the Committees on Appropriations not later than October 15, 2008 on the amount transferred by this authority in this or any fiscal year, the total amount of exchange rate losses in fiscal year 2008, and the accumulated impact of losses from prior years.

RESCISSIONS

Section 1407 rescinds prior year funds and makes them available for a contribution to the World Food Program and for programs in the INCLE account.

ALLOCATIONS

Section 1408 requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this report. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

REPROGRAMMING AUTHORITY

Section 1409 allows for reprogramming of funds made available in prior years to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLAN AND NOTIFICATION PROCEDURES

Section 1410 requires the Secretary of State to provide a detailed spending plan to the Committees on Appropriations on the uses of funds appropriated in this chapter. The language also provides that the funds appropriated in subchapter B are subject to the regular notification procedures of the Committees on Appropriations.

TERMS AND CONDITIONS

Section 1411 establishes that unless designated otherwise in this chapter, the terms and conditions contained within the State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) shall apply to funds appropriated by this chapter.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $210,000,000 for increased costs associated with the poor management of the 2010 Decennial Census. Within the funds provided, not less than $50,300,000 shall be used to restore funding associated with the approved March 26, 2008 reprogramming within the Bureau of Census. Funds transferred pursuant to the reprogramming to address immediate shortfalls within the Field Data Collection Automation contract from the American Community Survey, Census Coverage Measurement activities, and other Census activities may result in increased risk and other unintended consequences to other parts of the Census. The $50,300,000 shall be available solely to complete previously planned activities and address vacancies in the aforementioned areas in order to reduce risk and ensure a successful 2010 Decennial Census.

The Census Bureau shall submit to the Committees on Appropriations of the Senate and the House of Representatives, within 30 days of enactment of this Act, a detailed plan showing a timeline of milestones and expenditures for the 2010 Decennial Census, and shall include a quantitative assessment of the associated risk to the program as it is currently constituted. In addition, the Inspector General shall submit quarterly reports to the Committees on Appropriations, until the conclusion of the 2010 Decennial Census, detailing the progress of the revised plan for the execution of the 2010 Decennial Census and any unanticipated slippages from the revised 2010 milestones, as well as reassessing the associated risk to the program. The Census Bureau is directed to provide the Inspector General with any required information so that the quarterly reports can begin 60 days after submission of the plan.

Because rising costs associated with the 2010 Decennial Census and the Department's and the Bureau's lack of contract oversight are cause for particular concern, the bill includes not less than $3,000,000 for the Department's Office of the Inspector General for Census contract oversight activities and not less than $1,000,000 solely for a reimbursable agreement with the Defense Contract Management Agency to review and improve Census contract management.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill includes $178,000,000 for additional costs of the Bureau of Prisons (BOP) related to the custody and care of inmates and the maintenance and operation of correctional and penal institutions. The BOP has been chronically underfunded in recent budget requests, due to consistently underestimated growth in inmate populations and inadequate funding requests for medical expenses. As a result, BOP facilities face rising staff-to-inmate ratios, placing corrections officers and inmates at unacceptable risk of violence. The amended bill includes funding for FCI Pollock activation costs and for inmate drug abuse treatment required by law. The Administration is urged to re-estimate BOP fixed costs and prisoner population for fiscal year 2009 and to provide the House and Senate Committees on Appropriations with those estimates no later than May 31, 2008. Further, the BOP is directed to notify the Committees of current staff-to-inmate ratios at all Federal prisons on a monthly basis.

CHAPTER 2—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Public Law 109–148, the 3rd emergency supplemental appropriations act of 2006, Public Law 109–234, the 4th emergency supplemental appropriations act of 2006, and Public Law 110–28, the emergency supplemental appropriations act of 2007, provided funds to repair and restore hurricane damaged projects, accelerate completion of New Orleans area flood and storm damage reduction projects, and provide 100-year storm protection for the greater New Orleans area. The scope and magnitude of the work required has increased with time. The current cost estimate requires $5,761,000,000 in additional Federal funds and a non-Federal cost-share of $1,526,000,000.

The Administration requested this funding under the Construction account in the fiscal year 2009 budget. The amended bill provides the full amount of the request as a supplemental appropriation to ensure the existing schedule for completion of 100-year protection for the greater New Orleans area by 2011 is met. However, $2,926,000,000 is included under Flood Control and Coastal Emergencies in order to provide continuity in appropriations for projects to repair, restore, and accelerate completion of the levels of protection authorized prior to Hurricane Katrina. None of the funds provided shall be available until October 1, 2008.

CONSTRUCTION

The amended bill includes $2,835,000,000 for Construction. Within the recommended funds, $1,077,000,000 is provided to complete the 100-year storm protection for the Lake Pontchartrain and Vicinity project; $920,000,000 is provided to complete the 100-year storm protection for the West Bank and Vicinity project; and $838,000,000 is provided for elements of the Southeast Louisiana Urban Drainage project that are within the geographic perimeter of the West Bank and Vicinity projects and the Lake Pontchartrain and Vicinity project.

FLOOD CONTROL AND COASTAL EMERGENCIES

The amended bill includes $2,926,000,000 for completion of repair and restoration and accelerated work to authorized levels of protection in surrounding areas. The funding provides, at full Federal expense, the following amounts: $704,000,000 for pumps and closures at outfall canals; $90,000,000 to storm-proof pump stations; $459,000,000 to armor levees and floodwalls; $53,000,000 to improve protection at the Inner Harbor Navigation Canal; $456,000,000 to complete work to incorporate non-Federal levees in Plaquemines Parish into the Federal system; $412,000,000 to reinforce or replace floodwalls on the Lake Ponchartrain and Vicinity and West Bank and Vicinity Projects; $393,000,000 to repair and restore authorized protections and floodwalls; and $359,000,000 to complete the authorized protection for the Lake Ponchartrain and Vicinity and West Bank and Vicinity Projects. The amended bill includes a provision authorizing a reallocation of funds when necessary to accomplish the established goals, subject to the approval of the House and Senate Committees on Appropriations.

CHAPTER 3—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The amended bill provides $110,000,000 for Unemployment Compensation State Operations to compensate the States for the administrative costs of processing the Unemployment Insurance (UI) claims workload for the balance of fiscal year 2008. New UI claims are increasing, reaching a level in March 2008 nearly 19 percent greater than the previous year. States are beginning to experience service degradation in the form of call center delays for claimants, waiting times for adjudication of disputed claims, and reductions in program integrity activities, tax collection, and tax audits. While funding in the Consolidated Appropriations Act, 2008 is sufficient to cover the costs of processing 2.4 million Average Weekly Insured Unemployment (AWIU), claims have already climbed above 2.8 million AWIU. The amount provided will compensate States for the claims workload estimated by the Department of Labor up to the point where additional funds are released under a legislated trigger.

CHAPTER 4—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The amended bill provides the customary death gratuity to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California.

TITLE III—VETERANS EDUCATIONAL ASSISTANCE

Title III of the amended bill includes provisions designed to expand the educational benefits for men and women who have served in the armed forces since the terrorist attacks of September 11, 2001. The provisions will closely resemble the educational benefits provided to veterans returning from World War II.

The benefits included in title III would apply to all members of the military who have served on active duty, including activated reservists and National Guard. To qualify, veterans must have served at least three months of qualified active duty, beginning on or after September 11, 2001. The amended bill provides for benefits to be paid in amounts linked to the amount of active duty service.

In addition to tuition and other established charges, the benefit includes a monthly stipend for housing costs as well as tutorial assistance and licensure and certification tests.

The amended bill would create a new program in which the government will agree to match, dollar for dollar, any voluntary additional contributions to veterans from institutions whose tuition is more expensive than the maximum educational assistance provided in the amended bill.

Finally, the amended bill provides for the veterans to have up to fifteen years after they leave active duty to use their educational assistance entitlement. Veterans would be barred from receiving concurrent assistance from this program and another similar program.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

The amended bill includes language providing a temporary extension of unemployment benefits to workers who have lost their jobs. Specifically, the amended bill provides up to 13 weeks of extended unemployment benefits in every State to workers exhausting regular unemployment compensation. In States with higher levels of unemployment, defined as a seasonally-adjusted six percent total unemployment rate or a four percent insured unemployment rate, up to an additional 13 weeks would be available. The extended benefits program will terminate on March 31, 2009.

The percentage of workers exhausting unemployment benefits is currently 36 percent, which is higher than at the beginning of any of the past five recessions. The Congressional Budget Office estimates that 3.8 million workers will receive extended benefits under the program given the high rate of workers running out of regular unemployment benefits without finding work. Not only will these workers and their families benefit from extended benefits, providing this financial assistance also can reduce the severity and duration of an economic downturn. Experts agree that extending unemployment benefits is one of the most cost-effective and fast acting forms of economic stimulus because workers who have lost their paychecks have little choice but to spend these benefits quickly.

TITLE V—MEDICAID PROVISIONS

Section 5001 of the amended bill includes language extending the current moratorium to April 2009 on four Medicaid regulations pertaining to: graduate medical education payments; limits on payments to government safety net providers; rehabilitation services; and school-based administrative and specialized medical transportation services for children. The amended bill also establishes a moratorium for the same period for three Medicaid regulations pertaining to: health care provider taxes; targeted case management; and hospital outpatient services. The cost of the moratoria is fully offset over five and ten years in the amended bill by provisions that extend an asset verification demonstration to all fifty States and reduce balances in the Physician Assistance and Quality Initiative Fund. These provisions are identical to those included in H.R. 5613, which was approved by the House by a 349–62 vote.

The moratorium on these seven regulations is included in the amended bill due to concerns about their potential negative impact on essential medical services for millions of people, particularly for seniors, people with disabilities, and children, and on the providers of these safety net services. These regulations also would have a far-reaching impact on graduate medical education, outreach and supportive services designed to help individuals get the medical care they need, and foster care services.

According to the Congressional Budget Office, these regulatory changes would reduce Federal Medicaid spending by nearly $18,000,000,000 over the next five years, shifting these costs to States and localities. These cuts would occur during an economic downturn when States and localities are least able to restore services. Further, the authorizing committees indicate that many of these regulations alter longstanding Medicaid policy without specific Congressional authorization.

Additional time is required to examine the potential impact of these regulations. Accordingly, the amended bill includes $5,000,000 for a study to be completed no later than March 2009 by an independent entity to assess the prevalence of the problems in the Medicaid program the regulations were intended to address and their impact on each State. The amended bill also includes $25,000,000 for the purpose of reducing fraud and abuse in the Medicaid program.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

Chapter 1 of title VI is identical to the language of H.R. 5712, "Close the Contractor Fraud Loophole Act," passed by the House on April 23, 2008. It closes a loophole in a proposed rule so that mandatory fraud reporting requirements would apply to U.S. contractors working overseas as well as to contractors working here at home.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

Chapter 2 of title VI is identical to the language of H.R. 3928, "Government Funding Transparency Act of 2007," passed by the House on April 23, 2008. It requires any company or organization receiving at least $25 million and 80 percent or more of their revenue from federal payments to disclose the salaries of their most highly-compensated officers.

TITLE VII—GI BILL FINANCING PROVISION

This title imposes a surtax of 0.47% on income beyond $1 million for those filing joint returns and beyond $500,000 for other filers. The surtax would start in 2009 and continue thereafter.

TITLE VIII—GENERAL PROVISIONS

The amended bill includes the following general provisions:

Section 8001 establishes the period of availability for obligation for appropriations provided in this Act.

Section 8002 provides that, unless otherwise noted, all appropriations in this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21, the congressional budget resolution for fiscal year 2008.

Section 8003 provides that this Act may be referred to as the "Supplemental Appropriations Act, 2008".

AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE I			
MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS AND OTHER SECURITY-RELATED MATTERS			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Foreign Agricultural Service			
Public Law 480 Title II Grants, FY 2008 (emergency)...	350,000	850,000	+500,000
Public Law 480 Title II Grants, FY 2009 (emergency)...	395,000	395,000	---
Total, Chapter 1..............................	745,000	1,245,000	+500,000
CHAPTER 2			
DEPARTMENT OF JUSTICE			
Office of Inspector General (emergency)..............	---	4,000	+4,000
Legal Activities			
General Legal Activities			
Salaries and expenses (emergency)....................	4,093	1,648	-2,445
United States Attorneys			
Salaries and expenses (emergency)....................	5,000	5,000	---
United States Marshals Service			
Salaries and expenses (emergency)....................	14,921	18,621	+3,700
Total, Legal activities........................	24,014	25,269	+1,255
Federal Bureau of Investigation			
Salaries and expenses, FY 2008 (emergency)...........	101,122	92,169	-8,953
Salaries and expenses, FY 2009 (emergency)...........	39,062	82,600	+43,538
Total, Federal Bureau of Investigation...............	140,184	174,769	+34,585
Drug Enforcement Administration			
Salaries and expenses (emergency)....................	8,468	12,166	+3,698
Bureau of Alcohol, Tobacco, Firearms and Explosives			
Salaries and expenses (emergency)....................	4,000	4,000	---
Federal Prison System			
Salaries and expenses (emergency)....................	9,100	9,100	---
Total, Chapter 2..............................	185,766	229,304	+43,538

AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
CHAPTER 3			
DEPARTMENT OF DEFENSE			
Military construction, Army (emergency)	1,440,750	1,432,700	-8,050
Military construction, Navy and Marine Corps (emergency)	237,505	423,357	+185,852
Military construction, Air Force (emergency)	305,000	409,627	+104,627
Military construction, Defense-Wide (emergency)	27,600	1,009,600	+982,000
Total, Active Components	2,010,855	3,275,284	+1,264,429
Family housing construction, Navy and Marine Corps (emergency)	11,766	11,766	---
Base realignment and closure account 2005 (emergency)	415,910	1,354,634	+938,724
Total, Department of Defense	2,438,531	4,641,684	+2,203,153
Department of Veterans Affairs			
Departmental Administration			
General operating expenses (emergency)	---	100,000	+100,000
Information technology (emergency)	---	20,000	+20,000
Total, Department of Veterans Affairs	---	120,000	+120,000
Total, Chapter 3	2,438,531	4,761,684	+2,323,153
CHAPTER 4			
SUBCHAPTER A			
SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and consular programs (emergency)	1,708,008	1,606,808	-101,200
Worldwide security protection	(162,400)	(210,508)	(+48,108)
Office of the Inspector General (emergency)	---	7,500	+7,500
Embassy security, construction, and maintenance (emergency)	160,000	76,700	-83,300
Total, Administration of Foreign Affairs	1,868,008	1,691,008	-177,000
International Organizations			
Contributions to international organizations (emergency)	53,000	53,000	---
Contributions for international peacekeeping activities, current year (emergency)	333,600	333,600	---
Total, International Organizations	386,600	386,600	---
Total, Department of State	2,254,608	2,077,608	-177,000
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
International disaster assistance (emergency)	---	200,000	+200,000
Operating expenses of the U.S. Agency for International Development (emergency)	41,000	142,000	+101,000
Operating expenses of the US Agency for International Development, Office of Inspector General (emergency)	---	4,000	+4,000

AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Other Bilateral Economic Assistance			
Economic support fund (emergency)	2,009,000	1,747,000	-262,000
Department of State			
Democracy Fund (emergency)	---	75,000	+75,000
International narcotics control and law enforcement (emergency)	734,000	419,300	-314,700
Migration and refugee assistance (emergency)	30,000	300,000	+270,000
U.S. Emergency Refugee and Migration Assistance Fund (emergency)	---	25,000	+25,000
Nonproliferation, anti-terrorism, demining and related programs (emergency)	5,000	11,200	+6,200
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program (emergency)	---	72,500	+72,500
Total, Subchapter A	5,073,608	5,073,608	---
SUBCHAPTER B			
BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and consular programs (emergency)	1,064,450	737,900	-326,550
Worldwide security protection	(45,800)	(78,400)	(+32,600)
Office of the Inspector General (emergency)	16,800	57,000	+40,200
Embassy security, construction, and maintenance (emergency)	---	41,300	+41,300
Total, Administration of Foreign Affairs	1,081,250	836,200	-245,050
International Organizations			
Contributions to international organizations (emergency)	40,000	75,000	+35,000
Contributions for international peacekeeping activities, current year (emergency)	---	150,500	+150,500
Total, International Organizations	40,000	225,500	+185,500
Total, Department of State	1,121,250	1,061,700	-59,550
RELATED AGENCIES			
Broadcasting Board of Governors			
International broadcasting operations (emergency)	---	8,000	+8,000

AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
Global health and child survival (emergency)	---	75,000	+75,000
Development assistance (emergency)	210,000	200,000	-10,000
International disaster assistance (emergency)	270,000	200,000	-70,000
Operating expenses of the U.S. Agency for International Development (emergency)	60,000	93,000	+33,000
Operating expenses of the US Agency for International Development, Office of Inspector General (emergency)	---	1,000	+1,000
Other Bilateral Economic Assistance			
Economic support fund (emergency)	1,297,700	1,147,300	-150,400
Department of State			
International narcotics control and law enforcement (emergency)	225,000	204,500	-20,500
Migration and refugee assistance (emergency)	191,000	350,000	+159,000
Nonproliferation, anti-terrorism, demining and related programs (emergency)	---	4,500	+4,500
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program (emergency)	170,000	170,000	---
Peacekeeping operations (emergency)	60,000	85,000	+25,000
Total, Subchapter B	3,604,950	3,600,000	-4,950
SUBCHAPTER C - GENERAL PROVISIONS			
Sec. 1407:			
(a)(1) World Food Program	---	20,000	+20,000
(a)(2) Andean Counterdrug Initiative (rescission)	---	-20,000	-20,000
(b)(1) International narcotics control and law enforcement (Sudan)	---	10,000	+10,000
(b)(2) International narcotics control and law enforcement (prior-year rescission)	---	-10,000	-10,000
Total, Subchapter C	---	---	---
Total, Chapter 4	8,678,558	8,673,608	-4,950
GENERAL PROVISIONS			
DEPARTMENT OF HOMELAND SECURITY			
Customs and Border Protection			
Salaries and expenses (rescission)	-50,000	---	+50,000
Total, General Provisions	-50,000	---	+50,000
Total, title I	11,997,855	14,909,596	+2,911,741

AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE II			
DOMESTIC MATTERS			
CHAPTER 1			
DEPARTMENT OF COMMERCE			
Bureau of the Census			
Periodic censuses and programs (emergency)...........	---	210,000	+210,000
DEPARTMENT OF JUSTICE			
Federal Prison System			
Salaries and expenses (emergency)....................	---	178,000	+178,000
Total, Chapter 1..............................	---	388,000	+388,000
CHAPTER 2			
DEPARTMENT OF THE ARMY			
Corps of Engineers - Civil			
Construction, FY 2009 (emergency)....................	5,761,000	2,835,000	-2,926,000
Flood control and coastal emergencies, FY 2009(emerg.)	---	2,926,000	+2,926,000
Total, Chapter 2..............................	5,761,000	5,761,000	---
CHAPTER 3			
DEPARTMENT OF LABOR			
Employment and Training Administration			
State unemployment insurance and employment service operations (emergency)............................	---	110,000	+110,000
CHAPTER 4			
HOUSE OF REPRESENTATIVES			
Payments to Widows and Heirs of Deceased Members of Congress..	---	169	+169
Total, title II...............................	5,761,000	6,259,169	+498,169
TITLE III			
VETERANS EDUCATIONAL ASSISTANCE			
Veterans educational assistance, FY 2008 (emergency)..	---	40,000	+40,000
Veterans educational assistance, FY 2009 (emergency)..	---	676,000	+676,000
Total, title III...............................	---	716,000	+716,000

AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE IV			
EMERGENCY UNEMPLOYMENT COMPENSATION			
Federal-State agreements, FY 2008 (emergency)	---	6,170,000	+6,170,000
Federal-State agreements, FY 2009 (emergency)	---	9,440,000	+9,440,000
Total, title IV	---	15,610,000	+15,610,000
TITLE V			
MEDICAID PROVISIONS			
Medicaid moratorium, FY 2008 (emergency)	---	450,000	+450,000
Medicaid moratorium, FY 2009 (emergency)	---	1,150,000	+1,150,000
Total, title V	---	1,600,000	+1,600,000
Grand total	17,758,855	39,094,765	+21,335,910
Appropriations	---	(30,169)	(+30,169)
Emergency appropriations	(17,808,855)	(39,094,596)	(+21,285,741)
Rescissions	(-50,000)	(-30,000)	(+20,000)

Mr. BLUMENAUER. Mr. Speaker, after five years, thousands of lives lost, and hundreds of billions of dollars spent and trillions to go, the amendments adopted today are the beginning of a solution in Iraq. These amendments mandate the beginning of withdrawal, setting us on a path out of Iraq, and support critical domestic and international priorities.

The language offers some of the same prescriptions in my own Iraq legislation, including a ban on permanent bases and an increase in contractor oversight. All too often we hear reports of billions of dollars our contractors can't account for, or the hiring of individuals our troops can't rely on. This war will cost over $3 trillion, and I am pleased to see some funding shifted to cover more of our international obligations. I authored legislation to help the 4 million displaced Iraqis and I support the funding in this bill for migration and refugee assistance and international disaster assistance. We have a responsibility to the Iraqi people, and as we have an obligation to provide for our own.

Part of remedying this tragedy will be rebuilding the health and readiness of our armed forces. In my state, the Oregon National Guard's 41st Combat Brigade Team has served two tours in Iraq and Afghanistan since 9/11, and is scheduled to deploy again in 2009. When they return, these brave men and women deserve the best care this country can provide and the least we can do is make sure education and retraining is available and affordable. I am proud to support an expansion of the GI Bill education benefits that proved so successful in transitioning our troops after World War II and in mobilizing our economy for succeeding generations. Frankly I find it unconscionable that President Bush, as Commander in Chief of our armed forces, would threaten to veto this legislation on account of this basic and historic investment in our troops.

This country is ready for change, and these amendments are an important step forward. As this issue develops over the coming weeks, I remain committed to getting our troops out of Iraq now and providing our veterans with the best care available.

Mr. CASTLE. Mr. Speaker, I rise in support of the three amendments before us today to H.R. 2642. Our troops have done incredible work in Iraq and Afghanistan, and it is critical that we provide them with the protective equipment, operating funds, and counterterrorism resources necessary to execute their missions. For this reason, I support the funding in this package for vital priorities like mine resistant ambush protected vehicles, IED jamming devices, military healthcare, traumatic brain injury research, and military family support programs.

As a leader of the House Committee on Education, I have long advocated for a permanent expansion of GI Bill education benefits for veterans. For the first time, the funding in this package would reward those soldiers who stepped forward in the wake of the 2001 terrorist attacks by allowing them to receive expanded education benefits in proportion to their period of service. The men and women who serve in our Nation's armed forces deserve the opportunity to pursue an education and I believe this provision represents a significant step towards the realization of that goal. In addition to financial assistance, our government must help veterans cut through the red-tape surrounding GI bill benefits and I have introduced legislation to aid our soldiers in making this transition.

There has to be an incentive for the Iraqi government to make political progress and it is critical that we begin shifting the day-to-day combat mission over to the Iraqi security forces. I continue to oppose proposals in Congress that would hamstring our troops by setting a hard deadline for troop withdrawal. Last September, General Petraeus and Ambassador Crocker outlined a responsible plan for gradually redeploying our troops from Iraq and I believe this plan should move forward in a way that maintains security and stability in the Middle East. Therefore, I support provisions in this bill that would set a goal of redeploying a majority of our combat troops from Iraq by the end of 2009, while permitting forces to remain in the region to conduct counterterrorism operations and assist the Iraqi security forces. Clearly, our military and foreign policy leaders must retain the ability to react to conditions on the ground and I believe this provision allows them the appropriate flexibility in executing their mission without conditioning troop funding on arbitrary timelines or an immediate deadline for troop withdrawal.

Additionally, I support language in the bill that would improve transparency and oversight of contractors to prevent waste and abuse in government spending. In the same way, I support sections of the bill that would require better accountability from the Iraqi government by providing an incentive for a greater Iraqi investment in the country's reconstruction. Embracing a comprehensive regional diplomatic initiative, ensuring American soldiers are properly trained and prepared for deployments, and prohibiting torture are also key provisions which I continue to support.

Lastly, while I intend to vote in favor of this emergency spending package, I continue to have deep concerns about the manner in which it was brought forward. In my estimate, the leaders of the House have unfairly manipulated congressional rules in severely limiting debate on this measure and restricting input from both Republicans and Democrats. Rather than using this issue as a tool to score points politically, Members from both sides of the aisle should come together in support of a workable policy to bring our troops home.

To date, over 4,000 American soldiers—including sixteen brave Delawareans—have lost their lives in Iraq. Close to 500 U.S. service members have also died in Afghanistan. Mr. Speaker, I call on my colleagues to embrace the substantive areas of this bill where we can find agreement, and join me in committing to a bipartisan approach for achieving stability and bringing our troops home to their families.

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 5740, the Post 9/11 Veterans Education Assistance Act—bipartisan legislation that honors our men and women in uniform and strengthens our military.

Since World War II, our nation has offered education benefits to returning GIs. The Servicemen's Readjustment Act of 1944, the first GI Bill, which was passed unanimously by this House, paid for the tuition, books, fees, training costs, and even a monthly stipend for our returning veterans.

After World War II, nearly 8 million veterans, out of a wartime veteran population of 15 million, used the original GI Bill to earn an education. The economic return was unprecedented. For every dollar we spent on the GI Bill, we generated 7 more into our national economy. Millions of newly-educated veterans led our Nation in business and innovation and created the American middle class. It's no wonder the GI Bill of 1944 is regarded as one of the most successful pieces of legislation to earn this House's approval in the 20th Century.

Since that time, Congress has passed other GI bills, but over time, the value of the education benefit has declined. The current Montgomery GI Bill, for example, was designed for peacetime service, and is not meeting the needs of our newest generation of veterans, many of whom are returning from combat in Iraq and Afghanistan.

Our veterans—whether active duty, Reservists or National Guardsmen—deserve an education benefit that accounts for the stress of war and keeps up with the rapidly increasing cost of a higher education. That is why, with the backing of a broad, bipartisan coalition, I introduced H.R. 5740, the Post-9/11 Veterans Educational Assistance Act.

Under the legislation, GIs returning from Iraq or Afghanistan would receive up to four academic years of education benefits, including stipends for housing and books. They can even use their benefits at private schools through the Yellow Ribbon G.I. Education Enhancement Program, in which the federal government will match, dollar for dollar, any voluntary additional contributions to veterans from institutions whose tuition is more expensive than the maximum educational assistance provided under this legislation.

Veterans would even have up to 15 years after they leave active duty to use their education benefits. I am pleased that this bill was included as part of the emergency war funding measure that the House is considering today because I believe taking care of those who serve in war is a cost of war. America should never fight wars without taking care of our own. However, I am deeply troubled by how we got to this point, and am disappointed that this issue has become politicized.

When I was elected to this House, my constituents asked me to work in a bipartisan way to find reasonable solutions to our common problems. And that is what I tried to do with this GI Bill. Working together with my Democratic and Republican colleagues, we attracted more than two-thirds of the House as cosponsors. Ninety-two Republicans, nearly half of the minority party's membership, lent their support. But instead of using that coalition to secure overdue educational benefits for our veterans, our leadership has allowed ideological gotcha games to prevail.

What began as an attempt to fix a broken promise to our veterans has devolved into a fight over who can score the most political points. As a result, instead of sending a veto-proof bill to the Senate, we are sending a lesser bill with a less certain outcome. This does not hurt any of our political opponents, Mr. Speaker; it only hurts our veterans. And, frankly, they deserve better. Our soldiers and veterans deserve a House whose actions matches its rhetoric. If we mean what we say, that taking care of those who serve is truly a cost of war, then the GI Bill should be included as a part of our war spending.

I was astonished yesterday when, amidst all the platitudes some members of this chamber made about the need for the GI Bill to meet pay-go rules, those very same members were so willing to throw those rules out the door when it came to the Farm Bill. Wealthy farmers were given greater consideration than our veterans.

I strongly disagree with leadership's decision to raise taxes on the backs of our veterans, and I believe it is wrong that I wasn't given an opportunity to offer an amendment to strip this from the bill. I will do everything in my power to encourage the Senate to fix this legislation. However, in order to get the GI Bill to the Senate, and give it any chance to pass, I am forced to vote for the deeply flawed package before me today.

Our veterans have fought for us. The least we can do is fight for them.

Mr. HALL of New York. Mr. Speaker, I would like to express my admiration and support for the brave men and women of our military who are nobly serving in Afghanistan and Iraq. In Afghanistan, they continue to perform an important mission by taking action against our enemies in the country that served as host to the Al Qaeda organization that attacked the United States of America on September 11th, 2001, and they do so with complete skill, courage, and professionalism. I am fully supportive of them and their mission. I have voted to provide funding solely for our military activities in Afghanistan, and would do so again if such a bill were to come before the House.

However, the funding measure in Amendment Number 1 brought before the House today included funding for the ongoing war in Iraq without accompanying conditions on those funds or a timeline for withdrawal of American forces. I remain opposed to the President's mistaken war in Iraq, which has now claimed over 4,000 American lives, undermined our military and ability to respond to other threats abroad, and cost hundreds of billions of dollars that could have been used to meet pressing needs at home. I believe that we must change course in Iraq, and cannot support the appropriation of additional funds without measures to impose conditions on that funding and start bringing our troops home. Accordingly, I could not vote for Amendment Number 1.

Mr. STEARNS. Mr. Speaker, the War in Iraq has been difficult for all Americans. I understand and share the American people's frustration at how the war has been conducted. No one wants to bring our troops home more than I do, but conditions on the ground should dictate when our troops should leave, not domestic politics.

Regardless of if you voted for the war or against it or support immediate withdrawal or not, there is one issue we can all agree. Our brave men and women in Iraq and Afghanistan deserve our respect and admiration. The best way to honor them is to provide them with all the necessary equipment to be safe and successful as quickly as possible. One thing our troops do not deserve is to be used as a political bargaining chip for additional billions in unrelated and unnecessary spending.

Unfortunately, that is what the Democrat leadership has done with the bill before us today. By playing politics, Democrats are ensuring that the troops will not get their funding prior to Memorial Day. Our troops do not deserve this kind of treatment. This is an insult to our men and women who put their lives on the line to protect our freedom.

This is most unfortunate because the first amendment, which I urge all my colleagues to support, contains funding for some very vital programs. For example, it includes $75 million in FY 2008 and $300 million in FY 2009 for traumatic brain injury care and research. In addition, the measure provides $95 million to address gaps identified by the President's Commission on Care for America's Returning Wounded Warriors. The funding is designed to improve case management, data sharing, and the disability evaluation system. These, among others, are very critical to our troops and their families. They deserved to be enacted, not held up for petty political reasons.

Certainly mistakes have been made in Iraq and a change of strategy was long overdue. Now that the surge has been fully implemented and been given time to work, there is no doubt that the security environment in Iraq continues to improve. General Petraeus has said that security progress is still fragile and reversible. Much work still needs to be done, but progress on the ground is undeniable.

The question we must continually ask ourselves is what is the cost of withdrawing our troops? Should the U.S. immediately pull out of Iraq, leave the terrorists emboldened and potentially put more Americans at risk? Withdrawal needs to be based on events not politics. It is important to stress that an open-ended American military commitment is both unwise and dangerous. Progress in Iraq must be measurable, enforced and based on more than just military progress.

Accordingly, Col. Christopher Hughes, who commanded the 2d Battalion of the 327th Inf. Regiment, 101st Airborne in Iraq, has identified a set of strategic benchmarks deigned to measure progress in Iraq. Col. Hughes has developed an event-driven sequence that leads to a legitimate withdrawal. His plan includes six phases and a number of different benchmarks that need to be met. I have attached this plan and make it part of my speech.

It's important to highlight that events, not an arbitrary timeline, needs to guide our strategy. Col. Hughes' milestones for an event-driven withdrawal are strategic, operational and tactical. Such benchmarks include, holding insurgent violence less than or equal to one attack on Coalition and Iraqi forces per month, having 76 operational oil refineries and producing 4.5 million barrels of oil per day. I ask unanimous consent to include in the CONGRESSIONAL RECORD Col. Hughes' full strategy for leaving Iraq.

The amendment we have before us today does not take an event-driven approach, but sets an arbitrary deadline based on politics not the situation on the ground. I urge my colleagues to vote against the second amendment today.

In addition, Mr. Speaker, I would like to take a moment to talk about a provision in the third amendment pertaining to the Montgomery GI Bill. As a veteran and a senior member of the House Veterans Affairs Committee, I understand the hardship and sacrifice of military service. I, along with many of my colleagues, have supported legislation to update and expand the GI Bill, and I am cosponsoring H.R. 5740, the legislation that this provision is based on. However, the House leadership decided to combine the updated GI Bill with a huge tax increase on many small businesses.

The Democrat tax increase would put a surcharge on the gross income for individuals earning more than $500,000 and couples with over $1 million. However, of taxpayers with $1 million or more in income, nearly 83% report that some or all of that is income from a small business. This is a massive tax increase on the gross income of small businessmen and women who operate as self-employed individuals. They are the primary source of new jobs in our nation. Instead of raising taxes, Congress could fund the new GI Bill by reducing federal spending by a mere 0.1 percent over 10 years. I am certain that we can find one-tenth of one percent of wasteful federal spending and apply that to meeting the needs of our 21st century veterans.

In addition, the third amendment includes $5.8 billion in FY 2009 funds for levee rebuilding in Louisiana. This is in addition to the $7.1 billion the federal government has already provided to repair and enhance levees. Furthermore, $9.9 billion for foreign aid is included, which represents $500 million more than requested. These may very well be worthwhile programs but do they belong in an emergency, off budget spending package?

Lastly, I want to point out that the process of how this bill came to the floor today is not in keeping with the spirit and traditions of the House. As Speaker NANCY PELOSI stated in her 2006 document, A New Direction for America, "bills should be developed following full hearings and open subcommittee and committee markups, with appropriate referrals to other committees." The Speaker went on to state that, "bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute."

Furthermore, according to The Politico newspaper, "There have been about three dozen emergency spending bills in the past 20 years, and a handful have passed without input from the Appropriations Committee, including billions in Hurricane Katrina aid and post-Sept. 11 funds. But none of the Iraq war funding bills have bypassed the Appropriations panel."

Unfortunately, this supplemental bypassed the entire Appropriations Committee process altogether, and through the use of parliamentary gimmicks, avoids the input of both Democrat and Republican members who have real expertise in the subject areas involved, effectively shutting out the views of millions of these members' constituents.

To have the Democrat leadership cut off the people's right to be heard by such crass parliamentary maneuvers results hi great harm to the appropriations process and seriously undermines the credibility of the House of Representatives.

Our brave troops and millions of veterans deserve better. They do not deserve to be treated as political tools. We pass a clean supplemental, devoid of any unrelated, and unnecessary spending, that gets necessary equipment to our troops on the battlefield immediately . We should also pass a GI Bill that doe not unfairly tax small businesses. Unfortunately, the Democrat leadership decided to play politics; while our troops and veterans have to pay the price.

APPENDIX I: A STRATEGY FOR LEAVING IRAQ

DETAILS PER PHASE

This is not a timeline; it's an event-driven sequence of events that leads to a legitimate withdrawal of U.S. and Coalition forces in order to return Iraq to the international community of nations.

Phase 1: The Iraqi Sovereignty Council (ISC) is responsible for the development of a prioritized list of reconstruction projects that will include government, health, educational, judicial; police, border and military facilities in each of the provinces. Regional governmental leaders, sheiks, and other tribal leaders will vet the list and add or subtract within their provinces to ensure equitability and specificity for each population. Additionally, Islamic and other religious leaders will provide a list of religious, historical and administrative facilities that need assistance to ensure freedom of religion and access during the transition. During this process, it is crucial that the development of this list, and the involvement of local, tribal, military and religious leaders is publicly discussed and debated on local and international news and commentaries.

Phase 2: Once the ISC has compiled and publicly documented the list, it will present the plan to the Iraqi National Government (ING) for debate and approval. The public debate over this list is the main effort of this operation. The debate will include the conditions for implementing this list. Those conditions will include a mandate from the ING directed at the Coalition and the insurgency. The ING will place themselves between the perceived belligerents (the Coalition and the insurgents) in their country and levy demands on each. These demands will include reconstruction funds from the Coalition, a cessation of hostilities from the insurgents, a phased withdrawal of Coalition forces, and a peaceful integration of remaining insurgent organizations into the Iraqi political process. Although it is unlikely to get insurgent groups to step forward and engage in the debate at this point, the momentum of public opinion will begin to erode their legitimacy if they ignore the mandate and continue hostile action against the Iraqi people.

Phase 3: After approving the ISC plan, the ING will begin a nationwide information campaign, targeting the Iraqi people and showing them the details of the plan. This quid pro quo will help the ING to assert sovereign power by openly confronting the Coalition and the insurgency—in essence, speaking for the Iraqi people. This planned confrontation with the United States will help to dispel the premise that the ING is an American puppet, further legitimizing their authority when facing the insurgency and Arab community.

Phase 4: It is logical to assume that the insurgencies will remain silent during phases 1-3 to determine the ING's true resolve and overall Coalition intent. It's necessary for the Coalition to take the first step during phase four by executing a token withdrawal of forces from each of the primary provinces that have participated in the ISC planning process. These forces will withdrawal from two or three cities as a show of good faith in support of the ISC plan and ING. Once these moves are complete, the ING will begin a weekly progress report for the project list and detailed report on the level of hostilities in country by province.

Phase 5: This phase will be a continual process of quid pro quo as the key ING milestones are met in accordance with the plan. Reduction in hostilities + completed projects = phased withdrawal of Coalition forces.

Phase 6: When the reconstruction projects list is complete, and insurgent hostilities have leveled at acceptable levels to the ING, the Coalition will complete their withdrawal.

PHASED WITHDRAWAL MILESTONES

Examples of possible withdrawal milestones.

Most of these have come to fruition and should be considered accomplished when the plan is first presented to the Iraqi people and the world.

Strategic National:—Iraqi Embassy in Washington DC staffed and operational; American Embassy in Baghdad staffed and operational; United Nations Embassy operational in Baghdad; Iraqi Ambassador attends first UN Security Counsel meeting and General Assembly.

Strategic:—January 2008 National Elections complete, and UN validation of National Elections.

Operational:—300,000 National Police staffed, equipped, trained and deployed; 500,000 National Army Staffed, equipped, trained and deployed; 100,000 Border Police staffed, equipped, trained and deployed; 76 oil refineries operational; 4.5M barrels of oil produced per day; Infrastructure complete (list with specific facilities)—medical, education, power, government, religious, etc.; National Salary System operational with ten year phase out plan as country develops free economic systems; 12 radio stations operational and 4 TV stations.

Tactical:—Insurgent violence less than or equal to one attack on Coalition and Iraqi forces per month; foreign fighters less than or equal to two attacks on Coalition and Iraqi forces per month; and zero attacks against Iraqi citizens and foreign nationals.

End State:—Operational Iraqi Government; operational Iraqi Army, Police forces, and Border Guards; informed Iraqi populace; complete withdrawal of Coalition forces; and American and Iraqi Embassies operational.

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of the amendment before us, which will force a dramatic shift in strategy in Iraq that will protect our national security and bring our troops home.

I have been one of a group in the House that, for several years now, has vocally advocated a withdrawal of U.S. troops from Iraq. Thanks to a President who has stubbornly adhered to a failed policy that does not serve the best interests of our military, our foreign policy, and our national security, we are now no closer to a withdrawal—or a resolution to the conflicts that beset Iraq—than we were 5 years ago. This amendment will change that. This amendment will begin to bring our troops home, in an orderly and responsible fashion.

Some argue that conditions on the ground have improved since the beginning of the President's surge strategy, and that advocates of a troop withdrawal are somehow blind to changed conditions. That is simply not the case.

We have watched conditions in Iraq closely, hoping for the kind of progress that would transform Iraq's internal political dynamics, hoping for a turning point that might produce a lasting end to the violence. We have supported our troops as they have carried out their tactical military mission with remarkable success. But we have also watched the Iraqi Government's continued failure to complete its political mission, the success of which is the necessary condition for ensuring Iraq's long-term stability. There is simply no indication that tactical progress in reducing the levels of violence in certain regions of Iraq has been translated into lasting, strategic gains in the political realm.

Unfortunately, the Administration has now concluded that the military drawdown initially promised cannot be carried out. A successful surge should justify taking troops out of Iraq, not keeping them in. The bottom line is this: Tactical gains notwithstanding, we and the Iraqis have yet to build a sustainable political and security architecture that brings us closer to our goal—a politically coherent Iraq that can manage its own security.

Without political progress, the security situation in Iraq will remain fragile. In such a context, we risk institutionalizing an indefinite dependency on the U.S. military to maintain security. And over the long run, we simply will not be able to sustain the level of budgetary or military commitment we have today.

Our national interest requires that we remain committed to helping Iraq reach its long term goals, but it also requires us to carefully calibrate the nature of our involvement. The United States military mission in Iraq cannot be held hostage to Iraqi progress (or lack of progress) toward security or political benchmarks. We simply cannot continue to commit our overstretched personnel and resources without regard to Iraq's progress toward governing itself.

For that reason, it is essential that we begin a withdrawal of our military from Iraq.

Moreover, such a withdrawal is perhaps the only way we can motivate Iraqis to take the steps necessary to overcome sectarian differences and unite as a nation. This amendment will initiate such a withdrawal, and for that reason I ask for my colleagues' support.

There are other important reasons to support this measure. It would help us recover our moral compass by banning torture. It would ease the burden on our troops by establishing a more reasonable deployment policy. And it would prohibit the establishment of permanent bases in Iraq, a measure many of us have strongly supported.

I am particularly pleased that this amendment includes legislation I proposed over a year ago to ensure that government contractors—including tens of thousands of armed private security contractor personnel working in combat zones in Iraq and Afghanistan—will be held accountable under the law for misconduct, just like our troops. This legislation passed the House over seven months ago, and its enactment is long overdue.

My legislation will ensure that all Government personnel—military personnel, civilian employees, and contractors under any agency—will be accountable under U.S. Federal criminal jurisdiction through the Military Extraterritorial Jurisdiction Act. Since the war in Iraq began, private contractor personnel have committed numerous abuses resulting in the deaths of dozens of Iraqis. Yet, many of these individuals have operated in a legal gray zone, immune from both Iraqi and U.S. law. As a result, accountability has been undercut and the credibility of our operations in Iraq has been seriously damaged.

One need only point to the events of September 17, 2007, to understand the consequences of such impunity. On that day, private contractor personnel accompanying a convoy through the streets of Baghdad opened fire in a downtown square, killing 17 civilians; 8 months later, no charges have been filed and none of the participants have been brought to justice.

We have worked sincerely with the Administration to ensure that Government and contractor personnel who are carrying out their mission conscientiously and legally will not be made vulnerable under this law. Instead, this measure will give us the tools we need to ensure that those who run afoul of the law are brought to justice.

The measure before us is a major step forward toward a new approach to national security, one that will make our Nation safer and restore our global moral leadership. I urge my colleagues to join me in supporting this measure and bringing an end to the war in Iraq.

Mrs. CAPPS. Mr. Speaker, I rise today in support of our troops, and in support of a responsible U.S. policy in Iraq.

I have opposed the Iraq war from the very beginning.

Over 5 years later, this war has taken the lives of more than 4,000 of our brave troops.

Our armed forces are incredibly strained, and our nation's image tarnished in the wake of this foreign relations disaster.

I have opposed continued funding of this war in the past, and I will vote against Amendment No. 1, which gives the President another blank check.

Amendments No. 2 and No. 3 of this bill, however, are a marked and deliberate shift away from the failed and short-sighted policies of President Bush.

And No. 2 requires that all troops be fully trained and equipped before deployment, and calls for a redeployment of U.S. troops from Iraq to begin in 30 days.

It also bans any permanent U.S. bases in Iraq and codifies contracting fraud as a criminal offense.

Amendment No. 3 will restore the education benefits under the GI bill to include a full, 4-year college education for veterans of the Iraq and Afghanistan wars.

Mr. Speaker, this war has taken an incredible toll on American troops, their families, and our entire country.

We cannot turn back the hands of time, but we can move forward to bring our troops home, end this war, and provide them with the tools they will need to continue their education.

As this New Direction Congress has done time and again, today we will tell the President that he is wrong.

Let us truly support the troops and vote to bring them home.

Mr. LANGEVIN. Mr. Speaker, today the House is addressing two of the most important issues facing our Nation: The Iraq war and the poor state of our economy. We have the opportunity to force a change in our Iraq strategy while providing much-needed assistance to returning troops and Americans struggling to make ends meet.

In October 2002, I voted against the resolution authorizing the use of force in Iraq, and more than 5 years later, it is abundantly clear that our Nation needs a new approach in Iraq so that we can bring our men and women in uniform home. I am extremely proud of the service and sacrifice of our troops and their families, and the best way to demonstrate our support is by welcoming them home with the services and resources they need. I strongly support the amendment before us today that requires U.S. forces to begin redeployment from Iraq within 30 days, with a goal of withdrawing nearly all troops by the end of 2009. Recognizing the toll that extended deployments are having on our readiness, the amendment also requires the Department of Defense to adhere to its policy of providing sufficient rest and recuperation time for troops returning from combat. Repeated and unpredictable deployments have placed enormous stress on our military and their families, and if we don't make changes soon, we risk losing the men and women who have made our armed forces the best in the world.

Another amendment before us would recognize the service of our troops by establishing a new GI Bill of Rights. Under this plan, which is supported by a broad array of veterans groups, servicemembers returning from Iraq or Afghanistan would qualify for educational assistance based on the amount of time served. Those serving three years on active duty would receive benefits to cover the costs of a 4-year education, based on the costs of the most expensive in-state public school. This new program will allow our military returning from combat to advance their careers and develop skills that will help improve our economy.

Finally, the measure recognizes the importance of providing assistance to our citizens struggling in the recent economic downturn. Congress has been working swiftly to address the housing crisis and the skyrocketing costs of food and energy, but we need to make sure that we help those who need it now. This legislation provides an additional 13 weeks of unemployment benefits to those who have exhausted their regular 26 weeks of benefits—a provision that could help as many as 24,400 Rhode Islanders. Unemployed Americans want to get back to work, but in many places jobs are scarce. We must not punish them for the failings of our economy, and this emergency spending measure demonstrates Congress's commitment to those in greatest need.

We have a chance today to reject the status quo policies of the Bush administration by setting new priorities for our Nation. I urge my colleagues to support efforts to prevent further blank check funding for Iraq, endorse a responsible new strategy for bringing our troops home and provide support to Americans struggling to make ends meet.

Mr. HOLT. Mr. Speaker, I want to thank Chairman OBEY for his leadership in crafting this bill and bringing it before the House. In brief, I wanted to let my colleagues know that the Select Intelligence Oversight Panel, which I chair, has been involved in this process. Our role has been to ensure that any intelligence programs included for funding in this supplemental package have been reviewed for their appropriateness and value to our troops in the field.

While the Department of the Defense is focused on Iraq and Afghanistan, the professionals in the Intelligence Community are focused on threats there and elsewhere around the world. A good intelligence system can save lives by preventing war, or, should war come, by helping to win the war as quickly as possible. We must ensure that the troops in combat get the best real-time intelligence and at the same time that policymakers get solid, independent, insightful intelligence about countries, trends, and potential conflicts around the world. I look forward to providing another update on our work once the base DoD appropriations bill is completed later this spring.

Regarding Iraq, I recently returned from a trip to that deeply troubled country. American troops are performing superbly in Iraq under continually difficult conditions. While in Baghdad, I met with soldiers—including those from New Jersey—and told them they deserve not just our gratitude, but all of the support they need when they return to help them get on with their lives. The situation in Iraq, however, is not in the power of our soldiers to control, as events have repeatedly shown.

It is impossible to hide the fact that the limited security gains achieved since last fall have not been matched by political reconciliation on the part of the Iraqis. The uneven performance of the Iraqi Security Forces (ISF) during the fighting with the Mahdi Army in late March 2008 has called into question the viability of the ISF as a national defense and police force, despite our having poured billions of dollars into the ISF.

Unfortunately, Iraq's central government continues to lack legitimacy in the eyes of its people, as the recent spasms of violence in Basra, Baghdad, and elsewhere in the country have clearly shown. No amount of American lives and money can erase that legitimacy gap. It is clear that the Iraqi government is unwilling or unable to take the steps necessary to reach a political settlement that will end the violence, and that is why I supported the amendment to this supplemental spending bill that would set a start date for our withdrawal from Iraq. It is important for us to take decisive action to end our combat involvement in Iraq and refocus our efforts on destroying al Qaeda and eliminating the conditions that breed international terrorism and refocusing our resources on pressing domestic and international needs.

While we continue our efforts to extricate our troops from Iraq, we must also prepare to help them once they return home and begin transitioning to the civilian world. I strongly support the provision in this bill that expands the education benefits veterans receive under the GI bill to restore the promise of a full, 4-year college education, and make the veterans of Iraq and Afghanistan part of an

American economic recovery, just like the veterans of World War II were.

This bill also contains provisions to help America's most vulnerable citizens survive the current de facto recession our country is experiencing. The bill extends unemployment benefits for workers who have exhausted their benefits by up to 13 weeks in every State as well as an additional 13 weeks in States with high unemployment. Also included in this bill is the Protecting the Medicaid Safety Net Act of 2008 (H.R. 5613), which places a moratorium on seven Medicaid regulations that would cut services to seniors, families, and those with disabilities as well as cut payments to safety net providers. These are compassionate measures that are fully off-set, and I am glad they are in this bill.

However, I can't help but observe, Mr. Speaker, that these needs would have been met long ago if our country had not been forced to waste billions of dollars on a war of choice that should never have been fought. I will continue to do all I can to help end our involvement in Iraq and redirect our Nation's priorities and resources where they belong—on meeting the needs of our people.

Mr. LATHAM. Mr. Speaker, I rise today to express shock in the way this spending bill has been written and dumped into our laps, sight unseen, except by a few members of the Democratic Leadership.

This supplemental bill has been crafted without the input of rank and file members, completely circumventing the committee process.

There have been no hearings, no debates, no amendments allowed and about 18 hours to review this enormous bill.

We now have a few members of the House, substituting their judgement on serious wartime funding issues, for the other 430 Members of both parties.

Think about that for a minute. You and your colleagues have had no say in this bill—none. Again, members will have had 18 hours to review this 250 billion dollar spending bill.

This is very troublesome to me as a member of the people's house and I know, for a fact, that it's troublesome to members from both sides of the aisle. Today, the 3 million citizens of my State of Iowa, and millions of other Americans—which, by the way, include soldiers serving overseas and their families waiting for their safe return—will have no say in how their tax dollars are being spent for our military.

Whatever your position is on the war, or any Federal spending in this bill, the Speaker has set a terrible precedent for this institution. To the extent that we value precedent around here, this is not the type of bad precedent we should be allowing.

Both Democrats and Republicans deserve better, and we deserve a voice.

The way this process has been handled also taints the legislative success of good bills based on good ideas. The case in point is the inclusion of legislation I fully support and of which I am an original co-sponsor—the post 9/11 Veterans' Educational Assistance Act. This bi-partisan bill overhauls the G.I. bill education benefits and increases the benefits available to veterans.

This is a good bill dropped into an emergency spending bill that the Democrats know will not become law. The majority is using the G.I. bill for their political play book of attacks against Republicans in the upcoming elections—pure and simple.

This provision, as a standalone bill, has wide support from veterans groups and Republicans and Democrats in both the House and the Senate. But the American people have the right to have their Members of Congress debate and amend the bill.

I want to read a quote that is relevant to this sad situation. it comes from the Democrats' "New Direction for America" agenda—"Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute."

Evidently, the Democrat leadership has abandoned that position, and rewritten the agenda to read: "Spending bills should be written by the leadership, in secret, and sent to the floor of the House under a closed rule, safe from the rules of regular order, traditional debate or any risk of being amended by duly-elected members of the House—from either party."

The citizens of this country deserve better, and the members of this body, on both sides, deserve better. This type of practice has no place in this house.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this legislation to provide emergency supplemental appropriations for Fiscal Years 2008. This legislation contains funding for the wars in Iraq and Afghanistan through the summer of 2009, expands education benefits for veterans, and extends unemployment benefits for workers. While this final bill is not perfect, I will vote for it to provide necessary funds for our troops in the field as well as fund some of our most pressing domestic priorities.

As a veteran of the U.S. Army myself, I strongly support our troops, our veterans and their families. Our troops have done everything they have been asked to do and done it exceptionally well. I am tremendously proud of all the troops from North Carolina and across America who have done their duty so admirably. This legislation includes $162.5 billion for our troops to fight the wars in Afghanistan and Iraq. It also includes provisions to make sure that our troops meet the Pentagon's definition of "combat ready" before they are deployed to Iraq and prevents them from being deployed longer than Pentagon guidelines recommend.

As the representative of Fort Bragg and Pope Air Force Base, I am a proud cosponsor of the Post-9/11 Veterans Education Assistance Act and am pleased that it is included in the Supplemental Appropriations bill. The original Montgomery G.I. Bill was a hugely successful initiative that provided hundreds of thousands of soldiers with new opportunities in education and business following World War II. We owe those same opportunities to the men and women fighting in Iraq and Afghanistan, and currently serving around the globe. This initiative would give returning service members who have served on active duty in the Armed Forces or reserves after September 11, 2001, to receive educational assistance for up to 4 years, and can be used at any time within 15 years of discharge or release from active duty. The new GI bill is also fiscally responsible as it is paid for with an income tax surcharge of one-half of one percent on individuals with incomes above $500,000 and couples with incomes above $1 million. Education is the key to the American dream, and our troops who have sacrificed for our country should be given every opportunity to access a higher education when they leave the service.

With our economy hurting, this bill extends unemployment benefits for workers who have exhausted their benefits by up to 13 weeks in every state and an additional 13 weeks in states with high unemployment. With the number of Americans looking for work growing, and the number of American jobs decreasing, this bill will help those Americans suffering in this economy.

I will continue to work with my colleagues in Congress as well as the President and the Administration, to provide a new direction in Iraq and to meet the critical needs of the people of North Carolina's Second Congressional District.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for these amendments today. Taken together, they provide necessary funding for our troops, set the stage for a responsible strategy of phased disengagement in Iraq, and address domestic needs and global concerns.

The war funding will pay for operations in Afghanistan and Iraq for the rest of this year and half of 2009. I support this because it will make it possible to provide the equipment, ammunition, fuel, and other supplies needed by our brave men and women serving in Iraq and Afghanistan who have shown such extraordinary skill, determination and endurance in answering their call to service.

I opposed the Bush Administration's rush to war in Iraq, and voted against the resolution that authorized the president to send our armed forces into that country on the theory that this was necessary in order to deprive the Saddam Hussein regime of weapons of mass destruction. So, I understand why some of my constituents who also opposed the war want Congress to reject this funding measure.

And I could not agree more that the record of the current Administration demonstrates an enormous failure of leadership and that we desperately need new leadership that will bring to a close our open-ended military engagement in Iraq and will refocus on the very urgent tasks of reducing the terrorist threats in Afghanistan and Pakistan.

But I am convinced that denying our men and women in uniform the resources they need to do their jobs is not the right way to bring about the change we need—especially because President Bush has shown he is prepared to veto funding for the troops rather than agree to change course.

Achieving the needed change in course is the point of the second amendment—the policy amendment—being considered today. It includes a range of provisions, including one that requires redeployment of our troops in Iraq to begin within 30 days and that states as a goal the completion of this withdrawal within 18 months.

As I've said before, I don't think there is a sustainable role for large numbers of U.S. troops in Iraq. While this provision sends the right message—that our troops cannot remain in Iraq indefinitely—regrettably, it does not send it in the best way, because it will be supported almost exclusively by Democrats, and the president has already promised to veto any legislation that he says could tie his hands on Iraq.

What we need is consensus here at home on a path forward in Iraq. I still think the best way to achieve that consensus would be to focus on the recommendations of the Iraq Study Group. Those recommendations would be accomplished by legislation I introduced last year, which would support a course of escalating economic development, empowerment of local government, the provision of basic services, a 'surge' in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

Today's policy amendment does not include the specific provisions from my Iraq Study Group bill, but it does include other important provisions—prohibiting military units that are not determined to be "mission capable" from deploying; prohibiting deployment of U.S. forces that have not spent sufficient time at their home stations between tours of duty; prohibiting permanent bases in Iraq; requiring that reconstruction assistance to Iraq be provided in the form of a dollar-for-dollar match with the Iraqis; and cracking down on contractors engaged in fraud and profiteering, among other provisions.

These are things I think should be established policy, and I support them without hesitation.

Finally, the domestic and international assistance amendment provides increases for international food aid; rejects seven of the Administration's Medicaid regulations that will increase the cost of healthcare; extends unemployment benefits; provides increases in funding for the Bureau of Prisons; and provides enhanced education benefits for veterans, among other provisions.

I support these provisions because I think they are good for the country as a whole.

Some are especially important for Colorado—for example, we have a direct interest in the funding increase staffing at federal prisons because our state has several such facilities and because recent events, including a riot that led to fatal shooting of inmates, have shown the need to increase those staffing levels.

And particularly important for America and the future of our society is the provision to improve veterans' education benefits to more closely resemble the GI Bill of Rights that made it possible for so many World War II veterans to go to college. The GI Bill of Rights helped make possible the postwar growth of the middle class that was one of the greatest achievements of the Greatest Generation. Some have complained about the cost of providing similar benefits to those who are serving today. But to put those costs—estimated at $52 billion over the next 10 years—into perspective, we should remember that so far our spending for military activities in Afghanistan and Iraq have exceeded $800 billion.

However, I do have some reservations about the way the amendment proposes to finance these benefits. To offset the cost, the amendment would impose a surtax of a half a percentage point on incomes of about $500,000 for individuals and $1 million for couples. It is estimated that this would increase federal revenues by some $54 billion over 10 years, while the educational benefits are estimated to cost $52 billion over that period. So the amount of the tax increase is not excessive, and it is appropriate to target it in a way to apply to those best able to afford it. But I think there is validity to the concern that some small businesses—those whose profits are not covered by corporate taxes but are claimed as the personal income of their owners—could be disproportionately affected. I think this aspect can and should be reviewed as the legislative process continues, to see if appropriate adjustments should be made.

Mr. Speaker, I voted against war in Iraq because, as I said then, the Bush Administration was rushing to war without necessary international support or a clear plan to prevent the chaos that would follow after Saddam Hussein was overthrown. I was concerned a prolonged conflict would devolve into civil war. Since U.S. troops entered Iraq more than 5 years ago, we have lost thousands of our brave servicemen and women, seen tens of thousands more wounded, and spent half a trillion dollars in taxpayer money.

Yet the President's mission is no clearer, he has still offered no exit strategy, our enemies in Afghanistan have regained their strength, and our armed forces have been stretched to the breaking point.

Only Democrats and Republicans working together can find the path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy. But today, I will support these amendments providing funding for our troops in the field, assistance for Americans suffering through the current economic downturn and people around the world suffering from spiraling food costs, and important policy measures to take care of our troops and remind Iraq's government that U.S. troops will not remain in Iraq indefinitely.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 2642.

This bill calls for a responsible redeployment from Iraq; and forces the Administration to answer for its actions.

The cost of this war continues to devastate America.

This bill includes $96.6 billion in funding, but not without accountability.

This bill includes funds to equip our troops. You would not have a surgeon perform a surgery without proper tools; we must not send our patriotic Americans to war without the proper equipment.

This bill will increase transparency in our relationship with Iraq, and redirects the voice of America back to Congress, not the Administration, and pass on the cost of future reconstruction of Iraq back to the hands of the Iraqi people.

I believe our troops and their families should be our first priority.

The cost of this war comes in many forms, including unexpected costs for our military families. Just like World War II veterans, our soldiers returning from overseas will now have a GI bill that keeps America's promise of an education to them.

With the costs of the war rising, the costs of oil skyrocketing, and the number of foreclosures hitting emergency levels, many working families are facing uphill battles. Congress must not just stand by and watch.

This bill includes emergency provisions for harmful Medicaid cuts and an extension on the devastated unemployment compensation program for working families.

From my District alone, this war has cut short the lives of 13 young men and has brought back hundreds of injured soldiers.

The cost of this war is too high both at home and overseas; our families are hanging on by a thread. I urge my colleagues to bring our troops home and support H.R. 2642.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to thank the gentleman from Pennsylvania, Mr. MURTHA for his help on an important issue to me and the men and woman at Cannon Air Force Base in my district.

Since the early stages of this legislation, Mr. MURTHA has worked with me to include aircraft for SOCOM and AFSOC, which has recently expanded to Cannon. Cannon is the new home to the 27th Fighter Wing, which is being stood up and is in need of aircraft appropriate to the specific job performed by these soldiers.

That is why I am pleased that the supplemental includes money for CV–22 and MC–130J aircrafts designated for AFSOC. This will greatly assist in accelerating the capabilities at Cannon and will give the men and women serving there the tools they need to help keep America safe. The CV–22s and MC–130Js are integral to the training and mission work done by the 27th.

I am fully committed to ensuring that our soldiers have the training and equipment they need to protect our nation, which is why I requested this funding. I would like to once again thank Mr. MURTHA demonstrating our shared commitment to our soldiers by including funding for these aircraft.

Mr. TIAHRT. Mr. Speaker, I rise today to protest the Democrat Leadership's dictatorial tactics. Our Founding Fathers, in their infinite wisdom, created a system of government by which the people's voice would be heard in legislative decisions, especially those affecting the use of their hard earned taxpayer dollars. The House of Representatives has the awesome responsibility to represent the will of the people, and for that reason, under the Constitution of the United States, spending bills originate in this body. What we have here today, however, is the suppression of the people's voice. This bill is brought to the floor without consideration by the committee of jurisdiction whose chairmen didn't even have input and without true consideration by the House with a lockdown rule that does not allow for consideration of amendments or a substitute bill. Democrat and Republican Members have been shut out of this process.

This bill contains funding for the men and women who protect this nation at home and abroad—yet the defense subcommittee which holds hearings year round about their needs has not been consulted. This bill contains funding for our nation's veterans, yet again the subcommittee that best understands their needs has not been consulted. This bill contains funding for domestic priorities and yet again the subcommittees of jurisdiction have not been consulted.

Why is the Speaker of the House opposed to allowing the House of Representatives have their say? I can only assume it is that she knows the American people would reject this irresponsible use of their hard earned tax dollars. This bill takes $250 billion out of the pockets of American workers. $250 billion. That cannot be taken lightly. Families across this nation are struggling to keep up with the rising cost of gas, rising food prices, rising education costs, etc. The people must have a say in whether this is a wise use of their money.

I strongly support our troops, as do my constituents, yet we are not given a chance to have a say in how to best supply them. Mr. Speaker, I encourage all of my colleagues to stand up for their constituents and demand that we have a say. Vote against the bill and force the Democrat Leadership to bring this bill through regular order.

Ms. DEGETTE. Mr. Speaker, I rise in opposition to the amendment to be voted on today which will provide another blank check for the war in Iraq:

I remain steadfast in my opposition to the Iraq war and its continued funding. Tens of thousands of our bravest sons and daughters have been wounded and over 4 thousand killed. We have spent hundreds of billions of dollars on this war, which has necessarily meant we have had fewer resources to deal with significant problems here at home.

Our continued military involvement in Iraq only prolongs the tragedy this war has been for our country and delays the inevitable time when Iraq will have to take responsibility for its own security. While my support for our heroic troops is unwavering, it is time to bring them home. These views are shared by the vast majority of the American people.

I strongly support the other two amendments the House is considering today. One amendment would bring needed change to our efforts in Iraq. For example, it would require that the redeployment of our troops out of Iraq begin within thirty days with a goal of completing that redeployment by December 2009. And, it would encourage Iraq to contribute towards its own reconstruction.

The other amendment addresses important domestic priorities. Among other provisions it would modernize educational benefits for veterans and extend unemployment insurance. It also would block devastating Medicaid regulations which, if left in place, would reduce access to safety-net health care for people across the country and threaten the ability of certain health care providerss, such as Denver Health in my district, to offer vital services.

These three amendments on the floor today offer the Members of the House of Representatives a stark choice. They can choose to reject the views of the American people and blindly follow the misguided policies of the Bush Administration. Or, they can choose to end this war. support our veterans, and help Americans struggling in these dark economic times. History will look most kindly on those who show the independent judgment and wisdom that such important decisions require.

Mr. DINGELL. Mr. Speaker, the Iraq War has now entered its sixth year. During this time more than 4,000 soldiers have died, almost 30,000 have been injured, and tens of thousands more will suffer mental scars for years to come. The stress of multiple deployments has strained our military, and our military families. Many of our brightest young officers are leaving the military for careers that allow them to have a family, something that is difficult if not impossible when they are being asked to return to Iraq every 12 months. In addition, the economic cost of this war has been nothing short of staggering. The United States has already spent more than five hundred billion dollars in Iraq, or about $5000 for every household in America. Our children and our grandchildren will be paying off this debt for years to come.

After all the lives lost and money spent, this President has still failed to articulate what our mission in Iraq is, and what strategic goals he still hopes to accomplish. That is why I have introduced legislation that would require the President to have our troops out of Iraq before he leaves office, and also why I do not support giving the Pentagon another $162 billion it can use to wage this war for another year after the next President is sworn in.

While I do not support further funding for this war beyond the President's term in office, I do support the provisions that have been attached conditioning this funding to a timeline for withdrawal, prohibiting the use of torture, holding contractors operating in Iraq responsible for fraud and other criminal activity, stopping the construction of permanent military bases in Iraq, and requiring the President to submit any long term security agreement he reaches with the Government of Iraq to Congress for approval. For too long this President has been given a blank check with which to pursue his Iraq policies, and I am glad that the House of Representatives will once again attempt to hold him accountable for his mismanagement of this war.

It must be pointed out that this vote is not a vote against the troops. Those who are serving our country in Iraq are performing admirably under difficult circumstances. Congress has already provided funds for the Department of Defense and war operations for Fiscal Year 2008. This vote won't endanger the troops' safety in any way, but it does send a signal to the President that he should begin the process of bringing them home.

I also support the decision to include in this legislation funding for other important Democratic priorities that will help boost our economy. Overall, these measures make up only a small fraction of the total cost of the bill, but they are targeted to make a big impact here at home. Not only will they give much needed assistance to the unemployed, veterans, and other vulnerable people, but these provisions will play an important role in stimulating the lagging economy.

For example, the supplemental package includes a bill I introduced that will place a temporary moratorium on seven regulations recently issued by the Centers for Medicare and Medicaid Services (CMS). These regulations, if allowed to stay in place, would reduce or eliminate payments for services provided to vulnerable Americans and the institutions that serve them: children with disabilities, people with mental illness, those with multiple care needs, people attempting to transition from an institution to a community living environment, and people with disabilities who need these critical services, such as rehabilitation services and case management, in order to remain in their community. In Michigan, the rehabilitation rule would cut rehabilitation services for 15,000 children with special needs, eliminate habilitation services for another 29,000 developmentally disabled adults and children living in the community, and eliminate access to critical community services and resources for 23,600 adults and 5,100 children who are in supported independent living arrangements or group homes.

The supplemental will also contain legislation I cosponsored to extend Unemployment Compensation, a provision that will greatly help the residents of Michigan's 15th Congressional District which I have the honor of serving. The National Employment Law Project projects that from May 2008 through March 2009, more than 162,000 workers will exhaust their benefits in Michigan, and that currently over 64,000 have already exhausted this benefit. By including this legislation in today's supplemental package Congress will be helping 226,590 workers in Michigan who desperately need the extra boost, while also giving a much needed boost to the economy.

This bill will also provide expanded G.I. Benefits for Veterans Education, restoring the promise of a 4 year college education to those returning from Iraq and Afghanistan. As a veteran of World War II, I know how instrumental the original G.I. Bill was in expanding economic opportunity, growing the middle class, and creating a strong and vibrant post-war economy. The President and some of his Republican colleagues, including Senator MCCAIN, are opposed to providing increased educational opportunities to today's generation of veterans because they fear it will discourage men and women currently serving from reenlisting. I find it highly disturbing that the President and his colleagues would withhold these much needed benefits to those who have served our country so admirably, and I would advise them that the quickest way to fix our military's retention problem would be to put an end to the misguided Iraq war that has so seriously damaged morale.

Another provision that I strongly support provides $675 million to assist refugees, with the bulk of that money going to address the growing humanitarian crisis in Iraq. I asked the President to include $1.5 billion in his budget for increased U.S. spending in the region, increased U.S. contributions to United Nations appeals for Iraqi refugees, and increased bilateral assistance for our allies, such as Jordan, that are struggling to deal with huge numbers of Iraqi refugees within their borders. Unfortunately this request was denied, and I am very pleased that I was able to work with my Democratic colleagues to see to it that some of these funds were made available in the Supplemental.

No matter what we do here today, the President has made it clear that he intends to keep 160,000 troops in Iraq as long as he is in office. While I am disappointed that it appears the President has no interest in ending the war on his watch, I am pleased the Democratic Congress has gone on record as being opposed to that plan, and has put in place the kind of timelines and restrictions required for us to begin to bring our troops home. I also think it is wholly appropriate to include funding for domestic priorities in an emergency supplemental spending bill. Just as the President's mishandling of the Iraq war has caused a crisis in the Middle East, his mismanagement of the economy has created a crisis here at home for millions of Americans.

Mr. Speaker, I rise today to voice my strong support for a particular provision in the Supplemental Appropriations legislation, H.R. 2642.

Included in this bill is legislation that I introduced with Representative TIM MURPHY of Pennsylvania. The "Protecting the Medicaid Safety Net Act of 2008" is a simple, straightforward bill that would place a temporary moratorium on seven regulations recently issued by the Centers for Medicare and Medicaid Services (CMS).

The Committee on Energy and Commerce recently reported the bill with unanimous support. The House then passed it with an overwhelming bipartisan vote of 349 to 62.

These Medicaid regulations in question, if allowed to stay in place, would reduce or eliminate payments for services provided to vulnerable Americans and the institutions that serve them. They would affect children with disabilities, people with mental illness, those with multiple care needs, people attempting to transition from an institution to a community living environment, and people with disabilities who need services, such as rehabilitation services and case management in order to remain in their community. The regulations would also eliminate funding for school-based outreach and enrollment, and funding that helps safety net providers care for indigent and under-insured patients in our communities.

In my home State of Michigan, the rehabilitation rule would cut services for 15,000 children with special needs, eliminate services for another 29,000 developmentally disabled adults and children and eliminate access to critical community services and resources for 23,600 adults and 5,100 children who are in supported independent living arrangements or group homes.

The Administration's arguments for supporting these regulations simply do not hold water. These regulations go beyond any justifiable point to curb abuses in the system. Rather, they represent a misguided effort to shift costs to States and prohibit Federal support for legitimate expenditures on behalf of Medicaid beneficiaries..

More than 2,000 organizations representing beneficiaries, providers, schools, and States have written to lend their support to this initiative, from "A", such as the American Hospital Association and the American Academy of Pediatrics, to "Z," the Zion Lutheran Elementary School in Nebraska. The chorus of support has been overwhelming.

I would also like to take a moment to commend Chairman PALLONE and Ranking Members BARTON and DEAL who worked to prepare the bill for rapid action in Committee and the House floor.

I also wish to thank Chairman OBEY for including the Medicaid legislation in the supplemental appropriations bill.

Ms. ESHOO. Mr. Speaker, I rise in strong opposition to continued war funding for Iraq.

I voted against the war and have never wavered in my opposition to the Administration's misguided policies in Iraq.

It has been a long and painful 5 year journey for the people of our country since the Administration acted preemptively and unilaterally to invade and occupy Iraq.

Military leaders, the best minds in foreign and economic policy, and the vast majority of the American people have been resoundingly clear: The Administration's war-without-end policy is not a strategy for success.

As retired General William Odom, former Director of the National Security Agency under President Reagan and member of the National Security Council under President Carter stated, "Getting out of Iraq is the pre-condition for creating new strategic options."

I cannot support war funding without a clear exit strategy in sight. It is bad for our troops, our country, and our standing in the world.

Mr. Speaker, I rise in support of today's second amendment that includes a clear path out of Iraq, a plan that my constituents and the vast majority of Americans are demanding.

More than 5 years ago the President proclaimed "Mission Accomplished" in Iraq. Paradoxically, he insists on a permanent U.S. presence there. And what exactly has this Administration "accomplished" in Iraq?

More than 4,000 U.S. soldiers have been killed and almost 30,000 injured; tens of thousands Iraqi civilian deaths; an emboldened Iran and new threats from Al Qaeda in the region; $519 billion taxpayer dollars spent and a future expenditure of some $3 trillion; a hobbled Iraqi government unable to provide clean water, medical care, jobs for its people, or pass critical oil sharing legislation; a U.S. military on the verge of collapse and unable to press vigorously the critical fight in Afghanistan or respond to other crises in the world; and still no exit strategy.

With no end game in sight, the Administration and its supporters in Congress are complicit in a continuation of a failed policy which they insist on extending with a blank check policy to accompany it.

The President owes it to our brave men and women in Iraq and their families, he owes it to the American people, and he owes it to the citizens of Iraq not to leave this mess for the next President to finish.

This bill establishes a clear path out of Iraq. The language requires the Administration to begin redeployment 30 days after enactment and requires Secretary Gates to submit to Congress within 90 days a report detailing plans to reduce and redeploy troops from Iraq. It prohibits sending troops to Iraq that are not assessed as "fully mission capable" of performing their assigned mission, and outlaws the presence of a permanent U.S. base there. Additionally, this provision requires the Iraqi government to match every U.S. dollar spent for training and infrastructure construction and repair. Finally, it prohibits the intelligence community from subjecting detainees to interrogation techniques not authorized by the U.S. Army Field Manual. This will essentially abolish the use of water torture and begin to restore America's standing in the world community.

As a member of the Permanent Select Committee on Intelligence it is vital that we extend the ban on torture to the Intelligence agencies. The President has said he will veto any ban on torture, clearly demonstrating his desire to reserve for himself the right to subject detainees to these horrendous techniques. Congress has an obligation to make it clear that the American people do not believe in torture and will not allow it to continue.

This amendment sets a decisive course out of Iraq and begins to shift responsibilities to the Iraqi government. I urge my colleagues to heed the demands of the American people and support this strategy.

Mr. Speaker, I'm very pleased that the Appropriations Committee included two important provisions in today's third amendment. First, it includes critical funding for Iraqi Christians and second, it modernizes and improves the G.I. bill.

I'm pleased that the amendment contains $10 million for vulnerable Iraqi minorities, including Christians. The needs of Assyrians in Iraq could not be greater. A report produced by the Department of State on U.S. assistance to the Nineveh Plains in Iraq concluded that Christian minorities have experienced serious human rights abuses in the Nineveh Plains. The report also states that the region has absorbed a significant number of Christian internally displaced persons (IDPs) moving from the south, placing an economic burden in the area.

They are fleeing because they are being threatened and murdered in their home communities. Their priests are being executed, their churches burned, and their nuns threatened. In February of this year, Archbishop Paulos Rahho was abducted and murdered in Mosul.

While Assyrians only represented 5 percent of the total Iraqi population before the war, according to the United Nations today they comprise as much as 40 percent of the growing Iraqi refugees who have fled for their lives to Syria, Jordan, Lebanon, and Turkey.

These families desperately need security, housing, jobs, schools and the chance to live in a sustainable community where they can openly practice their faith. This funding is essential to their survival.

Also included in this amendment is a modernization of the G.I. bill. The G.I. bill has been heralded as one of the most successful government programs in the history of our Nation. It gave millions of G.I.s the chance to go to college, many of whom were the first to receive a college education in their families. But the G.I. bill is over 54 years old and has not kept up with rising tuition costs.

According to a recent Department of Veterans Affairs (V.A.) survey, 18 percent of the veterans recently back from tours of duty are unemployed. Of those employed since leaving the military, 25 percent earn less than $21,840 a year. The survey also demonstrated that only 48.4 percent of the respondents took advantage of the G.I. bill and concluded that receiving the benefits of the current G.I. bill was not a strong predictor of successful employment outcomes.

This survey clearly demonstrates the need for this new G.I. bill. The amendment provides veterans with a maximum educational benefit equal to the highest tuition rate of a public college or university in their State, as well as a monthly stipend for housing. It also establishes a new program in which private educational institutions would make financial contributions toward veterans' tuition, and the federal government would match those contributions.

When our veterans return from the battlefield, they should have every opportunity to enter the classroom and ultimately the civilian workforce. Our Nation needs these brave men and women to contribute to the growth and health of our economy and this new G.I. bill accomplishes this.

From development funding for Iraqi Christians to the creation of a new G.I. bill, this amendment addresses specific urgent needs for our Nation and world. The amendment is well crafted and I urge my colleagues to support its passage.

Ms. McCOLLUM of Minnesota. Mr. Speaker, today Congress will once again fund President Bush's Iraq War. With this $162 billion in funding for the Pentagon there will have been more than $750 billion committed to fight wars in Iraq and Afghanistan—all of it paid for with debt. In Iraq, the American people have witnessed tremendous valor from our armed forces, including the sacrifice of more than 4,000 Americans who have lost their lives and another 15,000 who were seriously wounded. Unfortunately, presidential leadership has not risen to this same high level of commitment for our soldiers. The Bush administration and their supporters in Congress are responsible for the greatest foreign policy disaster in American history and today their failed policies will be financed with debt for another year.

Today, I will oppose continuing to fund the Iraq War as I have in the past. This war is not making America safer, but it is weakening our military capacity, exhausting our troops and undermining our Nation's economic security. It is time to invest in America and the needs of the American people. I am appalled by the stories about defense contractors engaging in war profiteering, corrupt Iraqi officials fueling the sectarian divide, and reconstruction projects financed by the American people left unfinished or unused because of poor planning.

Now in the sixth year of the Iraq War, America is seeing the conflict in Afghanistan, the heart of the war on terror, grow more intense as the Taliban resurges. My support for the on-going U.S. effort in Afghanistan remains strong. I was in Afghanistan and Pakistan in March and the threats posed by the Taliban and al-Qaeda in those countries are real. It is tragic that the Bush administration's deception and failed policy in Iraq has taken the focus off of al-Qaeda and the Taliban.

Mr. Speaker, despite the failings and costly mistakes made by the Bush administration, the Democratic leadership in Congress is giving this Nation hope that the Iraq War will come to an end and that Washington will once again invest in the needs of the American people. Yet, the Bush administration rejects any spending on domestic priorities that will benefit the American people.

Look around our country. Healthcare is in crisis. America's infrastructure is deteriorating and collapsing—as we've seen with the 1-35W bridge in Minneapolis. With oil prices reaching $125 per barrel there is still no significant federal investment in a massive expansion of renewable energy research, development and implementation. The list is long and it is the result of absolute neglect to invest in America by the Bush Administration and a Republican Congress that together led this nation from 2001 through 2006.

Democrats have new priorities for America and some of those priorities are clearly reflected in H.R. 2642. This bill provides a significant investment in those men and women who have served our country and deserve our gratitude and our support. H.R. 2642 restores GI education benefits to the veterans of the Iraq and Afghanistan wars to help ensure their future success and our economic recovery. The cost of providing four-year college scholarships for our veterans for an entire year is less than we spend in one day in Iraq, and helps to change our mission from squandering tax dollars in Iraq towards investing in America.

The Majority has also responded to the economic crisis facing too many families by including extended unemployment benefits for workers who have exhausted the 26 weeks of regular benefits. The U.S. economy has lost 260,000 jobs in the last four months, and 1.35 million workers have been unemployed longer than 26 weeks. This extension will provide relief for the over 4 million Americans, including nearly 70,000 Minnesotans, who are struggling to find a job, and help to stimulate the economy in a cost-effective, fast-acting way. To ensure that states and hospitals can continue to provide health care services for our most vulnerable, this bill includes a rejection of the Bush Administration's proposed regulations to slash federal funding from Medicaid.

H.R. 2642 gives relief to a growing global crisis by providing $1.6 billion in emergency international food aid. Food assistance is desperately needed by the millions of families facing hunger and starvation this year due to rising food prices, natural disasters, economic downturns, and conflict situations. This is a moral and humanitarian response to end suffering around the world and is also a positive step the United States can take to restore our reputation in the international community.

Democrats will also try once again to change the policy and mission in Iraq. An amendment I support will require redeployment out of Iraq by December 2009, require that Iraqi's contribute to the cost of their reconstruction, require that our military does not pay more for fuel than the Iraqis, requires additional training and rest for our soldiers and would finally and explicitly prohibit torture. Unfortunately, the Administration continues to oppose these common-sense, responsible policies to keep our troops safe, reduce the burden on the American taxpayer, and repair our standing in the world.

America needs a new direction—in Iraq and at home. Democrats are fighting to end the war responsibly, to reduce the debt burden on our children and grandchildren, and to reinvest in our future.

Mr. CONYERS. Mr. Speaker, I rise today to oppose this most recent war funding appropriation brought before the Congress. While I cannot in good conscience provide the President with any additional funds that would continue this disastrous war well into the next president's administration, I do support Amendment #2, which attaches conditions to the war funding and would hold the President accountable. I also support Amendment #3, which would honor our veterans and provide desperately needed humanitarian funds to people both here and abroad.

As I have said before, the American people sent a clear message to the Congress on November 7, 2006: We must end the war in Iraq. In the ensuing months, the calls for withdrawal have only increased. A recent ABC News/Washington Post poll shows that 57 percent of Americans believe that the United States should withdraw its military forces from Iraq to avoid further U.S. military casualties, even if it means that civil order is not restored there.

Unfortunately, we stand here today, no closer to responding to the demands of the American people. This development frustrates me to no end and I know it frustrates the American people. Yet, it also strengthens my resolve to press harder for the outcome this country needs.

The ultimate, unequivocal authority of the Congress is the power of the purse. We must use it. The only way to truly support our troops is take them out of harm's way. The American people understand that marching ahead blindly into oblivion is anything but supporting our troops.

The longer this war drags on, the more its effects are felt in our communities and homes. Last year, the citizens of Detroit spent $231.3 million to fund the war in Iraq. With those same funds, the Congress could have provided healthcare for 172,984 children. Even when faced with historically high food prices, a crumbling infrastructure, and the subprime mortgage crisis, the Administration continues to demand that the American people continue to pour billions of their taxpayer dollars into an unwinnable war. The priorities of this Administration could not be any more misplaced.

Of course, appeals to reason fall on deaf ears with this President. In an interview this week, President Bush was asked about the worst that could happen if the U.S. were to pull out of Iraq next year. The President responded: "The doomsday scenario of course is that extremists throughout the Middle East would be emboldened, which would eventually lead to another attack on the United States."

The President's overreliance on the tired rhetoric of fear, unchanged after five years of bloody occupation, exemplifies how intellectually bankrupt the justifications for his war policies have become.

Mr. Speaker, this lame duck President cannot scare the Congress and the American people into continuing his war. We know that it is the presence of our troops on the street corners of Basra and Fallujah that lures extremists to Iraq. We know that it is the unintentional desecration of holy sites, like the Golden Dome of Samarra, that inspires outrage in the hearts of young men throughout the Middle East and makes America more susceptible to another terrorist attack.

There is only one sensible way forward in Iraq. If the Congress acts this day to cut off funding for the war or to impose a timetable for withdrawal, we can begin the immediate phased drawdown of American troops and conclude it within 18 months. Such redeployment does not constitute "cutting and running." Instead, it offers the only hope for a diplomatic solution to the civil war raging inside of Iraq. With 160,000 troops in Iraq, Washington lacks the leverage on its own to push the Maliki government to take meaningful steps to accommodate Sunni concerns and thereby empower Sunni moderates. Similarly, the U.S. presence in Iraq allows the rest of the world to avoid responsibility for stability in and around Iraq, even as everyone realizes the stakes involved. Only a plan to draw down U.S. forces, coupled with a robust diplomatic surge, will prompt Middle Eastern states, European governments, and the United Nations to be more constructive and proactive in working to salvage stability in the Persian Gulf.

I came to Washington 43 years ago on a platform of Jobs, Justice, and Peace. Because it is my firm belief that we will never achieve peace in Iraq as long as this war continues, I cannot support a supplemental funding bill that allows a politically unaccountable President to continue an unwinnable conflict. Enough is enough.

Mrs. LOWEY. Mr. Speaker, I thank Chairman OBEY and Speaker PELOSI for crafting a bill which protects our troops, supports our veterans, addresses critical economic and infrastructure needs, and redirects our policy in Iraq to reflect the will of the American people.

The President misled the Congress and the American people into the war in Iraq and has mismanaged it at every turn. As a result, this war has provided fertile ground for terrorists to grow their networks in Iraq and distracted the Administration from the original war on terror in Afghanistan.

The President has continued to ignore the will of the American people and Congress, disregarding expert guidance of former generals and foreign policy leaders by continuing a failed strategy in Iraq.

So, today I am compelled to vote against continued funding for this war to send a strong message to the Administration that we cannot continue this course and there will be no more blank checks.

That is why I will also vote for requirements that establish clear guidelines to end this war quickly and responsibly. This bill requires that U.S. troops begin redeployment from Iraq within 30 days and complete withdrawal of combat troops by December 2009. This measure also ensures that any new agreement between the U.S. and the Government of Iraq that commits U.S. forces be specifically authorized by Congress; prohibits the establishment of permanent bases in Iraq; prohibits torture; and protects our troops by ensuring that they are "combat ready," deployed no longer than Pentagon guidelines allow, and provided adequate time between deployments.

I will also support the portion of this bill which includes GI education benefits for veterans, extended unemployment compensation for those out of work in this struggling economy, and critical funding for international priorities.

In the State and Foreign Operations portion of this bill we reduced Iraq assistance and operations by $1.2 billion from the President's request and, furthermore, require that the Iraqis match our assistance dollar for dollar. With oil at $125 a barrel and the Iraqi government expected to run surpluses over $50 billion, there is no reason that the Iraqis shouldn't provide more of their own resources to support their country.

This bill provides sufficient funding to maintain assistance programs and fund our diplomatic operations in Iraq and Afghanistan through the first three quarters of fiscal year 2009, including over $50 million to continue important oversight functions of the inspectors general in Iraq. This bill also provides $462 million for counter-drug and law enforcement efforts in Mexico and Central America.

The President's request failed to address the needs of one of our closest allies in the Middle East. Jordan is struggling with an influx of nearly 500,000 Iraqi refugees, and this bill provides $350 million in economic and security assistance to help Jordan meet these needs.

Additionally, we have included $675 million in response to the global refugee crisis resulting from the conflicts in Iraq, Afghanistan and parts of Africa.

Rising fuel costs, the global economic down-turn and food scarcity have created a global food crisis that is breeding instability across Africa, Asia and Latin America. This bill provides $620 million in disaster and development assistance to address short-term and longer-term food security. These funds exceed the $1.2 billion in PL. 480 food aid in the agriculture section of this bill.

We have also provided the remaining $333.6 million for the UN Mission in Darfur for FY08 as well as an additional $90 million to train police to join this UN mission and to support the upcoming elections in Southern Sudan.

Finally, in light of critical staffing deficiencies at the State Department and USAID, the bill contains over $100 million to rebuild the capacity of our diplomatic and development corps, including $50 million for the Civilian Stabilization Initiative.

This bill provides funding for critical international and domestic needs to help suffering people overseas and struggling families here at home. We also must end the war in Iraq which has cost us far too many lives and too much money. Our troops and their families have sacrificed greatly, and it is time to bring our troops home.

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the first and second amendments to the Senate amendment to H.R. 2642. In November 2006, the people of the United States gave this Congress a mandate to end the war in Iraq. Yet today we are in the same place we were in January of 2007 and have not taken appropriate action to end the war.

The first amendment considered today continues to fund the war with an additional $162.5 billion for operations in Iraq and Afghanistan. These funds will carry the wars in Iraq and Afghanistan into 2009. This money adds to the $700 billion that Congress has appropriated for all war related expenses since 2001. Expert analysis tells us that the real cost of funding this war will amount to $3 trillion. Yet dollar figures cannot begin to estimate the true cost of war which includes the lost lives of the 4,077 of our honorable troops who have been killed in Iraq and 501 killed in Afghanistan, the lives of over 1,000,000 Iraqi civilians, and the injury of over 30,000 members of the Armed Forces.

The second amendment sets a goal for the withdrawal of our troops from Iraq. I favor the safe and orderly redeployment of our troops and this amendment requires that it begin within 30 days. But a nonbinding goal to withdraw our troops within 18 months does not end this war and does not mean that all of our troops will be home within 18 months. This goal amounts to an open-ended invitation to continue this war well into the future. This body has the ability to end the war and bring our troops home simply by refusing to continue funding.

The war, waged under false pretenses, has decimated Iraq. Destruction has permeated most of the country. War has taken a very heavy, very real and very caustic toll. At an absolute minimum, we have a responsibility to rebuild that which we have destroyed. However, amendment number two to the Emergency Supplemental requires Iraq to match U.S. reconstruction funds dollar-for-dollar. The U.S. has waged an illegal war that has torn Iraq to pieces and now this body sees fit to require that Iraq match U.S. funding for reconstruction. This sends a clear signal to the Iraqi people about the U.S. commitment to the health and well-being of the people of Iraq. I cannot support this policy.

The second amendment will also require Iraq to partially finance the cost of fuel for the U.S. military in Iraq. This amounts to stealing from the Iraqi people. The Constitution of Iraq mandates that the petroleum resources of Iraq belong to the Iraqi people. These resources will be needed by Iraq to ensure their future well-being. This body should not establish any requirements related to the oil resources of Iraq.

It is time for this body to stop equivocating. This body must end this war. The American people have asked us to end this war and bring our troops home. We must respond to the will of the American people.

Mrs. MALONEY of New York. Mr. Speaker, today the House is considering three amendments to fund the war in Iraq, enact important policies regarding the war in Iraq, and meet critical domestic needs. I will support two of these amendments.

The American people want this wrong-headed war in Iraq to come to an end. More than 4,000 soldiers have lost their lives and billions of dollars have been spent. Yet this Administration insists on staying the course.

I will not support the amendment that would provide nearly $163 billion through next summer to fund the wars in Iraq and Afghanistan. While I believe that our efforts in Afghanistan are necessary and have not received sufficient attention or resources since the start of the war in Iraq, I cannot support devoting billions of dollars to a failed policy in Iraq, particularly when we are facing significant economic problems here at home.

However, I strongly support the amendment that would enact several necessary policies regarding the war in Iraq including the complete withdrawal of American troops from Iraq by December 2009, ensuring congressional approval of any treaties between the United States and Iraq, no permanent bases in Iraq, and prohibiting torture techniques not authorized in the Army Field Manual. I hope that the final bill sent to the President will include these important provisions.

Finally, I am pleased to support the amendment that will expand benefits for veterans, provide, food, disaster, and refugee assistance, help strengthen levees in Louisiana, enact contracting reforms, and extend unemployment benefits in all states for 13 weeks and in some states, an additional 13 weeks. We must continue to do all that we can to help those Americans who are looking for employment in these difficult economic times.

I want to thank Chairman OBEY and Chairman MOLLOHAN for the inclusion of $210 million in funding for the Census Bureau. This is a welcome first step in repairing the mismanagement of the 2010 Census planning process by the Bush Administration, and it is a responsible action by this Congress.

Full and fair representation is a fundamental building block of our democracy, and it is imperative that we guarantee every American is counted. While this funding is a critical first step, we must continue to hold this Administration accountable and restore the American people's confidence in our ability to fulfill this Constitutional mandate.

I urge my colleagues to join me in opposing additional funding for the war in Iraq so that we send the President the message he needs to hear: bring the troops home now.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1197, the previous question is ordered.

The question of adoption of the motion is divided among the three proposed House amendments to the Senate amendment.

The first portion of the divided question is, Will the House concur in the amendment of the Senate with House amendment No. 1 printed in House Report 110-636?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on concurring in the Senate amendment with amendment No. 1 will be followed by 5-minute votes on concurring in the Senate amendment with amendment No. 2, if ordered; concurring in the Senate amendment with amendment No. 3, if ordered; and the motion to suspend the rules with regard to H.R. 2894, if ordered.

The vote was taken by electronic device, and there were—yeas 141, nays 149, answered "present" 132, not voting 12, as follows:

[Roll No. 328]

YEAS—141

Altmire
Baird
Barrow
Bean
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Campbell (CA)
Capito
Carney
Castle
Cazayoux
Chandler
Clyburn
Coble
Cole (OK)
Cooper
Costa
Costello
Cramer
Cuellar
Davis (AL)
Davis (CA)
Davis, Lincoln
Dent
Dicks
Donnelly
Edwards
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Fallin
Forbes
Fortenberry
Fossella
Foster
Frelinghuysen
Giffords
Gilchrest
Gonzalez
Gordon
Graves
Green, Gene
Hall (TX)
Hayes
Heller
Herseth Sandlin
Hill
Hinojosa
Holden
Hooley
Hoyer
Hunter
Jefferson
Johnson (IL)
Jones (NC)
Jordan
Kanjorski
Keller
Kind
King (NY)
LaHood
Lampson
Larsen (WA)
Latta
Levin
Lipinski
LoBiondo
Lucas
Mahoney (FL)
Marshall
Matheson
McHenry
McIntyre
Melancon
Miller (FL)
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Murphy, Tim
Murtha
Musgrave
Ortiz
Pearce
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Ramstad
Reichert
Renzi
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shays
Sherman
Shuler
Skelton
Smith (WA)
Snyder
Space
Spratt
Stearns
Tanner
Taylor
Terry
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walz (MN)
Whitfield (KY)
Wilson (OH)
Wittman (VA)

NAYS—149

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Price (NC)
Rahall
Rangel
Richardson
Rothman
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (VA)
Serrano
Shea-Porter
Sires
Slaughter
Solis
Speier
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

ANSWERED "PRESENT"—132

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller, Gary
Moran (KS)
Neugebauer
Nunes
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bono Mack
Crenshaw
DeGette
Gallegly
Gerlach
Gillibrand
Hulshof
Lewis (KY)
Mack
Myrick
Rush
Sali

□ 1530

Ms. WATSON, Messrs. MILLER of North Carolina, CARSON of Indiana, AL GREEN of Texas, and BECERRA changed their vote from "yea" to "nay."

Messrs. JORDAN of Ohio, BILIRAKIS, Mrs. SCHMIDT, and Mrs. MUSGRAVE changed their vote from "present" to "yea."

Ms. GRANGER, Messrs. DOOLITTLE, WALSH of New York, EVERETT, and SAM JOHNSON of Texas changed their vote from "yea" to "present."

Messrs. ISSA, LINDER, WELLER of Illinois and Mrs. CUBIN changed their vote from "nay" to "present."

So the first portion of the divided question was not adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SALI. Mr. Speaker, on rollcall No. 328, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Speaker, on rollcall No. 328, I was in the well waving my "present" card. The Speaker clearly saw me and did not recognize me. Had I been recognized, I would have voted "present."

The SPEAKER pro tempore. The Chair will now put the question on the second portion of the divided question.

The question is, Will the House concur in the amendment of the Senate with House amendment No. 2 printed in House Report 110-636?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 196, not voting 11, as follows:

[Roll No. 329]

YEAS—227

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Allen
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Cole (OK)
Conaway
Costa
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bono Mack
Campbell (CA)
Crenshaw
DeGette
Gerlach
Gillibrand
Hulshof
Lewis (KY)
Mack
Myrick
Rush

☐ 1537

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will now put the question on the third portion of the divided question.

The question is, Will the House concur in the amendment of the Senate with House amendment No. 3 printed in House Report 110-636?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 166, not voting 12, as follows:

[Roll No. 330]

YEAS—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz

Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—166

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—12

Bono Mack
Campbell (CA)
Crenshaw
DeGette
Gerlach
Gillibrand
Hulshof
Lewis (KY)
Mack
Maloney (NY)
Myrick
Rush

☐ 1545

So the third portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mrs. MALONEY of New York. Mr. Speaker, I would have voted "aye" on rollcall 330. I was in a meeting and detained.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) "An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.".

CONGRATULATING THE HONORABLE KRISTEN GILLIBRAND ON THE BIRTH OF HER CHILD

(Ms. HARMAN asked and was given permission to address the House for 1 minute.)

Ms. HARMAN. Mr. Speaker, I know that everyone is rushing to catch a plane, but I thought we could all welcome a little bit of good news; and that is, that one of our colleagues, KRISTEN GILLIBRAND, gave birth in the middle of the night to her second son. Mama is doing fine. The son is 7 pounds, 14 ounces; 20 inches long. I think she is the first Member of this House to leave an Armed Services markup to go into labor and deliver a child.

I send her good wishes from all of us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2894, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 2894, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SECURITY ASSISTANCE AND ARMS EXPORT CONTROL REFORM ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5916, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 5916, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5834, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 5834, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Ladies and gentlemen of the House, it's my understanding we voice-voted the last vote while we were all talking, and therefore, there are no more votes for the day, and we are finished for the week. Have a good weekend.

There will be no votes on Monday, but there is business on Monday. If you have a suspension bill in which you are interested, you need to be here to participate. We have agreed that there would be no votes on Monday, but there will be probably 30 suspension bills considered on Monday. Whatever votes are asked for, we will roll until Tuesday. We will be meeting Tuesday at 10 o'clock.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 891 AND H. RES. 1131

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of both H.R. 891 and H. Res. 1131.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TOMORROW

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Monday, May 19, for morning-hour debate.

The SPEAKER pro tempore (Mr. CARNEY). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

ISRAEL'S 60th ANNIVERSARY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I rise today to celebrate Israel on its 60th anniversary. While Israel is frequently cited as a model of democracy in the Middle East, I would like to focus on Israel's advances in embryonic stem cell research.

The United States is still trying to fully harness the potential of this valuable research. We aim to cure debilitating diseases like Parkinson's, diabetes, epilepsy, spinal injuries, and others. But for years at facilities like Hebrew University, Tel Aviv University, the Weizmann Institute, and many others, Israeli scientists have blazed a path for the rest of the world to follow.

For 60 years, Americans and Israelis have built a friendship embracing all that we share, and as the United States works to unlock the promise of embryonic stem cell research, we find yet another reason our friend Israel is so special.

HONORING DALE JARRETT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, I rise today to honor NASCAR legend Dale Jarrett. This weekend marks the last race of NASCAR legend Dale Jarrett's long career. May 17 at the All-Star race at Lowe's Motor Speedway will be his last time driving the UPS car.

Dale was born in Newton, North Carolina, my district, and got his start at the Hickory Motor Speedway, a track owned and operated by his father, another NASCAR legend, Ned Jarrett. Dale went on to compete in 668 races, winning 32 times with 260 top-tens and 16 poles. What a career. And in 1999, he was a Winston Cup champ.

One of NASCAR's greatest drivers is Dale Jarrett, and I'm proud to call him a constituent. My community is grateful for his service, honored by his presence, and again, grateful for his contribution in the charitable sector as well.

NASCAR will miss him, but we're still grateful to have him on TV. Here's to Dale Jarrett.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I missed the vote on the Altmire amendment to the Waters housing bill last week. Had I been present, I would have voted "no."

AMERICAN VOICES HAVE BEEN HEARD

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to announce to the American people that their voices have been heard.

Today, this House voted down the $180 billion war funding bill that the President requested. It is time now for Americans to be heard and for this Congress to move forward on the safe redeployment of our troops.

In addition, Mr. Speaker, I offered amendments to declare the authorization of 2002 expired. I hope we will address that question and to announce or to establish a national day of honor in celebration to bring our troops home.

With the utilization of the $180 billion, we can begin an economic stimulus package that would include the work that the Congressional Black Caucus and Majority WHIP CLYBURN and myself have been supporting, and that is to provide for $1 billion or $500 million for summer job programs.

This is an emergency. Our young people are finding the doors of opportunity closed. Many of them support their families. They need money for books. We need a summer job program. With the defeat of this $180 billion spending program for the war, we can do better.

The war should end. We've defeated the spending.

□ 1600

WE NEED TO FIND SOLUTIONS TO OUR GROWING ENERGY NEEDS

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, in the past few months, there's been a lot of talk about high gasoline prices and talk about commonsense plans to lower these skyrocketing costs.

Individuals and businesses across the Nation are suffering, Mr. Speaker, and there's too much talk. Congress must take steps now to address our Nation's energy needs. So today I'm proud to announce I'm an original cosponsor of H.R. 6001, the Main Street U.S.A. Energy Security Act of 2008.

This legislation is an action plan and our first step to energy independence. It will boost our national security by increasing domestic exploration, encouraging research in the area of alternative energy sources, and promoting clean nuclear energy.

Mr. Speaker, for decades the United States has not had a comprehensive energy policy. Now with gasoline prices eating up Americans' paychecks, we need to find solutions to our growing energy needs. We have the resources and technology available to make energy independence a reality.

So no more talk, Mr. Speaker. It's time to act and act today.

SUPPORT THE FREEDOM OF SPEECH IN EGYPT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, our government should fight for the release of a key prisoner of conscience, the first person in the Arab world convicted for what he peaceably wrote on his blog. This case has attracted strong international attention and the personal interest of the President.

Last year, Egypt saw the deterioration of human rights and especially with regard to freedom of expression. Most troubling is the conviction and imprisonment of a young human rights activist and blogger, Abdel Kareem Nabil Soliman. Mr. Soliman, known for his Internet pen name Kareem Amer, was convicted for statements made on his personal Web log condemning Islamic extremism and the poor treatment of women and minorities.

He was sentenced to 4 years in prison, and while we recognize what he said may have offended some, his conviction sets a dangerous precedent on the Internet.

On Saturday, the President will meet with President Mubarak. I urge Members to sign the letter to the President urging him to raise the case of Kareem Amer and to free this man, the first man in the Arab world convicted simply for what he said on his Internet Web log.

HONORING THE LIFE OF THOMAS BOGGS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, last Thursday I was absent from this Chamber. Had I been here, I would have voted for Mr. FRANK's bill and Ms. WATERS' bill which dealt with the foreclosure crisis and the neighborhoods that have been affected thereby.

It was a difficult decision for me not to be here for I haven't missed a day in my 2 years that I've been in the Congress, but a very dear friend of mine, Thomas Boggs, passed away, and I was asked to be a pallbearer at his funeral, which I was honored to do.

Thomas Boggs was one of the finest people that I've had the pleasure of knowing, nearly 35 years. He was a leading citizen in Memphis, Tennessee, giving much to the community and charitable works to people, regardless of income, status or race. No matter where they came from, Thomas reached out to try to be good to them.

He was very helpful with the Memphis Food Bank, with the Memphis Zoo, with raising money for the church health center that gives health care to people in need.

And his death was met with a lot of notice, notice that's not normally reserved for an individual: above-the-fold first page of the Memphis Commercial Appeal, a lead editorial, and a cartoon.

He was a wonderful human being. He has a great family. He was a good father, and he had many great friends. Even though we're Congresspeople, we need to remember we're citizens and humans and remember our friends on their last day.

DEMOCRATIC WIZARD BEHIND THE CURTAIN WAS REVEALED TODAY

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the Democratic wizard behind the curtain was revealed today.

Pulling open the curtain, they brought forward their proposal as to dealing with our troops. After being kept out of consideration of that which was being brought to the floor, Republicans decided to leave the Democrats to their own devices.

Left to their own devices, what do we have? No money for our troops, a cut-and-run policy, and extraneous funding being put on the bill. That's the Democratic approach to our war and fighting those who would kill us in places overseas. No funds for the troops, a cut-and-run policy, and extraneous funding placed on it.

The wizard has been seen.

COMMUNICATION FROM STAFF MEMBER, THE HONORABLE ELIJAH E. CUMMINGS, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. PERLMUTTER) laid before the House the following communication from Katie Malone, Office of the Honorable ELIJAH E. CUMMINGS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the District Court of Maryland for Baltimore County.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

KATIE MALONE.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WINTER SOLDIER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier today the Congressional Progressive Caucus held an event called "Winter Soldier" where we honored our men and women in uniform who have returned as veterans. And then this afternoon, we were given another bite at the so-called apple, as if we were continuing the honor of these winter soldiers.

What happened this afternoon, what happened less than an hour ago was an amendment on the House floor to fund the Iraq-Afghanistan war until June of 2009 failed. It did not pass. It failed. Now, that is the way to honor winter soldiers: stop paying for the President's debacle, for the failed international policy, for the damages that are being caused to our soldiers across the waters. That is the way to make up and honor winter soldiers.

So what is a Winter Soldier? In 1991, a courageous group of veterans of the Vietnam War took their cause to Washington in an event called "Winter Soldier." Today, we honored that tradition, and we looked at a new generation of veterans and a new warfront, Iraq.

The event, which was organized with the Iraq Veterans Against the War, got to the heart of the issue: how this endless occupation is affecting our men and women in uniform and the Iraqi people themselves.

In recent months, we have heard from General David Petraeus, we have heard from Ambassador David Crocker, and we've heard a lot from the administration, all armed with PowerPoint presentations and colorful posters attempting to convince us that after 5 years we are finally making progress in Iraq.

That's what made this morning so unique. This was an opportunity to hear not from the military's top brass but directly from the very soldiers who put their lives on the line to carry out the administration's policies.

Today's event was a continuation of Winter Soldier hearings that were organized earlier this year at the National Labor College in Silver Spring, Maryland. Over 3 days, dozens of veterans shared their personal stories and testified about their own experiences on the ground in combat in Iraq and Afghanistan.

These weren't pundits or analysts talking about the wars in Iraq and Afghanistan in the abstract. These were the stories, these were the testimonies of the men and women who had experienced the horrors of war up close and personal.

As I listened to the testimony this morning, I was struck that while each witness brought a unique and very personal perspective towards the occupation of Iraq, there was one consistent thread that connected each and every testimony: that despite the valor and sacrifice of our troops, and at almost every level, the administration's strategy in Iraq has failed and continues to fail.

What a great response to these wonderful soldiers because today's vote says exactly what we need to say: put an end to this war, reject a blank check to extend this occupation into another year, concentrate on funding the redeployment of our troops and the redeployment of our contractors.

We owe nothing less than that to those brave men and women in uniform and those who have been there before them, and we also owe nothing less than that to the Iraqi people.

ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

Mr. McHENRY. Mr. Speaker, this evening I'm here to address the House and take a moment to talk about something that's on my constituents' minds and my mind and that's energy policy. We have a real need for a strong energy policy in America. Actually, to go further, we have a need for an energy policy in America, and we've not seen leadership out of Washington on this issue. Period.

In 2005, we had an energy act that was passed out of this Chamber, enacted into law that helped get the refining process working. Actually, more pointedly, it helped move forward nuclear power and new plants with nuclear power production, and there were other small changes for the refining process and the licensing and things of that sort, but that wasn't enough. We've not done enough.

Earlier this week, this House passed by a wide margin thankfully, a bipartisan majority that I was happy to vote in favor of, that would suspend the addition of more oil in the Strategic Petroleum Reserve. Now this, according to most economists and folks that look at oil and energy production, according to them, it would reduce gas prices just a little bit. Well, the reason why it would reduce it just a little bit is because it would take less demand off the marketplace, thereby keeping the same supply that we have but reducing demand, and as such, as most people know with economics, when that happens prices fall.

I think we have to go one step further, and that one step further is increasing capacity. That means we have to have American energy production. That means off the deep waters of our coasts we need to find oil and natural gas. In remote areas of Alaska, we need to harness the oil that is there. Whether it's oil shale in the Rocky Mountain West or energy production and drilling in the Dakotas, I think these are the things that we have to be about, and Congress must put forward a bold initiative to do that.

□ 1615

And that's the legislation that I have cosponsored here in this Chamber, to increase capacity and production.

But beyond that, I think most Americans know that simply getting more American oil is not enough. Getting more American natural gas is not enough. Increasing refineries here in the United States is not enough. It's a start, but long term we have to have a massive investment, a 21st century Manhattan Project that harnesses our power and ingenuity here in the United States to end our reliance on foreign oil, and go one step further than that, end our reliance on oil. That should be a national priority.

Kennedy demanded that we put a man on the Moon before the end of the 1960s, and we did it. In a dire time, with the greatest war the world has ever known, we developed the Manhattan Project to produce a devastating weapon that would hopefully end all wars. That didn't happen in terms of ending the war, but we did produce nuclear power and a nuclear weapon in a few short years.

We must have that same priority here in the United States and demand energy independence from the rest of the world by embracing our alternatives that we have here domestically, embracing our ingenuity, and going that final step to true energy independence. That's what we should be about.

This should not be a partisan issue. We should have a bipartisan majority that says, yes, we will do these things, and we will do these things in a short period of time because that's what the American people deserve.

My constituents are hurting. They have to drive automobiles. We don't have mass transit in my district of any substantive form, really. So my constituents are hurting. And it's a question about being able to take your kids to the beach this summer. But beyond that, many families are struggling just to buy food, keep shelter. I think we have to be very sensitive to the demands of our constituents and realize that they're hurting. And energy and gas prices are the central reason why they're hurting.

We have to get serious about this, put politics aside, and do what's right for our American people. It's the right thing for our American people. It's the right thing for our economy. It's the right thing for our future in the United States.

I look forward to us working together in a bipartisan way for true energy independence.

ISRAEL'S 60TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today in recognition of Israel's 60th anniversary.

My first visit to Israel was in 1985. It was during the time of the Ethiopian airlift, before the first Intifada, before the second Intifada, and a decade before the tragic assassination of Prime Minister Rabin.

I can remember feeling deeply moved by the powerful mix of history, culture and religion, the sheer humanity that pulsated through the tiny nation of Israel and those charged with its stewardship. I realized, too, that America's stake in the existence and preservation of Israel was nearly as fundamental as the stake of Israel's own citizens, not just because of Israel's role as a strategic military ally in what is a notoriously unstable part of the world, although that alone would justify the maintenance of strong aid and assistance to Israel, not just because of Israel's status as the only true democracy in the Middle East, although that, too, would call upon the United States to give its unwavering support. Beyond those things, for many Americans there is a deeper, usually unspoken reason that the United States must never depart from its staunch support for the State of Israel. In the wake of World War II and its tragic legacy for the Jewish people, the existence of Israel will always be a profound moral and spiritual imperative for the United States.

On a return trip just 2 years ago, I had the opportunity to witness the growth and change that has occurred in Israel since my first visit a generation earlier. From the technology being developed in the "Silicon Wadi" to the advances in health care and preservation of the ecosystem, Israel is a model for other industrialized nations.

Mr. Speaker, in the last 60 years, Israel has demonstrated time and time again its value to the world, not just in geopolitical terms, but in what its people have given us in ingenuity, innovation and expression. This anniversary offers us an occasion to thank the people of Israel for their strength, their courage, and their enormous contributions to our global community.

OUTLAW BIRTHRIGHT CITIZENSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, CBS News recently ran an expose on the growing phenomenon of illegal aliens entering the United States in order to give birth to a child. The segment shed some light on what has become an increasingly costly burden to the United States taxpayer.

An estimated 300,000 children of illegal aliens are born in this country every year, largely because of a misguided policy of so-called "birthright citizenship." This peculiar policy confers U.S. citizenship on any child born here regardless of what country their parents are from or whether those parents are here in the United States legally. We are one of few—in fact, we may be the only country now that still provides for this particular kind of citizenship.

And it's based on a very strange sort of interpretation of the 14th amendment, one part of the 14th amendment in particular. We all recognize of course that when the 14th amendment was written there was no such thing as illegal immigration. Certainly, there could have been no reference to it in the amendment itself. And what we need to do, frankly, is to pass legislation in this House and in the Senate, and the President needs to sign it, outlawing this practice and this habit, really, that we have gotten into, which is more than anything else a phenomenon of custom more than it is of actual law or analysis of the legal system or the Constitution of the United States. We should pass legislation to outlaw it and let it be tested at the Supreme Court. It results not just in the benefit for a child who is born as a U.S. citizen, it also makes it easier for the parent of that anchor baby or the illegal alien to become a U.S. citizen through that child.

The story on CBS focused on one woman who had crossed over the Rio Grande with her husband and two other children to give birth in the United States. She gave birth to a healthy 8½ pound baby on American soil after American doctors performed a C-section, a procedure that carries a price tag of nearly $5,000, a bill that was sent to the American taxpayer.

Joe Riley, the CEO of the McAllen Texas Medical Center near the Texas-Mexico border, said this sort of thing is quite typical. He told CBS news that he had seen "mothers about to give birth that walk up to the hospital still wet from swimming across the river in actual labor, dirty, wet, cold, here to have a child in the United States."

Mr. Riley's hospital alone is forced to provide uncompensated care worth more than $200 million each to cover the cost of nearly the 3,000 illegal alien births that take place there annually. Even more startling, that equates to about 50 percent of all the births in that hospital, meaning doctors are delivering almost as many children for illegal aliens as they are for American mothers. In California alone, by the way, the cost for illegal alien health care, not just for the births of illegal alien children, but the cost of health care for illegal aliens is over $1 billion a year; one State, over $1 billion a year.

With statistics like that, Mr. Speaker, it should come as no surprise that many American hospitals are on the verge of collapse—some, in fact, have gone that way—and that billions of taxpayer dollars are being squandered on illegal aliens that are taking advantage of the health care program.

It's time we yank back the illegal alien welcome mat, eliminate perverse incentives for illegal immigration like birth right citizenship and taxpayer services for illegal aliens.

TIME FOR AN OIL CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tomorrow, Friday, President Bush will visit Saudi Arabia to meet with King Abdullah and other key Saudi leaders. According to the White House, the President's visit will commemorate the 75th anniversary of the formal establishment of U.S.-Saudi relations.

Of course the underlying reason for the trip to Riyadh is to beg the Saudis to produce more oil. Faced with $4 a gallon gasoline—it was $3.99 this week in Ohio, and already exceeding over $4 in many parts of our country—a prospect which the President recently questioned would even happen, now the President is reduced to begging the Saudis, who literally have us over a barrel.

Record-high gasoline prices are hurting American families, American truckers and American businesses. The average price of gasoline has more than doubled since this President was placed in office. Fuel costs now account for 10 percent of the average family's budget. It is especially hard for people who have to drive to work, such as people in rural areas. It's hard for farmers and truckers who have seen diesel prices spiral way out of control.

And still we have no real leadership on a new energy policy from this White House; no policy for making our great Nation less dependent on undemocratic theocracies such as Saudi Arabia, and no policy to move away from the carbon-based economy and ease the pressure on our fragile planet. Under George W. Bush, America has gone backwards.

Last year, the United States imported 1.45 million barrels of crude oil from Saudi Arabia every single day of the year. Can you imagine that? 530 million barrels in 1 year. In fact, since this President has taken office, we, as a country, are importing a billion more barrels a year, a billion more barrels a year. Less independent, more dependent.

It just so happens America is the world's number one importer of crude and Saudi Arabia is the world's number one exporter. Fourteen percent of our Nation's oil addiction is supplied just by dealers in Saudi Arabia. That doesn't count Kuwait and all the surrounding countries, like Bahrain, et cetera.

Last year, we imported $237 billion worth of crude oil, one-third of a trillion dollars. That's when the average price per barrel was $64. This year, that number will probably top $300 billion, and rising.

For the first 3 months of this year, our crude oil imports totaled $76 billion, which is 63 percent above where it was a year ago. How much longer can this continue? I think the American people know how to answer that question: No more. They're saying no more.

This week, we will see another episode of this pitiful drama of the vicegrip relationship between Saudi Arabia and the United States. The House of Bush, represented by our President, will beg the House of Saud, represented by King Abdullah, to increase production as a short-term fix for America's growing energy deficit.

We ought to be bringing those dollars back here at home and have the same kind of commitment as we did when we landed a man on the Moon. We can do this as a country, we just need better leadership.

At every step, this Democratic Congress has tried to make a difference. In the Price Gouging Prevention Act, the Renewable Energy Act, the Strategic Petroleum Reserve Suspension Act, the Consumer Protection Act, and of course H.R. 6, to try to help launch energy independence for this country. But yesterday, our House passed a farm bill with a billion dollar title to bring in bioenergy as an important part of the solution for the future.

As this lame duck Presidency fades, hopefully the next President of the United States will negotiate in earnest and help America develop an agenda for our own independence, not continued subservience to human rights violators and undemocratic nations like Saudi Arabia.

This country is long overdue for a change, and it's definitely due for an oil change.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker I stand once again before this House with yet another Sunset Memorial.

It is May 15, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,897 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this

Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,897 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 15, 2008, 12,897 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

☐ 1630

A CLEAN SUPPLEMENTAL TO FUND OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, this afternoon an extraordinary thing did happen when we had a vote on a supplemental with all kinds of strings attached to it to fund our troops in harm's way.

The Democrats have the majority. They have the ability to pass that funding without a bit of help from the Republicans.

Many of us on the Republican side of the aisle were quite concerned, however, with the strings, with the linkages that were made to this bill to help our troops do their job. One, for example, was that in the second amendment, which we knew would pass, provisions there existed to create hard and fast deadlines for pulling our troops out of Iraq.

We all want to see our troops home. We all want to see our troops back with us. And those of us who go over to Iraq and see them in harm's way, we long for the time of having them home completely. But the vast majority of those guys in record numbers re-enlist because they know they're doing good. They know they are making a difference. And when you go over there, you see it. I was in Kurdistan in December, in the northern area of Iraq. Construction booming, things going well.

We have made a difference with the surge. It is a profound difference. We have al Qaeda on the run. They're making last-ditch efforts to try to stop what's going on. We have the Iraqi people that are there working for themselves, more soldiers, more police trained than ever. There are really good things going on. And were we to pass a supplemental that was linked to that second amendment with the time deadlines, the message would be a message of hope for all those who hate us and want to destroy us. And that is: "If you will just hold on a little bit longer, we will have the Americans put their heads between their legs and go cowering away, as they did from Vietnam." We could have won Vietnam; we can succeed in Iraq.

The great state of Iraq is so close to governing itself. Just like John Adams wrote to Abigail, what people have only dreamed of, governing themselves is so close, within our reach. We can't give it up now. It's so close. Iraq is there. We cannot hand our enemies and the Iraqi enemies, the enemies of liberty, this kind of win.

So we voted "present." If the Democrats had had enough votes, then they would have passed the supplemental by itself and it would have been linked to the second amendment that would have required the time deadlines for withdrawal and would have given hope. As it was, we couldn't vote against our troops, many of us, but we voted "present."

The first amendment that we took up this afternoon failed; so now we have got to come back with a clean supplemental to help our troops. And the crud in there about the $52 billion tax hike at a time when the economy certainly can't afford that, let's get the linkage out to admitting and saying we are defeated, we can't win, giving our enemies a victory, get all of that stuff out of there. No more linkages like that. No more tax hikes. Just a clean supplemental to give our troops the wherewithal to do what they need to succeed. That's the message we needed coming out of today. And that's why so many of us voted as we did. We voted for victory for our troops.

And I will never forget the words of Travis Buford's mother. Travis was killed over in Iraq. And as I stood near his coffin with his mother, it was an emotional time, and I said, "Is there anything I can do?"

She gritted her teeth and she said, "Tell the Congress to shut up and let the military do their job."

That's what we need to do. Let the military have the wherewithal to succeed, as they can, without the linkages to failure so that we can keep our head held high and, what's more, perhaps go 7 more years without being attacked here.

FIVE REASONS WHY THE AIR FORCE'S DECISION TO AWARD AIRBUS A CONTRACT DOES NOT ADD UP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, before I start, I want to express my honor for the gentleman from Colorado in the chair today, who did extraordinary work in leading the Congress to green building standards and the introduction of a bill today, and I appreciate his leadership on this. Thank you for leading on this issue.

I come to the floor today to address my concerns about this misbegotten decision by the U.S. Air Force to ignore great work by Americans with a consortium building the Boeing 767 aerial refueling tanker, in fact, sending American tax dollars and American jobs out to Europe. And I want to express the five reasons why this decision does not add up.

There is a particular odor about this decision. It needs to be revisited one way or another. We need to have an American tanker built by American workers to be fair to American service personnel and taxpayers both, and I want to go through the five reasons why this decision does not add up.

Reason number one: There is no sense on this green Earth why the American Government has sued the Airbus Corporation, asserting that they have violated international trade laws because they received illegal billion dollar subsidies, and at the same time another agency of the Federal Government, the Air Force, turns around and gives that same corporation that our own government has declared is acting illegally contrary to international and American law—turns around and gives them a $40 billion contract. It is most unfortunate that at least one person in the other Chamber specifically said that we can't take into consideration these subsidies. It is absolutely ludicrous for the American Government to sue this company in one court, saying they violated law, and then turn around and give them $40 billion. That's exactly what has happened here. It makes no sense. This does not add up.

Reason number two: Boeing has been building these tankers successfully, hundreds of tankers, without difficulty. And instead of going with a proven, tried and true American contractor, the Air Force has decided to accept the risk of a company that's never made an aerial tanker, building it in a way that it has never been built, in factories that do not exist, in multiple countries with a supply chain that has never been proven. We cannot and should not tolerate that risk of this risky decision.

Reason number three that this does not add up: It does not add up because all estimates have concluded that the Boeing 767 is 24 percent more fuel efficient overall, looking at all the emission statements, 24 percent more fuel efficient. Well, for anyone who has gone to the pump recently, let me suggest that it doesn't make sense to be buying a product that is a gas guzzler when we know that fuel prices are going only in one direction. A study performed by the Conklin & de Decker analyst company concluded that by going with Boeing instead of this Airbus monstrosity, we would save the American taxpayers $30 billion in fuel costs. At the same time when we're trying to wring efficiencies to deal with global warming and reduce fuel costs, this decision is buying the gas guzzler rather than the fuel-efficient aircraft. This does not add up.

Reason number four: The Air Force basically decided bigger is better. Bigger is not always better. They said they told Boeing and Airbus that they wanted a medium-size plane. Boeing provided them a medium-size plane. In the middle of this process, they decided they wanted a bigger airplane. Bigger is not always better, and I will tell you why. It's going to cost the American taxpayers over $2 billion to remodel all of these hangars all across America to try to fit this large airplane in. This is real money from real taxpayers that was not considered in the lifecycle costs. It does not add up.

And the fifth reason is lifecycle costs. The Air Force, what they did was they looked at original acquisition costs and downplayed the lifecycle costs associated with fuel costs, maintenance costs, hangar remodeling, and all the other things associated with these airplanes. When you make an acquisition for the American taxpayers, you need to look at the entire lifecycle costs, not just the upfront acquisition costs. It does not add up.

So here are five reasons that this Congress ought to get up on our hind legs and blow the whistle on this misbegotten decision. It doesn't add up. We need to change this decision.

MARRIAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, earlier today the California Supreme Court threw aside the voice and the express will of millions of California voters by overturning California's State law that banned same-sex marriage.

Effectively this ruling allows same-sex couples in our Nation's most populous State the right to marry and affords them all the privileges that go along with this sacred union. And I say that rulings like this are one of the reasons why the institution of marriage is crumbling before our very eyes. And I, for one, am very sad to see this happen.

The main issue is whether the status of marriage will be determined by judges or by the American people. I'm extremely concerned about how activists use the courts to legislate on something that has been settled in American law for more than 200 years. Furthermore, the people of California made it abundantly clear back in 2000 that they reject same-sex marriage.

Then comes along four judges who apparently believe that they're wiser than over 4½ million voters in their State. Proposition 22 got over 61 percent of the vote; yet it was dismissed by four lone dictators.

I condemn this ruling in the strongest possible way. I condemn it because the court is legislating from the bench. I condemn it because it is a reprehensible action that is not consistent with history or with common sense.

This lunacy is precisely the reason why a Federal constitutional amendment is needed to protect traditional marriage. This decision will undoubtedly become the platform for spreading this unfounded ruling across the Nation.

On the Federal stage, there's a constitutional remedy for Federal judges that are involved in this type of activist behavior and legislating from the bench. Every single Federal judge takes an oath to uphold the Constitution. When they fail to do so and let their own whims and ideological positions interfere with applying the Constitution, not interpreting but applying, these judges have failed to fulfill their term of good behavior, and they should be fired by impeachment.

Likewise Californians that are outraged, like I am, should be up in arms and should take action to initiate a referendum to pass a State constitutional amendment to enforce their will and overturn these judges' despicable opinions, and these judges deserve to be censured or sent home for bad behavior.

SUBSIDIARITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today I rise to speak about the role of government in our collective political lives and of the relationship between such government and civil society.

It has been 219 years since this new constitutional republic formally entered the international stage. In 2008 I am privileged to stand in this historic Chamber of the United States House of Representatives in the second session of the 110th Congress. We should, representative and citizen alike, take great pride in our collective perseverance. Our longevity and survival as the numerically and geographically largest and most prosperous republican form of government in recorded human history is a testimony to the strength of this polity.

An important part of that proud history has been our commitment to seriously debating the contours of any entity which we constitute to exercise power over the source and content of self-government: that is, "We the People." In other words, we must continue to ask ourselves, what is the proper scope and role of governmental powers in and around our lives?

□ 1645

My colleagues, "subsidiarity" is a word not often used on this floor. Yet, is a word and concept which is foundational to much of what we do as representatives, the system of government under which we operate and the presuppositions upon which much policy is debated in this Chamber as well as in that other body.

Subsidiarity. It has been defined as the belief that "a community of a higher order should not interfere with the life of a community of a lower order, thereby taking over its function." Subsidiarity "holds that nothing should be done by a larger and more complex organization which can be done as well by a smaller and simpler organization. In other words, any activity which can be performed by a more decentralized entity should be. This principle is a bulwark of limited government and personal freedom."

Other intellectual and philosophic traditions have spoken of sphere sovereignty, principle pluralism and federalism. But behind all of these complex-sounding terms is a simple fact, understandable by each of us, that there should be a proportional relation between the proximity of an individual and the amount of power of any governmental entity, be it local, county, State or Federal, may possess in relation to them.

In other words, that government which is closest to us is usually the best government for which we should give function. Let me give the analogy of a human body. If we would say the body politic is like a human body, we would say that a healthier body politic is one which, like the human body, is infused with activity, or energy. In other words, if you had a human body, and you had oxygenated blood that only went to 90 percent of it, that 10 percent might very well die and be considered unhealthy.

If you would have 100 percent of the oxygenated blood go to the brain, the rest of the body could not function, and the body would therefore die. Similarly, with the body politic, if all the power and if all the energy is visited here in Washington, D.C., the rest of the body politic tends to wither. It loses its energy. It loses its enthusiasm. And ultimately, it withers and dies.

Thus, as citizens, we do not, or should not, think it wise nor reasonable to immediately ask the Federal Government, the unit of government that is most distant from our lives, to solve each and every problem which our family, our neighborhood, our town, our city, our county, our State, or our region can address. Or, as academics may describe it, subsidiarity provides appropriate discernment for responses to respective needs in particular ways.

Foundational to the proper functioning of subsidiarity is a commitment to constitutionalism and the rule of law. In 1852, that great ex-slave, writer, abolitionist and statesman, Frederick Douglass, called the Constitution "a glorious liberty document." Because of the principles contained within it, and the antecedent rights which it protects, we cannot quarrel with Douglass' description. His description is apt because the Constitution enshrined a system of government, based upon a moral foundation, which thereby allows the people to rule through majorities, and nonetheless simultaneously protects fundamental minority rights.

Now, while we ourselves have not always lived up to it, subsidiarity requires, and the Constitution affirms, that no citizens, based upon arbitrary and amorphous demarcations like skin color, are permitted to be excluded from "the governed" from which consent is required.

Thus, intrinsic to a proper understanding of and commitment to subsidiarity, the rule of law embedded within the Constitution requires a reasonable moral foundation upon which to anchor our commitment to law and the system of governments which we implicitly or explicitly support. As Robert P. George has written, "Where reason has no sway in practical affairs, the sole question is who has the power."

Severance from a moral foundation would leave our belief in and carrying out of the rule of law without a means by which to be secure. Law itself becomes power. Arbitrary will becomes the corrupted lodestar of societal comprise and the entire depth of justice, which now becomes a completely vacuous term. To use an analogy from Roy Clouser in his book, "The Myth of Religious Neutrality," "even the most violently anarchistic organization would quickly fall apart if it became devoid of all observance of norms of fairness or trust among its own members." And while although often unnoticed and unspoken in the day-to-day happenings of politics and life, the rule of law, constitutionalism and subsidiarity are vital guide-rails of our collective republican lives.

As Professor Robert George has said, "The obligations and purposes of law and government are to protect public health, safety and morals, and to advance the general welfare, including preeminently, protecting people's fundamental rights and basic liberties.

"At first blush, this classic formulation, or combination of classic formulations, seems to grant vast and sweeping powers to public authority. Yet, in truth, the general welfare, the common good, requires that government be limited. Government's responsibility is primary when the questions involving defending the Nation from attack and subversion, protecting people from physical assaults and various other forms of depredation, and maintaining public order. In other words, however, its role is subsidiarity: To support the work of the families, religious communities, and other institutions of civil society that shoulder the primary burden of forming upright and decent citizens, caring for those in need, encouraging people to meet their responsibilities to one another while also discouraging them from harming themselves or others."

Subsidiarity, then, is formed upon a commitment to the rule of law so that in our various spheres of societal life, anarchy and normlessness do not start to behave as is they have defined the rules of engagement in the fields of activity once and for all.

The commitment to the rule of law makes plain why an appropriate understanding of the limited judicial function is so important in democratic self-government. As Judge Andrew Kleinfeld of the 9th Circuit has written, "that a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials would decide trivia, while all great questions would be decided by the judiciary. That an issue is important does not mean that the people, through their democratically elected representatives, do not have the power to decide it. One might suppose that the general rule in a democratic republic would be the opposite, with a few exceptions."

Thus, when I hear that my friends on the other side of the aisle asked the Supreme Court Justice nominees whether they, in the course of their tenure, are going to "expand freedom" or constrict freedom, and when I hear current declamations that nominees need to understand it is their duty, their job, their purpose, as judges, to "stand up for economic and social justice," I am incredulous as to what these words and terms mean. Freedom for whom? Freedom to do what? To whom? Whose interpretation of economic justice should be "stood up?" Whose interpretation of social justice? How do these ends relate to the role of a judge, which is to rule on specific cases, not engage in abstract, roving, philosophic speculations?

The rule of law, our constitutional framework, and an appreciation for the complexity of society, which genuine subsidiarity inherently takes for granted, demand better.

While what I've outlined provides the legal framework and structural timber for the division of power and cultivation of society, we the citizens are nevertheless the most important factors in such a commitment to subsidiarity. Subsidiarity requires a commitment by the citizens of the republic to comport themselves with self-restraint, with virtue and with respect for one's fellow citizens.

As the father of our Constitution, James Madison, exclaimed, "to suppose that any form of government will secure liberty and happiness without virtue in the people is a chimerical idea. We do not depend on or put confidence in our rulers, but in the people who are to choose them."

M. Stanton Evans points out that "the reasoning of the Founders in this area was identical to that provided for Edmund Burke contemporaneously in England. Self-government required observance of the moral law, respect for rights of others, restraint upon the passions. Virtue was thus a necessary precondition to a regime of freedom, and a Nation that lost its religious moorings was considered ripe for tyranny. Conversely, since religious belief and ethical conduct were matters of volition, the Founders also believed that liberty was integral to ideas of virtue."

Thus, in order for subsidiarity to remain viable, we, as citizens, must work to cultivate the proper virtues within ourselves as well as strive to be meaningful in the lives of those around us, usually starting with our families, our friends, our community, neighbors and our fellow employees.

On the other hand, society would not endure were each citizen to take upon himself or herself the maximum amount of criminal activity possible. Rampant and widespread destruction would lead to nihilistic physical and cultural chaos. Greater resources would then be needed to attempt to contain and mitigate such behavior. The people's health, safety and likelihood of perpetuating society by bringing future generations into life would become severely constricted and diminished.

George Will in his masterful work "Statecraft As Soulcraft" explained, it is obvious that "the restraining strength of individual habits and social conventions must be inversely proportional to the strength of restraints enforced by law."

In addition to these individual consequences, the collective consequence of our view of government as one people would be tarnished. As Will again tells us, "regardless of democratic forms, when people are taught by philosophy and the social climate that they need not govern their actions by calculations of public good, they will come to blame all social shortcomings on the agency of collective considerations, the government, and will absolve themselves."

Now in stark contrast, subsidiarity not only respects the various institutions and complexities laden throughout collective society, it also allows time for proper and respective maturation to take place. As George Will writes in regard on the bloodshed of mid-18th century America, "what the Nation learned in Lincoln's lifetime was that the social cohesion which proceeds from shared adherence to a public philosophy and shared emulation of exemplary behavior and values is not the result of spontaneous combustion. It takes work. But by whom? And with what? Such work is done with laws and other institutions. It is a citizenry working on itself, on its self, collectively; on its selves, individually. It is applied political philosophy."

It is important to re-emphasize here that subsidiarity offers no congratulatory pat-on-the-back for its citizens. As genuine humility and an honest appraisal of humanity attest, we are all here works in progress. Aristotle observed that man "is the best of all animals when perfected, so he is the worst of all when sundered from law and justice because man is born possessing weapons for the use of wisdom and virtue, which it is possible to employ entirely for the opposite sends ends."

The dry wit of that great English parliamentarian and political philosopher Edmund Burke is instructive when he notes that "the effect of liberty to individuals is, that they may do what they please; we ought to see what it will please them to do, before we risk congratulations.

As Madison and Lincoln, two of our most prescient American statesmen might explain, because men are not angels, government is necessary, yet we must constantly appeal to the better angels of our nature, for failure to do so would result in the crushing of our intrinsic nature and the invaluable and incomparable dignity of our fellow man.

My friends, subsidiarity is an important, and some would say indispensable, philosophy not only for the reasons I already cited, but also because of the flexibility it allows the leaders, the statesmen, of such a multifaceted republic. Such statesmen do understand the nature of law. We know that law is much more than a mere necessary evil or a clever contrivance or potent payback mechanism for partisan gains. No. Law is nurturing. Law is conforming. Law is inculcating.

As J. Budziszewski has written, "we know at least that the law cannot be neutral. Everything a government does is founded on some understanding of what is good. Moreover, no law that has effect at all can fail to have effect on character."

Furthermore, true statesmen and women and leaders are discerning, wise and prudent. Again, George Will has observed that statesmen who are unaware of the ideas that shape the institutions currently in their custody, and uninterested in the ideas that shape the expectations and tolerances of the citizenry, are statesmen governed by forces they cannot comprehend.

□ 1700

Such statesmen are apt to think they have more range for effective action than they actually have, and they are apt to have less than they would were they more aware of the connections between the life of the mind and the life of society.

Twenty-seven years ago, Senator Daniel Patrick Moynihan wrote that he had served in the cabinet or subcabinet of four presidents. He said, "I do not believe I have ever heard at a cabinet meeting a serious discussion of political ideas, one concern with how men, rather than markets, behave. These are the necessary first questions of government. The Constitution of the United States is an immensely intricate judgment as to how man will behave given the circumstances of the time in which it was written. It is not at all clear that it is working well, given the circumstances of the present age, but this is never discussed."

A commitment to subsidiarity requires much greater responsibility from our leaders, our policymakers and our representatives. My goal today is not to spell out precise policy prescriptions for every foreign and domestic issue before us. After all, that is most of what we do here. These are, without a doubt, important, but they do not comprise the whole of human endeavors nor the scope of activity within our policy. We must never lose sight of the importance of culture in our deliberations.

One example of where we can strengthen the bonds of social capital in communities, while also working within reasonable budget considerations, is the partnering of private and charitable entities within the faith-based initiative. Now, some pouncing on the first word, as if it represented a perverse combination of a belief in unicorns with a draconianism of State-mandated medieval indulgences have ridiculed this endeavor as a corruptly—oh—divine, power grab given patronage and power to theocratic institutions in our society, but nothing is further from the truth.

The faith-based initiative is merely an endeavor to treat faith-based charitable entities that provide social services as equal partners, partners on equal footing with nonfaith-based charitable entities in our society. You know, if a person is starving, does the source from where the food that quenches his hunger matter? If a person is without clothes, does it matter where the clothes come from that cover their nakedness? I don't think so. In reality the faith-based initiative is about eliciting greater public and private support for the smaller and often faith-based organizations which play a vital role in meeting human needs everywhere in our country.

A true appreciation for subsidiarity may encourage parishioners so situated to kindly and gently admonish and encourage our various theological traditions and establishments to meet the humanitarian and simple life needs of their fellow men and women. Perhaps larger and more elaborate parking lots, gymnasiums, multimedia screens are not of immediate concern to the poor, the homeless, those without clothing, the hungry, the starving or the repentant prisoner about to enter society. The principle of subsidiarity helps such intermediate organizations and individuals make such determinations and meet such needs.

Economically, subsidiarity encourages us to reaffirm the time-tested virtue of the legitimate exchange of goods and service known as free-market capitalism, as well as the virtues of the industrious employee and diligent citizen. Subsidiarity requires us to not immediately seek a Federal solution to every local, county or State problem. It teaches us to be ever cognizant of the fact that the laws of economics. The laws of supply and demand cannot be suspended.

Subsidiarity reminds us life is not easy, and affluence is not as abundant as the air we breathe, that each of us, as many of our forefathers and ancestors did, must sacrifice, strive, delay gratifying our immediate wants and desires, and develop our skills and attributes, which most enable us to provide an honorable service or good to the rest of society in return for appropriate compensation.

Over the years, many have written about the creative destruction and the cultural contradictions of capitalism. They have observed that capitalism, besides causing societal anxiety and consternation by its capacity for ever-changing technology and innovation may also spawn the radical individualism and consumerism which undercuts the moral, ethical and altruistic branches upon which it sits, but it need not be so.

We, the people, have the capacity to deny or control these destructive tendencies. Properly considered, subsidiarity teaches us to probe for ways to provide the time and capital needed for creative inventions and products to germinate. It teaches us to strive to provide for the needs of our own respective and concentric circles of responsibility while adjusting to ever-changing demand and supply chains.

These lessons are especially apt today as ideas and energy have replaced capital and labor is the central pillars of economic thought and comparative advantage. If our children and grandchildren are to compete successfully in this new world, we must aggressively seek innovative ways to attract investors and manufacturers.

Yet, rather than harnessing the great potential, it seems that some believe that businesses, markets and profits are, by nature, evils unto themselves. Recently we had a candidate for the President of the United States threaten to take profits from private industry. Now, I would suggest this is a dangerous bit of rhetoric.

To the contrary, it has become an almost universal judgment that on the level of individual nations' international relations, the free market is the most efficient instrument for utilizing sources and effectively responding to needs. We all recognize, says Father Richard John Neuhaus has written, that the State has an important ancillary role in providing a framework of law and order in which people can attend to the business that is properly theirs, but note the word "ancillary," not "primary." It is thus an affront to human dignity to repress the human capacity to create, to invent and to be enterprising.

As society and technology change, as they always have, it is up to each of us to help one another transition through the inevitable historical changes that bring excitement, as well as much fear and adversity or anxiety. The principle of subsidiarity helps us to appreciate the fact that communities, towns, cities, counties, States, they are often at the forefront of developing the changes needed to build sustainable and healthy communities in a constantly changing world.

The concept of subsidiarity ultimately rests upon thing strength of individuals and families, and, in that regard, helps to remind us to protect the units of society which are at its most basic building blocks and bonds. Mere biology attests to the fact that the human race is perpetuated by the holistic union of men and women. Therefore, societies have recognized the indispensable role. that families have played in the health of society. Marriage must be strengthened for other levels of society, the schools, the neighborhoods, the communities to flourish.

Although this concept has been drowned in the hot caldron of partisan political soup, and it's timely today because of the decision of the Supreme Court in my home State, I believe that Robert George has properly addressed the issue in these words. "If we are to restore and secure the institution of marriage, we must recover a sound understanding of what marriage is and why it is in the public interest for law and policy to take cognizance of it and support it. Marriage is a prepolitical form of association, what might be called a natural institution. It is not created by law. The law recognizes and regulates it in every culture. Nowhere is it treated as a purely private matter. Some toy with the idea that marriage could be privatized, and others wonder whether it might be the best solution to the controversy over same-sex marriage."

There is a reason that all cultures treat marriage as a matter of public concern, and even recognize it in law and regulate it. The family is the fundamental unit of society. Governments rely on families to produce something that governments need, but on their own they could not possibly produce, upright decent people who make honest law-abiding public spirited citizens. Marriage is the indispensable foundation of the family.

Although all marriages and all cultures have their imperfections, children flourish in an environment where they benefit from the love and care of both mother and father and from the committed and exclusive love of their parents for each other. Anyone who believes in limited government should strongly back government support for the family.

Does this sound paradoxical?

In the absence of a strong marriage culture, families fail to form, and when they do form, they are often unstable. Absentee fathers become a serious problem, out-of-wedlock births are common and a train of social pathologies follow. With families failing to perform their health, education and welfare functions, the demand for government grows, whether in the form of greater policing, or as a provider of other social services. Bureaucracies must be created and they inexorably expand. Indeed, they become powerful lobbyists for their own preservation and expansion.

Everyone suffers with the poorest and most vulnerable suffering the most. That's why I have advocated a constitutional amendment on the Federal level to enshrine the historic complimentarian definition of marriage.

All citizens must be afforded their civil rights and equal treatment under the law. There should be and are avenues whereby privileges, including visitation, inheritance and other rights can be extended to any individuals seeking to live together either through familiar necessity or bonds of friendship. However, these extensions should never be based on or related to sexual behavior, for to do so would thereby change our definition of what marriage is, simultaneously turning the children of parents in this society as a means to other ends, as well as leaving a marriage without terms of definition in terms of numerics or norms.

Let us debate this important issue and present this important issue to the citizens of the republic as subsidiarity would require, rather than having unelected judges, as they also did in 1973 and as those judges in the California Supreme Court did today, transform the norms and laws of this country through judicial fiat.

An issue like subsidiarity cannot and should not be shoved into partisan columns. It is one of the philosophic foundations for a collective commitment, a commitment much more important in partisan identity or loyalty to the commonly known term, federalism.

To abide by this commitment we must first acknowledge there are no easy solutions to our individual and collective ills, false shortcomings and hardship. We must understand the concept of equal, natural antecedent rights and their intrinsic corresponding duties, as well as the indispensable belief and equal treatment before the law. We must understand that a republic in which citizens no longer look to build relationships between men and women meet the needs of friend and stranger and protect the child and orphan is a republic whose future is worth pondering.

We must understand that limited government does not mean inactive government, does not mean simply passive reactive government, does not even, given certain circumstances, have to mean small government. Lest we forget World War II, spending on our justly used military was exponentially higher than other times of nonwartime spending.

We must understand that limited government means a commitment to constitutionalism and the rule of law, not the rule of men. We must understand that a communitarianism that ascertains its supposed community and communal aspects from what is dictated and forced through Federal bonds and the greater dependence we have on the Federal Treasury, is no authentic communitarianism at all.

We must understand that each of us lose the sense of confiscation which occurs daily in our Tax Code when costs are disbursed, when a few cents here and a few dollars there are ignored, and, thus, all eyes turn to our Nation's Capital as if it were some giant piggy bank or money tree continuously sprouting new currency bills, dropping seeds of instantly created capital and supplying jobs, as if such things were not the exchanges of goods and services we make of citizens but, no, easily dispensed commodities which exist in some filled-to-the-brim barrel labeled "jobs" in the center of Capitol or the White House.

We must understand that it cannot be more efficient to send all of our tax dollars to Washington D.C., only to turn around and have them sent right back through a maze of confusion and delay to meet the need that could have been met earlier and within closer and, thus, more efficient proximity.

We must understand the republic in which we policymakers demonstrate our purported passion for constituents by promising to meet all the needs of each of them, while the constituents demonstrate their compassion by bemoaning how much of their earned income they do not give to such policymakers, is a republic with a troubling future.

We must understand that a republic in which its citizens are merely content to receive regular disbursements of entitlements from their government and no longer strive to meet those same needs of their fellow citizens, is a republic in need of renewal.

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We must understand that a republic which insists on standing in the way of those who request the right to merely delay their own gratification by saving, for decades, through slow and meticulous discipline, their own earned income and assets in order to end the cycle of State-assisted dependency is a republic with an uncertain future. For policymakers to extol the virtues of the American people while denying them this chance to voluntarily delay their own gratification is the epitome of hypocrisy and double standard.

We must understand that a republic in which those with greater wealth cease to seek ways to alleviate the basic needs of their fellow citizens less fortunate is a republic whose future is worth pondering.

We must understand that a republic in which local and State officials, as well as citizens and community groups, make their dutiful marches to the halls of Washington to request all-important funds from the miraculously self-generating Federal treasury as if it were the only such place such funds could be ascertained, is a republic whose future is truly worth pondering.

We must understand that there are some things the Federal Government can and should do. Providing for the public safety and protecting the homeland are vital for nation-states whose existence would be pointless were there boundaries and territorial integrity to be compromised and ignored.

We must understand that a republic in which the Federal entity confiscates more and more income from its citizens so that they can no longer freely give to their houses of worship, to their favored charitable organizations, to their family and friends in need, to the strangers and persons in close proximity to them who they can most rapidly assist, is a republic in need of renewal.

We must understand that when any meager attempt to limit or scale back a Federal budget now totaling $3 trillion and an administrative state which has proven virtually impossible to shrink is met with accusations of cruelty, disdain, and charges of callousness, we are on an unsustainable course.

We must understand that we are not atomistic individuals utterly without need of social capital. We are not "unencumbered selves." As men and women, mothers and fathers, brothers and sisters, friends and acquaintances, we know that families and communities should receive priority over larger more removed entities. We know that the economic, political, and cultural aspects of society cannot be separated into distinct and separate spheres. They are intertwined. Proper economic activity presupposes certain cultural assumptions. Political activity can enshrine the necessary and proper economic fundamentals of a capitalistic system.

We must understand that local, State and Federal Governments are not omniscient repositories of unassailable wisdom all of the time. That's why the voluntary and intermediate associations of society are so important: the places of worship which also do so many acts of compassion, the charitable organizations, the community organizations, the "little platoons of society" daily helping, feeding, clothing, assisting, nurturing, training, developing, and shaping the individuals of this land.

Unfortunately, some view all "government" as oppression. Possibly necessary oppression, but oppression nonetheless. This too is mistaken. A commitment to subsidiarity provides a useful antidote to such fundamentally flawed, pessimistic and cynical thinking.

We as Representatives and we as citizens should live in a polity which is constantly probing, analyzing, imagining, how to conserve what is good about the past and present while making the future a better, more fulfilling place for those that come before us.

Mr. Speaker, the Preamble to our Constitution states: "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Establish justice. Insure domestic tranquility. Provide for the common defense. Promote the general welfare. Secure the blessings of liberty. Today, the United States has 304 million people living in 50 States, over 3,000 counties, and thousands of other cities, towns, villages, and local entities. My own State of California alone is almost 156,000 square miles, possesses over 36 million people, and contains over 800,000 private nonfarm business establishments. Yet, we know that "our country is not a thing of mere physical locality." It is so much more. How are we then to govern ourselves spread across this vast, spacious, and diverse republic? It would do no harm to renew our commitment and endeavor to further understand the dimensions of subsidiarity.

As Michael Sandel has reminded us in great detail, this self-governing Republic has constantly been asking itself what the good life, the good society, and the good citizen is, should be, and can be, since its founding—a time before automobiles, telephones, televisions or the Internet. Let us never lose this perspective. After all, commonsense and reason adamantly demonstrate that unlimited vice and unfindable virtue will lead to greater resources being needed, greater unsustainable commitments being made, and greater constrictions being placed on our individual liberty. The strengthening of, and a reappreciation for, subsidiarity will help us all avoid such a fate.

Mr. Speaker, you and others may have seen a great and inspiring movie which had the simple title "Amazing Grace." William Wilberforce, who lived from 1759 to 1833 and was the great English abolitionist protagonist in that fine and very moving film, not only helped end the African slave trade in the British Empire, but he was also part of 69 various societal groups as part of his effort at a societal-wide "reformation of manners and morals" in England. It later became known as the Victorian Period, but he saw 13 and 14-year-old prostitutes on the streets of London, and most of society walking by and saying that is the way it has been, and that's the way it is going to be. He said it doesn't have to be that way, we can change it. When he did that, he engaged these nongovernmental entities in his effort to make those changes because he understood the principle of subsidiarity as it expressed itself through so many different organizations, and understood that if he was going to change the government, he had to change the culture. He had to change the people's hearts and minds, and that you just couldn't do it with government, you had to do it in fact with all of these organizations, from the families all of the way up to government.

So let us today, in a different century and in a different country, nonetheless think anew how to encourage all citizens to view ourselves as not just cogs in a Federal wheel but as vibrant members, as "little platoons" ourselves, of our respective spheres of life, wherever today may find us.

As Americans, Mr. Speaker, we have much of which to be proud. It was recently written that "the United States is creating the first universal nation, made up of all colors, races, and creeds, living and working together in considerable harmony." Let us hope that is true. Let us always be committed to "living and working together in considerable harmony." If we are concerned about liberty, justice, social or otherwise, and the common good, which all philosophies of human interaction and political life, no matter how libertarian or communitarian, presuppose, then we must commit ourselves to thinking with renewed vigor and energy, the presence and possibilities of subsidiarity.

It is not an easy task for we are Representatives at the Federal level, but I think if we exercised humility and a proper understanding of the organization of our society and the tremendous capacity of individuals to do good when properly directed, and properly self-directed, then we can rise to that challenge.

So, Mr. Speaker, I thank you for the time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUMMINGS (at the request of Mr. HOYER) for today from 12 p.m. until 2 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

(The following Members (at the request of Mr. MCHENRY) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 22.

Mr. MCHENRY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 22.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6022. An act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

H.R. 6051. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, May 16, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6624. A letter from the President and CEO, Bay Area Counil Economic Institute, transmitting the Council's report entitled, "Human Capital in the Bay Area: Why an Educated, Flexible Workforce is Vital to Our Economic Future"; to the Committee on Education and Labor.

6625. A letter from the Secretary, Department of Energy, transmitting a copy of proposed legislation to amend Section 145 of the Atomic Energy Act of 1954 (AEA) to ensure that in national security or public health and safety emergency situations the Department of Energy (DOE) has the authority to share Restricted Data with persons not in possession of a DOE "Q" or "L" security clearance; to the Committee on Energy and Commerce.

6626. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report to Congress on Postmarket Surveillance of Medical Devices Used in Pediatric Populations, pursuant to Section 212 of the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

6627. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Ensuring Access to Health Insurance Coverage in the Large Group Market," in response to Section 2711(b) of the Public Health Service Act; to the Committee on Energy and Commerce.

6628. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Vehicle Identification Number Requirements [Docket No. NHTSA 2008-0022] (RIN: 2127-AJ99) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6629. A letter from the Chairman, Federal Trade Commission, transmitting a letter regarding the manipulation in wholesale crude oil, gasoline, or petroleum distillate markets; to the Committee on Energy and Commerce.

6630. A letter from the Chair, Firends of Cancer Research, transmitting the Annual Review entitled, "Clearing the Way of Biomedical Innovation"; to the Committee on Energy and Commerce.

6631. A letter from the Secretary, Department of Education, transmitting in accordance with the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Buy American Report for FY 2007; to the Committee on Oversight and Government Reform.

6632. A letter from the Senior Trial Attorney, Department of Transportation, transmitting the Department's final rule — Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad Operating Practices; Handling Equipment, Switches and Fixed Derails [Docket No. FRA-2006-25267] (RIN: 2130-AB76) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6633. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8C1/-8C5/-8C5B1/ -8E5/- 8E5A1, and CF34-10E Series Turbofan Engines [Docket No. FAA-2007-29001; Directorate Identifier 2007-NE-36-AD; Amendment 39-15395; AD 2008-05-01] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6634. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2007-0300; Directorate Identifier 2007-NM-191-AD; Amendment 39-15394; AD 2008-04-22] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6635. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0226; Directorate Identifier 2007-NM-187-AD; Amendment 39-15393; AD 2008-04-21] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6636. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. FAA-2007-0337; Directorate Identifier 2007-NM-111-AD; Amendment 39-15392; AD 2008-04-20] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6637. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No. FAA-2007-29332; Directorate Identifier 2007-NM-172-AD; Amendment 39-15391; AD 2008-04-19] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6638. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. FAA-2007-0075; Directorate Identifier 2007-NM-171-AD; Amendment 39-15390; AD 2008-04-18] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6639. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes, and Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-0213; Directorate Identifier 2007-NM-233-AD; Amendment 39-15389; AD 2008-04-17] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6640. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ Airplanes [Docket No. FAA-2007-29337; Directorate Identifier 2007-NM-150-AD; Amendment 39-15388; AD 2008-04-16] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6641. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives' Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2007-29249; Directorate Identifier 2007-NM-112-AD; Amendment 39-15294; AD 2007-25-12] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6642. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Williamsport, PA. [Docket No. FAA-2005-22491; Airspace Docket No. 05-AEA-019] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6643. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Honesdale, PA. [Docket No. FAA-2007-0153; Airspace Docket No. 07-AEA-12] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6644. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Wheatland, WY [Docket FAA No. FAA-2007-28649; Airspace Docket No. 07-ANM-10] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6645. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewisburg, PA [Docket No. FAA-2007-0276; Airspace Docket No. 07-AEA-16] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6646. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Emporium, PA. [Docket No. FAA-2007-0275; Airspace Docket No. 07-AEA-15] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6647. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marienville, PA. [Docket No. FAA-2007-0162; Airspace Docket No. 07-AEA-13] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6648. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewiston, PA. [Docket No. FAA-2007-0274; Airspace Docket No. 07-AEA-14] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6649. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lexington, OK [Docket No. FAA-2008-0003; Airspace Docket No. 08-ASW-1] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6650. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; La Pointe, WI [Docket No. FAA-2008-025; Airspace Docket No. 08-AGL-3] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee. on Transportation and Infrastructure.

6651. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cameron Balloons Ltd. Models AX5-42 (S.1), AX5-42 BOLT, AX6-56 (S.1), AX6-56A, AX6-56Z, AX6-56 BOLT, AX7-65 (S.1), AX7-65Z, AX7-65 BOLT, AX7-77 (S.1), AX7-77A, AX7-77Z, AX7-77 BOLT, AX8-90 (S.1), AX8-90 (S.2), AX8-105 (S.1), AX8-105 (S.2), AX9-120 (S.1), AX9-120 (S.2), AX9-140 (S.2), AX10-160 (S.1), AX10-160 (S.2), AX10-180 (S.1), AX10-180 (S.2), AX210 (S.2), AX11-225 (S.2), and AX11-250 (S.2) Balloons [Docket No. FAA-2008-0195; Directorate Identifier 2008-CE-008-AD; Amendment 39-15387; AD 2008-04-15] (RIN: 2120-AA64) Received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6652. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use "no year" IMET funds for priority courses for Iraq, pursuant to Public Law 110-5; jointly to the Committees on Foreign Affairs and Appropriations.

6653. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for Serbia, pursuant to Public Law 110-161, section 620; jointly to the Committees on Foreign Affairs and Appropriations.

6654. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the April 2008 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375, Pub. L. 109-102, Pub. L. 109-364, Pub. L. 109-440, Pub. L. 110-28, and Pub. L. 110-181; jointly to the Committees on Foreign Affairs and Appropriations.

6655. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5803. A bill to direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes (Rept. 110-637). Referred to the committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3819. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes (Rept. 116-638). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5554. A bill to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes; with an amendment (Rept. 110-639). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3889. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; with an amendment (Rept. 110-640). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5664. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; with an amendment (Rept. 110-641). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2790. A bill to amend title 38, United States Code, to establish the position of director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; with an amendment (Rept. 110-642). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5826. A bill to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disablied veterans, and for other purposes (Rept. 110-643). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: committee on Veterans' Affairs. H.R. 3681. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary; with an amendment (Rept. 110-644). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5729. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes; with an amendment (Rept. 110–645). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5571. A bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates (Rept. 110–646). Referred to the committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3480. A bill to direct the United States Sentencing Commission to assure appropriate enhancements of those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes; with an amendment (Rept. 110–647). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5856. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2007, and for other purposes (Rept. 110–648). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4841. A bill to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; with an amendment (Rept. 110–649). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5687. A bill to amend the Federal advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; with an amendment (Rept. 110–650). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5787. A bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; with an amendment (Rept. 110–651). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. WATERS (for herself, Mr. GUTIERREZ, Mr. WATT, and Mr. FRANK of Massachusetts):

H.R. 6062. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer reports and consumer information in making any determination involving personal lines of insurance with respect to a consumer, and for other purposes; to the Committee on Financial Services.

By Mr. UDALL of Colorado (for himself, Mr. GORDON, Mr. HALL of Texas, and Mr. FEENEY):

H.R. 6063. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. DOGGETT (for himself, Mr. BECERRA, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCNERNEY, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. POMEROY, Mr. PRICE of North Carolina, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. STARK, Mr. THOMPSON of California, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. STUPAK, Ms. CLARKE, Ms. TSONGAS, Mr. CARSON, Mr. JOHNSON of Georgia, and Mr. GONZALEZ):

H.R. 6064. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States; to the Committee on the Judiciary.

By Mr. KIRK (for himself, Mr. CARNEY, Mr. MARKEY, Mr. SESTAK, Ms. BORDALLO, Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. MATHESON):

H.R. 6065. A bill to promote green schools; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Ms. MOORE of Wisconsin, Mr. WATT, and Mr. HASTINGS of Florida):

H.R. 6066. A bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks; to the Committee on Financial Services.

By Mr. LAMPSON (for himself, Mr. EDWARDS, Mr. MARKEY, Mr. SHAYS, Mr. GENE GREEN of Texas, Mr. INGLIS of South Carolina, Mr. MOORE of Kansas, Mr. CRAMER, Mr. KIND, Mr. BARTLETT of Maryland, Mr. WELCH of Vermont, Mr. HILL, Ms. GIFFORDS, Mr. BOSWELL, Mr. BISHOP of Georgia, Mr. WILSON of Ohio, Mr. CHANDLER, Mr. HALL of New York, Mr. NADLER, Mr. INSLEE, Mr. KAGEN, and Mr. ISRAEL):

H.R. 6067. A bill to amend the Energy Policy and Conservation Act to help reduce the oil prices to consumers, to reduce the cost of petroleum acquisition for the Strategic Petroleum Reserve, to better match the composition of the Strategic Petroleum Reserve to refinery requirements in the United States, to fund energy research and development, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. YOUNG of Alaska, Mr. PAYNE, Ms. MATSUI, and Mr. JEFFERSON):

H.R. 6068. A bill to establish a grant program to assist States in inspecting hotel rooms for bed bugs; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California:

H.R. 6069. A bill to provide additional emergency and enhanced enforcement authority to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. CARTER (for himself, Mr. BURGESS, Mr. CONAWAY, Mr. PEARCE, Mr. THORNBERRY, Mr. KUCINICH, Mr. WILSON of South Carolina, Mr. MCCOTTER, Mr. KING of New York, Mr. FERGUSON, Mr. MCHUGH, Mr. MCCRERY, Mr. MCCARTHY of California, Mr. DENT, Mr. REHBERG, Mr. BROWN of South Carolina, Mr. LATTA, Mr. BARRETT of South Carolina, Mr. TERRY, Mr. PUTNAM, Mr. GINGREY, Mr. COLE of Oklahoma, Mr. CULBERSON, Mr. BOUSTANY, Mr. MCDERMOTT, Mr. SIRES, Mr. HOLT, Mr. KENNEDY, Mr. CANTOR, Mr. DREIER, Mr. BOEHNER, Mr. BLUNT, Mr. RODRIGUEZ, Mr. BRADY of Texas, Mr. NEUGEBAUER, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Ms. GRANGER, Mr. SULLIVAN, Mr. EDWARDS, Mr. ROGERS of Michigan, Mr. MARSHALL, Mr. CUELLAR, Mr. POE, Mr. HINOJOSA, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. DAVID DAVIS of Tennessee, Mr. GALLEGLY, Mr. HALL of Texas, Mr. ROSS, Mr. MICA, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. COBLE, Ms. FOXX, Mr. TURNER, Mr. HENSARLING, Mr. SMITH of Texas, Mr. SHUSTER, Mr. MCCAUL of Texas, Mr. KINGSTON, Mr. BOOZMAN, Mr. KLINE of Minnesota, Ms. ROS-LEHTINEN, Mr. RANGEL, Mr. LINCOLN DAVIS of Tennessee, and Mrs. MYRICK):

H.R. 6070. A bill to amend the Servicemembers Civil Relief Act to guarantee the residency of spouses of military personnel; to the Committee on Veterans' Affairs.

By Mr. FORBES (for himself and Mrs. BOYDA of Kansas):

H.R. 6071. A bill to amend the Public Health Service Act to require reinstatement upon payment of all premiums due of group or individual health insurance coverage terminated by reason of nonpayment of premiums; to the Committee on Energy and Commerce.

By Mr. FORBES:

H.R. 6072. A bill to establish a Commission to examine the long-term global challenges facing the United States and develop legislative and administrative proposals to improve interagency cooperation; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX:

H.R. 6073. A bill to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically; to the Committee on Oversight and Government Reform.

By Mr. KAGEN (for himself, Ms. HIRONO, Mr. HODES, Mr. JOHNSON of Georgia, Mr. ELLISON, Mr. CARSON, Mr. WILSON of Ohio, Mr. WALZ of Minnesota, Ms. SUTTON, Mr. WELCH of Vermont, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. HALL of New York, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 6074. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. ALLEN, Mr. KUHL of New York, Mr. MCGOVERN, Mr. MARKEY, Mr. BISHOP of New York, and Ms. MOORE of Wisconsin):

H.R. 6075. A bill to expand and improve mental health care and reintegration programs for members of the National Guard and Reserve, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 6076. A bill to amend the Truth in Lending Act to permit deferrals on certain home mortgage foreclosures for a limited period to allow homeowners to take remedial action, to require home mortgage servicers to provide advance notice of any upcoming reset of the mortgage interest rate, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 6077. A bill to amend the Help America Vote Act of 2002 to permit local jurisdictions within a State to conduct early voting in elections for Federal office held in such jurisdictions, and for other purposes; to the Committee on House Administration.

By Mr. PERLMUTTER (for himself, Mr. HODES, Mr. FRANK of Massachusetts, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. KAGEN, Mr. BRALEY of Iowa, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Mr. WILSON of Ohio, Mr. ELLISON, Ms. SHEA-PORTER, Mr. WELCH of Vermont, Mr. CLEAVER, Mr. OLVER, Mr. EMANUEL, Mr. SALAZAR, Mr. SARBANES, Mr. INSLEE, Mr. UDALL of Colorado, Mr. ANDREWS, and Ms. TSONGAS):

H.R. 6078. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. KNOLLENBERG, Mr. PALLONE, and Mr. RADANOVICH):

H.R. 6079. A bill to direct the Secretary of State to submit a report outlining the steps taken and plans made by the United States to end Turkey's blockade of Armenia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALBERG:

H.R. 6080. A bill to amend the Small Business Act to expand the ability of suburban areas to be HUBZones; to the Committee on Small Business.

By Mr. HOLT (for himself, Mr. ANDREWS, Mr. SAXTON, Mr. GARRETT of New Jersey, Mr. FERGUSON, Mr. ROTHMAN, Mr. FRELINGHUYSEN, Mr. SIRES, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. PASCRELL, and Mr. PAYNE):

H. Con. Res. 351. Concurrent resolution honoring the 225th Anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey, in 1783; to the Committee on Oversight and Government Reform.

By Mrs. MCCARTHY of New York (for herself, Mr. WALSH of New York, Mrs. CAPPS, and Mr. EHLERS):

H. Con. Res. 352. Concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISRAEL (for himself, Mr. KNOLLENBERG, Mr. LAMPSON, Mr. SCHIFF, Mr. WEINER, Mrs. GILLIBRAND, Mr. CROWLEY, Mr. ARCURI, Mr. BISHOP of New York, Mr. MOORE of Kansas, Mr. ROSS, Mr. ISSA, Mr. RADANOVICH, Mr. CANTOR, Mr. KIRK, Mr. TIBERI, Mr. NUNES, and Mr. MCNULTY):

H. Res. 1201. A resolution expressing the grave concern of the House of Representatives for Hezbollah, Syria, and Iran's continued actions to undermine the legitimate Lebanese Government of Prime Minister Fuad Siniora, and their systematic violation of United Nations Security Council Resolutions 1559, 1680, 1701, and 1747; to the Committee on Foreign Affairs.

By Mr. TOM DAVIS of Virginia (for himself, Mr. DICKS, Mr. TAYLOR, Mr. SMITH of Washington, Mrs. NAPOLITANO, Mr. SHAYS, Mrs. CAPPS, Mr. PLATTS, Mr. RAHALL, Mrs. CAPITO, and Mr. WILSON of South Carolina):

H. Res. 1202. A resolution supporting the goals and ideals of a National Guard Youth Challenge Day; to the Committee on Oversight and Government Reform.

By Mrs. CAPITO (for herself and Mr. ALLEN):

H. Res. 1203. A resolution expressing support for designation of the week beginning May 11, 2008, as "National Nursing Home Week"; to the Committee on Energy and Commerce.

By Ms. CLARKE:

H. Res. 1204. A resolution recognizing the goals and ideals of Flag Day in the Republic of Haiti; to the Committee on Foreign Affairs.

By Mr. DELAHUNT (for himself, Mr. BERMAN, Mr. ACKERMAN, Mr. INGLIS of South Carolina, Ms. DELAURO, Mr. SHAYS, Mr. WOLF, and Mr. HASTINGS of Florida):

H. Res. 1205. A resolution noting that the Government of Iraq will likely enjoy $32 billion in surplus oil revenues in 2008 and requesting the Government of Iraq to dedicate $1 billion to address the needs of Iraqi refugees and internally displaced persons; to the Committee on Foreign Affairs.

By Mr. LATTA:

H. Res. 1206. A resolution expressing the sense of the House of Representatives that any comprehensive plan to reform our national energy policy must promote the expanded use of renewable and alternative energy sources; increase our domestic refining capacity; promote conservation and increased energy efficiency; expand research and development, including domestic exploration; and, enhance consumer education; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

280. The SPEAKER presented a memorial of the Senate of the State of Wisconsin, relative to Resolution No. 7 memorializing the Congress of the United States to enact the Employee Free Choice Act; to the Committee on Education and Labor.

281. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to enact legislation to create an Office of the National Nurse; to the Committee on Energy and Commerce.

282. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 134 memorializing the Congress of the United States and the United States Food and Drug Administration (FDA) to establish stricter standards for the drug approval process; to the Committee on Energy and Commerce.

283. Also, a memorial of the Senate of the State of Georgia, relative to a Resolution urging the Congress of the United States to withdraw the United States from the Security and Prosperity Partnership of North America and from any other bilateral or multilateral activity that seeks the economic merger of the United States with any other country; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. TERRY, Mr. COHEN, Mr. NADLER, Ms. LEE, Mr. DEFAZIO, and Mr. SCOTT of Virginia.

H.R. 158: Mrs. CAPITO.

H.R. 303: Mr. MACK.

H.R. 471: Mr. PRICE of North Carolina.

H.R. 522: Ms. WOOLSEY.

H.R. 555: Mr. WU.

H.R. 631: Mr. MCCOTTER.

H.R. 643: Mr. STEARNS.

H.R. 769: Mr. HELLER.

H.R. 1078: Mrs. MCCARTHY of New York.

H.R. 1120: Mr. HUNTER.

H.R. 1134: Ms. ROS-LEHTINEN, Mr. DAVIS of Illinois, and Mr. LOEBSACK.

H.R. 1283: Mr. BILBRAY and Mr. MICHAUD.

H.R. 1286: Mr. SESTAK and Mr. WITTMAN of Virginia.

H.R. 1359: Mr. SENSENBRENNER.

H.R. 1363: Mr. CHANDLER.

H.R. 1439: Mr. RAMSTAD.

H.R. 1475: Ms. SPEIER.

H.R. 1584: Ms. GIFFORDS.

H.R. 1589: Mr. WITTMAN of Virginia.

H.R. 1610: Mr. WU and Mr. MOLLOHAN.

H.R. 1655: Mr. AL GREEN of Texas, Mr. WESTMORELAND, Mr. LARSEN of Washington, and Ms. LORETTA SANCHEZ of California.

H.R. 1738: Mr. KUHL of New York and Mr. HINCHEY.

H.R. 1783: Mr. BILIRAKIS.

H.R. 1792: Mr. WHITFIELD of Kentucky.

H.R. 1956: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2026: Mr. LOBIONDO.

H.R. 2060: Mr. LATHAM.

H.R. 2132: Ms. BERKLEY.

H.R. 2158: Mr. WITTMAN of Virginia.

H.R. 2188: Ms. PRYCE of Ohio and Mr. MCGOVERN.

H.R. 2231: Mr. PICKERING.

H.R. 2244: Mr. BOOZMAN.

H.R. 2268: Mr. GORDON, Mr. SALI, and Mr. ENGEL.

H.R. 2329: Mr. FILNER, Mr. MORAN of Kansas, and Ms. ZOE LOFGREN of California.

H.R. 2331: Mr. SPACE.

H.R. 2472: Mr. KING of New York, Mrs. MCCARTHY of New York, Mr KLEIN of Florida, and Mr. YOUNG of Florida.

H.R. 2606: Mr. DAVIS of Alabama.

H.R. 2609: Mr. CARSON and Mr. TURNER.

H.R. 2734: Mr. BACHUS and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2784: Mr. WITTMAN of Virginia.

H.R. 2790: Mr. BUYER.

H.R. 2951: Mr. ABERCROMBIE.

H.R. 3094: Mr. DICKS.

H.R. 3186: Mr. YOUNG of Florida and Mr. LAMPSON.

H.R. 3187: Mr. ENGLISH of Pennsylvania, Ms. JACKSON-LEE of Texas, and Mr. YOUNG of Florida.

H.R. 3257: Mr. PRICE of North Carolina.

H.R. 3329: Ms. CASTOR and Ms. CORRINE BROWN of Florida.

H.R. 3397: Mr. AL GREEN of Texas, Mr. RYAN of Ohio, and Mr. HODES.

H.R. 3453: Mrs. MALONEY of New York.

H.R. 3457: Mr. CARTER.

H.R. 3573: Mr SAXTON.

H.R. 3681: Mr. BUYER.

H.R. 3819: Mr. BUYER.

H.R. 3865: Ms. SPEIER and Mr. HONDA.

H.R. 3871: Mr. PAYNE, Ms. GIFFORDS, and Mr SESTAK.

H.R. 3889: Mr. BUYER.

H.R. 3914: Mr. DEAL of Georgia.

H.R. 3980: Ms. WOOLSEY.

H.R. 3995: Mr. GARY G. MILLER of California.

H.R. 4061: Mr. WALZ of Minnesota.

H.R. 4141: Mr. MILLER of Florida.

H.R. 4173: Mr. STARK.

H.R. 4188: Mr. BOYD of Florida.

H.R. 4273: Mr. UPTON.

H.R. 4344: Mr. BOOZMAN.

H.R. 4544: Mr. TIAHRT.

H.R. 4688: Ms. ESHOO and Ms. SCHAKOWSKY.

H.R. 4880: Mr. FATTAH.

H.R. 4900: Mr. MAHONEY of Florida, Mr. DUNCAN, Mr. KNOLLENBERG, Mr. SCALISE, Mr. PETRI, and Mr. LATHAM.

H.R. 4926: Mr. HOBSON.

H.R. 5069: Mr. CARSON.

H.R. 5222: Mr. WITTMAN of Virginia.

H.R. 5235: Mr. WOLF and Mr. GINGREY.

H.R. 5244: Mr. AL GREEN of Texas and Mr. BARROW.

H.R. 5425: Mr. WITTMAN of Virginia.

H.R. 5454: Mr. UPTON, Mr. PICKERING, Ms. ZOE LOFGREN of California, and Mr. GOODE.

H.R. 5505: Mr. COSTELLO.

H.R. 5507: Mr. WATT and Mr. CAPUANO.

H.R. 5546: Mr. JONES of North Carolina.

H.R. 5567: Mrs. BLACKBURN.

H.R. 5626: Ms. HARMAN.

H.R. 5629: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5637: Mr. MCDERMOTT.

H.R. 5638: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5646: Mr. YOUNG of Alaska.

H.R. 5654: Mr. PRICE of North Carolina.

H.R. 5664: Mr. BUYER.

H.R. 5673: Mr. SALI and Mr. HERGER.

H.R. 5684: Mr. HELLER, Mr. DREIER, and Mr. HULSHOF.

H.R. 5722: Ms. PRYCE of Ohio.

H.R. 5729: Mr. BUYER.

H.R. 5734: Mr. DELAHUNT, Mr. STARK, and Mr. ALLEN.

H.R. 5737: Mr. UPTON.

H.R. 5740: Mr. COBLE and Mr. WOLF.

H.R. 5767: Mr. CAPUANO, Mr. BACA, Mr. PERLMUTTER, Mr. CARNAHAN, and Mr. GONZALEZ.

H.R. 5793: Mr. WYNN, Mr. ROYCE, Mr. BARROW, Mr. CARTER, and Mr. UPTON.

H.R. 5797: Mr. JONES of North Carolina.

H.R. 5825: Ms. GIFFORDS.

H.R. 5826: Mr. BUYER.

H.R. 5839: Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. BUTTERFIELD, and Ms. JACKSON-LEE of Texas.

H.R. 5842: Ms. WOOLSEY.

H.R. 5882: Mr. CUELLAR.

H.R. 5890: Ms. MATSUI.

H.R. 5892: Mr. KAGEN and Mr. GOODE.

H.R. 5898: Mr. ROSKAM, Mrs. DRAKE, Mr. UPTON, Mr. HASTINGS of Florida, and Ms. GRANGER.

H.R. 5908: Mr. TERRY and Mr. MILLER of Florida.

H.R. 5921: Mr. CUELLAR and Mr. ABERCROMBIE.

H.R. 5935: Mr. MICHAUD and Mr. BACA.

H.R. 5936: Mr. PLATTS and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5942: Mr. REYES.

H.R. 5944: Mr. MCKEON, Mr. ROGERS of Michigan, Mr. MARIO DIAZ-BALART of Florida, Mr. AKIN, Mr. THORNBERRY, Mr. KELLER, and Mr. MANZULLO.

H.R. 5950: Mr. CUELLAR.

H.R. 5954: Mr. DEFAZIO, Mr. PETERSON of Pennsylvania, and Mr. TAYLOR.

H.R. 5955: Mr. KINGSTON.

H.R. 5971: Mrs. DRAKE and Mr. MILLER of Florida.

H.R. 6008: Mr. SALI and Ms. JACKSON-LEE of Texas.

H.R. 6020: Mr. CUELLAR and Mr. ABERCROMBIE.

H.R. 6023: Mr. PLATTS and Mr. ROGERS of Kentucky.

H.R. 6024: Mr. BACA.

H.R. 6026: Mr. MARIO DIAZ-BALART of Florida, Mr. WITTMAN of Virginia, Mr. GOHMERT, Mr. DREIER, Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Mr. LAMBORN, Mr. WESTMORELAND, Mr. HOEKSTRA, Mr. MCHENRY, Mr. JORDAN, Mr. BURGESS, Mr. ROGERS of Alabama, Mr. CONAWAY, Mrs. BLACKBURN, Mr. WALBERG, Mr. DAVID DAVIS of Tennessee, Mr. LATTA, Mr. SALI, Mr. PENCE, Mr. ROSKAM, Mr. MCCARTHY of California, Mr. KING of Iowa, Mrs. BACHMANN, Mr. POE, Mr. SAM JOHNSON of Texas, Mr. PORTER, Mr. HELLER, Mr. HENSARLING, Mr. GOODLATTE, Mr. PRICE of Georgia, Mr. COLE of Oklahoma, Mr. ROGERS of Michigan, Mr. WELLER, and Mr. HUNTER.

H.R. 6030: Mr. LIPINSKI and Mr. LAHOOD.

H.R. 6031: Mrs. BIGGERT.

H.R. 6039: Mr. CUELLAR.

H.R. 6045: Ms. WATERS, Mr. MACK, Ms. LEE, Mr. RUPPERSBERGER, Mr. LATTA, Mr. BARROW, Mr. BOUCHER, Mr. MARKEY, and Ms. MOORE of Wisconsin.

H.R. 6048: Mr. BISHOP of Utah, Mr. FORBES, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. ROGERS of Kentucky, Mr. WITTMAN of Virginia, Mr. CANNON, Mr. PEARCE, Mr. REICHERT, Mr. HAYES, Ms. FALLIN, Mr. COLE of Oklahoma, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. SALI, Mr. DAVID DAVIS of Tennessee, Mr. LATTA, Mr. GINGREY, Mr. MILLER of Florida, Mr. SAXTON, Mr. AKIN, Mr. COBLE, Mr. HENSARLING, Mr. LUCAS, Ms. FOXX, Mr. MCKEON, Mrs. DRAKE, Mr. SHUSTER, Mr. LAMBORN, Mrs. MCMORRIS RODGERS, Mr. LOBIONDO, Mrs. TAUSCHER, Mr. DOOLITTLE, Mr. SULLIVAN, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. CONAWAY, Mr. HOBSON, Mr. CHABOT, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. FORTENBERRY, Mr. FERGUSON, Mr. TIM MURPHY of Pennsylvania, Mr. FRANKS of Arizona, Mr. LATOURETTE, Mr. THORNBERRY, Mr. KLINE of Minnesota, Mr. EVERETT, Mr. BONNER, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, Mr. MCHUGH, Mr. HERGER, Mr. CARTER, and Mr. POE.

H.J. Res. 68: Mr. WALZ of Minnesota and Mr. ORTIZ.

H. Con. Res. 134: Ms. RICHARDSON, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. SCOTT of Georgia, Mr. BILBRAY, Ms. KAPTUR, Mr. HARE, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mr. KILDEE, Mr. LAHOOD, Mr. JOHNSON of Illinois, Mr. BRADY of Texas, Mr. DAVIS of Alabama, Ms. GRANGER, Ms. ZOE LOFGREN of California, Mr. BOUCHER, Mr. ANDREWS, Mr. OLVER, Ms. HARMAN, Ms. WATERS, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Ms. SLAUGHTER, Mr. MOLLOHAN, Mrs. TAUSCHER, Ms. HOOLEY, Ms. DEGETTE, Mrs. NAPOLITANO, Mr. KUCINICH, Mr. DOGGETT, Mr. VAN HOLLEN, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. ALLEN, Mr. RYAN of Ohio, Ms. ROYBAL-ALLARD, Ms. BALDWIN, Mr. WEINER, and Mr. DEFAZIO.

H. Con. Res. 195: Mr. REYES, Ms. ROYBAL-ALLARD, Mr. ORTIZ, Mr. BACA, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. PASTOR, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. SOLIS.

H. Con. Res. 296: Mrs. CAPPS, Ms. MATSUI, and Mrs. CHRISTENSEN.

H. Con. Res. 299: Mr. WAXMAN, Ms. SUTTON, Mr. KAGEN, Mrs. TAUSCHER, Mrs. CAPPS, Mr. BERMAN, Mr. BILBRAY, Ms. NORTON, Mr. BOSWELL, Mr. BISHOP of Utah, and Mrs. DAVIS of California.

H. Con. Res. 315: Mr. ROSKAM.

H. Con. Res. 329: Mr. REHBERG.

H. Con. Res. 333: Mr. JONES of North Carolina, Mr. MCCRERY, and Mr. WALZ of Minnesota.

H. Con. Res. 334: Mr. JORDAN.

H. Con. Res. 341: Mr. DELAHUNT, Mr. MARCHANT, Ms. BALDWIN, and Mr. CAMP of Michigan.

H. Res. 18: Mr. WITTMAN of Virginia.

H. Res. 111: Mr. WITTMAN of Virginia.

H. Res. 169: Mr. WEINER.

H. Res. 258: Ms. BALDWIN and Ms. LEE.

H. Res. 389: Mr. HASTINGS of Florida, Mr. FORTUÑO, Ms. RICHARDSON, Mr. FATTAH, and Ms. CLARKE.

H. Res. 499: Mr. WITTMAN of Virginia.

H. Res. 529: Ms. CASTOR, Ms. SHEA-PORTER, Mr. LOEBSACK, and Mr. COOPER.

H. Res. 881: Mrs. BLACKBURN, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. WILSON of South Carolina, and Mr. LAMBORN.

H. Res. 1010: Mr. SCOTT of Georgia, Mr. MORAN of Kansas, Mr. ELLSWORTH, Mr. WAMP, Mr. BOSWELL, Mr. WILSON of Ohio, and Mr. MOORE of Kansas.

H. Res. 1022: Ms. PELOSI.

H. Res. 1108: Mr. BUCHANAN and Mr. WALSH of New York.

H. Res. 1127: Mr. CANTOR, Mr. SCHIFF, Mr. TOWNS, Mr. TERRY, and Mr. KIRK.

H. Res. 1128: Mr. TANNER and Mr. ISRAEL.

H. Res. 1143: Mr. HASTINGS of Washington.

H. Res. 1153: Mr. RUSH, Mr. REICHERT, Mr. SALAZAR, Mr. LARSON of Connecticut, Ms. MCCOLLUM of Minnesota, Mr. SERRANO, Mr. DAVIS of Illinois, and Ms. WOOLSEY.

H. Res. 1172: Ms. WOOLSEY.

H. Res. 1183: Mr. BRADY of Pennsylvania, Mrs. MUSGRAVE, and Mr. COBLE.

H. Res. 1191: Mr. MARKEY, Ms. NORTON, Mr. LAMBORN, Ms. SUTTON, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Ms. WATSON, Mr. CASTLE, Mr. HODES, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. FARR, Mr. SIRES, Mr. BACA, Mr. GRIJALVA, Mr. ORTIZ, Mr. RYAN of Ohio, Mr. WILSON of Ohio, Mr. STUPAK, Mr. YARMUTH, Mr. SERRANO, Mr. ROTHMAN, Mr. MURPHY of Connecticut, Mr. PERLMUTTER, Ms. MATSUI, Mr. BERRY, Mr. HINCHEY, Ms. SLAUGHTER, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. CROWLEY.

H. Res. 1195: Mr. DELAHUNT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 891: Mr. CONAWAY.
H. Res. 1131: Mr. CONAWAY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

237. The SPEAKER presented a petition of the California State Lands Commission, relative to a Resolution encouraging the Federal Government to adopt policies that address climate change and allow California to impose strict greenhouse gas emission standards; to the Committee on Energy and Commerce.

238. Also, a petition of the Caribbean and North American Area Council, relative to a Resolution calling on the Congress of the United States to lift the embargo and normalize relations between the two countries; to the Committee on Foreign Affairs.

239. Also, a petition of the Lawrence County Board of Commissioners, South Dakota, relative to Resolution No. 2008-15 urging the Congress of the United States to support the fair and equitable resolution of R.S. 2477 rights-of-way by enacting R.S. 2477, Rights-of-Way Recognition Act; to the Committee on Natural Resources.

240. Also, a petition of the City Council of Yerington, Nevada, relative to Resolution No. 08-02 opposing the proposed Wilderness Area in Lyon County, Nevada; to the Committee on Natural Resources.

241. Also, a petition of the Board of Commissioners of Ashe County, North Carolina, relative to a Resolution in support of the Resource Conservation and Development (RC&D) Program; to the Committee on Natural Resources.

SENATE—*Thursday, May 15, 2008*

The Senate met at 9:31 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our judge and redeemer, who orders our steps and directs our paths, use our Senators today as instruments of Your will. Commission them to meet the perils and possibilities of our times, humbly and courageously. Lord, deliver them from insulating privilege that obscures humanity's needs, as You keep them from pride that scorns to do the servant's task. Make them Your agents to restore those who are broken in body and spirit. Empower them to be messengers of hope to those from whom hope is gone. Use our lawmakers to bring a new day of justice and peace to our Nation and world.

We pray in Your omnipotent Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader time, the Senate will resume consideration of the conference report to accompany the Food, Conservation, and Energy Act, H.R. 2419. There will be 90 minutes for debate on the conference report.

I might add in passing that Senators worked until about 11 o'clock last night on this important piece of legislation.

The Senate will vote on any motions relating to the conference report prior to a vote on its adoption. Senators should expect the first vote of the day to begin about 11:05, 11:10, depending on how long Senator MCCONNELL and I take. Upon disposition of the conference report, we expect to begin the process of appointing conferees to the budget resolution conference. Senators should expect rollcall votes to occur throughout the day.

I would note that there is a 1 p.m. filing deadline for first-degree amendments to the collective bargaining legislation, H.R. 980.

As I mentioned last night, when we finish adoption of the conference report, it will be up to Senators JUDD GREGG and KENT CONRAD to determine how many motions will be filed to instruct conferees. Other Senators can do that, of course, but it would have to be through the two managers. There is a total of 10 hours on that. We would hope that time could be shortened significantly. We are going to finish that tonight, the appointing of conferees.

I have spoken to Senator DORGAN. We have the media cross-ownership matter that he has proceeded forward with under a statute Senator Nickles and I passed in the early 1990s. The statutory time limit on that is 10 hours. Senator DORGAN told me last night that he would take 1 hour. I would hope others wouldn't take much more time than that. That being the case, there is an opportunity to finish that tonight. I hope that is the case. Otherwise, we would finish that tomorrow.

Tomorrow, we have scheduled now a cloture vote on the collective bargaining matter we worked on this week. As I indicated last night, we are going to see if Senators KENNEDY and GREGG can work something out on that, along with the comanager of the bill, Senator ENZI. If they can give us some way to proceed to complete that, maybe we can work out a unanimous consent that we wouldn't have to do the cloture vote. I think the ability to do that is somewhat slim, but I never give up hope. It might be possible.

The point being, we have a lot to do. We are going to work late tonight unless there is some agreement that shortens the time significantly on the appointing of conferees and the cross-ownership issue dealing with the Dorgan proposal. I think that is what we have ahead of us.

The reason I am making sure we complete everything this week, the House is going to pass, sometime today, the supplemental. We have no votes on Monday. I would hope we could start maybe on that issue on Monday because we would like to do some other things next week. But that is a big issue to deal with. The House can jam things through, as we all know, because they have different rules than we do. But over here we have to follow our rules, which are not the House rules. So one of the first things we will do when we see what the House finally does, because we don't know yet, is I will sit down and talk to the Republican leader and find out if there is a way we can proceed to allow people to do what they think is necessary on the bill but at least make it so it is more understandable and we are not here this coming Friday, a week from tomorrow, 8, 9 o'clock at night, still trying to figure out what we are going to do on that. As contentious as this matter is, I would like to have an orderly process on which to move forward.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. MCCONNELL. Mr. President, I think most of the items the majority leader mentioned we should be able to move to completion on. There remains a good deal of concern on this side about the way in which procedurally we are going to go forward on supplemental appropriations. But having said that, it certainly is an important piece of legislation. I am sure we will get to the end of the process at some point next week.

HONORING OUR ARMED FORCES

CORPORAL JOSEPH H. CANTRELL IV

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the undaunted courage and fighting spirit of one soldier from the Commonwealth of Kentucky. CPL Joseph H. Cantrell IV was lost on April 4, 2007, in Taji, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. The Westwood, KY, native was 23 years old.

For his valor in uniform, Corporal Cantrell received several awards, medals and decorations, including the National Defense Service Medal, the Army Commendation Medal, the Bronze Star Medal, and the Purple Heart.

After Corporal Cantrell was gone, his mother, Sondra Adkins, met a woman at a hospital who said that her nephew was also a soldier. He had been wounded and then saved by an Army medic, and now was going to name his son after the medic who had treated him. That medic's name was Joey.

"My son saved her nephew's life," Sondra reveals.

Those who knew Joey growing up in Boyd County, in northeastern Kentucky, were not surprised at the impact the young man could have on others. Sondra remembers when an excited Joey called her to say "there is nothing more beautiful than bringing a baby into the world."

"By chance, he got to deliver a baby during his Army training," Sondra says. "He was high on life that day. That wasn't a planned event. He called and said, 'You're not going to believe this . . . I got to deliver a baby.'"

Joey was an Army medic who saved lives in Iraq. He brought the same enthusiasm to his job that he once had as a child who would dress up in camouflage and green paint on Halloween and go out as "G.I. Joey."

At Westwood's Fairview High School, Joey was a member of Who's Who and the National Honors Society, and played football and ran track.

"I didn't want him to run track because he was so short," Sondra recalls. "The hurdles came up to his hipbone. But he could clear those hurdles and come out . . . as the best hurdle jumper. . . . Track was his calling. He could flat-out fly."

Joey's dad, Joe Cantrell, remembers eating lunch with his son just before a big hurdle race. "We went to eat and Joey told me, 'Dad, I'm going to win this because they don't think I can,'" Joe says. "When the gun went off, all they saw was his back end. When he'd get his confidence built up, he was fun to watch in sports."

"Joey had the perfect life in high school," Sondra adds. "Dating the head cheerleader, excelling on the football team. He was very outgoing."

Joey graduated from Fairview in 2002, and attended Ashland Community College. One day he came to his mother and said, "Mom, I have something to prove."

"I said, 'You don't have anything to prove to anybody,'" Sondra says. "He replied, 'You're right. I have to prove this to myself.' I was prepared for my son to move out, but I wasn't prepared for my son to live halfway around the world."

Joey enlisted in the U.S. Army on March 31, 2005. "He joined the Army to see how high he could fly without someone to catch him," his father, Joe, says. "There was no quit in him."

Joey was assigned to the 2nd Battalion, 8th Cavalry Regiment, 1st Brigade Combat Team, 1st Cavalry Division, based out of Fort Hood, TX, and in October 2006, he was deployed to Iraq in support of Operation Iraqi Freedom.

One day he called his mom from Iraq after saving a fellow soldier's life. "Mama, the only thing the soldier was worried about was if he would be able to walk again and continue serving his country," he told her.

"He loved his job," Sondra adds. "They're out there to do a job just like all of us—but theirs is the most dangerous of all."

Joe says that Joey eventually wanted to study sports medicine. Sondra recalls Joey wanting to be a doctor, perhaps an obstetrician.

On the day of Joey's funeral, students from the local schools lined up alongside the road holding flags to watch the procession drive by. "I couldn't believe the turnout from the community," Sondra says. The city of Westwood dedicated Main Street in Joey's memory.

Mr. President, our prayers are with the Cantrell family after their tragic loss. We are thinking of Joey's mother, Sondra Adkins; his father, Joe Cantrell; his brother, Chase Adkins; his stepfather, Bryan Adkins; his grandmother, Pehylien Mullins; his aunts Anita Hollo, Jeannie Mullins, Elisa Lambert, and Janie Hill; and other beloved family members and friends. Joey was predeceased by his grandfather, Claude Mullins.

At Boyd County High School in Ashland, a teacher named Mary Beth Leadingham Patton started "Project Joey." Mary Beth is an old friend of Joey's mother, Sondra.

"She was one of the first visitors to come to my house to see my Joey when he was born," Sondra recalls.

Project Joey is simple: When Mary Beth's kids pass someone in uniform, they stop and say thank you.

"Those young men and those young women—we truly do not know what they've had to see in their lives," Sondra says. "We should always be thankful that we have someone who's gone that extra mile for all of us."

Sondra, of course, does know some of what our men and women in uniform have seen, as she watched her little Joey grow into a man, a patriot and a dedicated soldier.

And although he is gone, it is not too late to thank CPL Joseph H. Cantrell IV. This United States Senate is honored to pay tribute to his life of service, and we pause with reverence for the sacrifice he made on his Nation's behalf.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report accompanying H.R. 2419, which the clerk will report.

The legislative clerk read as follows:

> Conference report to accompany H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, as I understand it, there will be 3 hours evenly divided.

The ACTING PRESIDENT pro tempore. Ninety minutes, evenly divided.

Mr. HARKIN. I am sorry, an hour and a half—45 minutes on each side—and then we will proceed to start voting on the farm bill.

We had a great debate last night. I appreciate all the Senators who came over and spoke so forcefully and favorably for this bill. There are a few more speakers who want to speak this morning, and then we will have a little bit of a wrap-up again.

Mr. President, I yield the floor for others who want to start speaking on the farm bill.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I again thank Senator HARKIN for his leadership on this issue. We did have a good, long debate last night, and a number of folks had an opportunity to come over and voice their opinion about the bill. We look forward to wrapping this up this morning and having a vote, hopefully, around 11:15, 11:30.

I urge those folks who want to speak—we have had a number who have indicated they wish some time. Obviously, we are pretty squeezed with a compacted morning this morning, so folks need to make their wishes known and be here to be ready to speak.

I wish to start off by recognizing the Senator from Idaho, who has been a critical asset to us with respect particularly to the specialty crop section in this farm bill. I ask the Chair to recognize Senator CRAIG for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, it gives me great pleasure to come to the floor in the final hours of the debate over agricultural policy in this country and to, first and foremost, thank the two principals, who are here on the floor, the chairman and ranking member of the Senate Ag Committee. They have done yeoman work in a very difficult process—15 titles and 673 pages of policy—in what is, without question, one of the most complicated efforts at putting public policy and interest groups within the agricultural community together in some degree of harmony. I thank my colleagues for the work they have done.

Mr. President, I will be brief, as I have already come to the floor several times to discuss the valuable programs included in this bill. But I would be remiss not to take the opportunity to thank my colleagues—and this Congress—for producing a good product for the American people.

We have been "tangled in inaction" on so many issues. The American people want a functional Congress.

The 2008 farm bill conference report represents a monumental feat for the U.S. Congress. Every 5 years, we undertake the task of reauthorizing our farm policy. This version includes 15 titles; 673 pages.

Though some who have not yet served on an agriculture committee during the reauthorization of a farm bill may disagree, let me assure you this is one of the most complicated pieces of legislation considered by Congress, and it is also one of the most important.

In an age of skyrocketing energy prices, economic uncertainty, and now a global food crisis, there is at least one thing we should be able to be certain of: our Nation's food security. We cannot take for granted our ability to feed ourselves, lest we become dependent on other countries for our food in addition to our oil.

How do we achieve food security? Here are a few key principles.

First and foremost, we enact policy designed to keep our food producers productive and profitable, and ensure access to those foods for all Americans. This includes things such as a safety net to protect farmers from volatile price swings; and nutrition programs that give access to fresh fruits and vegetables in schools.

We enact policy that incentivizes state-of-the-art conservation practices to encourage the best possible stewardship of our agricultural lands. This will ensure these lands stay productive and profitable for future generations. And we enact policy that helps American agriculture continue to diversify—including becoming a larger player not only in our food security, but also in our energy security.

This bill does just that. This bipartisan work product—aptly named the Food, Conservation and Energy Act of 2008—sets a strong and secure direction for our food, conservation and energy future.

The bill has broad support from virtually every corner of my State of Idaho, and every corner of the Nation.

Congress has heard from rural farmers to urban food banks calling for passage of this vital piece of legislation.

Mr. President, 500 farm, conservation, nutrition, consumer, and religious groups sent a letter supporting passage of the farm bill conference report.

These groups—with one voice—recognized that the bill "makes significant farm policy reforms, protects the safety net for all of America's food producers, addresses important infrastructure needs for specialty crops, increases funding to feed our nation's poor, and enhances support for important conservation initiatives."

It is not a perfect bill—we all will admit this—but it is a great bill. I commend my colleagues for their work.

The President has stated his intention to veto this bill. It is not often that I so strongly disagree with our Commander in Chief, but on this I must. There are too many great things in this bill to deny its passage over a few areas of disagreement, too many important things for my State of Idaho, and for the Nation.

We began several years ago to ensure that specialty crops were adequately recognized in this new farm bill. We now have a new title devoted to horticulture and organic agriculture. It dedicates approximately $3 billion for specialty crop, pest and disease, nutrition, research, trade and conservation priorities important to this vital industry that represents nearly half of all crop cash receipts in our country, including: $466 million for Specialty Crop Block Grants to support local efforts to enhance competitiveness of local products; $1 billion to expand the Fresh Fruit and Vegetable Snack Program to all 50 States—which will help our school children develop healthy eating habits; $377 million for a pest and disease program to combat costly damage to crops such as our famous potatoes; $230 million for the Specialty Crop Research Initiative to address food safety, mechanization, plant breeding, and other priorities; $59 million for trade assistance and market promotion to maintain and grow our international markets; and many other programs.

Idaho's famous potatoes, our burgeoning table grape and wine grape industry, our apples and onions and carrots and nursery and ornamental crops—and this just touches the surface of both our current production and our potential to continue to diversify.

Now, it should be noted that this is only one part of the effort to ensure the competitiveness of our specialty crop industry. The next step is to ensure that we have an adequate workforce to conduct the labor in which the average American refuses to participate. The harvesting of those healthy fruits and vegetables—this, I contend, is as important, or more important, than these "competitiveness" priorities that we have finally set forward in the farm bill. So our work is not done.

And I could go on for a great deal of time, talking about: the commodity programs that create a vital safety net for our wheat, barley, peas, lentils, chickpeas, oilseeds, sugar, wool producers, and so on; the conservation programs that will help Idaho's booming dairy industry address environmental challenges associated with their growth, and our crop producers to incorporate better stewardship practices; the nutrition programs that are vital to improving the health of our youth; the rural development programs that will ensure funding for things such as water and wastewater programs, broadband, and rural housing; the energy programs that will help us reach the 36 billion gallon RFS by creating new incentives for cellulosic ethanol and beginning to pare down the subsidy for corn-based ethanol; the wildlife programs, such as the provision authored by my colleague from Idaho, that creates incentives for endangered species recovery; the forestry, trade, credit, disaster programs.

Those programs that will benefit the Nation—and my State of Idaho in particular—are simply too vast to cover.

I thank my colleagues once again, and urge support for this vital piece of legislation.

I will now speak, again, specifically to Idaho and to the specialty crops provision that Senator SAXBY CHAMBLISS spoke to that is now a very important part of agricultural policy.

We know specialty crops are about 51 percent of the gross revenue of American agriculture, and yet they were never mentioned in agricultural policy from a Federal level. Oh, yes, we had research and experimental programs, and we targeted money into the specialty crop area, but the program crops—those kinds of base crops we think about, be it cotton, soybeans, corn, wheat—all of those were the staples, if you will, of American agriculture, while today they do not represent the majority of the portfolio.

That is why several years ago I thought it was critically important we begin to work to include a specialty crop title. So we began that effort. Today, we have completed that effort with the help of these two Senators and a broad-based coalition to now have a title devoted to horticulture and organic agriculture.

In my State of Idaho, specialty crops are a big deal. Many people have heard about potatoes and Idaho. It is almost synonymous in the minds of the average American. Yet, by definition, that is a specialty crop. Is this a loan guarantee? No, it is not a loan guarantee. It is an effort to advance specialty crops in a variety of ways: specialty crop grants to enhance competitive local markets; expanding the Fresh Fruit and Vegetable Snack Program in our high schools and grade schools in all 50 States; pest and disease management control; research programs in these areas; initiatives for food safety, mechanization, plant breeding and priorities to keep our edge, if you will, our world-class edge in the area of specialty crops; along with trade assistance and market promotion.

That is a full title. Not only did these two Senators—our chairman and ranking member—who led the effort for us, get this in the bill, they also got money behind it. Frankly, I thought maybe we would have to go the first 5 years simply authorizing the program and then beginning to fund it. But there is now substantial money behind it. It will go a long way toward helping the specialty crop areas and organic agriculture in the kind of farming many of our agricultural areas are moving into.

When you get at the edge of urbanization and agriculture and agricultural farmland; boutique farming, small specialty crop farming oftentimes becomes the transitional form of agriculture. To keep it profitable on the land, so we can keep the land in agricultural production, is very important, and I think that is offered in all of this.

I also thank my Idaho colleague, MIKE CRAPO, who has worked a long while on making the Endangered Species Act and those private properties that care for endangered habitat—to have a relationship, to have an advantage, to incentivize landowners to appreciate the reality of having an endangered species on their property. He has done that. Our colleagues have recognized it. It is very important we do that.

I could go on a great deal more about the programs that are there: the commodity programs that create a vital safety net for our wheat, barley, peas, lentils, chickpeas, oil seeds, sugar, wool products, and so on; conservation programs that are adjusted and important.

A great deal of effort has been focused on energy over the last several years and agriculture's role in that. It is not by accident that this bill has a title that recognizes energy, and that being a part of—a very valuable part of—American agriculture. To transition dollars out of a mature market in corn-based ethanol into cellulosics is a major step and a correct step in the right direction.

My time is up, but I want to thank my colleagues for the effort at hand. We had a solid vote out of the House last night. I think we are going to have a strong vote in the Senate today on this conference report.

Let me say in closing, to the White House and to our President: Mr. President, you and your people have been at the table working on this program with us for well over a year. It is time you recognize the value of this program, what has been put into new agricultural policy, and support us in that effort.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 5 minutes—and maybe more if he needs it—to the Senator from North Dakota, who has been so instrumental in getting us to this point.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Acting President pro tempore, and I especially thank the chairman of this committee, Senator HARKIN. I said last night that without his vision, we would not have a vehicle of this quality that is this forward looking. I think now of the chairman of the committee as the father of a new conservation movement in this country because it was the steady pressure from the chairman of the committee that has pushed us in a new direction for farm policy, one far more oriented toward conservation. I believe in future years Chairman HARKIN will be looked upon as somebody who led a fundamental reorientation of agriculture policy, and he will be recognized as someone who broke the path for this new direction, and he deserves enormous credit for it.

I also again thank the ranking member, Senator CHAMBLISS, who is a pro's pro. If ever you were to want a partner in a very complicated endeavor, one in which trust among colleagues was absolutely essential to an outcome, you would want Senator CHAMBLISS involved because his word is like gold. All of us who have dealt in difficult negotiations know how critically important that is.

I also salute his superb staff: Martha Scott Poindexter, and Vernie Hubert, who played such a critical role in advancing this legislation. At the same time, I want to recognize the staff of the chairman: Mark Halverson, who I said last night has actually gone gray in this exercise—that is how much he has put into it—and Susan Keith, who has played a central role in the developing of the policy, deserves our credit as well.

I also recognize Senator BAUCUS, the chairman of the Senate Finance Committee, for the extraordinary contribution he has made throughout. He has provided the kind of leadership you would hope for in an endeavor of this complexity, and I will be forever in his debt for what he has done for not only production agriculture but what he did to construct the financing of this bill that made it possible to achieve widespread bipartisan support.

Certainly I thank his ranking member, Senator GRASSLEY, who played such a critical role as well.

I conclude my thank-yous by again thanking my staff: Tom Mahr, my legislative director, who is exceptional and extraordinary and whose intelligence and good judgment have made such an important contribution to this result; and certainly to my lead negotiator, Jim Miller, who, as I said last night, is encyclopedic in his knowledge, but also wise in his construct of policy, and especially in his dealing with people, including me. Jim, I deeply appreciate the extraordinary sacrifices you and your family have made to help us write this bill. And finally, I thank Scott Stofferahn, my other lead negotiator, who also has a deep knowledge of farm policy, and who played such a key role in the disaster provisions that themselves represent significant reform.

Let me conclude by saying: Why a bill at all? Well, because our major competitors have much more ambitious support for their producers than we have for ours. This is a fact. The Europeans are providing more than three times as much support to their producers than we provide to ours. If we pulled the rug out from under our producers, it would be a calamity for farmers and ranchers in this country. Where does the money go? Well, this chart shows it I think as well as any could. Two-thirds of the money in this bill goes for nutrition. This is misnamed when we call it a farm bill. This is a food bill. This is an energy bill because it helps reduce our dependence on foreign energy, a critically important priority for this country, and it is a conservation bill. Conservation of our natural resources is critically important to the future.

The other point I wished to make in conclusion is that this bill is paid for. It is pay-go-compliant. These are not my estimates; these are not the Agriculture Committee's estimates, these are the professional estimates of the Congressional Budget Office and the Joint Committee on Taxation, which show this budget saves $67 million—not a lot of money, but nonetheless it does not add to the deficit; in fact, it slightly reduces it. It saves $67 million over 5 years, and it saves $110 million over 10 years. It is completely paid for with no tax increase.

Final point: I received last night from the IRS what I think is a very interesting set of facts. We have seen reported in the mass media that a couple could earn $2.5 million and still get benefits. Well, that is akin to the chance of getting struck by lightning because it turns out there are no tax returns in the entire country between $1 million and $1,250,000 that would have farm income below $750,000 and nonfarm income below $500,000. Zero. So all these press reports they have written about how millionaires are going to be able to qualify, they are wrong because there are no people in those rarified categories. You would have to have $750,000 of farm income and $500,000 of nonfarm income and both husband and wife would have to be in precisely those categories. Do you know what the problem with all those stories is? There are no people in those categories. That is not my report; that is the report from the Internal Revenue Service.

Again, I wish to close by thanking those who have provided such extraordinary leadership, and I would be remiss in not mentioning HARRY REID, who played behind the scenes a very quiet but strong leadership role in helping us bring together all the people necessary to get this bill done. We should also thank the Speaker of the House on the other side and certainly the chairman, Chairman PETERSON, who gave blood, sweat, and tears to this effort, and our own Congressman EARL POMEROY, the only Member serving on both the Ways and Means Committee and the Agriculture Committee, who made an important contribution to helping us get a breakthrough in the Ways and Means Committee on the financing.

This is good legislation. It is good for the country and certainly good for my State but also fair to the taxpayers of this country because it is paid for, and it represents the most dramatic reform since the 1949 act itself. That is a fact.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I yield 10 minutes to the Senator from Minnesota, Senator COLEMAN, who also has played a very valuable role in crafting this bill. He has been a strong member of the Senate Agriculture Committee and a great advocate for not just the farmers and ranchers in Minnesota but farmers and ranchers all across America.

Mr. COLEMAN. Mr. President, I thank my friend from Georgia. Along with all the thanks that have been set forth by the Senator from North Dakota, I wish to thank the Senator from North Dakota.

I went to Lake Bronson in northwest Minnesota in 2005, and the room was filled with family farmers who were talking about disaster assistance. We look at the farm bill—and today we are at a time when commodity prices are high. Folks look at that and say: Why do we need a safety net? Why do we need a farm bill? Two years ago, I had people who were struggling. The pain and fear on their faces was something I wish I had a picture of that I could show you.

My colleague from North Dakota has been a champion—a champion—for ensuring that there is a safety net, particularly regarding disaster assistance. With all the partisan divide we have in this body, here we have an example where it is not about partisan politics; it is about doing the right thing. Folks have dirt under their fingernails who are helping provide the safest, most affordable food supply in the world, and we are talking about a safety net. My colleague from North Dakota has been a tremendous champion, and I wish to express my thanks.

Also, I see the chair of the Finance Committee, Senator BAUCUS, who has also been involved in providing the kind of safety net that when bad things happen, we are going to be proud of this bill; we will be proud. So I wish to express my deep appreciation for the continuous effort that finally has yielded some fruit right here. It will be a shame if we don't make sure this becomes law.

These are tough times right now. Folks are worried about their jobs, they are worried about the cost of food, they are worried about the cost of energy. I don't need an economist to tell me whether we are in a recession or talk to Minnesota families and business owners to know folks are worried out there. We need something that promotes job growth.

I come to the floor to ask my colleagues to work with me to pass one of the most critical economic stimulus packages this body will have a chance to vote on all year. This is a balanced proposal, both ensuring the viability of a key economic sector—agriculture—and helping the many Americans who are struggling to put food on the table. It is a farm bill that we will soon vote to send to the President. At only 1.9 percent of the Federal budget, this farm bill will have enormous impact—providing, as I said, a safety net for American agriculture that in turn employs one out of five Americans and contributes roughly $3.5 trillion a year to the U.S. economy. In my State of Minnesota, agriculture generates $55 billion in economic activity and underpins 367,000 jobs.

We labeled this bill, as folks have said, a farm bill, when in reality it is a food bill, a nutrition bill. Over 66 percent goes to the nutrition safety net. We have all seen the rise in foreclosures and the impact of food prices depleting our food shelters. Families are being hit hard right now. This farm bill helps meet the increased needs. It provides an additional $10 billion above baseline to nutrition.

As the ranking member of the Nutrition Subcommittee, I worked hard to see that nutrition programs—and the Emergency Food Assistance Program, EFAP, in particular—saw substantial increased funding. Well, we got it. The farm bill conference agreement will provide an additional $1.3 billion for our food banks. I have been to Second Harvest and Heartland in St. Paul. The needs are great, and we are meeting those needs today.

The Food Stamp Program receives an almost $8 billion boost in this bill. Our Nation is too prosperous not to lend a helping hand when it is needed.

Despite the importance of the farm bill safety net for hungry families, most of the attention is centered on the commodity programs. Commodity prices are high, critics say. The farmers are doing well. Why should they get a safety net? The reality is the critics don't understand agriculture. They don't understand that although the importance of agriculture to our economy is certain, the survival of individual farm families is not. Once again, the farm bill supports a sector of the American economy that provides millions of jobs, and it is insulting to farmers who put their necks on the line every year to wake up with the Sun and work all day to say they should be able to farm without a safety net.

I urge my colleagues to step into the shoes of one of my Minnesota farmers for a moment. We see high prices in the world market today, but we have no way of knowing whether the drought in Australia is going to continue or whether the consumption habits in countries on the other side of the world will change. Input costs for diesel and fertilizer are going through the roof. Meanwhile, depending on where your farm lies, Minnesota weather has kept you off the tractor, threatening your yields, and not knowing whether you will even have a product to sell for those high prices.

What price is too high for a safety net that keeps farmers, such as those in Minnesota, farming, despite all the uncertainty that allows the agricultural economic engine to continue generating trillions of dollars? How about 0.27 percent of the Federal budget? That is what this bill's commodity title costs. By the way, this bill's safety net is based on the structure of the 2002 farm bill that costs $20 billion less than expected.

From a jobs perspective, this bill is a bargain, and from a commodity payment reform perspective, this bill is historic. I firmly believe we should eliminate waste, fraud, and abuse in farm programs and try to get the Ted Turners of the world out of the commodity payment business. At the end of the day, no bill is perfect, but this bill is something we can be proud of.

This bill will prevent payments from going to nonfarmers with an adjusted gross income over $500,000, an 80-percent reduction from current law; repeal the triple-entity rule, reducing title I benefits by 50 percent for some producers. We require direct attribution of all benefits to natural persons so we know exactly where it is going—100 percent transparency. We explicitly prevent farm benefits from ever going to a deceased person. There are other reforms. I could go on and on.

I read a headline the other day: "Fiscal Hawks Eye Farm Bill." They should, because this is a fiscally responsible piece of legislation that delivers big bang for the buck.

When I talked with my farmers, again, they told me the 2002 farm bill had the right safety net, it just needed to be improved. And in this conference report, that is what we do. Building on the existing safety net, the bill updates target prices and marketing loan rates for key Minnesota commodities such as wheat, barley, and soybeans. For sugar beet farmers who have been waiting 15 years for updated loan rates, there will finally be an increase. Minnesota's dairy farmers will be relieved to hear the payment rate for the MILC Program will return to 45 percent. I have appreciated Senator LEAHY's leadership on this issue.

In addition to tweaking the current safety net, this farm bill also creates entirely new programs that American farmers desperately need. One I have talked about: permanent agriculture disaster assistance. The other is about sugar to ethanol. I take great pride in the sugar-to-ethanol provision in this bill. This was a proposal that was once met with indignation when I first raised it a few years ago. Even some folks in Minnesota sugar country said it couldn't be done. But I believed then as I believe now—and clearly the conference report lays this out—that it only makes sense to take excess sugar from trade agreements, get it off the market, and use it to help address our dependence on foreign oil. I saw what Brazil was achieving with oil independence, largely as a result of the production of sugar ethanol. The technology for sugar ethanol isn't out of reach. It is at our fingertips. U.S. sugar producers now share this vision and when this sugar ethanol program is implemented, we will be able to quickly add more diversity to our economic food stocks. We have to end our dependence on foreign oil. We have to stop sending billions of dollars out of this country into the pockets of thugs and tyrants, such as Ahmadinejad and Chavez, and we need to do it again with the renewables being a part of it. This bill does it.

The renewable energy vision doesn't stop there. It looks to the future by paving the way for the next generation of biofuels: cellulosic ethanol. Included in this bill is a program I have supported to promote the production, harvesting, and processing of biomass. The bill's biomass loan program will prioritize local ownership—local ownership—so it is not the fat cats on Wall Street, as some say, but it is folks in our local communities who will benefit from America's energy independence movement, which is renewables, which is biofuels.

On the tax side, there will be a $1 production tax credit for cellulosic ethanol. All in all, this bill provides $1.2 billion in new energy investment.

This conference report is a real victory for Americans fighting hunger and working to feed the Nation, but it is also a victory for bipartisanship. I wish to thank the chairman, Senator HARKIN, Senator CONRAD, and Senator BAUCUS for committing to a bipartisan process from the very start and working with me throughout this process. It has been a pleasure to sit across from them and my colleague, Senator CHAMBLISS, and I appreciate the work they have done to produce something this Nation needs right now.

I am disappointed the President intends to veto this bill. If he does that, that is a mistake. I will work hard with my colleagues to override that veto. This country needs this farm bill. I urge my colleagues to join with me in supporting this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am going to yield 10 minutes to the Senator from Montana, Senator BAUCUS. Before I do, let me publicly thank Senator BAUCUS, the chairman of the Finance Committee, who is also a very valuable member of our Agriculture Committee, for all his help on this farm bill. I can honestly say we wouldn't be here today had it not been for the effort and the work of Senator BAUCUS and of course his ranking member, my colleague from Iowa, Senator GRASSLEY, to come up with the funds we needed not by raising taxes but by closing loopholes and thereby saving some money that they were able to give us so we could meet our needs in this farm bill. Senator BAUCUS and I came to Congress together in 1974. We were classmates. We have been friends throughout all these years.

I thank Senator BAUCUS for all of his diligence also in attending all of the meetings of our conferences which went on and on for hours at a time. He was always there as a valuable member giving his input into getting us to this point. The farmers and ranchers of Montana and the people who live in rural communities in Montana have no stronger voice, no better champion for them than the senior Senator from Montana. I publicly thank him for all of his help on this bill.

I yield 10 minutes to the Senator from Montana.

Mr. BAUCUS. First, I deeply thank my good friend from Iowa, Mr. HARKIN. It has been a wonderful experience working the conference on the farm bill where everybody worked together—both sides of the aisle—and, frankly, both bodies. Basically, there were eight members of the conference, led by Senator HARKIN and Senator CHAMBLISS, who were also invaluable. All of the core members of the conference could go on and on about how great everybody was to work with. I have not experienced anything like this before.

Mr. President, I am glad the Senate debated the farm bill. I am proud we will pass a strong farm bill. This farm bill is very important to my home State of Montana and for farmers and ranchers across America.

But too few Americans realize how important America's farmers and ranchers are to the economy and the security of this country.

As we finish debate on the farm bill I want to take the opportunity to discuss how important a robust American agriculture sector is.

I also want to address some of the criticisms aimed at America's farmers and ranchers.

Over the last few years, major newspapers and Washington special interest groups have been busy demeaning our Nation's farmers and ranchers.

The articles come with some pejorative titles, such as "High Plains Grifters," "Farmers at the Trough," and "Hungry Kids, Greedy Farmers."

These attacks are disappointing to many of us who have worked hard over the years to enact successful, supportive agriculture policy.

But there is a wide gulf between the claims being made in these articles and the reality of what is going on in farm and ranch country.

The articles waver between portraying farmers and ranchers in completely opposite ways. Either the corporate businessman leaching off the Government dole or or the hayseed farmer unable to compete in the market economy without a handout.

Either the corporate businessman leaching off the Government dole or the hayseed farmer unable to compete in the market economy without a handout.

These portrayals are disappointing to me and disheartening to rural America. And they are false.

I know that in this high-tech age it is tempting to downplay the importance of those who put food on our table and clothes on our back. But the better part of history would teach us to avoid the temptation.

The portrayals also inaccurately depict the agriculture economy while entirely missing the underlying problems that plague farmers and ranchers.

One common attack on U.S. farm policy is that it is no longer for the family farm and ranch, but rather has become corporate welfare.

But even the most basic of research quickly uncovers that today nearly all producers in America remain family farms and ranches not corporations and conglomerates. In fact, only 2.2 percent of farms are nonfamily farms.

Negative articles frequently refer to "protectionist" policies intended to shield farmers and ranchers from competition and to raise consumer prices.

One group recently stated that we should simply ignore all the subsidies and trade barriers of other countries. Unilaterally disarm our own farmers and ranchers. And then sit back and enjoy the benefits of cheaper imported food.

This makes zero sense. American consumers today spend a lower percentage of their disposable income on food than consumers anywhere else around the world. In fact, American families are the only families in the world who spend less than 10 percent of their disposable income on food.

Agriculture is also important to our economy, as became apparent earlier this decade when farmers and ranchers helped get the country through a manufacturing crisis.

Our farmers and ranchers managed this even as the average foreign tariff rate on agriculture products was and remains about 62 percent, while the United States average tariff is only around 12 percent.

President John F. Kennedy once said "the Farmer is the only man in our economy who buys everything at retail, sells everything he sells at wholesale, and pays the freight both ways." That is true.

Farmers and ranchers are—and in my memory always have been—in the middle of a never-ending cost squeeze. For too many years we have asked our farmers and ranchers to do more and more and always with less.

So while all the negative news articles focus on the symptoms, they never seem to get around to identifying and discussing the real problems that plague our farmers and ranchers: skyrocketing costs and stagnant returns.

The next generation of farmers and ranchers, growing up all across rural America, has a more accurate view of what farming and ranching life is really about than do urban newspapers and think tanks.

They see long days in the fields, unpredictability caused by droughts, hail storms, hurricanes and floods and a low payoff at the end of the day. Too frequently, they decide it is not worth the effort to come back to the family farm.

That is one reason I was proud to champion the dependable, reliable disaster program that is included in the farm bill. It is wrong when our farmers and ranchers are forced to wait up to 3 years for a disaster payment. We can do better for our farmers, and we can do better for our taxpayers.

Farmers deserve a program and provides dependable, equitable relief when disaster strikes. Taxpayers deserve a program that requires farmers to manage their risk through crop insurance. We have done both.

As we finish debate on this farm bill, I am proud to say that my goal has been, and will always be, to increase the net income of America's farmers and ranchers. I want a strong agricultural economy in this country. I want a strong, homegrown source of safe, affordable, and abundant food and fiber.

I believe this farm bill will strengthen our farm economy. I want to mention a couple provisions in the farm bill that will increase producer's bottom line as well as strengthen rural America's Main Streets.

One of the biggest reforms in this farm bill is the country-of-origin labeling compromise. The conference report simplifies COOL and makes it workable for both our ranchers and our packers. These changes are a major step forward and will help as we undergo the transition this fall to mandatory COOL. I call this COOL reform.

Another major reform we have fought for since the 1990s is allowing interstate shipment of State-inspected meat. There is no reason our smaller packers should not be able to sell their meat out of State. Now, nearly 20 years later. This farm bill establishes a program that allows smaller, State-inspected packers to market their high quality meat nationwide. This is a huge win for ranchers, packers and rural America.

Whether it's a dependable disaster program, COOL reform, interstate shipment, a $10 billion bump to our nutrition programs, or a $4 billion increase to our working-land conservation programs, there is a lot to be proud of in this farm bill.

While the urban media creates visions of agriculture producers lining up for Government payments, I am more worried about our next generation of producers lining up to leave those family farms and ranches. It's so hard and such a tough life.

The great irony in the debate that swirls around U.S. farm policy today is that it is getting so much criticism from so many different quarters and yet it remains one of the truly great success stories in the world.

As with anything else, there is always room for improvement. And I believe we have made improvements in this farm bill. But, every now and again, especially in an age of such cynicism, I know my Montana farmers and ranchers would like to open their papers, turn on their televisions or radios, and just hear a simple thank you.

We really appreciate what you do to keep us clothed and fed like nobody else in the world has ever been before.

Mr. President, Emerson wrote:

> What is a farm but a mute gospel? The chaff and the wheat, weeds and plants, blight, rain, insects, sun—it is a sacred emblem from the first furrow of spring to the last stack which the snow of winter overtakes in the fields.

The farm bill conference report before us today is a tribute to that sacred emblem, that mute gospel, the farm. This bill will help to address some of the challenges facing the farmer and rural America.

The conference report provides permanent disaster assistance for farmers and ranchers. And the conference report also includes farm tax reforms that fund farm tax relief as well as agricultural and trade measures.

The tax package in the conference report will help farmers to preserve land and to protect endangered species. It will provide tax relief for farmers and ranchers, and it will help America find homegrown energy independence.

The trade-related measures in the conference report accomplish a number of vital purposes for this agriculture legislation. Trade provisions help to fund the farm bill's provisions. And trade provisions level the trade playing field for softwood lumber producers.

The new program in this conference report for relief from agricultural disasters is a notable achievement. Currently, Congress addresses agricultural disasters through ad hoc bills. Ad hoc disaster bills are not dependable. They are never timely. And they are often unfair.

After a disaster strikes, farmers and ranchers often have to wait years to receive disaster assistance. We need a permanent disaster relief program for our farmers and ranchers. We need a program that is dependable, timely, and equitable. The new program in this conference agreement will provide that.

Many Americans—including many leaders in Congress—say that America's farm policy is ripe for reform. The farm bill conference report includes important farm tax reforms.

The conference report will prevent the use of farm losses as a tax shelter by limiting the amount of farming losses that a taxpayer may use on nonagricultural business income. It will ensure that farmers know their tax obligations by requiring the Commodity Credit Corporation to always provide the IRS and the farmer with information returns when the farmer repays a CCC market assistance loan. It will allow farmers to pay additional self-employment taxes to qualify for Social Security.

Taken together with a slight decrease in the ethanol tax credit and other offsets, these reforms fully offset the tax and trade package in this conference report.

American farmers and ranchers want to be responsible stewards of their land. But the financial pressure to sell to developers can be extreme. The farm bill conference report includes tax incentives to encourage and enable private landowners to promote conservation on their land.

The conference report provides conservation tax relief for retired and disabled farmers. It would exempt CRP payments to these individuals from self-employment taxes. And it would keep these payments from reducing their Social Security or disability payments.

Nearly two-thirds of endangered and threatened species are found on private lands. So the conference report establishes a tax deduction for the cost of landowners' actions to implement recovery plans under the Endangered Species Act.

More than 10 million acres of conservation easements are held by land trusts nationwide, many of them donated. The enhanced charitable tax deduction for conservation easements has proven to be a valuable incentive for making these kinds of gifts. So the conference report extends the enhanced deduction for conservation easements.

The conference report also includes important provisions to protect American timber jobs and American lands. This conference report will help the American timber industry to remain globally competitive. And it will help to keep timber land from being sold for development.

America's farming families sacrifice a lot to feed this country. The farm bill conference report includes a number of tax relief provisions to help them to start farming, help them to stay financially afloat, and help to make the Tax Code fairer for those who make a living working the land.

The conference report improves "Aggie Bonds." These are tax-exempt bonds that provide low-interest loans for first-time farmers and ranchers.

Agricultural chemicals and pesticides purchased for legitimate uses are increasingly vulnerable to theft because of the drug trade and national security threats. The conference report provides support for agricultural businesses by providing a credit for the costs of protecting these agricultural chemicals and pesticides.

Some State water rules keep farmers and ranchers from selling their land when they need to or want to. The conference report will allow the tax-free exchange of stock that represents a holding of water rights. This will allow this stock to be treated like real property under section 1031 of the Tax Code.

As summer approaches, American families are paying higher prices than ever for gasoline. Our country needs to break its dependence on foreign oil and fossil-based fuels. And America's agricultural sector can help, with homegrown energy solutions.

Cellulosic biofuels can be produced from agricultural waste, woodchips, switchgrass, and other nonfood feedstocks such as brewer's spent grains. With an abundant and diverse source of feedstocks available, cellulosic biofuels hold tremendous promise as a homegrown alternative to fossil-based fuels.

But because cellulosic biofuels are very expensive to make, government assistance can help to spur these fuels to commercial viability. The farm bill conference report includes a new, temporary production tax credit for cellulosic biofuels. The credit will be worth up to $1.01 per gallon. And it will be available through December 31, 2012.

The farm bill conference report also contains a number of trade-related measures. Enforcement of the softwood lumber agreements is one of these provisions. Timber is an important agricultural product. And America both produces and imports significant amounts of timber-related products, including softwood lumber.

As the downturn in the housing market continues to hurt American softwood lumber producers, America's trading partners must be held to fair trade standards for softwood lumber.

The conference report includes an importer declaration program that will require American importers of softwood lumber to ensure that their imports are consistent with America's international agreements. The softwood lumber provision will also force the administration to take affirmative steps to enforce American softwood trade agreements.

And, Mr. President, this is a good conference report. We should pass it, and send it to the President.

Let us pay tribute to that sacred emblem, that mute gospel, the American farm. Let us address the challenges facing the farmer and rural America. And let us pass this much-needed conference report.

I have never been more proud of what all you do in helping to provide food and fiber for America.

Mr. HARKIN. Mr. President, I thank the Senator from Montana, my good friend for all these years. We first came here in 1974. I thank him for working diligently to make sure we had funding for this bill and some tax provisions we had in this bill that help correct inequities we did in the past. I thank the Senator. I will have more to say.

I have other speakers we need to recognize. I yield 4 minutes to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague. I will start by congratulating Senator HARKIN and Senator CHAMBLISS for their good work on this legislation, and also Senator BAUCUS. I know Senator CONRAD also had a very important role in completing this legislation. This is a good bill for New Mexico, a good bill for the Nation. I plan to vote for the conference report.

Mr. President, I am pleased with the numerous provisions in this bill that help promote specialty crops like chile and pecans, conserve natural resources, invest in food and nutrition for children, increase production of advanced biofuels, promote broadband service in rural areas and provide fresh fruits and vegetables for schools. The bill includes the consensus language I support on country-of-origin labeling of meat and vegetables.

I also appreciate the conferees including a provision authorizing a new Southwest Border Regional Commission. I originally introduced the Southwest Border Authority bill, which created this Commission, in 2002. I have been working since then with Senators BOXER, FEINSTEIN, and HUTCHISON toward its passage. I would also like to commend the work of Congressman SILVESTRE REYES, who championed the bill in the House. The new commission will give the Southwest border region the ability to coordinate economic activity and innovation. There can be no question that the Southwest border is an area of tremendous promise and economic activity. Unfortunately, this region has long suffered from a lack of coordinated effort among and between the border counties. The Southwest Border Regional Commission will, for the first time, provide the tools and personnel necessary to harness the opportunity in the area and create a dynamic economy that will benefit the entire Nation.

Nevertheless, there are provisions in this bill that cause me concern. The dairy industry is New Mexico's single most important agricultural commodity. My State is currently the Nation's ninth largest dairy State and sixth in total cheese production. Dairy producers in my State see little in the bill to help them deal with today's high production costs and believe this bill will hurt them. It is unfortunate that the bill extends and expands a subsidy program called the milk income loss contract at a cost of $1.6 billion over 5 years. I led the opposition to the MILC subsidy in the 2002 farm bill and voted against the extension of it in 2006. I do believe the program unfairly favors producers in only a few States and is not a good use of taxpayers' money.

I am also disappointed that the conferees did not include my bipartisan provision that promoted water conservation for producers in the Ogallala aquifer. The Ogallala aquifer is a critical source of groundwater for agricultural and municipal uses. My voluntary program would have helped slow the rapid depletion of this vital resource. In place of my provision, the bill has a new Agriculture Water Enhancement Program. I intend to work with USDA to ensure that priority is given to States and agricultural producers in the Ogallala region to coordinate Federal assistance with State programs and to encourage cooperation among States in implementing conservation programs and efficient use of water.

Let me conclude my statement by spending a minute or two talking about the provision in this bill to expand trade preferences for Haiti, and the situation in Haiti more broadly.

Haiti is the poorest country in the Western Hemisphere. According to United Nations Development Programme data, approximately 76 percent of Haiti's population subsists on under $2 per day and 55 percent on under $1 per day. As much as three-fifths of the population is unemployed or underemployed. One in five Haitian children is malnourished.

Since late 2006, President Préval, in conjunction with the United Nations Mission for the Stabilization of Haiti, or MINUSTAH, has made real progress in reclaiming the streets from the toughest gangs in Cité Soleil and other Port-au-Prince slums. Last month's food riots—and the dismissal of Prime Minister Alexis, and the Haitian parliament's rejection of Ericq Pierre, the Inter-American Development Bank official nominated to replace him—now threaten to reverse these hard-won gains.

On balance, though, for the first time in many years, Haiti has a real opportunity to build a future. And we owe it to the Haitian people to help them in this task—partly for reasons of preserving stability in the Caribbean, and partly to provide an alternative to emigrating to the U.S., but mostly because it is the right thing to do.

As part of this ongoing commitment, we must take two immediate actions to consolidate stability by fostering economic growth in Haiti. I am pleased that one of these steps is taken by this farm bill.

The HOPE-II Act contained in this conference report has significant potential to create jobs in Haiti's apparel sector by expanding its duty-free access to the U.S. market. It also gives Haiti a degree of access to "third country" fabric, whose low cost makes the business case for opening an apparel factory in Haiti much more attractive. And it helps Haiti to adopt best practices on working conditions by authorizing a program under which the International Labor Organization assesses the apparel industry's compliance with core labor standards and Haitian labor law. I would like to commend my colleague, Chairman RANGEL, for his efforts to get this provision included, and my colleagues Senators CORKER and HARKIN and NELSON from Florida, for all of their hard work and attention to the urgent needs of Haiti.

The second immediate action we must take is to address the food crisis in Haiti. I am pleased that the upcoming emergency supplemental appropriations bill will call for significantly increased levels of food aid. I urge my colleagues and the Bush administration to place a priority on Haiti when allocating that aid. Specifically, Haiti needs, at bare minimum, $75 million in food aid. I also believe we must continue working with the administration to ensure that our food aid is dispersed as efficiently as possible by allowing at least 25 percent of it to be used for purchases of food in developing countries.

We must not let this pivotal moment slip out of our hands. In an era when too many countries around the world distrust the U.S., let us work together to build goodwill among the people of Haiti.

Again, I thank Chairman HARKIN and Senator CHAMBLISS for all their good work on this bill. I will support the conference report, and I hope it will soon be passed into law.

Again, I congratulate my colleagues for the good work on this bill, and I yield the floor.

Mr. CHAMBLISS. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Georgia has 28 minutes.

Mr. CHAMBLISS. At this time I yield 5 minutes to another very valuable member of the committee, a Senator who has had an awful lot of input into this bill, both policywise and otherwise, Senator THUNE of South Dakota.

Mr. THUNE. Mr. President, I thank the distinguished Senator from Georgia and the Senator from Iowa, the chairman of the Agriculture Committee, for their extraordinary leadership on this bill and for the imposing staff work that was involved in bringing this to conclusion. At long last we are going to have a farm bill.

This farm bill is important for a lot of reasons. I don't have time to get into all the details of why I think this bill is important, but it does preserve a strong safety net. It does provide a permanent disaster title, which is something many of us have sought to achieve for some time, and fought long and hard for. It has conservation provisions that increase funding for certain conservation programs.

On balance, this is a farm bill that is reflective of all the needs, the desires, the priorities of the Members—not only of the Agriculture Committee but also of this Congress. I think it will move agriculture forward in a positive direction. I congratulate the leaders on the committee and those who have been involved all through this process for their hard work in bringing us to where we are today.

I want to make one point, though, because I think if there is anything in this bill as important as any of it, it is the energy title in this farm bill. The reason for that is we have an energy crisis in this country. You cannot go anywhere in my State of South Dakota, I daresay anywhere in this country, without hearing people talk about the high cost of gasoline. There is one thing we have done that is positive in terms of reducing the cost of oil, reducing the cost of gasoline in this country, and that is biofuels, bioenergy.

There is a lot of debate. I want to set one thing straight for the record because there has been a lot of criticism lately of corn-based ethanol and we talk about this whole food versus fuel debate going on in the country today. So people know what the facts are, here are the facts. In 2002, the United States grew 9 billion bushels of corn. Of that, we turned 1.1 billion bushels into 3 billion gallons of ethanol.

In 2007, farmers grew 13.1 billion bushels of corn and turned 3 billion bushels of it into 8 billion gallons of ethanol, leaving 10.1 billion bushels for food, more than the 7.9 billion bushels in 2002.

If you do the math, despite a nearly threefold increase—growth—in the corn ethanol industry, the net corn food and feed product of the United States increased 34 percent since 2002.

Even though we dramatically increased the amount of ethanol we are producing in this country, we still, because of the great hard work of our farmers in this country and the productivity and increases in technology, produced dramatically more corn, so much so that we have 34 percent more corn in 2007 than we did in 2002, notwithstanding the threefold increase in renewable fuels.

I say all that to set the record straight because there is a real debate going on in this country about whether ethanol is to be blamed for higher food prices. Frankly, oil has way more to do with the cost of food and everything else we purchase in this country than does ethanol. But that is not enough. We can do a lot more. The reason the energy title in this bill is so important is because it moves us in a new direction. The next generation of biofuels is what we call cellulosic ethanol, made from biomass, made from wood chips, made from corncobs, made from switchgrasses and other types of grasses that are grown in abundance on the prairies of South Dakota and other places across this country.

We have an enormous opportunity here to not shrink the amount of biofuels we have in this country, but to grow the amount of biofuels because it is the one thing that is keeping gas prices under control. According to an analysis that was done by Merrill Lynch that was reported upon in the Wall Street Journal a couple of weeks back, if it were not for ethanol, gas prices and oil prices in this country would be 15 percent higher than they are today. That is about 50 cents a gallon for gasoline. We do not need less volume of biofuels, we need more volume of biofuels. That is why the energy title in this farm bill is so important, because it provides important incentives for the next generation of biofuels, cellulosic ethanol, to encourage farmers to grow energy-dedicated crops that can be converted into cellulosic ethanol. As we transition from corn-based ethanol to cellulosic ethanol, we have an incredible opportunity for this country to become less dependent upon foreign sources of energy, to grow our domestic supply of energy in this country in a way that is environmentally clean, in a way that helps support the economy of the United States of America and does not ship billions and billions of dollars every single year outside the United States to purchase imported oil.

This is an important farm bill for a lot of reasons, but the energy title is critical and I hope my colleagues here in the Senate, if for no other reason, will support it because of its energy provisions.

I see my time has expired, so I yield the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield 3 minutes to the Senator from Washington State, Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, farming is a critical part of the economy in my home state of Washington. Many people don't know it, but Washington is the Nation's 11th-largest farm State. And we are the third-largest producer of fruits and vegetables—which are also known around here as specialty crops. So the farm bill we are considering today will help keep my state healthy and strong. It will help them find markets for their crops here and abroad—and it will help fund research to ensure they have healthy and safe crops in the future. This isn't a perfect bill. But it is a very good bill for Washington state farmers. And that is why I rise today.

The biggest victory for Washington state in this bill is the more than $3 billion to help farmers who grow apples, cherries, grapes, potatoes, asparagus, and many other fruits and vegetables. This is the first time Congress has passed a farm bill that includes comprehensive provisions addressing the needs of specialty crop farmers. This legislation will really help our farmers by carrying out programs that I have been pushing for over the last several years. And I want to thank my colleagues, Senators HARKIN, CONRAD, CHAMBLISS, BAUCUS, and GRASSLEY for their hard work on this bill.

The farm bill conference report includes $224 million in block grants, which will allow local fruit and vegetable growers to increase the competitiveness of their crops and $15 million in badly needed aid for asparagus farmers. Asparagus farmers in my home State—and elsewhere—are struggling to compete with a flood of cheap asparagus being imported from Peru. I worked very hard through conference negotiations to make sure that this market loss program stayed in the bill, and I am very grateful to our conference chairs for keeping it in.

This bill helps farmers find new markets abroad for their crops, which will allow them to better compete in the global marketplace. For example, it increases funding for the Technical Assistance for Specialty Crops program, which helps our farmers overcome barriers that threaten our exports. And, farmers in my home State are really eager for this program. Last fall, I held a listening session in Yakima, WA, where I heard from cherry farmers who are trying to develop a new market in Japan. And this bill would help them build on those efforts.

I am especially pleased that this bill includes $20 million for the National Clean Plant Network. Farmers who grow apples, peaches, and grapes depend on this program to ensure we have a source of clean plant stock to help prevent the spread of viruses. A single infected plant or grape vine can wipe out an entire established orchard or vineyard. So this is very important. Washington State University has been leading the effort to ensure our farmers have virus- and disease-free plant stock. And I am proud that they will be an important part of this national network.

Now, a lot of people don't realize that the farm bill isn't just about farmers. Well over half of this bill authorizes funding for school lunches, food stamps, and other nutrition programs. And since obesity is one of the biggest nutrition challenges we face in this country, this bill specifically targets funding to ensure that families receiving food stamps, and kids getting school lunches will have more access to fresh fruits and vegetables. My home State of Washington would get $9 million in nutrition program funding next year alone.

And finally, this bill will be a lifeline for food banks and other emergency food providers, which have struggled with rising food prices and the downturn in the economy.

As I said from the beginning, this bill isn't perfect. I wish that we were able to include important improvements to the safety net that is so critical to our wheat farmers. I have been working for several years with wheat farmers in Washington State to improve the countercyclical payment program to really make it work for them. Unfortunately, we couldn't make significant changes in this bill. But I am happy that it continues to provide a safety net for our wheat growers.

Now, I have just walked through numerous examples of how this farm bill is good for my State—and for the Nation. And that is why I am so disappointed to hear President Bush say that he plans to veto it. At the end of the day, none of us got everything we wanted in this bill—including the administration. But the conference report does do a lot of good. It helps farmers, who are struggling as gas prices soar and foreign competition threatens their livelihoods. And it helps millions of low-income families, who are struggling just to put food on the table.

Mr. President, we have got to get beyond politics on this. Making sure that our farmers and our kids both benefit from investments in the programs in this bill is absolutely critical. We are not just talking about numbers. These programs can make or break people's livelihoods. And I urge my colleagues to support them by approving this bill.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I receive 4 minutes of the time of the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, yesterday afternoon the House of Representatives passed the farm bill conference report by a vote of 318 to 106. The Senate will vote in a few minutes and we expect to have an overwhelming majority in favor of this farm bill. I thank Senator HARKIN for his great leadership, and Senator CHAMBLISS—it was a bipartisan effort—as well as Senator CONRAD and Senator BAUCUS, all the members of the committee, and I want to take special note of my good friend Representative COLLIN PETERSON from the State of Minnesota who showed such leadership in the House.

America's farm safety net was created during the Great Depression as an essential reform to help support rural communities and protect struggling family farmers from the financial shocks of volatile weather and equally volatile commodity prices.

Almost 75 years later, the reasons for maintaining that strong safety net are still there. The weather is still volatile, as we have seen this year. Crops are still subject to blight and disease. Farming is still a very risk-intensive business. We have seen prices going up and down—recently down in Asia—as we have seen investment and speculation in the farm market. I think it is very important that we have a safety net as we look at our food security so we don't get in the same place as we are with our lack of energy security.

I want to mention a few important things to my State in this bill—the sugar program, the dairy program, and the conservation program. I know we have people here in attendance from Pheasants Forever. The conservation groups worked very hard on this—the nutrition assistance. But I especially wanted to mention the part of the bill that I worked on, the cellulosic piece, which looked to the next generation of biofuels—looking at prairie grass, switchgrass, other forms of biomass. As we look to, say, the country of Brazil, which is energy efficient—energy independent, based on sugarcane—we can do it in this country.

I believe we have to go beyond our crop-based ethanol and look at these other forms of ethanol and this bill creates the incentives so we can use energy crops such as switchgrass and prairie grass and do it in a way that is consistent with conservation, which is why I am so proud we have the support of the conservation groups that are with us today.

I was a strong proponent for reform in this bill. It didn't have everything I asked for, as Senator MURRAY was discussing; no bill is perfect. But we had significant problems in the last few years with a small number of people—real estate developers from Florida, art collector from San Francisco, 100 people from the Beverly Hills 90210 area code—collecting money. This bill eliminates the three-entity rule. Also, the conferees have included substantial income limits for those who participate in the commodity program—$500,000 in nonfarm income, and they are banned from getting subsidies; and then third, $750,000 for farm-related income.

Frankly, you can go a long way in Minnesota without bumping into a farmer who made $750,000 after expenses. The reform in this bill may not be perfect but it is a lot better than where we were before.

The 2002 farm bill spurred rural development by allowing farmers in Minnesota and across the country to take risks to expand production. Because of productivity gains and innovation, including advances in renewable energy, the farm support programs in the 2002 farm bill actually came in $17 billion under budget.

As the Senate considers the conference report, it is important not to underestimate the value of a strong bill for states such as Minnesota where agriculture is so vital to our economy and way of life.

That is why, as a member of the Senate Agriculture Committee, I support the new farm bill. It includes an increased focus on cellulosic-based ethanol, continued support for a strong commodity safety net and a permanent program of disaster assistance.

And, of particular importance is that we have balanced our budget in this farm bill, with every dollar of new spending fully off-set.

Traveling around the state during the campaign I was visiting all 87 counties this year, so I have had a good opportunity to talk to farmers around our State. They have told me that the 2002 farm bill has worked well for them, and they wanted to see that continued.

I am very pleased that this bill continues the same basic structure of the three-part safety net—direct payments, countercyclical payments and marketing loans—and I am especially pleased that we have succeeded in rebalancing the commodity programs to be more equitable to northern crops like wheat, oats, barley, soybeans and—canola, beginning in 2010.

Another top priority for Minnesota farmers was creating a permanent program of disaster assistance for farmers. I would like to thank Senators CONRAD and BAUCUS for their efforts to see this program through. Farmers are tired of coming back to Congress year after year with a tin cup in their hands.

Minnesota has been hit with drought, flooding and everything in between over the several years, and they have had to wait years on end for Congress to pass adhoc disaster relief bills.

The permanent program of disaster relief in this farm bill will give farmers security moving forward, and quick relief when they need it.

This bill holds some good news for Minnesota's dairy farmers—we were able to restore the MILC payment rate that had been cut to 34 percent, back to 45 percent. We also added a feed cost adjuster to the MILC program, which means that when the price of feed goes up, the payment rate will also go up. This is really going to help dairy farmers cope with the high cost of feed and energy.

The new farm bill is also going to work well for Minnesota's sugarbeet growers. It raises the sugar loan rate by ¾ of a cent—it may sound small to you and me, but it's a big deal to the farmers in the Red River Valley.

We have language in the bill that will give U.S. sugar producers the right to supply 85 percent of the domestic market each year before USDA can allow additional sugar imports. And it creates a new sucrose-to-ethanol program to give us a new source of energy, and provide an outlet for potential increases in imports as a result of this administration's trade policies.

One of my major goals for this farm bill was to include a strong cellulosic ethanol program. Farms can and should play a bigger part in the future of this country's energy security.

Instead of investing in oilfields of the Mideast, we should be investing in the farmers and workers of the Midwest.

Our corn-based ethanol and soybean-based biodiesel have taken off in Minnesota, and we are ready to expand to the next generation of biofuels: energy from native, perennial crops like switchgrass and prairie grass that require less fertilizer, yield more energy, and protect soil, water and wildlife.

I was proud to draft first-of-its-kind legislation to provide farmers with an incentive to grow cellulosic energy crops, and I would like to thank Chairman HARKIN and Chairman PETERSON for working with me to include many of my provisions in the farm bill.

Energy crops like switchgrass and prairie grass hold great promise for farmers because they can be grown on marginal land that can't produce a high yield of corn or soybeans, and they restore the land while they're growing. Their deep root systems sequester carbon and put organic material back in the soil.

Native grasses can also save fuel and fertilizer because they don't require lots of passes with farm equipment or heavy fertilizer applications.

The fact that these crops put carbon back in the soil and take less fossil fuel to produce offers us the promise of producing a carbon-neutral motor fuel for this country, which would be a huge advance in the fight against global warming.

In short, the Biomass Energy Reserve Program is going to allow us to expand upon corn ethanol and soy diesel to a new generation of farm-based energy, and greater freedom from imported oil.

I am also pleased that the committee has prioritized beginning farmers and ranchers in the credit title. There are real opportunities today to start out in farming, especially in growing areas like organic farming and energy production. But beginning farmers also face big obstacles, including limited access to credit and technical assistance, and the high price of land.

The beginning farmer and rancher programs in this farm bill provide mentoring and outreach for new farmers, and training in business planning and credit-building—the skills they need to succeed and stay on the land.

So there are a lot of good things for Minnesota and the country in this farm bill. There is, however, one critical area where I fought for more reform, and that was in stopping urban millionaires from pocketing farm subsidies intended for hard-working farmers.

This kind of reform is in the best interests of Minnesota farmers. Here are the facts.

Sixty farmers collected more than $1 million each under the 2002 farm bill, but none of them have been Minnesotans, even though Minnesota is the fifth-largest agricultural State. The average income of Minnesota farms, after expenses, is $54,000. But under the current system, a part-time farmer can have an income as high as $2.5 million from outside sources and still qualify for Federal benefits.

It made no sense to hand out payments to multimillionaires when this money should have been targeted to family farmers.

And what we saw so clearly in the media coverage of this farm bill was that big payments to big-city investors were undermining public support for the entire bill, even though commodity payments account for just 16 percent of funding in this bill.

But this bill is going to do better for our farmers by closing loopholes and tightening income eligibility standards.

First, the new farm bill eliminates the "three-entity rule." This will cut down on abuse by applying payment limits strictly to individuals—and married couples—and ending the practice of dividing farms into multiple corporations to multiply payments.

Second, I am pleased to report that the conferees have included substantial income limits for those who participate in the commodity programs, which is an area where I fought hard for reform. What the bill says is, if you earn more than $500,000 in nonfarm income—so if you have a high-paying job off the farm, or income from investments, or any other source of income off the farm in excess of $500,000—you cannot participate in the commodity programs.

This makes good sense to me. This will take care of multimillionaires, like David Letterman and Paul Allen of Microsoft, or Maurice Wilder, the real-estate developer in Florida, getting farm payments intended for family farmers.

The bill also says that if you have more than $750,000 in farm-related income, you lose your direct payments. I think this also makes sense. I would venture to say that any farm bringing in that much money after expenses is of a size and scope that they no longer need the support of taxpayers.

So the reform in this bill is not perfect, but it is a lot better then where we were before. And I thank the conferees for taking these important steps in the bill.

In conclusion, there are a lot of important changes in this bill, and there is a lot that is good for rural America, and the safety net is vital for farmers. We have made important advances in conservation, and made much-needed improvements to our nutrition programs. Perhaps most importantly, this bill lays the groundwork for farmers to play an even greater role in our country's energy security and will advance us to the next generation of biofuels. For all of these reasons, I will be proud to vote for this bill, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. At this time I wish to yield up to 10 minutes to the Senator from South Carolina, Mr. DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I do not like to be the one to rain on a parade, but I am rising today to speak against the farm bill. I wish to do it in the context of thanking the chairman and the ranking member for their work. I think if we assume it is our job to manage the farming industry in this country, they had very little choice but to do what they have done and try to go through all aspects of farming and include it in this bill. That took over 2 hours to print out. It came out less than 2 days ago. We are getting ready to vote on it. Not one Member of the Senate has read probably even part of it—certainly not the whole bill. Yet I think everyone, or at least a large number of Senators, want to leave here today saying they voted for the farm bill.

I realize nothing I can say that is wrong with the bill—whether it violates budgets or even our own Senate rules, as far as what we are supposed to do in conference—is going to make that much difference. I wish to express some concerns—maybe, before I talk specifically about the farm bill, some broader concerns.

I heard one of my colleagues yesterday say it in a pretty good way: The Congress is comfortably sitting on a raft floating down a slow, deep river. But some of us hear the waterfall around the corner, and it is the waterfall I wish to talk a little bit about today.

We all need to remember our oath of office. I don't want to be preaching to my more veteran colleagues, but our oath of office is simply to protect and defend the Constitution. The whole point of that is the Constitution limits the scope of what we are supposed to do at the Federal level. It keeps us from getting involved in all aspects of American business and social life. It limits us so that we can, in effect, keep America free. But as we all know, we have continued to expand the scope of the Federal Government, essentially making a mockery of our oath of office now to the point where we are trying to manage the education system in America and we are trying to manage the health care system in America.

This week, we are trying to tell local and State governments how they are to deal with their public safety officers. We are trying to manage the farming industry in this country, which is very complex. I cannot pretend to understand it or to tell any other Member of the Senate how we are to manage it. But the fact is, we no longer limit the scope of what we do at the Federal level. There is no concern in this country or around the world that this body would not take up, and we seldom even talk about any restrictions the Constitution might have on what we do.

We also do not limit how much we can spend. We have no requirement that we balance our budget year to year. So we don't have to select priorities and cut programs when we add programs. So we continue to grow our budget, approaching now $10 trillion in debt as a Nation and adding to that every year. Here we are at a time of war and economic downturn, and there is nothing that is too much for us to spend. The President has proposed $50 billion of AIDS support to Africa. That is wonderful, but there is enough human need around the world to bankrupt this country 100 times.

This farm bill expands spending. It does not modernize the program in any way that does more to make the free and private market work. It takes us deeper and deeper into managing an aspect of the private economy, as we have done with health care and education, and every year we get deeper into trying to manage the private sector. Our role as a government should be to make the private sector work better, to make freedom work for everyone and not to use problems as an excuse to replace freedom and the private market with more Government. That is essentially what we are doing.

I am not just jumping on the farm bill and those who have worked on it. We know we continue to subsidize some millionaires, and we eliminate some key payment limits. I can go through the list my staff has given me of what is wrong with the bill. As I said before, I realize there are provisions that solve problems throughout, that there are constituencies for little aspects of this bill throughout. We pulled it together, and we are going to present it now to our country. What is wrong with the bill, frankly, has very little relevance today.

I appeal to my colleagues, I know we are not going to stop this bill, but we do need to hear the waterfall around the corner. We do need to accept there are some restrictions, some limits on what we are supposed to do as a Federal Government, some need to balance our budget or to begin to cut our debt and look at, if we are going to expand spending in one area, where can we cut it and pay for it in another area. We are stretched out as a country. We are on an unsustainable fiscal course. We at least need to bring that into our debate. That is what I would like to bring to everyone's attention today.

Again, I appreciate the chairman, the ranking member, and all those staff members who worked so hard on this bill. But, frankly, as a group, as a Senate, our direction to the committee and those working on it should be to reform a system and try to figure out how we can pull the Federal Government out of some aspects of American business. We did not do it with this bill. We have not read it. It is crazy for us as a Senate to pass a bill that we have not had for 2 days and have not read that spends the hundreds of billions of dollars that this bill does. But I do want to say I appreciate the work, but I recommend to any of my colleagues who are thinking about the future of America to please vote against this bill.

I yield back the remainder of my time to the ranking member from Georgia.

Mr. HARKIN. Mr. President, I yield up to 4 minutes to another great member of our Agriculture Committee, the Senator from Pennsylvania, Mr. CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, first of all, I thank Chairman HARKIN for his great work and Ranking Member CHAMBLISS for their leadership on this bill, a very difficult piece of legislation.

Chairman HARKIN was so patient with me when I kept coming to talk about dairy farmers over and over again, as he listened and worked so hard to help so many of our farmers in his home State of Iowa and across the country. We are grateful for his help.

Also, I wish to mention Senator CHAMBLISS's work and Senator CONRAD, Senator BAUCUS, and so many others.

On my staff, I mentioned Caryn Long, who did great work, Kasey Gillette, who has done great work from the beginning of this process, and Alex Davis from my staff as well. All have done great work.

Let me do some quick highlights of the bill from the perspective of Pennsylvania but also I think from the perspective of our country overall.

With regard to dairy, dairy farmers who lead lives of struggle every day and have had to work under and survive under the most adverse circumstances one could imagine, this bill is historic in the context of what it will do to help our dairy farmers, 98 percent of whom in Pennsylvania are family farms. For the first time, we are considering the cost of production. I know the Presiding Officer has heard that phrase a lot in our deliberations. But for the first time, we are considering cost of production when we put forth programs and policies for dairy farmers.

This farm bill strengthens the safety net provided by the Milk Income Loss Contract, the so-called MILC Program, by adding a feed adjuster. I won't go into the details of that, but it is going to help enormously on the cost of production.

This is an idea I worked with many Members of the Senate on, of both parties. Senator SPECTER from my home State of Pennsylvania has been very concerned about our dairy farmers as well over many years. Senator LEAHY worked hard on this issue in conference. I appreciate his work.

I am also very pleased that some of the amendments I worked on in committee are retained, such as the mandatory daily price reporting for dairy products, the feed and fuel cost being part of the so-called make allowances which are very important to balance between what happens to our farmers and what happens to processors.

Specialty crops were mentioned before. In our State, fruits, vegetables, and other speciality crops have never had the kind of focus this bill provides.

International food aid is part of this bill. I don't have time to go into that, but everyone knows that prices have enveloped the world. Almost one-fifth of the nations of the world are having problems that relate to food and security.

States such as Pennsylvania have been underserved by the Federal Crop Insurance Program for many years. This bill includes reforms that help producers in these States to increase the number of acres they have enrolled in the Crop Insurance Program.

The reform overall in this bill is very significant. There is $300 million in cuts to direct payments, reforms in the marketing loan program, it closes loopholes, reduces program abuses, on and on. These are changes that are made in this bill.

In terms of conservation, the Chesapeake Bay will be provided dollars to restore this tremendous natural resource.

The Conservation Farmland Protection Program is helped enormously.

I conclude with the nutrition program. This farm bill makes substantial investments in domestic food assistance programs and improves the Food Stamp Program for our families. Mr. President, 1 in 10 Pennsylvanians is currently receiving food stamps, and we have tremendous help for those families in this bill.

This is a good bill, and I urge my colleagues to adopt the conference report, and if the President vetoes it, we will override his veto.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Mr. President, I yield 3 minutes to the Senator from Louisiana, Mr. VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I stand in strong support of this consensus, bipartisan farm bill, and I encourage all of my colleagues, Democratic and Republican, to show strong bipartisan support.

I support this bill fundamentally for three reasons: First, as the last farm bill, it establishes predictability for our farmers, a stable environment so they can plan and prosper in the future. Second, it does that in a fiscally responsible way—no tax increases, payment limit reform, and other reforms—to move us down the path of fiscal responsibility. Third, it does some very crucial and important work for Louisiana farmers in particular in a number of different areas.

In the area of sugar, we have a three-quarter of a cent loan rate increase, the first such loan rate increase since 1985. It is long overdue.

In the rice industry, the industry requested changes to the uniform loan rate for different types of rice to make that more uniform and helpful to the industry, and we have done that.

In the area of timber, there are tax provisions that reduce maximum taxes on gains from certain timber from 20 percent, the capital gains rate, to a maximum of 15 percent. That is enormously important.

In the area of milk, as my colleague from Pennsylvania mentioned, there are important improvements and provisions, changes to the MILC Program that will help domestic dairy farmers.

There are plenty of good, solid, responsible reasons to be for this bill. Fundamentally, it will create that predictability, that stability our farmers need to plan into the future and to prosper into the future, which is good not just for them but for all Americans, including Americans as consumers, which, of course, is all of us.

I encourage all of my colleagues to support this bill. I encourage President Bush to reconsider his veto threat and not veto the bill. But certainly, if it is necessary, I will stand and vote to support overriding that Presidential veto. I encourage my colleagues to also be firm in that regard.

Mr. President, I yield the floor. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 4 minutes to another valuable member of our committee, Senator BROWN from Ohio, whose signature on this bill is the option that farmers have on the ACRE Program. I thank him for all of his efforts in making sure we had that in the bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the Senator from Iowa for his terrific work as chairman of this committee, especially the work he does on conservation, nutrition, and for family farmers.

We have for many months been debating the farm bill, legislation that wears many hats, all of them important. It is an agriculture bill, it is a food bill, it is an energy bill, it is a conservation bill, it is a world development bill, and it is an economic development bill. Melding these priorities, each one critical to our Nation's future, is a profound accomplishment. I particularly applaud Chairman HARKIN for his work.

Last spring, I held a series of roundtables throughout Ohio and heard directly from farmers about what this year's farm bill should look like. They told me a safety net that lends stability to market segments buffeted by unpredictable costs and volatile prices is essential. Farmers need a safety net that makes sense, but it is important to understand that farmers are not looking for a handout. Rather, farmers are looking for assistance when prices drop or natural disasters strike.

This bill incorporates a safety net proposal I put forward with Senator DURBIN, the Average Crop Revenue Program, which will help family farmers in Ohio and consumers and taxpayers across the country by strengthening and diversifying the farm safety net. For the first time ever, farmers will be able to enroll in a program that insures against revenue instability, which, for many farmers, makes more sense than the traditional price-focused safety net.

Conservation programs were another frequent topic at the roundtables I held. One point is clear: Farmers do not want Washington rhetoric about conservation and alternative energy; they want commonsense programs and meaningful incentives, which this bill begins to provide.

As I traveled around Ohio, I met with Mark Schwiebert, a corn farmer in northwest Ohio, who will take advantage of the Average Crop Revenue Election Program. By targeting overall revenue rather than simply price, farmers can receive better protections against two things: natural disasters—therefore, low yield—and price volatility.

I met the same week with Ralph Dull, a hog farmer from Montgomery County who uses wind turbines to run his farm. Promoting sustainable farm-based renewable energy, such as the wind energy that Ralph's turbines produce, is another key element of the farm bill.

Encouraging these ventures will help expand and diversify U.S. energy sources, while invigorating rural economies.

During a roundtable in Chillicothe, I met with fruit and vegetable farmers who asked for more support as they provide fresh and healthy produce to Columbus and that region of the State.

The farm bill creates a new program, the Healthy Food Enterprise Development Center, that will connect local farmers to communities that need access to healthy, affordable food.

During a roundtable in Wayne County, I talked with dairy farmers such as Bryan Wolfe who told me about the difficulty he has had meeting rising feed costs. The bill provides relief for these dairy farmers by linking the dairy safety net to the cost of feed.

This bill does something else. It fights hunger. When the purchasing power of food stamps erodes, so does our Nation's progress against hunger. This bill increases food stamp benefits and indexes the benefits to inflation. Nearly 400,000 people in Ohio will receive additional benefits from this bill. In Hocking County, OH, more than 2,000 residents went to the local food bank in a single day. That is over 7 percent of the local population. While we need to do more, this bill is a major step, especially in nutrition. We need to keep our eye on McGovern-Dole to make sure these dollars are available for nutrition all over the world.

But this bill moves us forward. Ohio's families need this farm bill, and Ohio's rural communities deserve this farm bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I have one more speaker. I think Senator HARKIN probably is prepared to wrap up. While Senator COCHRAN is on his way over here, let me make some comments relative to wrapping this up. We are finally here. This has been a long process. The Presiding Officer is a member of our committee and knows what we have been through to get to this point. It has been a lot of hard work, a lot of strong leadership on the part of the chairman, who has done a terrific job, as I said earlier.

My friend KENT CONRAD and I have spent countless hours together working through this extremely complex piece of legislation. I cannot say enough good things about his leadership, his intellect, as well as his understanding of what good agricultural policy is all about.

I want to thank also all of the members of the conference committee on our side, Senators COCHRAN, LUGAR, ROBERTS, and GRASSLEY. What terrific work they did. It was a long conference, having been begun back in December, and from December until now, we have met on a regular basis, and decisions that have been made were sometimes extremely difficult and very emotional. But what great leadership all of these Senators have shown.

To the other members of the committee on my side, Senators COLEMAN, CRAPO, Thune, and GRAHAM, again, we would not be where we are without their input. I thank each of them.

I also want to say a special thanks to Majority Leader REID and Minority Leader MCCONNELL. They have provided terrific leadership on both sides of the aisle. They have been extremely cooperative in allowing us to do the technical things we need to do, and at the same time to push Senator HARKIN and myself when we needed pushing. And we, again, would not be where we are were it not for their strong leadership, their cooperation. I thank each of them individually.

Following is a list of folks over at CBO I want to thank: Jim Langley, Greg Hitz, Dave Ull and the entire ag team at CBO, as well as Kathleen FitzGerald, Dan Hoople, Megan Carroll, Kathy Gramp, Tyler Kruzich, Kim Cawley, Teri Gullo, Sheila Dacey, Mark Booth, Zach Epstein, Andrew Langan, Lisa Ramirez-Branum, Burke Doherty, Amy Petz, Susan Willie, Sunita D'Monte, Matthew Pickford, and Mark Grabowitz.

As we go through the process of putting a bill like this together, we have to constantly call up CBO and ask them for immediate scores on portions of the bill, and I have to say, CBO has worked overtime to make sure they accommodated every single request we had, and they did it on rush-hour time. They have done a great job over there. I thank each of them.

Another thing we take for granted around here that we never should is the staff of this Senate. I want to say a particular thanks to Dave Schiapa and the folks on his staff, as well as to Lula Davis and the folks on her staff. This has been a partnership that so many people have talked about on both sides of the aisle from an Ag Committee standpoint, but it has also been a partnership between the staff.

I do not want to leave out our folks who show up every day early and stay late: our clerks, our Parliamentarians, who have been unbelievable. They are always here and provide us the professional leadership we need on the technical issues. To each of them, we say thank you.

At this time, I want to turn to Senator COCHRAN before I ultimately conclude. As I turn to Senator COCHRAN and give him 5 minutes, let me say as a former chairman of this committee, he is an icon in the ag community all across this great country. Senator COCHRAN has been a dear personal friend of mine for many years before I came to the Senate. As a friend and as somebody whom I looked up to when it comes to agricultural policy, it is my pleasure to turn to him now and to yield 5 minutes to him.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Georgia, the ranking Republican member of this committee, for his kind words and for his hard work and diligent efforts to bring us to a successful conclusion of this conference report.

The chairman of the Committee, Mr. HARKIN, has also been relentless and thoughtful in the way he has managed the responsibilities of the chairman of this committee through this very difficult task.

This was not an easy task. I applaud both of them for their leadership, their fairness, and their support for farmers' and ranchers' interests, and truly for the interests of all Americans.

I also compliment the staff members of the committee for their tireless work on this bill: Mark Halverson, the majority staff director of the committee and all of his staff who worked to resolve the many issues important to our region of the country; Martha Scott Poindexter, a former staff member of mine who is now serving as the staff director for Senator CHAMBLISS, deserves high praise for the successful efforts to help resolve the issues important to agriculture producers and the consumers in our State of Mississippi.

I also want to thank Vernie Hubert, Alan Mackey, Hayden Milberg, Cameron Bruett, Betsy Croker, Jane Anna Harris, Anne Hazlett, Matt Coley, Kate Coler, Patty Lawrence, Christy Seyfert, Dawn Stump, and Carlisle Clarke for their contributions to this effort.

This has been a team effort. I have been very fortunate to have had the pleasure and privilege of working with all of those I mentioned in the drafting and negotiation of this very important legislation.

Mr. President, the Food, Conservation, and Energy Act of 2008 strikes a careful balance between the many important programs within the farm bill. I am pleased that the bill continues the farm income safety net program developed in the 2002 farm bill. Farmers in Mississippi believe these programs have worked well to ensure an adequate support during times of depressed prices. Currently, our farmers are fortunate to be benefiting from strong commodities prices. However, we have learned from past experiences, that these prices can fall as quickly as they have risen and having a safety net in place is necessary for farmers to make the significant investments needed to operate.

Conservation is an important part of a farm bill. The continuation of programs such as the Wildlife Habitat Incentives Program, Wetlands Reserve Program, and Environmental Quality Incentives Program which have broad participation throughout Mississippi. Farmers understand how critical the environment is to the continuation of agriculture and the health of the community of which they live. The increased funding for these incentive based conservation programs will allow producers to adapt these programs with greater success to their land and provide real benefits for their good efforts.

The additional funding for nutrition programs will address many of the needs facing many of America's poor, children, and elderly. The nutrition programs authorized in this committee touch the lives of one out of every five people in this country, including over 37 million children. Also, I am pleased the conference recognizes the success of the fruit and vegetable pilot program and have expanded the program to all States.

There are many titles of the farm bill that are often overlooked but are important to agriculture and our rural economies. The research title of the farm bill is crucial to keeping U.S. agriculture a leader in food and fiber production. The streamlining of grant programs in the research title will allow for efficiency and oversight of the appropriated funds. The rural development title provides assistance to rural communities through housing assistance, rural broadband access, water and wastewater programs, and small business development. I am pleased that the conference has maintained and improved upon these important programs.

The issue of payments limits is always a point of contention in every farm bill. The reductions in payment levels in this bill are a significant reform from the current payment limit rules. The payment limit levels in this bill will result in a significant hardship for many producers in Mississippi. Some of the best, most diversified producers in Mississippi will be ineligible for income safety net programs. It is important that the supporters of stronger payment limits understand that this will not reduce farm bill spending. The land will be farmed by another producer and be eligible for program benefits. The adjusted gross income limitation has the effect of moving one farmer off the land and putting another farmer in their place. The Government doesn't ask other businesses to go out of business if they grow and expand, why should farmers be treated differently?

Again, I want to thank Senator HARKIN and SENATOR CHAMBLISS for their good work on this bill. I encourage my colleagues to support the conference report.

Mr. CHAMBLISS. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 6 minutes 20 seconds remaining, and the Senator from Iowa has 5 minutes 40 seconds remaining.

Mr. CHAMBLISS. Mr. President, let me again thank Senator COCHRAN for his generous comments and for his leadership on the committee. He has been such a valuable member of the conference committee but, more than that, he has been a dear friend.

I want to continue to acknowledge the hard work of a number of folks on the other side of the aisle. We had Senator BAUCUS, chairman of the Finance Committee, who worked so closely with Senator GRASSLEY and every member of the conference committee on our side of the Capitol to try to find the funding for this bill. It is completely offset as scored by CBO.

In addition, he worked out a very fair and equitable tax package for agricultural issues, and I emphasize that, to be included in this farm bill. And it is that particular amount of spending that has been totally offset as scored by CBO. So Senator BAUCUS and Senator GRASSLEY deserve an awful lot of credit.

To my good friend, Senator BLANCHE LINCOLN, what a real ally she has been to all of us on the committee. Senator STABENOW has been a tireless worker from a conference committee standpoint.

This truly has been a bipartisan effort. But the real work hard that has been done on this bill—the policy decisions are made by the membership—was done by the staff.

I say to Mark Halverson and Susan Keith, and all of the members of the minority committee, how much we appreciate them for their hard work, their commitment to agriculture. Beginning in December, after these folks had worked so hard to get the bill done and to get the bill to the Senate floor, their real work began. Every single day since this bill was passed, including weekends, these folks have been working tirelessly to try to accommodate the policy decisions the Members have been making. It has been an unbelievable process. Without their hard work we simply would not be here.

Senator COCHRAN thanked all of the members of my staff, and I will not go back through those again. They know how much I love them and how much I appreciate them. But to Martha Scott Poindexter, Vernie Hubert, and Hayden Milberg I owe a special thanks, because they have had to put up with me and me telling them what they needed to do and when they needed to do it. And that is not an easy task from their side. So I have tremendous appreciation for all of the staff who worked so hard to make this happen today.

There are some other staff members I particularly want to acknowledge because they have been, again, tremendous and they have been right there side by side with all of the Ag Committee staff from day one. That is Amanda Taylor, Elizabeth Paris on Senator GRASSLEY's staff; on Senator BAUCUS's staff, John Selib, Brandon Willis, Rebecca Baxter, Kathy Kock; on Senator LINCOLN's staff, Ted Serafini; and on Senator CONRAD's staff, Tom Mahr and Jim Miller. Tom and Jim particularly have been involved with my staff since literally about a year ago in attempting to craft the farm bill that ultimately came to the floor of the Senate. They have been tremendous in providing us numbers, providing us information to help Senator CONRAD and myself make policy decisions. To those two gentlemen, I want to say a special thanks.

This bill is going to finally come to a vote on the conference report. This is not a perfect bill, as has been said by several different folks here. There have been some folks who stood up and pointed out some objections they have to the bill.

This is my third bill, two as a Member of the House and now one as a Member of the Senate. All farm bills are extremely controversial. All farm bills are portrayed by the media as being a giant welfare program for farmers.

Nothing is further from the truth, particularly in this farm bill. In this farm bill, about 11 percent of the outlays are projected to go to farm programs, 11 percent, and 74 percent of the outlays are going to go for nutrition programs to feed hungry people in this country. We have an obligation, as the richest and most abundant, from a food standpoint country in the world, to take care of those folks who are in need, and we are doing so in this bill.

In addition, we are providing conservation measures that are going to save the land, save rural America from being developed in many areas where it ought not to be developed. We are also going to make sure that we provide future generations with alternative energy sources, and that we do it in the right way.

I want to close by making a comment on the point of order Senator GREGG made. He knows how much respect I have for him. He did a terrific job when he was chairman of the Budget Committee and now as the ranking member.

Again, he is doing a good job. He knows I have tremendous respect for his position on any issue relative to the budget. But here is what I wish to explain to my colleagues. His point is that we are going to spend more money above the budget than we actually say we are going to spend.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. I ask unanimous consent that we have an additional 4 minutes equally divided between Senator HARKIN and myself.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right, I ask for an additional 2 minutes as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. CHAMBLISS. If anybody in this body can tell me today what the price of corn, cotton or soybeans is going to be 5 or 10 years from now, then we would not have to worry about projecting exactly what the expenditure, from a budget standpoint, in this farm bill is going to be. The fact is, we can't even project what the price of corn and soybeans and other commodities is going to be tomorrow, much less what we can predict it will be 5 years from now. In fact, the 2002 farm bill, which is currently in place, had the same budget point of order made against it in 2002, when it was passed. The fact is, in that farm bill, not only did we not spend what was projected to be spent, but we spent between $15 and $18 billion less than what was projected to be spent. The reason is that commodity prices have been high; therefore, payments coming out of Washington have been either nonexistent or very low. That is where the $15 to $18 billion in savings has come from. In this bill, as long as commodity prices remain high, again, farmers are going to have what they want, which is their stream of income coming from the marketplace versus Washington. Washington is going to have what we want, which is a reduction and limitations on payments going to farmers. The budget point of order, obviously, is correct in saying we don't know exactly how much money is going to be spent under countercyclical programs. That is the nature of farm bills. But the fact is, we spent less under 2002. We are going to spend less under this farm bill, in all probability. But we cannot say that for certain. Therefore, I urge my colleagues to vote in opposition to the budget point of order and to vote in favor of the underlying bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. How much time remains on this side?

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes. The time of the Senator from Georgia has expired. Senator GREGG has 2 minutes.

Mr. HARKIN. I will let Senator GREGG go first, so I may finish debate on the bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I understand that as chairman of the committee, Senator HARKIN should have the right to complete his statement. I am happy to proceed at this time.

I would simply make the point, in response to the discussion about this bill and the budget, there is no way anybody with a straight face can represent that this bill is fiscally responsible in the context of the budget. When this bill left the Senate, it was at $285 billion. It is now at $300 billion. This bill has $18 billion worth of gimmicks in it. The tax years are changed for corporations to pick up money. There is an attempt to adjust programs so some basically disappear after a certain number of years on the theory that then they would not score, knowing full well that those programs are going to be continued. We also have a situation where this bill violated the pay-go rules of the House and would violate the pay-go rules of the Senate, to the extent they are ever enforced around here, if we had passed the Senate budget.

The irony is that this bill comes to the floor before the budget, which was voted on and voted in favor of by the Democratic membership. That Democratic budget is violated in this bill. I have to tell my colleagues, if a Democratic budget, which spends a heck of a lot of money, is violated, then, obviously, the bill itself is spending a lot of money. In addition, it uses gimmicks such as custom user's fees. It uses gimmicks such as this adjustment of pay-go. It ends up, even using all those gimmicks, $18 billion worth of gimmicks, still with a budget point of order against it which is legitimate.

The budget is violated. This bill spends money outside the budget. That budget point of order should not be waived.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Iowa has 8 minutes.

Mr. HARKIN. Mr. President, let me bring to a close this debate on the farm bill. First, let me recap. This is not called the farm bill. It is called the Food, Conservation, and Energy Act for good reason—because 67 percent of all the new money in this bill goes to nutrition to help low-income Americans, to help our kids in school get a better diet of fresh fruits and vegetables. We also lifted the childcare cap that has been there since 1993. Right now it is $175 a month. The average cost of childcare is $631 dollars a month. We have lifted the cap on childcare deductibility for those low income Americans who need food assistance. Let me read this quote from Second Harvest, Vicki Escarra, president of America's Second Harvest:

> On behalf of our nation's food banks, I urge Senators to vote in favor of this hunger-fighting farm bill for the millions of low-income Americans on the brink of catastrophe, facing some of the most difficult economic times they have had to endure in years. I urge Senators to support this vitally important and necessary legislation.

On specialty crops, we have done more on specialty crops than any farm bill before. We put a new title in this bill, almost $3 billion going to fruits and vegetables, horticulture, all the things that, again, lend themselves to a healthier diet and a healthier America. There is also a quote from the organization supporting specialty crops that says in part: This farm bill represents a sea change in U.S. agriculture policy and a historic investment in the future of the fruit and vegetable producers across this country. We have taken a bold step to expand the fresh fruit and vegetable snack program to all 50 States, which makes certain this farm bill doesn't just help farmers but helps schoolchildren have greater access to fruits and vegetables. "This is truly a win-win for both agriculture and the public." On livestock, we improved the protections for livestock producers when they make contracts. I wish to publicly thank my colleague from Iowa, Senator GRASSLEY, for making sure we had those provisions in this bill. The country of origin labeling now will go into effect this fall so we will know where our meat products come from and, finally, we will have the interstate shipment of State-inspected meat after all these years. On conservation, we have done more for conservation in this bill than any farm bill ever passed, almost 41 percent of all the money that is paid to agricultural producers will be paid through conservation programs to protect our soil, wildlife habitats, and clean water.

Lastly, I showed this picture yesterday. I show it again. This is the countryside that we want where farmers can plant and grow crops, but they do it in an environmentally sound way, with clean water and clean streams, with buffer strips, wildlife habitat all across the country. That is what is so good about this bill because we have improved the conservation programs.

This is a bipartisan bill. In fact, I got a note this morning that our former Secretary of Agriculture, Mike Johanns, has now said he would vote for the bill. He would support it.

In all my years here—this is my seventh farm bill in 30-some years—I have never seen so many groups come together to support a farm bill, over 500 groups. Farm groups, conservation groups, hunters and fishermen, energy groups for renewable energy, antihunger groups, religious groups—I have never seen such a broad coalition of over 500 groups in support of this bill. Now we have the former Secretary of Agriculture saying he would support it. All these groups support the farm bill. The President says he wants to veto it. Evidently, he is right and everybody else is wrong. I beg to differ. This is a great bipartisan bill.

We keep hearing from people: Why can't you people work together, quit bickering, get things done? We did that here. We worked together in a year and a half to produce this great product.

I wish to especially thank my ranking member, Senator CHAMBLISS, for all his great work. Senator CHAMBLISS reminds me a little bit of old Senator Sam Ervin, who used to say "I am just a poor, little old country lawyer from the rural South." Senator CHAMBLISS may say something like that, but I can tell you he is one smart, intelligent, good negotiator. He brought this farm bill forward when he was chairman. I couldn't have asked for a better partner and working relationship in getting this bill through. I can honestly say, without any fear of contradiction, had it not been for Senator CHAMBLISS and all his hard work, we would not have gotten the 79 votes we got for this bill in December. The fact that I think we will have an overwhelming vote today is a tribute to Senator CHAMBLISS's leadership and hard work on behalf of all agriculture. One thing I will say about Senator CHAMBLISS, he is a proud conservative. The only thing he is liberal about is giving out those Georgia peanuts. I want him to know, I appreciate those peanuts.

Let me thank all the members of our committee. In particular, I thank the members of our conference committee. I mentioned Senator GRASSLEY, who worked so hard on the Finance Committee portion of the bill; Senator BAUCUS, who as chairman of the Finance Committee got the money for us. I wish to especially thank Senator CONRAD, our budget chairman, for his expertise, knowledge, diligence. Senator CONRAD was there for every meeting. He hung in there on this farm bill from the beginning to the end. We could not have gotten where we are without the help, the support, the knowledge, the expertise of Senator CONRAD. I wish to say, again, that the farmers and ranchers of North Dakota have no better fighter for them, no stronger advocate than they have in Senator CONRAD. I can tell you nothing escapes his attention. When it comes to fighting for the farmers and ranchers of North Dakota, Kent Conrad is always in the lead.

I wish to publicly thank him and his staff for all the help on this bill.

Senator LEAHY, the former chairman, who also fights for Vermont farmers, especially dairy producers. He had a great seat at this table. He made sure we took care of dairy farmers and nutrition. There is no stronger fighter for our dairy farmers and nutrition than Senator LEAHY. Senator LINCOLN, who chairs our Subcommittee on Production, Income Protection, and Price Support, a strong advocate for Arkansas rice and grain and oilseed farmers. Senator LINCOLN is a strong fighter for rural residents, people who live in small towns and communities. Senator STABENOW, another conferee I am now going to refer to as the Senator of specialty crops, because it was Senator STABENOW's strong advocacy that led to the first-ever inclusion of a specific title for specialty crops in this bill and nearly doubled the support for it.

Lastly, let me reach across to the other Chamber and thank Congressman PETERSON from Minnesota. We have been working together on this over a year, Saturdays and Sundays, and weekdays and nights, on the phone. I also want to thank Congressman BOB GOODLATTE. What a great companion he has been to fight for conservation and rural development, working hard to bring forth this bill.

Again, they say the art of good legislation is cooperation and compromise. We had good cooperation between parties, between the House and the Senate, and we have a farm bill we can all be proud of.

Mr. President, I ask unanimous consent that a letter from over 500 organizations supporting the Food, Conservation, and Energy Act of 2008 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 13, 2008.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: As the U.S. House of Representatives prepares for final consideration of the 2008 Farm Bill, the organizations listed below strongly urge you to vote in favor of the Conference Report.

Communities across the nation, from urban to rural have been waiting too long for this legislation. The Conference Report makes significant farm policy reforms, protects the safety net for all of America's food producers, addresses important infrastructure needs for specialty crops, increases funding to feed our nation's poor, and enhances support for important conservation initiatives.

This is by no means a perfect piece of legislation, and none of our organizations achieved everything we had individually requested. However, it is a carefully balanced compromise of policy priorities that has broad support among organizations representing the nation's agriculture, conservation, and nutrition interests.

Our organizations applaud the strong bipartisan leadership demonstrated in Congress to authorize and approve a strong new five-year Farm Bill. Sound policy and long-term certainty are absolutely essential to everyone served by the Farm Bill, and the final Conference Report provides both.

Again, we urge you to support communities across America—rural, urban and suburban, by voting in favor of the 2008 Farm Bill Conference Report.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri is recognized.

Mrs. McCASKILL. Mr. President, I raise a point of order under rule XLIV, paragraph 8(a), section 12034 of the farm bill conference report violates this rule in that it is a new directed spending provision.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I move to waive paragraph 8 of rule XLIV with respect to all provisions of the conference report to accompany H.R. 2419, the Food, Conservation, and Energy Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

GREGG POINT OF ORDER

The PRESIDING OFFICER. The question is now on agreeing to the motion to waive section 203 of S. Con. Res. 21 against the conference report.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Ms. KLOBUCHAR) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. McCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 21, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—74

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Dorgan
Durbin
Feinstein
Graham
Grassley

Harkin
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Webb
Whitehouse
Wicker
Wyden

NAYS—21

Allard
Barrasso
Bennett
Bunning
Burr
Coburn
Collins
DeMint
Domenici
Ensign
Enzi
Feingold
Gregg
Hagel
Hatch
Kyl
Lugar
Murkowski
Sessions
Sununu
Voinovich

NOT VOTING—5

Clinton
Klobuchar
McCain
Obama
Warner

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 19. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the subsequent two votes on this agricultural matter be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

MC CASKILL POINT OF ORDER

The question is on agreeing to the motion to waive paragraph 8 of rule XLIV against the conference report.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 34, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—62

Akaka
Alexander
Baucus
Bennett
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Chambliss
Cochran
Coleman
Conrad
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Feinstein
Grassley
Harkin
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Stabenow
Stevens
Tester
Webb
Whitehouse
Wicker
Wyden

NAYS—34

Allard
Barrasso
Bayh
Bond
Brownback
Bunning
Burr
Carper
Coburn
Collins
Corker
Cornyn
DeMint
Ensign
Enzi
Feingold
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
Martinez
McCaskill
McConnell
Roberts
Sessions
Specter
Sununu
Thune
Vitter
Voinovich

NOT VOTING—4

Clinton
McCain
Obama
Warner

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 34. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. CANTWELL. Would the Senator yield to me for purposes of a colloquy?

Mr. HARKIN. I would be pleased to yield

Ms. CANTWELL. Section 8105 of this bill authorizes the Secretary of Agriculture to "provide free of charge to Indian tribes any trees, portions of trees or forest products from National Forest Service land for traditional and cultural purposes as long as those products are not used for commercial purposes." Several Indian tribes in Washington State are successors in interest to tribes and bands who were signatory to treaties with the United States which expressly reserved the right to gather forest products from lands which currently include National Forest System lands. These treaties are regarded as the supreme law of the land and cannot be modified by Congress unless Congress clearly intends to do so. Am I correct that section 8105 is not in any way intended to modify or supersede the treaty rights of these tribes?

Mr. HARKIN. The Senator is correct. Section 8107 of the bill contains a "savings" provision that explicitly states that nothing in this legislation "alters, abridges, diminishes, repeals, or affects any agreement between the Forest Service and an Indian tribe". Section 8105 of this bill does not in any way affect valid treaty rights of tribes to gather forest products from National Forest System lands.

Ms. CANTWELL. I thank the Senator.

• Mr. MCCAIN. Mr. President, despite my great admiration for America's hardworking farmers and my support for additional food aid for our Nation's most vulnerable, I must oppose the conference agreement to H.R. 2419, the Food and Energy Security Act, also known as the farm bill. I recognize that in the days ahead, attempts will be made to use my opposition to this bill for another's political gain, but I have always worked to do my best for America and that is why I must oppose this conference report. And, the American people deserve to know the truth about this farm bill: It is a bloated piece of legislation that will do more harm than good for most farmers and consumers.

In today's economy, when hard-working American families buy groceries they feel the sting of misguided Federal agriculture policies. Instead of fine tuning our farm programs to improve their efficiency, we have allowed them to swell into mammoth government bureaucracies that generally exist to serve special interests at the behest of congressional benefactors. Sixty-nine years after the Great Depression and the advent of the farm bill, well into the 21st century, commodity prices have reached record highs. I believe American agriculture has progressed to the point where we no longer need government grown farms.

Don't misunderstand. I am not opposed to providing a reasonable level of assistance and risk management to farmers when they need America's help. Farmers never abandon America, and America mustn't abandon them. When a farmer suffers from a natural disaster such as droughts or floods, they rightly deserve assistance. But they need a hand up, not a hand out.

The American taxpayer has been told before that farm bills and their thirst for subsidies were a necessary evil to provide our country and the world—with affordable, abundant food. Today, as food prices reach historic highs, they're being told the same thing. We must challenge that notion as grocery bills soar, food banks go bare, and food rationing occurs on a global scale. We must question policies that divert over 25 percent of corn out of the food supply and into subsidized ethanol production. Do Americans really want a support system that costs consumers $2 billion annually in higher sugar prices? Will we truly reduce our dependency on foreign oil by extending tariffs that make it too expensive to invest in sugar ethanol production? Can we honestly demand fair and free trade at Doha while domestic cotton growers dump subsidized cotton on the world market?

The farm bill conference report is expected to cost taxpayers around $289 billion. According to the Congressional Budget Office, this bill will exceed the government's budget by $10 billion. But the administration points out that with clever accounting made famous by congressional budget dodgers, the real cost of the bill will exceed the government's budget by about $18 billion. And even though Democrats and Republicans in both Chambers have promised to rein in pork barrel spending, this bill betrays that promise. Buried within its hundreds of pages are special favors like: $170 million bailout for the west coast salmon industry included at the insistence of the Speaker of the House; $93 million in special tax treatment for race horses; $260 million in tax cuts for the timber industry; $15 million for asparagus growers. During debate on the Senate farm bill last year, my colleague Senator GREGG offered an amendment, which failed, to strike this provision. This is a crop that has never before received farm subsidies; $175 million would be transferred to Bureau of Reclamation for activities at three Nevada lakes; $500,000 to the Walker River Paiute Tribe for legal and professional services in support of settling tribal water claims. Other tribes have dealt with water rights without a half million dollar earmark; $5 million for joint planning and development activities for water, wastewater, and sewer facilities by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe.

The bill authorizes a myriad of grant programs including grants for research into pig genetics, grants for the preservation of historic barns, and $300 million for the Sun Grant Program, which provides grants to 6 universities and science centers that conduct bioenergy research.

Twenty million dollars goes to the collection and storage of seeds for research purposes; $75 million for a crop research facility in El Reno, OK; $35 million to promote the production of "hard white wheat."

A $4 billion disaster assistance package on top of an existing crop insurance program that's subsidized by the Federal Government. And these are only a few examples of the questionable provisions expected to hit the President's desk.

As you may know, farm subsidies were originally designed to ensure farmers get a fair return on their labors, but the majority of subsidies go to large commercial farms that average $200,000 in annual income and $2 million in net worth. Indeed, these payments aren't going to the average hardworking American farmer working in the Heartland. This farm bill actually increases subsidy rates for some crops and a majority of those payments are funneled only to a few staple crops. During debate on the Senate farm bill last fall, I proudly cosponsored an amendment which would have capped subsidies for farmers whose income exceeds $250,000. That amendment, which was rejected, was written by Senators BYRON DORGAN of North Dakota and CHUCK GRASSLEY of Iowa—two distinguished colleagues who understand rural America better than most. Instead of fixing a system that provides farm payments to millionaire land owners, sometimes when they don't grow anything at all, Congress ignored the cries for reform from small farmers themselves. In fact, this farm bill contains a phony payment limit designed to allow farmers to earn up to $750,000 and $500,000 off the farm before hitting any subsidy ceiling. Astounding.

This Congressional feeding frenzy is tragic because other areas of the bill have merit, like the increased funding and focus on food assistance and nutrition programs. In particular, the bill would index food stamps to reflect the current cost of living and fill shortfalls in the Emergency Food Assistance Program. Unfortunately, the bad outweighs the good in this bill.

More than hand-outs, more than ballooning disaster payments, the families and small businesses throughout the Heartland are demanding affordable quality health care, better education for their children, lower taxes, and relief from government regulation. Rural America has seen farm bill after farm bill passed without policies that adequately promote economic development or address population loss. We must improve rural life, provide high-tech connectivity essential for jobs and education, open trade markets, maintain our competitiveness, and reduce overregulation for farmers and ranchers.

For now, we need to put an end to flawed government policies that distort the markets, artificially raise prices for consumers, and pit producers against consumers. We have once again failed farmers in that regard, which is why I oppose this bill.●

Mr ENZI. Mr. President, I wish today to speak about the farm bill conference report. Without a doubt, our Nation's rural communities are in need of a new national agricultural policy. Since the last farm bill was passed in 2002, there have been substantial changes in agriculture and this bill is needed to keep American farmers and ranchers on track during a time of growing demand on our food system. In recent weeks, I have come to the floor to ask my colleagues to do something about health care, do something about high energy prices, and today I am asking that we do something for our agricultural producers.

When this farm bill passed the Senate in December, it passed with substantial support. Today we are considering a farm bill that reflects that support and takes steps to improve American agriculture. That being said, for many agricultural producers this farm bill is coming months late and dollars over budget. The opportunity to consider a farm bill is rarer than an October harvest moon and lawmakers must take special care to ensure that the seeds we sow today will reap a bountiful harvest tomorrow. I wish to make the point that addressing the needs of both producers and consumers goes beyond the language of this farm bill. Successful farm policy begins with lower energy costs, affordable health care, and competitive domestic and foreign markets.

As the Senate considers this farm bill, the question that should be on all our minds is at what cost does this farm policy come to our producers, our consumers, and our country. This conference report comes to the floor at a time when U.S. farm income is expected to reach an all-time high of $92.3 billion. It is true that our Nation's producers are facing higher costs to fill their tanks, fertilize their fields, feed their livestock and pay for their health care. However, this farm bill does not go far enough to cut the subsidies handed out to the wealthiest of farmers. I supported and applauded the efforts of my colleagues when the Senate considered amendments to the farm bill in December to limit these payments. Family farms are the backbone of American agriculture and the farm safety net should only be extended to only those who are in the most need, not to those making nearly $750,000 a year. This farm bill balloons to nearly $300 billion because the conference report makes only modest cuts to the largest payments. There is nothing wrong with helping our farmers guarantee a safe and secure food supply, but that assistance does not deserve to go to farmers who fashion diamond studded coveralls and golden pitchforks.

It is not just a financial travesty that these payoffs to agribusiness are in the bill, it is a policy travesty because this farm bill does have some very good policy contained within its pages. Many of these provisions I have worked to pass for a long time, but like gophers in the garden, these payments to millionaires have ruined a good product.

I support provisions that were included in the farm bill that help livestock producers and come at no expense to the U.S. Treasury. For the first time, the farm bill contains a livestock title to promote competition and fairness in our agricultural markets. In the past, I labeled the farm bill as, "Do No Harm, Do No Good" for ranchers across this country. I said this because the farm bill never addressed the needs of hard-working independent livestock producers like those found in Wyoming. Well this farm bill includes something I have been working on since I came to the Senate 11 years ago and that is language to implement mandatory country of origin labeling, often referred to as COOL. COOL provides consumers with important information about the source of food and allows our livestock producers, who hands down produce the highest quality meats in the world, to remain competitive in a growing global market. No more excuses, no more foot dragging, the time is hot for COOL.

The livestock title also contains provisions that will improve the Livestock Mandatory Reporting Act by making market information easily accessible online and will improve the enforcement of the Packers and Stockyards Act by requiring the USDA to report annually on its investigations into violations. All important provisions for livestock producers who simply wish to have a fair and competitive market for their animals. I was disappointed to see that the conference committee left out an important provision that was passed by the Senate last year, just as it did in 2002. The ban on packer ownership was an important step in ensuring that independent livestock producers have access to markets in light of growing consolidation among meat packers. Finally, I would like to address language in the livestock title that promotes the ability for local ranchers to market their product across State lines when processed at State-inspected plants. The interstate meat inspection language is critical for the small mom-and-pop processing plants who meet Federal standards but cannot afford to pay for a full-time Federal inspector. These facilities, that already meet rigorous state inspection standards, will now be able to sell specialized products across State lines and ultimately help producers find value-added marketing opportunities for their livestock.

For Wyoming and a number of other Western States, another provision in this bill that costs little but yields significant results, is this Nation's investment in animal health programs. I was pleased to see language that makes brucellosis a high-priority research initiative in the U.S. Department of Agriculture and clarifications for the Animal Health and Disease Research Program that provides vital applied animal research to producers on the ground.

For conservation, this bill makes significant improvements to the incentives and financial assistance offered to land owners who use the Environmental Quality Incentives and Conservation Reserve programs. I am especially pleased to see that the CRP program offers additional assistance to beginning farmers and ranchers since we all know that one of the greatest challenges to the future of agriculture is attracting young people into the industry.

There are some positive changes made in the farm bill, but the conference report clearly lacks alternatives and only makes small steps to improve the condition of agricultural producers across our country. One alternative that I would like to present to my colleagues is to continue promoting new markets for American agricultural products through trade overseas and develop better markets domestically by promoting fair and competitive markets for our livestock producers. In addition to these steps, there are scores of things this Congress can do today to ease the burden on rural America that cannot be solved in farm legislation. The Senate should take action to address the cost of rising energy costs and more importantly reduce the cost of health care for Americans. For the past several months, I have come to the Senate floor to speak about my 10 steps to transform health care in America and policies to lower energy prices by increasing supply and developing domestic sources of production. All of these things being said, this country desperately needs a new agricultural policy, and I hope that we will not stop merely with this farm bill. Sound farm policy goes beyond commodity payments and nutrition programs. It begins with providing the men and women sitting in the saddle with affordable energy, affordable health care, and fair and competitive markets to sell their products.

Mrs. BOXER. Mr. President, I rise in support of the farm bill conference report.

The bill takes many positive steps to level the playing field in American agriculture by recognizing the importance of specialty crops to the nation's economy and the need to provide more funding for programs that promote renewable energy, protect our environmental resources, and keep our children healthy.

This is by no means a perfect bill, but it is a great improvement over our current, outdated farm policy that for too long has hurt California's farmers and growers.

California is the Nation's largest agricultural state, with more than 350 different crops worth $32 billion per year. Yet our State has been largely overlooked when it comes to the billions in federal support for agriculture.

For the first time, the farm bill is recognizing the importance of specialty crops to our Nation's economy.

Included in the Senate bill is mandatory funding for specialty crops block grants, organic farmers, farmers market programs, trade assistance and foreign market access programs, the community foods program, and important specialty crops and organics research.

The bill also provides over $1 billion in funding for the Fresh Fruit and Vegetable Snack Program, expanding participation in the program to all 50 States. This program provides a critically important strategy in the fight to prevent and reduce childhood obesity by providing as many as 3 million low-income elementary school children in 5,000 schools nationwide the ability to receive a fresh fruit or vegetable snack every day at school.

Numerous studies have indicated that eating fruits and vegetables can prevent cardiovascular disease, diabetes, cancer, and hypertension, in addition to obesity. Yet less than one out of every six children eats the USDA recommended amount of fresh fruit, and only 1 out of 5 children eats the recommended amount of vegetables. The funding included in the farm bill will ensure that schools in California and in every State in the Nation can implement this important child nutrition program.

Also included in the nutrition title are much needed modernizations and updates to the food stamp assistance program. The bill not only renames this program as the Supplemental Nutrition Assistance Program, or SNAP, but it also provides critical improvements that will greatly help families in need. As a result of deep cuts to the Food Stamp Program in the mid-1990s, the purchasing power of families' food assistance benefits has eroded greatly over time. The farm bill invests significant resources; $5.4 billion over the next 10 years, to end that erosion and partially restore benefit levels that have been lost. The bill increases the minimum SNAP benefit to $14, up from the current $10, and indexes that level to future inflation. The bill also increases assistance to families with high childcare expenses by allowing a full deduction for childcare expenses in calculating family income and benefit levels.

And with our Nation's food banks experiencing unprecedented shortages during this period of high demand for supplemental food assistance, the bill nearly doubles the amount authorized for the Emergency Food Assistance Program, providing $1.25 billion over 10 years and providing $50 million in emergency money for food banks currently enduring severe shortages.

The farm bill also provides an important opportunity to increase protection of our Nation's natural resources and its open space. Farmers can enroll in a number of conservation programs that allow them to provide habitat protection for native species, protect wetlands and grasslands, and undertake initiatives to make their farms more environmentally friendly—but the last farm bill did not do enough to provide farmers with the resources they need to fully participate in conservation activities.

In 2004, California had a $143 million backlog in payments and enrollments in conservation programs due to lack of funding and low acreage caps. An average of 4,000 farmers and landowners in California are rejected each year when they apply to USDA conservation programs. Sixty-eight percent of California's farmers seeking Environmental Quality Incentives Program, EQIP, funding turned away. Nationwide, $18 billion worth of conservation applications have gone unfunded during the life of the 2002 farm bill.

As a result of inadequate funding for conservation programs, California is rapidly losing thousands of acres of farmland and open space. Ninety-five percent of the wetlands in the Central Valley have been lost, and 171,000 acres of farmland were lost in California from 2002 to 2004.

The conference report takes important steps to provide farmers with more access to conservation programs, and while I am disappointed that more funding was not included, the $4 billion in new spending will allow many more farmers and landowners in California to participate in important resource protection programs like the Wetlands Reserve Program, the Grasslands Reserve Program, and EQIP.

I am also grateful that the conferees pushed back against efforts to restrict full-time farmers from participating in conservation programs. The purpose of conservation programs is to encourage farmers and landowners to provide a public benefit by protecting their land from development, and in the future we must ensure that income eligibility caps are not applied to conservation programs, as these would be very detrimental to resource protection efforts in California.

The farm bill also authorizes a number of programs that will benefit California's rural communities, such as low-interest loans to rural electric cooperatives for renewable energy production and grants and loan guarantees to develop broadband access in rural areas.

I am also pleased that the bill contains significant investments for farm-based energy, including the development of cellulosic ethanol. I am concerned about the impact of corn ethanol on food and feed prices, especially in light of the fact that alternative, renewable fuels can be created from a number of other agricultural sources, many of which are produced in California. This farm bill takes great steps to encourage the development of cellulosic fuels that can be produced in California by providing loan guarantees to encourage farmers to grow biomass crops and incentives to drive the advancement of commercial scale biorefineries for advanced biofuels.

The conference report also includes important reforms to commodity programs, including the elimination of the three-entity rule, a direct attribution requirement, and income means tests to prevent very wealthy farmers from receiving certain commodity payments. I would have liked to see some additional reforms, but the conference report represents a positive first step in the effort to improve and update our commodity programs.

I would also like to thank Chairman HARKIN and the conferees for including a number of provisions I authored into the farm bill.

Air quality improvements in agricultural areas: In rural areas around the country, smog and soot are threatening public health, fouling communities, and reducing crop productivity from pollution generated on farms. I joined forces with Congressman CARDOZA to include language authorizing a new program in the existing Environmental Quality Incentives Program, EQIP, that will allocate $150 million in funds over the next 5 years toward air quality mitigation efforts in agricultural communities with poor air quality. USDA has invested money in California since 1998 that has produced measurable and permanent pollution reductions in a region that has some of the worst air quality in the Nation. With this new program in place, these efforts can be expanded in California and replicated throughout the Nation.

Pollinator Protection Act: This provision authorizes up to $100 million over 5 years for high priority research dedicated to maintaining and protecting our honey bee and native pollinator populations. There has been a loss of about 25 percent of the Nation's honey bee population, and it is estimated that crops nationwide that depend on a healthy honey bee and native pollinator population are valued near $18 billion.

Protecting sugar beet farmers and hundreds of jobs in Fresno County: I helped negotiate a change in the national sugar allocation program that will provide a sugar beet grower cooperative in the Central Valley with the necessary allocation to continue growing sugar beets and keep the Mendota sugar refinery open. The grower cooperative is working to purchase the sugar refinery from an out-of-state owner, and if successful, they will keep the refinery operating and save 400 full-time and seasonal jobs in Fresno County, where the March unemployment rate was 11.1 percent.

Pest Detection and Surveillance Act: This provision authorizes $407 million to give USDA the authority to enter into cooperative funding agreements with States to enhance their pest and disease detection and surveillance programs and increase inspections at domestic points of entry, implement pest trapping systems, and create pest eradication and prevention programs, among many other pest detection and surveillance initiatives. This program will help protect California's agricultural economy from harmful pests and diseases and keep our farmers competitive.

Preservation of 40-year-old meat inspection laws: The House-passed bill included language that would allow meat and poultry plants to forgo Federal inspections in favor of more lax and uneven State-run inspections—potentially putting the health of millions of Americans at risk. I worked with Senator HARKIN, consumer groups, and labor unions to protect the integrity of the Federal meat inspection process. In the wake of the largest recall of beef in our Nation's history, Congress should be working to strengthen food safety standards, not rolling back the Federal Government's crucial role in protecting our people.

Agricultural watershed enhancement: The Sacramento River watershed and other national regional watersheds have been identified by conservation groups as watersheds most in need of water quality and water quantity enhancement. I worked to ensure that the Sacramento River watershed is treated as a priority-funding area.

Protection against use of harmful pesticides: I led an effort to prevent the inclusion of language that would have jeopardized the ability of conservation managers to encourage the use of the safest, least toxic, and most environmentally friendly pesticides in carrying out activities under key farm bill programs. The House-passed bill included this harmful provision at the urging of pesticide manufacturers, and it would have tied the hands of local managers to encourage viable alternatives to pesticides that can be harmful to our air, water, wildlife, pollinators, and human health.

Edible schoolyards: The bill strengthens the Access to Local Foods and School Gardens Program by supporting the development of school curriculum that teaches the principles of ecology, origins of food, and promotes healthy food choices. This language supports the replication of the successful Edible Schoolyard Program in Berkeley, CA. The bill also includes $50 million over 5 years in mandatory funding for the Community Foods Program, which funds programs like edible schoolyards.

I also worked with Chairman HARKIN and the conferees to include an avocado marketing order agreement, a national study on biofuels infrastructure, language prioritizing edible schoolyards programs in schools under the Community Foods Program, and a $15 million asparagus market loss program to help growers in California.

This bill had significant and widespread support from stakeholders in California and throughout the Nation. I want to recognize and thank the groups from my State that expressed their support for the bill. These groups include Western Growers Association, California Farmers Union, California Farm Bureau Federation, California Grape and Tree Fruit League, California Cattlemen's Association, California Rice Commission, California Citrus Mutual, California Association of County Agriculture Commissioners, California Association of Winegrape Growers, The Wine Institute, California Rangeland Conservation Coalition of California, California Apple Commission, Nisei Farmers League, California Kiwi Commission, Merced-Mariposa Cattlemen's Association, Northeast California Farm Credit, Blue Diamond Growers, Buy California Marketing Agreement, California Dried Plum Board, California Fig Institute, California Fresh Fig Growers Association, California Strawberry Commission, California Table Grape Association, California Walnut Commission, California-Arizona Watermelon Association, Grower-Shipper Association of Central California, Sunkist Growers, California Association and Nursery and Garden Centers, California Association of Wheat Growers, California Association of Food Banks, Alameda County

Community Food Bank, California Food Policy Advocates, California Hunger Action Coalition, California School Employees Association, Catholic Charities, Diocese of Stockton, Coalition of California Welfare Rights Organizations, Congregation Emanu-El, Desert Cities Hunger Action, Emergency Food Bank Stockton/San Joaquin, Food Bank Coalition of San Luis Obispo Co., Food Bank of Monterey County, Food Bank of Contra Costa and Solano, Food Bank of San Luis Obispo County, FOOD Share, Inc., Fresno Metro Ministry, Fresno Community Good Bank, Grace Resource Center, HRC Food Bank, Calaveras County, Imperial Valley Food Bank, Insight Center for Community Economic Development, Interfaith Council of Amador, Oceano Community Center, Peggy Cole Ministries Int'l, Redwood Empire Food Bank, San Luis Obispo County YMCA, San Luis Obispo Food Bank Coalition, San Luis Obispo Supported Living, Inc., Transitional Food and Shelter, Inc., Transitions Mental Health Association, Village Community Resource Center, Los Angeles Regional Food Bank, Stockton Food Bank, Oakland Insight Center for Community Economic Development, Greater Stockton Emergency Food Bank, Second Harvest of Santa Clara County, Second Harvest of Santa Cruz County, Second Harvest of San Benito County, Second Harvest of San Mateo County, Food Bank for Humboldt County, Community Action Partnership of Orange County, San Francisco Food Bank, San Diego Hunger Coalition, Alameda County Community Food Bank, and Eureka Food for People.

This farm bill is important for California's farmers, families, its environmental resources, our consumers, and for the State's economy, and I am pleased support it.

Mr. LAUTENBERG. Mr. President, I rise today to speak on the farm bill conference report, which would provide unprecedented amounts of funding for nutrition programs and food stamps. These programs are vital, especially in this time of high food prices and our struggling economy. The farm bill invests nearly $396 billion over 10 years into the Food Stamp Program, which is nearly $10 billion more than current law. In addition, for the first time this farm bill recognizes that the minimum benefits provided through food stamps should be indexed for inflation, so they increase as the cost of living increases. We have a responsibility to help those who are most in need, and this farm bill recognizes that.

This farm bill also makes substantial investments in Conservation Program. With the high price of land in New Jersey and the competitive markets facing New Jersey's farmers, there is a great incentive to over-farm and not enough money to implement the best environmental practices. Providing $2.4 billion for programs like the Environmental Quality Incentive Program, EQIP, will help farmers bring their products directly to market while preserving their land for the future and without taking a toll on the environment. This is a dramatic improvement from the Senate-passed bill, which did not include any funding for this program. New Jersey's farmers frequently utilize EQIP to improve the environmental condition of their farms, and the increase of funding in this conference report is critical.

This farm bill also recognizes for the first time the importance of fruits and vegetables to our health and to our agricultural economy. New Jersey is the second largest producer of blueberries and the third largest grower of cranberries. These crops are not only nutritious, but they are vital to New Jersey's economy. This farm bill makes major investments for fruit and vegetable growers, as well as purchasers. It provides nearly $500 million to the Specialty Crop Block Grant Program, which provides assistance to these farmers—an increase of approximately $200 million over the Senate-passed farm bill. It would also provide over $1 billion for the Fruit and Vegetable Snack Program, which provides healthy, nutritious fruits and vegetables to our schools, so that our children can avoid the health risks of a poor diet.

Finally, this farm bill takes incremental steps towards providing the kind of real reform that our Nation's agricultural policy needs. It imposes payment limitations to restrict farmers above certain income levels from being eligible for commodity payments, and it reduces spending for direct payments by over $300 million. These reforms are a significant improvement from the Senate-passed bill, and I thank the bill's managers for responding to the increasing chorus of calls for farm bill reform.

I still believe that we need more substantial reform of our agricultural policy and that the FRESH Act that I offered on the Senate floor with Senator DICK LUGAR would provide that much needed reform. I will continue to work with Senator LUGAR and all of my colleagues in the Senate to replace the current system of subsidies for just a handful of crops and implement a system that benefits all crops. And I will continue to advocate and fight for a policy that provides more incentives for the production of healthy foods such as fruits and vegetables. While the farm bill that has emerged from conference is by no means perfect, it is better than the farm bill the Senate originally passed, and I intend to support it.

Mr. KOHL. Mr. President, I intend to support this conference report and encourage my colleagues to do likewise.

Achieving consensus on farm bills is a notoriously difficult task. For all their hard work on this measure, I want to express my appreciation to Chairman HARKIN, Ranking Member CHAMBLISS, and the talented staff who put in long hours to get us to this point.

The end result of these hard-fought negotiations is a better safety net for dairy producers in Wisconsin and across the Nation. This bill restores and strengthens the original MILC Program, which was a hard-won effort designed to end regional dairy battles and provide a safety net for small and midsized producers. Since its implementation 6 years ago, MILC has proven to be a critical backstop for thousands of family farmers when milk prices plummet. The "feed cost adjuster" included in this bill acknowledges that rising feed costs have become a real challenge for dairy farmers. My colleague and friend Senator LEAHY and his staff played a pivotal roll in guiding these provisions and I commend their work.

This measure also moves forward in allowing interstate commerce in State-inspected meat products. This has been a significant priority for me. Wisconsin has more State-inspected plants run by Main Street entrepreneurs than any other State in the Nation. They make great products. At a time of further proposed market concentration among major slaughterhouses, we ought to find a way for these smaller entrepreneurs to safely expand their markets and compete across State borders. Doing so will be good for livestock producers, consumers, and Main Street businesses.

The nutrition title of this bill is also noteworthy. It incorporates urgently needed updates to the Food Stamp Program, to be known hereafter as the Supplemental Nutrition Assistance Program. Over the years, low-income households have suffered erosion of benefits due to inflation. The current minimum food stamp benefit has not been raised in over 30 years. This bill raises the minimum benefit and indexes it to inflation. It removes disincentives for retirement and education savings and takes childcare costs into consideration when calculating eligibility. It strengthens support for food banks and will help get more fresh fruits and vegetables into our schools.

The conference report includes a compromise on easement valuations under the Wetlands Reserve Program, WRP. Administrative changes to the WRP have diminished its usefulness in Wisconsin and other parts of the Nation, and these changes are intended to correct that problem. This is an area, like several others, where I intend to closely monitor the USDA's implementation of the law

I am very pleased that the 2007 farm bill conference report includes the authorization of funds for the Housing

Assistance Council. HAC is a nonprofit organization that is dedicated to the development of affordable rural housing. The Housing Assistance Council offers loans and technical support to local nonprofit entities across the country to develop safe and affordable housing in rural communities. With nearly one-fifth of the Nation's population living in rural communities and 7.5 million of that population living in poverty, decent affordable housing is in short supply. HAC provides the necessary tools to create and develop housing opportunities in areas of our country that are often overlooked.

This bill, like any bill, has shortcomings in some people's eyes. Many of us wish more could be done to reform payment limits and target benefits. But at the end of the day this bill is superior to extension of current law and makes some meaningful improvements in critical areas.

As chairman of the Senate Agriculture Appropriations Subcommittee, I have the honor and responsibility of working on a farm bill each year in the form of an annual appropriations bill for the USDA. There are a number of provisions and programs in this measure which are directly tied to discretionary, appropriated funding. Of course, the subcommittee's ability to act on those objectives in the appropriations process is directly tied to the resources made available to the subcommittee. I look forward to working with my colleagues and the executive branch as we try to balance all of these critical health, safety, conservation, nutrition, research, and rural development objectives.

Mr. MCCONNELL. Mr. President, as this Senate takes up the farm bill conference report, I want to share with my colleagues several important ways that this bill will benefit the farmers and the people of Kentucky.

Agriculture generates $4 billion in cash receipts in Kentucky every year. We rank fourth in the Nation in the number of farms per State, and 54 percent of Kentucky's acreage is farmland. We are the largest beef-cattle producing State east of the Mississippi, and we produce a diverse array of crops. So the contents of this report are very important to Kentucky.

I received a letter this week from the Kentucky Farm Bureau reiterating this bill's importance to Kentucky and America. They wrote, "While the bill is not perfect, it is a carefully crafted bill . . . that continues to provide a solid foundation for American agriculture to continue production of food and fiber not only for Americans, but the world."

Because agricultural production varies greatly across my State, Kentucky benefits from a wide array of conservation efforts, including the Conservation Reserve Program, the Environmental Quality Incentives Program, the Wildlife Habitat Incentives Program, the Farm and Ranch Lands Protection Program, and others.

As a supporter of conservation efforts with a long record of working to protect Kentucky's natural resources, it is important to me that this conference report continues to support these initiatives.

Approximately 50 percent of Kentucky's land is forested, so it was important that this legislation open many USDA conservation programs to forest landowners. That will yield improved air quality, cleaner drinking water, and less soil erosion, among other environmental benefits to our State.

Kentucky also has an interest in the production of renewable fuels; this conference report includes important incentives to spur the growth of this industry as well.

On another note, I am glad the conference committee has seen fit to include my provision addressing the need for better nutrition for our schoolchildren. I cast the deciding vote to save the School Lunch Program in 1995, and educating our kids about the food they eat remains a priority.

This provision calls on USDA to survey what schools are serving to our children. This information will help USDA provide guidance to schools to serve healthier meals and it is sorely needed, as USDA's most recent data on this question is over a decade old.

In the last 30 years, the childhood obesity rate has more than tripled. Today, over 4.5 million American children are facing a lifetime of all the increased health risks that obesity causes. This nutrition provision can be the first step towards reversing that unfortunate trend.

Let me also note that this conference report retains a number of provisions I authored to support Kentucky's largest agricultural product, the horse industry. While the world's eyes focus on Kentucky one day each year for the running of the Kentucky Derby, I point out to my colleagues that the horse industry employs 50,000 Kentuckians and contributes $3.5 billion to our economy year-round. I want to ensure this important part of our farm economy is treated fairly.

On one final topic, I would be remiss if I didn't mention my disappointment that this bill will unfairly punish Kentucky's small farmers by making all farmers with less than 10 base acres ineligible for farm payments. That disproportionately hurts Kentucky because we have such a high proportion of small farms. I am concerned this punitive portion of the bill will have broader consequences than the authors realize and will punish some of those farmers who might be most in need of assistance.

However, the good appears to outweigh the troubling aspects of this conference report, and a lot of Kentuckians will benefit from the many important programs that are promoted and preserved in this bill. I will support it and by doing so, support the hardworking farmers in Kentucky who are feeding our Nation and the world while providing a living for so many citizens in America.

Mr. WARNER. Mr. President, I rise today in support of the conference report to H.R. 2419, the Food and Energy Security Act of 2007.

I am pleased to vote in favor of passage of the conference report, as this legislation includes a number of programs of paramount importance to the Commonwealth of Virginia, including the creation of the Chesapeake Bay Watershed Program to replenish the bay.

Virginia, Maryland, and others in the Chesapeake Bay Watershed have worked diligently to implement programs to reduce nutrient run-off and other sources of pollution that enter the Bay, all in an effort to achieve a cleaner Chesapeake Bay. The Chesapeake Bay Watershed Program will provide the Federal assistance necessary to support regional and State efforts to reach this important goal.

In addition, this bill will enhance conservation across the United States. Its provisions, such as technical assistance and conservation easements, will help protect more land for preservation and environmental initiatives.

Also, I note that provisions of this conference report provide greater research support and assistance for growers of specialty crops and significant changes to the nutrition title to promote better health for schoolchildren and increase support for our Nation's food banks.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, I urge my colleagues in the Senate to join me in supporting final passage of the farm bill conference report.

I would like to thank the Senator from Iowa, Mr. HARKIN, for his leadership in crafting this 5 year, $289 billion bill, which, for the first time, directs more than two-thirds of the spending towards nutrition and food assistance. It provides a strong safety net for farmers, and gives them the certainty needed in a sector that provides an important human resource—food—amidst the unpredictable dynamics of weather and markets. The bill provides stronger financial support for conservation programs and needed improvements for livestock producers when dealing with the packing industry.

It is not a perfect bill, but it is a good bill. Of particular note is $10 billion in new spending for food assistance programs for low-income individuals, which is particularly timely in this period of high food prices. Potential recipients are no longer disqualified because of child care or if they have money saved in tax-deferred education or health care accounts. For the first time, food assistance is indexed for inflation, and for the first time in 30 years, the minimum monthly benefit is increased from $10 to $14. This is good news and will help reach more of the 35 million Americans who struggle each day to feed their children and families.

The bill provides $4 billion in new conservation spending, with greater focus on working lands. It provides a more fiscally responsive approach to disaster assistance funding by establishing a permanent program.

The bill also recognizes our national priority to begin shifting to greater production of cellulosic ethanol as part of our biofuels mix. The bill includes an important tax incentive for cellulosic ethanol production—first proposed by my colleague from Indiana, DICK LUGAR, and myself. There are also several incentives that will help to establish croplands dedicated to cellulosic feedstock production, and concurrent research and development towards these objectives.

I am particularly pleased that this legislation includes a program authored by my esteemed senior colleague from Illinois, Mr. DURBIN, which creates a new optional revenue-based program for farmers, called the average crop revenue election, a forward-thinking initiative that will help Midwestern corn growers.

No, this bill does not include the level of reform to farm programs that I think was warranted. I believe that the payment and income limitations could have gone much further. The bill does, however, provide long overdue improvements to existing law. It stops the remarkable practice of sending payments to deceased farmers. It ends the so-called three entity rule, which was the abuse of manipulating current law by collecting triple payments. It requires direct attribution of farm payments to a person, rather than a company or an entity. And it refocuses the original intent of farm payments to serve as a safety net to those who need it most by ending payments to individuals who make more than $750,000 in farm income or $500,000 in nonfarm income.

And this bill provides important relief to America's black farmers. For far too long, our country's hardworking African-American farmers were discriminated against by the Federal Government and county committees, which denied them credit and benefit programs because of their race. This injustice ran deep and had devastating effects.

Because so many of these farmers were denied credit and benefits, the number of African American farmers from 1920 until the early 1990s declined by almost 98 percent. During this time, too many African-American farmers saw their land foreclosed upon or were forced out of farming altogether.

In 1999, the Department of Agriculture settled a class action lawsuit with African-American farmers in the case of Pigford v. Glickman, which allowed many of these farmers to file claims against the USDA for failing to respond to racial discrimination. A Federal court approved this settlement as "a good first step towards assuring that this kind of discrimination that has been visited on African American farmers since Reconstruction will not continue into the next century." This Pigford settlement brought relief to more than 20,000 Black farmers.

Yet the USDA underestimated the number of potential claimants and gave inadequate notice to farmers about the Pigford settlement. Therefore, many farmers were unable to file their claims before the filing deadline. About 75,000 additional African-American farmers who filed their claims of discrimination after the filing deadline were denied any opportunity to have their claims heard and evaluated on the merits.

That is why I introduced legislation in the Senate to provide tens of thousands of eligible late Pigford claimants a right to go to court and have their cases heard. Thanks to bipartisan support by the Senate Agriculture Committee, this legislation is included in the conference report before us today.

Again, I thank Senator HARKIN for his efforts on this important legislation, and I call on my colleagues to support it.●

Mr. NELSON of Florida. Mr. President, I rise today in support of the conference report to accompany the Food, Conservation, and Energy Act of 2008. It is a good bill for Florida and I commend Chairman HARKIN, Senator CHAMBLISS, Chairman BAUCUS, Senator GRASSLEY, and the members of both committees for all of their tireless work to pass this bill.

First and foremost, this bill provides a substantial increase in food assistance to our Nation's low-income families. Nearly three-fourths of the total spending of the farm bill goes in fact to nutrition programs such as food stamps, now known as the Supplemental Nutrition Assistance Program. Not only do we increase purchasing power of these benefits but we also change how a family's need may be calculated; it will take into account childcare costs and education and retirement savings.

For the first time in history the farm bill also takes into account an agricultural sector that is of the utmost importance in Florida—specialty crops. Florida is the leading producer of citrus, tomatoes, cucumbers, snap beans, bell peppers, squash and watermelon, and is the second leading producer of strawberries, sweet corn, and greenhouse and nursery products. This legislation recognizes the importance of crops such as these as an integral part of our Nation's food supply, and provides nearly $3 billion in research, block grants to states, pest and disease control, farmers' market promotion, and the Fresh Fruit and Vegetable Program.

Of similar importance are the strides made in this bill for conservation and energy programs. Florida's natural resources stand to benefit tremendously from increased funding for conservation, which will allow the State to optimize participation in land preservation, environmentally friendly land management practices, and easement programs. Correspondingly, the bill notably encourages advancements in cellulosic energy, which will allow us to explore the production of ethanol from agricultural products that we don't otherwise eat—products in which Florida is rich.

There are many significant improvements for Florida in this conference report. It is not a perfect bill, but it increases funding and support for integral programs while also making reforms to a sometimes abused system. It is a good bill for Florida, and I encourage the President to support it.

Mr. DURBIN. Mr. President, I rise to speak in support of the 2008 farm bill. I thank the chairman, TOM HARKIN of Iowa, and Senator SAXBY CHAMBLISS of Georgia for their leadership on this bill.

This is, on balance, a good bill, but it could be better. In particular, I am concerned that we were not more aggressive in making sure that the commodity program payments are targeted and justified. At a time when millions of middle-class Americans are struggling to keep up with higher gas prices, grocery bills, and health care costs, the Federal Government should not be in the business of sending checks to millionaire land owners.

Currently, most full-time farmers are eligible for farm subsidies regardless of income. Many of my colleagues and I began this process hoping that Congress would change this situation in the farm bill. Unfortunately, the conference agreement rejected all farmer income tests for the countercyclical and marketing loan subsidy programs and includes only a weak net income cap for direct payments: $750,000 for single farmers and $1.5 million for married farmers after all business deductions.

The conference report also waives payment limits for the Marketing Loan Program. The current cap is $75,000. Millionaire land owners are now eligible for unlimited LDP payments without any income test.

In addition, the bill puts in place provisions that shield our domestic sugar program from all international competition. Sugar growers secured an increase in price supports and a guarantee of 85 percent of the domestic sugar market at these guaranteed prices. This isn't reform and it isn't justified.

I am disappointed with other aspects of the bill as well.

There is less than $100 million in the bill for rural development. Rural communities are aching for water and wastewater infrastructure, high speed telecommunications, and financing for business development. This bill underfunds that key priority. In conference, a program designed to improve broadband deployment by providing cost-share assistance to statewide nonprofits was removed. This was a missed opportunity to improve access to broadband in rural areas at a time when the United States is falling farther and farther behind in this key area.

The bill provides marginal funding for agricultural research. The bill provides less than $100 million for the McGovern-Dole School Feeding Program, which uses U.S. commodities to feed some of the world's poorest children in schools.

However, the bill makes significant investments in nutrition, conservation, and renewable energy programs. It creates a forward-thinking revenue-based safety net. The members of the Senate Agriculture Committee can be proud of these components of the package.

The most significant impact of this package may be in the nutrition title.

In Illinois, over 158,000 households experienced hunger in 2005. If we include households that have had to struggle to put food on the table or have had to skip meals to make sure the food would last through the week, it adds up to 500,000 households in Illinois living with food insecurity. These are working families who just are not able to make ends meet.

This farm bill provides $10 billion more over 10 years for domestic nutrition programs that help lower income families put food on the table, including $7.8 billion for the Food Stamp Program, $1.25 billion for the Emergency Food Assistance Program, TEFAP, and $1 billion for the fresh fruits and vegetables snack program.

In Illinois, over the next 10 years, this bill will provide $373 million in additional funding to help families that haven't been able to outrun hunger.

In the Food Stamp Program, the bill will raise the standard deduction and the minimum benefit and index them for inflation. Nationwide, that helps 11 million low income people, including families with children, seniors, and people with disabilities. The adjustment to the standard deduction will increase benefits for 415,000 Illinois residents, and the minimum benefit increase will boost benefits for 27,000 Illinois recipients.

This farm bill also eliminates the cap on the dependent care deduction and no longer counts retirement accounts and education accounts toward the asset limit.

The conference report helps food banks and soup kitchens meet the growing demand for assistance by increasing funding for commodity purchases for TEFAP—The Emergency Food Assistance Program—by $110 million each year. The bill increases the availability of fruits and vegetables in low-income schools.

And, I am glad to report that this package includes a modified version of the Hunger Free Communities Act, a grant program I have long supported that will help fight hunger in communities. This antihunger grant program is the first program that will encourage communities to work together to identify and address hunger locally.

What we see here is strong bipartisan support to end hunger. Even with a war abroad and budget deficits at home, this Senate made the decision that progress against hunger is possible.

This farm bill makes another important investment, to protect open lands and restore habitat for future generations to enjoy. The USDA administers the largest conservation easement programs and this bill continues and expands those programs.

In Illinois, there are a total of 78,000 contracts statewide and more than 1 million acres in the CRP program, including more than 55,000 acres of wetlands. The Wetlands Reserve Program is aiding in what will become the second largest restoration of wetlands in the United States, in Emiquon in Fulton County, IL.

These open spaces provide important wildlife habitat and recreation benefits and prevent erosion of sensitive ground. The conservation title makes significant investments in the Wetlands Reserve Program, the Environmental Quality Incentives Program, the Conservation Security Program, and the Farmland Protection Program.

Unfortunately, a key provision that I originally authored in the 2002 farm bill to prevent over-planting on sensitive land, called Sodsaver, was significantly weakened in conference. These weak protections, combined what can only be called the most generous Commodity Title in history relative to market conditions, provides perverse incentives to overproduce, which will result in the breaking up of sensitive ground.

The investments made in conservation are tempered by the fact that we are missing an opportunity to protect wildlife and native habitats in some of the few areas that have never been farmed in this country.

Another important feature of the bill is that we were able to secure a modified version of a revenue-based safety net that Senator BROWN and I originally proposed last summer. The version in the conference report allows farmers to elect to enter into this program starting in 2009 and provides a revenue guarantee to producers in the program depending on market conditions and previous earnings.

It is a good step forward for Illinois producers and for the future structure of our commodity programs. At this time of high prices, the program provides producers a risk-management tool they can really use.

The energy title funds renewable energy technology, particularly focused on next-generation biofuels. These should diversify our energy portfolio and help us lower U.S. dependence on petroleum. America's heartland is poised to become this nation's power plant if we make the right investments in wind, solar, and bioenergy.

The bill provides $230 million for grants and loan guarantees to build and develop next-generation biofuels plants. It provides $250 million in loans and grants for smaller-scale renewable energy projects in rural parts of the country and about $200 million in cellulosic feedstock and harvesting research.

I do think we missed an opportunity to make further reforms, to invest in rural America, and to help address the international food crisis with a strong commitment to McGovern-Dole. But we also made important commitments to nutrition and conservation, and I thank Chairman HARKIN and the committee for their work.

Mr. FEINGOLD. Mr. President, I am pleased to have the opportunity today to support the farm bill conference report. This bill, while far from perfect, is an important step in the right direction in a number of areas. This incremental improvement in farm programs and significant improvement in nutrition is preferable to the President's proposal to extend the status quo for several more years. I would like to commend Chairmen HARKIN and PETERSON, Ranking Members CHAMBLISS and GOODLATTE, and the rest of the conferees and their staffs on their hard work over the past few months on this bill.

While I share the concerns I have heard from some Wisconsinites, as well as some of my colleagues, about the lack of reform to the commodity programs, I believe the good in this bill outweighs the bad. This bill makes significant improvements to programs that help farmers in Wisconsin every day, such as the Milk Income Loss Contract, MILC, Organic Certification Cost Share, and the Beginning Farmer and Rancher Programs. It is important to point out that for the first time the farm bill contains a separate title dedicated to nonprogram or specialty crops to assist a broader group of farmers with their pressing research and disease concerns, among other provisions.

The nutrition title of this bill makes significant steps forward in the fight against hunger in America. My colleagues and the American people are well aware of the erosion in food stamp benefits over the past decade. In this time of increasing food and fuel costs, which are crippling many low- and middle-income Americans, it is a moral imperative to act to increase these benefits. In addition, the $50 million in immediate funding for the Temporary Emergency Food Assistance Program will make a real difference for food banks in Wisconsin. I commend the conferees for recognizing the critical need for improvement in these programs and addressing it, despite the tight budget constraints we face.

I am extremely pleased that the bill makes improvements to the Milk Income Loss Contract, MILC, Program. Along with several of my colleagues, including Senator KOHL, I have called for the MILC Program's reimbursement rate to be raised to its original 45 percent. I also strongly support the feed cost adjustor that was including in conference to help ensure the MILC safety net can keep up with the rapidly rising costs of production. The MILC Program is an important safety net for Wisconsin's dairy farmers and one that operates in a responsible way—only kicking in and providing payments to farmers when times are tough. Further, the MILC Program caps the amount of payments one farmer can receive, ensuring that it helps small and medium farmers survive tough times without subsidizing expansion of larger farms. The improvements to this program are vital to farmers in Wisconsin.

I am also pleased that long-overdue oversight of energy markets is included in the final farm bill. It is past time to prevent market manipulation by energy traders. Energy market speculation is part of the reason we are facing high gas prices and the farm bill takes an important step to close the "Enron loophole" that has allowed oil and gas traders to make electronic energy trades without Federal oversight. We cannot allow energy traders to secretively bid up the price of oil and saddle Americans with the price at the gas pump. I am a cosponsor of Senator FEINSTEIN's Oil and Gas Traders Oversight Act that has been incorporated into the farm bill. In a February 2008 letter, a bipartisan group of my colleagues and I urged the conference to retain the Senate-passed provision in the final farm bill. Our letter stated: "With energy prices at or near record high levels, farmers and foresters are struggling to fill their tractors, heat their homes, fertilize their crops, and transport their goods to market. It is critical that the Congress take advantage of this opportunity on the Farm bill to increase transparency and reduce the threats of manipulation and excessive speculation that have plagued our energy commodity markets over the past several years." I am pleased we succeeded.

The conference report included a number of provisions I included in legislation that I introduced last year, the Rural Opportunities Act, to help sustain and strengthen rural economies for the future, and create more opportunities in rural communities. I am pleased that the conference committee included a number of provisions similar to my legislation to support local bioeconomies and food markets, encourage local renewable fuels and biobased products, expand broadband Internet service in rural areas, and help develop the next generation of farmers, ranchers and land managers.

In addition, the bill includes significant improvements to programs supporting organic agriculture. Wisconsin has a number of organic farmers and consumers who will benefit from the extra funding for the Organic Certification Cost Share and Organic Transition Assistance Programs, among others. This farm bill is the first to recognize the specific challenges faced by organic farmers, particularly as more and more consumers seek out their products.

On a related note, I am pleased that the bill contains a provision similar to one I first proposed in 2006 allowing schools and other entities participating in Federal food programs to use local preference when purchasing products, which they are not currently allowed to do. This will allow schools to select in-season food grown locally, and will complement a number of programs, like the Fresh Fruit and Vegetable Snack Program, by providing a link between farmers and consumers, particularly children. This is better for farmers and consumers, Mr. President, and a commonsense reform that is long overdue.

For some time I have worked to keep dairy imports from free-loading off of the dairy promotion money paid for by our hard-working dairy farmers. I am glad that the conference report makes every U.S. State and territory eligible and allows this assessment to be charged on imports as was intended in the 2002 farm bill. I am somewhat disappointed that the payment rate for imports is less than that paid by domestic producers, but half a loaf is better than none. I will continue to seek to level the playing field.

In addition to the Agriculture Committee's portion of the bill, the Finance Committee also made a significant contribution to this legislation. I was glad that a provision similar to my Farmer Tax Fairness Act was included in the Finance portion of the conference report. This legislation will update the optional ability for farmers and other self-employed individuals to remain eligible for social security and disability benefits that had been eroded by inflation. It also indexes the program to inflation, so we are not in the same situation again sometime in the future.

I was also pleased that several of my amendments that were included in the Senate bill were included in some form in the conference report. First, in a continuation of an effort I began with Senator Jeffords in 1998, I am pleased that the Senate accepted my amendment to improve the authority of what we had called the Small Farm Advocate in a previous amendment. I continued this effort with Senator SANDERS, and while the conference report made this office a division within the new Office of Advocacy and Outreach, I expect that this will continue to help America's small and beginning farmers.

Ensuring transparency and fair competition in the dairy industry has been a priority throughout my Senate career. Over the past year and a half, a couple developments showed a need for further action in this area. First, a GAO report on cash cheese trading that I requested with several of my colleagues confirmed that the market remains prone to manipulation even though there have been some improvements. Secondly, a sustained nonfat dry milk price reporting error that lasted over a year was found to have cost dairy farmers millions in reduced prices. I was glad to have an amendment accepted in the Senate that would require regular auditing of the dairy price reporting and require the USDA to better coordinate oversight of the dairy industry both within the department and with other federal agencies. The conference report retained the auditing requirement and shifted the improved oversight to a directive in the Joint Managers Statement. I hope that this added diligence and transparency can help give dairy farmers added confidence in the system.

As we look to expand our Nation's renewable energy and lessen our dependence on oil, we need to provide opportunities for farmers and rural communities. Several key elements of my Rural Opportunities Act supporting local bioenergy were included in the farm bill. One amendment I got accepted encourages the USDA's continued support for and the expansion of regional bioeconomy consortiums, which can consist of land grant universities and State agriculture agencies dedicated to researching and promoting sustainable and locally supported bioenergy. The final bill maintains report language supporting these consortia. I was also pleased to work with Senator COLEMAN on another "rural opportunity" provision, which is based on our legislation, S. 1813, to provide local residents an opportunity to invest in biorefineries located in their communities. The farm bill provision gives priority to grants and loan guarantees for biorefineries with significant local ownership. This bill also makes significant strides in providing increased support for cellulosic ethanol and other innovative solutions to the energy problems we face as a nation.

While Wisconsin is perhaps more widely known as a leader in milk and cheese production, we also lead the Nation in the production of cranberries and ginseng. I was glad to see a priority competitive research area for cranberries continue through the Senate bill and conference report. Similarly, I was glad that my legislation with Senator KOHL and Representative OBEY to require country of harvest labeling for ginseng was accepted as an amendment in the Senate and continued as country of origin labeling in the conference report. This is an important step to help combat mislabeling of foreign ginseng as U.S. or Wisconsin grown, which receives a premium price for its higher quality.

Overall, I was pleased that this bill provides a significant increase in conservation programs. I am particularly glad to see an emphasis on working lands programs like the popular Environmental Quality Incentive Program and an updated Conservation Stewardship Program, which benefit farmers and the environment. The farm bill also included provisions based on Senator WYDEN's Combat Illegal Logging Act of 2007, S. 1930, which I cosponsored, to address rampant, unsustainable illegal logging practices in developing nations. The bill also reauthorizes and the Great Lakes Basin Soil Erosion and Sediment Control Program and allows the Secretary of Agriculture to use this program to carry out projects to implement the Great Lakes Regional Collaboration Strategy. While I was disappointed that the funding levels of certain programs like the Wetlands Reserve Program were not what they should be and that the "sodsaver" provision was not a national protection, this bill is largely a step forward for conservation.

Continuing in the category of mixed results, I was extremely pleased to see the addition of a new livestock title in the bill to promote competition and fair practices in agriculture but was disappointed that many of the Senate's commonsense provisions were removed or watered down in conference. I am pleased that producers will be able to have a choice to accept or decline arbitration when they sign agricultural contracts under the conference report, even though I was disappointed that a stronger Senate provision that mirrors legislation I have with Senator GRASSLEY was not retained. On balance, this is a step in the right direction and I hope the USDA works to ensure that this remains a real choice for producers and there is no intimidation.

In addition to the handful of improved competition protections that will benefit livestock producers, the underlying bill contains two other provisions that are also especially beneficial. I was glad to support Senator KOHL's longstanding efforts to find a way for meat from small and often specialty State-inspected meat processors to be sold across State lines so that consumers nationwide can enjoy these high quality Wisconsin products. The conference report contains a compromise that appears to strike a fair balance on this issue and this is a significant benefit to Wisconsin's local livestock producers and processors. I was also glad that the conference report will finally allow a country-of-origin labeling requirement for meat and produce to be enforced.

While I have discussed at length the positive aspects of the legislation, let me be clear that the reforms in the commodity title should go further. I authored an amendment with Senator MENENDEZ to make modest trims to direct payments and was disappointed the Senate did not vote on it. In addition, I supported the Dorgan-Grassley amendment to lower payment limits, the Klobuchar amendment to lower the AGI cap, and the Brown amendment to trim subsidies for crop insurers. I was disappointed that these efforts to make the commodity support programs more balanced and better targeted toward family farms and not concentrate payments in larger corporate-scale operations were unsuccessful. With these defeats, both the Senate-passed bill and the conference report missed an important opportunity for meaningful targeted reform of the farm support programs.

There were some small steps in the right direction to be sure. Direct payments were trimmed by a few percent, excessive insurance company subsidies were trimmed and the cap on wealthy nonfarmers was lowered. But there was an opportunity to do much more and I will continue that fight.

One other provision I am concerned about is the cut to the McGovern-Dole International Food for Education and Child Nutrition Program. In light of food shortages across the globe, reducing the level of aid we provide to poor countries is simply wrong. I hope that, through the appropriations process, Congress will be able to continue providing funding for this important program.

Mr. LIEBERMAN. I rise today in support of the Food and Energy Security Act. The provisions of the conference report represent a tremendous step forward in ensuring the health of American consumers, for example by providing low-income citizens with better access to healthy food choices by increasing the amount of funding for nutrition programs, increasing food stamp payments, bringing more fruits and vegetables into schools, and providing assistance to low-income seniors so that they can shop at farmers markets. This bill also recognizes the important place that specialty crops have on the dinner table.

In addition to the benefits that Americans will see at their tables, this bill also provides unique opportunities to better the environment and look out for those who cannot speak for themselves. The bill continues to support land conservation and expands protection for wetlands, grazing land, wildlife habitats, and forests. The bill increases our investment in biofuels research and production so that we can move away from foreign oil, and instead use American-made cellulosic and sugar-based ethanol and biodiesel. It also strengthens protections for animals by quadrupling penalties for Animal Welfare Act violations and prohibiting dog fighting.

For these and other reasons I will support this farm bill legislation. However, I am troubled by the bill managers' use of the narrow provisions in the bill addressing agriculture security to expound in the Joint Explanatory Statement about the proper roles of the Departments of Homeland Security and Agriculture, and the performance of DHS, in this area. Allow me to address a few of my concerns.

The managers assert, for example, that DHS has "claimed Federal jurisdiction as the lead agency" for activities "traditionally managed by USDA." This statement is unnecessarily dismissive and ignores numerous laws that establish the current Federal framework for addressing threats to agriculture and food security, a framework in which the Secretary of Homeland Security is the principal Federal official to lead and coordinate efforts among Federal departments and agencies, State and local governments, and the private sector to protect critical infrastructure and key resources in all sectors. Among the laws that make up the framework are the Homeland Security Act of 2002, the Intelligence Reform and Terrorism Prevention Act of 2004, Intel Reform Act, the Post-Katrina Emergency Management Reform Act of 2006, Post-Katrina Act, the Pandemic and All-Hazards Preparedness Act, PAHPA, and the Implementing Recommendations of the 9/11 Commission Act of 2007, 9/11 Commission Act. Various Homeland Security Presidential directives further undergird the current structure—including HSPD–5, Management of Domestic Incidents, HSPD–7, Critical Infrastructure Identification, Prioritization and Protection, HSPD–8, National Preparedness, HSPD–9, Defense of U.S. Agriculture and Food, and HSPD–10, Biodefense for the 21st Century.

Under these laws and directives, a number of agencies have responsibilities specifically relevant to agriculture and food security. These include the U.S. Department of Agriculture, USDA, which is responsible for infrastructure protection for the agriculture sector and matters pertaining to meat, poultry, and egg products; the Department of Health and Human Services, HHS, is responsible for the remainder of the food sector, as well as for public health and healthcare; and the Environmental Protection Agency is responsible for drinking water and water treatment systems. HSPD-9 details the roles and responsibilities of these and other Federal agencies regarding specific aspects of agriculture and food security, including awareness and warning, vulnerability assessments, mitigation strategies, and research and development. Since enactment and issuance of the aforementioned bills and directives, numerous activities to advance agriculture and food security have been undertaken throughout the Federal Government in reliance on, and within, this framework.

That said, I agree with the bill managers that USDA is the agency best equipped to handle routine agricultural disease emergencies. USDA continues to serve that function, and DHS relies on USDA to do so.

The managers also assert that agricultural inspections have degraded since the inspectors were incorporated into DHS—as required by the Homeland Security Act of 2002. This statement ignores the factual record:

> While there were initial problems, not entirely unexpectedly, integrating various components into one Department, the situation has improved dramatically, and the agriculture inspection mission has a clear roadmap for how to improve further. The number of agriculture inspectors has increased, as has the number of canine teams, beyond those at the time of the transition. The same high educational standards for agriculture specialists apply, but now they get more field training. The Customs and Border Protection, CPB, primary inspectors, which in their legacy roles have always been responsible for referring agriculture products to secondary screening, now get substantially more training to recognize products and pests that need further examination.
>
> The Joint USDA-DHS task force has outlined 10 concrete action plans for further improvement and is making considerable progress in implementing them. Last month, the joint agency task force met with agriculture stakeholders to further refine their recommendations and to draft new recommendations.
>
> USDA remains integrally involved in the inspection process, with continuing responsibilities for the training of CBP agricultural specialists and CBP officers, training of canine teams, setting rules and regulations for the agriculture inspection process, and for identifying the pests that CBP agricultural specialists intercept.

I do appreciate the managers' recognition that the agricultural specialists within CBP who are responsible for inspecting agricultural products at the border need to remain within DHS. The Homeland Security Act of 2002 brought together in the CBP directorate of DHS customs inspectors from the Treasury Department, immigration inspectors from the Justice Department, and agricultural inspectors from the Agriculture Department. The purpose was to create a single, integrated force at our borders to keep out people and goods that pose a threat. For the first time, all those who protect our borders report up a single chain of command. To do otherwise than to keep the agricultural inspectors within CBP would splinter the integrated border security force we have been building for 5 years, and weaken both our homeland and agricultural security.

The managers further suggest that DHS may not be placing sufficient priority on agricultural security and agricultural inspections and they appear to be concerned that DHS may not be paying sufficient attention to the concerns of the agricultural community. In fact, the agriculture mission has repeatedly received the highest level of attention. DHS Secretary Chertoff addressed the agriculture inspection stakeholders' meeting just last month. A directive reiterating the importance of the agricultural mission has been disseminated to every CBP office. A new position—the Deputy Executive Director, Agriculture Operational Oversight at Customs and Border Protection—has just been created to provide oversight of all agriculture inspectors no matter where they serve to ensure that mission needs are being met.

Finally, the managers suggest that USDA should oversee DHS's agricultural inspection program and issue comprehensive reports on it to Congress. I cannot recall an example of one executive branch department overseeing and reporting to Congress on another executive branch department. The proposal is unprecedented, unnecessary, and fundamentally misapprehends the roles of the respective independent departments, and threatens what has become a productive partnership between the agencies of the two departments.

Rather than pitting Departments against one another, we should be encouraging the cooperation between DHS and USDA that, in fact, is now occurring. USDA and DHS are working together to a greater extent than ever has historically been the case in the relationship between agriculture and border officials. While challenges remain, the current level of partnership should serve as a model for interagency cooperation.

With active participation by USDA and the Federal Drug Administration, FDA, DHS is assessing agro-terrorist threats, capitalizing on the substantial assets at its National Biodefense Analysis and Countermeasure Center and its connections with the intelligence community that have been applied to other biological and WMD threats to the Nation. USDA is also participating in the DHS-operated National Biosurveillance Integration Center, NBIC, authorized by the 9/11 Commission Act, to bring together information from multiple sources to detect and contain biological incidents as rapidly as possible.

The agricultural biosecurity communications center authorized by the bill, as the managers note, is expected to provide a central collection point for USDA generated information and to provide important information to DHS's National Operations Center, which acts as the central source for homeland security situational awareness for the Federal Government.

DHS and USDA also engage in research and development together to promote agricultural security. DHS's role includes its sponsorship of the National Center for Foreign Animal and Zoonotic Disease and its Plum Island Animal Disease Center at which both DHS and USDA researchers work collaboratively to address the catastrophic threat of foot and mouth disease.

The Office of Homeland Security at USDA, also authorized by the bill, should be helpful in coordinating the homeland security activities of the various offices and agencies within USDA, thereby providing a primary point of contact between USDA and DHS for agricultural security issues.

While I find the manager's statement troubling and unfounded, I have worked with the Agriculture Committee to ensure that the bill itself will not endanger homeland and agriculture security.

Mr. DODD. Mr. President, I rise today in support of the conference report on the Food, Conservation, and Energy Act of 2008, a tremendously important piece of legislation that will set our Nation's agricultural policy for the next 5 years. It is an immense piece of legislation; and obviously, in any bill of this size, any Senator will find provisions with which he or she will disagree. I am no different. Nevertheless, on the whole it is a strong bill and a good compromise that my colleagues and their staffs have spent months preparing, and I hope, for the sake of our farmers and the country as a whole, that it will be approved by both Houses of Congress and signed into law by the President.

The 2008 farm bill strengthens the safety net for farmers struggling with abrupt shifts in the agricultural market. In many ways, these farmers are the backbone of our economy, and we must ensure that they are adequately protected. Included in this safety net is an expanded Milk Income Loss Compensation, or MILC, Program, which is of critical importance to dairy farmers in my home State of Connecticut and across the country. The farm bill conference report would increase the MILC Program's payment rate for dairy producers when the price of milk falls below a statutorily set target price; it also allows for adjustments of that price when the price of feed increases. In addition, this bill creates important protections for specialty crop producers by providing nearly $466 million over the next 10 years to the Specialty Crop Block Grants Program. This new initiative is especially important for farmers in the State of Connecticut, as nearly 47 percent of our agricultural receipts come from nursery and greenhouse products.

I am particularly pleased that the conference committee adopted much stricter income limits on commodity payments by significantly lowering the adjusted gross income test. To qualify for benefits, individuals would have to prove that they earn less than $500,000 per year from nonfarming sources and only up to $750,000 per year in farm income. These new income tests will help ensure that the farm bill's safety net programs actually help the people that they were originally intended for: those small, family farmers who make up the backbone of American agriculture and who operate all too often on razor-thin margins.

I am also very pleased by the much needed attention this bill gives to nutrition programs, particularly those that serve American families struggling on the verge of hunger or food insecurity. All told, this bill provides over $10 billion in new money for nutrition programs. It beefs up the Food Stamp Program by stopping benefit erosion and expanding eligibility, and it provides more than $1 billion in assistance to local area food banks. In addition, to help children develop healthier eating habits, this legislation extends to all 50 States a program that provides fresh fruits and vegetables to underprivileged schools. I have seen the success of the Fresh Fruits and Vegetables Program firsthand, in its Connecticut pilot test. I know how vital fresh produce is to the health of all Americans; in the case of underprivileged schoolchildren, those who need it the most have gotten it the least and I am glad this bill goes a long way toward correcting that disparity.

Finally, the farm bill conference report aims to preserve our fragile environment by funding critical land conservation programs and investing in renewable sources of energy. To help American farmers act as responsible stewards of the land they work, this legislation allocates nearly $8 billion in new funding to help farmers and landowners be better and more responsible stewards of the environment. This bill also includes provisions to encourage the production of domestic biofuels, including funds to promote biomass crop production, loan guarantees for commercial scale biorefineries, and dramatically increased funding for biomass research and development. The farm bill's energy title in particular is critical to ensuring that our country finally breaks its longstanding over-reliance on costly and environmentally harmful fossil fuels.

In sum, I am satisfied that the farm bill takes great steps to protect our struggling farmers, our low-income families and children, and our threatened environment. In my view, the farm bill embodies an approach to agricultural policy characterized first and foremost by a concern for the long-term well-being of all Americans. I therefore urge my colleagues to support this vital piece of legislation.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we don't often have the opportunity to celebrate on the Senate floor. There is oftentimes, we must acknowledge, a lot of acrimony and finger-pointing.

Today, I want to take a minute to express my appreciation to all those involved in this bill. We know there were Senators HARKIN, CHAMBLISS, BAUCUS, and GRASSLEY, but many other people were involved in this process to get us where we are today.

This is a tremendously important piece of legislation. This was dead on at least 15 different occasions, but it was revived. There was true bipartisanship—a true situation where we had conferences, where people met in open session and voted. It was what we all should come here to look forward to doing—legislating such as we did here.

This is a very complicated and difficult piece of legislation. Was there enough reform? I don't know how much is enough. Certain groups look at these farm programs, and there is nothing you can do to satisfy them. No matter what is done, it is not enough for them. Every time we do a farm bill, the editorial boards from around the country roll out the old editorials, they change a few lines and send out the same editorial they did before.

This bill has reform in it. Could we have done more? Perhaps, but had we done more, we would not have gotten a bill. What did we get as a result of the compromises made? We got nutrition. What a wonderful thing. We got food stamps. For us in Nevada this is important. Since 2000, the numbers of food stamps-qualified people have gone up more than 100 percent. We didn't change the rules to let more people into the program. They qualified under the old rules, and now, by more than 100 percent, that has been increased. This legislation takes care of that.

Children going to schools all around America, as a result of this legislation, will get fresh fruits and vegetables in their lunch programs. That is remarkable. There are people in this Chamber who didn't have the opportunity when they were kids in school to have fresh fruits and vegetables. That is the way it is all over America, especially with kids who grew up in these urban centers. Fresh fruits and vegetables are something they don't get often. This is wonderful.

Food banks, I have heard SHERROD BROWN and others talk about how the food banks are going empty. We have a lot of hungry people in America, and we have to acknowledge that. This farm bill acknowledges that. We are going to increase food bank money by $100 million each year. That is a lot of money. It is very important.

We have conservation. My friend, TOM HARKIN, has caused me so much grief on this conservation program. It was his idea to do some conservation programs. The administrations—plural—a lot of times didn't want to give him what he felt was the law. He held up a lot of things going on in the Senate as a result of that. So the conservation programs, because of the dedication of TOM HARKIN, are remarkable. I watched. Senator HARKIN, last night, show the pictures of what takes place when there is good conservation. Now farmers and ranchers will be rewarded as a result of that. That is extremely important.

Even the State of Nevada will be able to compete for money in the conservation programs.

There are disaster programs. We in the West have been ravaged by wildfires. As a result of being ravaged, the Bureau of Land Management and other land managers close up rangeland, and there is nothing the ranchers can do; they close them up. They will now qualify for disaster relief, which is in this bill.

For the first time, this is going to be the case: compensation for wildlife damage.

One of the favorite talking topics is energy. This bill actually does something about it. There is a demand we stop using corn and other such items that are edibles to make fuel. This legislation recognizes that point.

I have talked about reform. This bill contains reforms. There are reforms on caps on payments to farmers. Remember, farm programs count for less than 13 percent of this bill's spending and are expected to climb by $60 billion over the next 10 years. That sounds pretty good.

This bill, as other important legislation, is one of compromise. That is what legislation is all about.

I know we have a lot to do. I extend my congratulations for this remarkable piece of legislation. This is how we should legislate. I am so appreciative of the bipartisan nature of this legislation. I look for a real big vote. I hope we have a strong vote indicating the bipartisan nature of this legislation.

The PRESIDING OFFICER (Mrs. MCCASKILL). The question is on agreeing to the conference report to accompany H.R. 2419.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—81

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Warner
Webb
Wicker
Wyden

NAYS—15

Bennett
Coburn
Collins
DeMint
Domenici
Ensign
Gregg
Hagel
Kyl
Lugar
Murkowski
Reed
Sununu
Voinovich
Whitehouse

NOT VOTING—4

Clinton
Kennedy
McCain
Obama

The conference report was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Madam President, we have had a very significant vote here on this farm bill. I will have to check the record, but this has to be one of the strongest votes for any farm bill in the history of farm bill legislation in the Senate.

It has truly been a team effort. It took a long time—about a year and a half; 2 years, actually. Senator CHAMBLISS, when he was chairman of the committee, started the whole process, so it has been a couple of years in the making. It has been a great team effort. As I said, we have all worked together. It has been a very long road with a lot of tough negotiations. We did it in a manner in which the people of this country want us to operate around here.

We worked hard and got the bill through committee. We brought it to the floor. We had our amendments, we had good debates in December, passed it at that time, then we went to conference. We had a good number of conference meetings, frankly. But they were good conference meetings. That is the way we ought to do legislation around here. The proof of doing it in that manner—in an open, cooperative manner, having all sides being able to have their viewpoints heard and input made—is that we came up with good legislation as an end product.

I want to thank and congratulate all of the members of the Agriculture Committee, on both sides, for all of their hard work in bringing this bill to this vote today. I especially want to thank Senator CHAMBLISS for his leadership in starting this off and then serving as the ranking member for the last year and a half and working so closely with me and others to get this bill done. I especially want to thank all the Senators who were conferees. There were some long sessions that went on for hours and hours and days and days. But we hung in there.

I will start with Senator BAUCUS and Senator GRASSLEY from Iowa, the chairman and ranking member of the Finance Committee, for their help in coming up with the funds we needed to put this bill together. Especially I thanked my colleague from Iowa earlier, but I want to thank him also for his diligent work and effort to make sure we had a good livestock, poultry, and competition title.

I see my good friend, KENT CONRAD. I said earlier, we certainly benefited from his expertise, his knowledge. It is wonderful having the budget chairman on the Agriculture Committee helps keep us on track so we know what we can and cannot do to stay within the bounds of the budget rules.

So I cannot thank Senator CONRAD and his staff enough for helping us comply with the budget requirements. I say to the people of North Dakota, the farmers, the ranchers, the people who live in your small towns and communities, I can honestly say I know KENT CONRAD well. And there is nothing that escapes his attention when it comes to the farmers and ranchers and rural people of North Dakota. They do not have a better fighter for their interests. I might even expand that further. Farmers and ranchers and rural people all over America have no greater a fighter for their interests than KENT CONRAD.

I see Senator STABENOW. I said earlier I am going to start calling her the Senator of specialty crops. We would not have had a specialty crop title in this bill if it had not been for Senator STABENOW. She is unique, the only person, as far as I know, who has served on the Agriculture Committees of her State legislature, the Agriculture Committee of the House of Representatives, and the Agriculture Committee of the Senate. And that expertise shows through, believe me, in what she has accomplished in this farm bill.

I see my good friend, Senator SALAZAR, who did so much to make sure we had a good energy title; that we start focusing much more on ethanol from cellulose.

Senator LINCOLN from Arkansas, a strong fighter for the rice farmers, her cotton, grain, and oilseed farmers. I might also say that Senator LINCOLN is a very strong fighter for nutrition programs and rural development. I thank her for all of her help on this committee.

I am going to read a list and recognize all of the staff members who work for me on the committee. They deserve to have their names in this RECORD because as hard as we worked, they worked three or four times as hard. A lot of times we went home at night and they were still here. A lot of times we were gone on the weekends, they were here.

And, of course, first and foremost, I would thank Mark Halverson. Mark has been with me on this committee since 1988. And he has brought a wealth of experience as a farmer in Iowa, and also as a lawyer. So he brings together a lot of knowledge and expertise in guiding and directing the staff. He has done a wonderful job. I cannot thank Mark Halverson enough for his patience, his leadership, and in juggling all of the balls and keeping tabs on everything. Mark Halverson has performed above and beyond the call of duty.

Susan Keith, our general counsel in commodities; Stephanie Mercier, our chief economist, trade and international food assistance and crop insurance; Phil Buchan, who worked so hard on conservation, and especially the conservation stewardship program and the EQIP Program; Eldon Boes, who came to us from the National Renewable Energy Laboratory. He has done so much work on the energy title.

Derek Miller—Derek came to us from the House side where he worked on the 2002 farm bill. He is probably the most knowledgeable person I have ever met on nutrition and how the nutrition programs work. And due in no small part to Derek Miller, we have a great nutrition title.

Richard Bender, a long-time member of my staff who handles rural development and the tax provisions; Todd Batta handled the forestry and credit titles; and John Ferrell, who did all of our livestock work and the programs for organic farmers.

Adela Ramos, who does a great job keeping track of all of the ag research and food safety; Dave White from Montana who as a detailee from the Natural Resources Conservation Service, was with us for a year and a half, and worked so hard on conservation; Dan Christenson, who did so much on specialty crops and helping with nutrition; Kerri Johannsen, who worked on energy; Tina May on conservation; Amy Lowenthal, who is our counsel providing legal advice on many issues.

Eric Juzenas, who came to us as a detailee from the CFTC for the reauthorization of the Commodities Exchange Act; Katharine Ferguson, who is a professional staff member who assists our staff director, Mark Halveson. We call her our "utility player". Whenever we need someone, Katharine is there. She can fill in for anybody and does it extremely well.

Kate Cyrul, our communications director; Bob Sturm, our chief clerk who retired last year. He was here for many of the hearings on this bill and came back to fill in periodically; Jessie Williams, our chief clerk who has done such a great job of succeeding Bob Sturm; Jacob Chaney, our systems administrator; Jonathan Urban, who did so much on the CFTC reauthorization, before he left the staff to head to law school. We wish him the best in law school. Peter Kelley, our assistant clerk and legislative correspondent, who sort of runs interference for all of us; Cory Claussen, our legislative correspondent; Micah Wortham, the Government Printing Office detailee who is here to make sure our documents are printed properly; Ellen Huntoon, who covers rural development and agricultural topics.

Now, again, I know that Senator CHAMBLISS has thanked all of his staff. I do not know every single person there, but I do know Martha Scott Poindexter and Vernie Hubert. I particularly want to thank both of them for their great efforts, for their leadership, and for all the time and the efforts and the weekends, the nights. You ought to take a vacation too.

Also, I want to thank the Office of Legislative Counsel, the Congressional Budget Office, the Senate floor staff, the Department of Agriculture staff. Now, I know the administration has not agreed with us on everything in this bill. But I have to say, the technical assistance provided by the Department was very helpful in putting everything together.

Again, I thank and congratulate all of the staffs of the Senators on our committee—especially Senators BAUCUS, GRASSLEY, CONRAD. I feel very good about this bill and the overwhelming vote. I still remain hopeful the President will sign this bill. Hope springs eternal that he will sign it. If he does not, I guess we will have to face that down the road. I hope we have the votes to override. Team effort, cooperation, conciliation, bipartisanship, those are the keys to successful legislation. I am gratified to have played this role in getting this bill passed.

Mr. KYL. Madam President, I voted against the Senate-passed version of the farm bill because it lacked the fiscal discipline required of Congress during a time of deficit spending and exponential growth of the Federal Government. Unfortunately, the conference report is just as unacceptable as the Senate-passed version of the farm bill. As a result, I cannot support it.

Congress first approved the Federal farm assistance policies in the early 1930s to help struggling farmers during times of economic hardship due to low commodity prices. Over the last six decades, however, the farm bill has swelled significantly, and now provides extensive subsidies for farmers and agricultural landowners who may not be in true financial need.

The conference report continues this trend, spending approximately $730 billion over 10 years. And, as the administration correctly points out, it increases spending by approximately $20 billion over the current baseline, not $10 billion as claimed by the conferees. The roughly $10 billion difference is achieved through a number of gimmicks, including using timing shifts and funding cliffs.

To make matters worse, at a time when the United States' net farm income is projected to be $92.3 billion this year—51 percent greater than the 10-year average—the conference report would increase subsidy rates, create additional subsidies for a number of crops, and continue direct payments regardless of crop prices. Now is not the time to maintain or increase subsidies; now is the time to reduce or eliminate them.

The conference report would also continue to pay subsidies to millionaire farmers and nonfarmers. It would allow married couples who farm and have an adjusted gross income of $1.5 million to continue to receive subsidies. It would also allow married couples with an adjusted gross income of $1,000,000 who are not full-time farmers to receive subsidies. Farm payments should go only to those who actually need them, not to some of the wealthiest individuals in the country.

Congress could use the farm bill to make substantive reforms and cut federal spending. Instead, it appears that Congress will pass a bloated farm bill that is just another example of a broken and mismanaged Congress. Consequently, I cannot support it and urge my colleagues to also oppose the bill.

Mr. LEVIN. Madam President, this year's farm bill includes many important programs that will benefit Michigan and the Nation as a whole. Few States have Michigan's diversity of agricultural crops, and I am pleased that this farm bill contains a range of measures that will benefit farmers throughout my State. Agriculture is Michigan's second largest industry and this bill will help support this industry at a time when Michigan's economy is struggling.

This bill will provide significant additional assistance to specialty crop growers that has been severely lacking in past farm legislation. Specialty crops are an important part of the agriculture industry and a healthy part of our Nation's food supply. While Michigan is a leading producer of traditional crops, such as corn, wheat, and soybeans, our State is also a leader in the production of specialty crops, such as apples, asparagus, beans, blueberries, and cherries. This farm bill will provide much needed support for the specialty crop community throughout Michigan and that means a more assured supply of U.S. grown fruits and vegetables so important to Americans nutritional needs.

Nutrition programs, such as the Food Stamp Program, provide assistance to children, low-income working families, seniors, and persons with disabilities. This bill includes a significant increase in funding for our Nation's critical food and nutrition programs on which our Nation's least fortunate and most vulnerable rely. In my State of Michigan, over 500,000 households will benefit from increased nutrition assistance, and the bill will also help to alleviate some of the stress local food banks all across Michigan are experiencing at this time.

The farm bill includes measures to improve conservation. These programs, which are aimed at both working lands and lands taken out of production, are intended to protect and improve soil quality, prevent erosion, benefit water quality, and preserve and restore habitats. This legislation expands the Conservation Stewardship Program, CSP, increases funding for the Environmental Quality Incentives Program, EQIP, and reauthorizes the Conservation Reserve Program, CRP, and Wetlands Reserve Program, WRP, to protect environmentally sensitive lands.

I am pleased that this bill also includes incentives that will encourage continued development of biofuels and increased production of renewable fuels. I have long supported incentives for new technologies that can move us away from our significant reliance on foreign oil, and this bill makes critical investments in alternative energy that will help move us toward that goal.

While this bill includes modest reforms to our current producer protection programs, these reforms do not go far enough. It would have been my hope that this bill would have included more innovative measures, such as farm savings accounts, and additional reforms to our agricultural subsidy programs. I am hopeful that we can work to enact further reforms when Congress next considers farm legislation.

There is another important reason to support the farm bill. It contains a key provision which would finally close the Enron loophole that has contributed for so many years to the problem of rampant speculation in our energy markets. It would close the Enron loophole by requiring government oversight of electronic trading of energy commodities by large traders to prevent price manipulation and excessive speculation.

In 2000, at the behest of Enron and others, a provision was slipped into law—section 2(h)(3) of the Commodity Exchange Act—that exempted from oversight and regulation the electronic trading of energy and metal commodities by large traders. This loophole took the cop off the beat in those electronic markets and allowed traders to operate with less supervision and fewer controls than regulated commodity markets like the New York Mercantile Exchange, NYMEX.

Beginning in 2003, my Permanent Subcommittee on Investigations, PSI, issued a series of reports exposing how these unregulated markets and their unregulated trades had opened the door to energy price manipulation and excessive speculation. A 2006 subcommittee report, for example, presented evidence that excessive speculation was adding substantially to energy prices, including as much as $20 out of a $70 barrel of crude oil. In 2007, the subcommittee issued a report and held 2 days of hearings showing how excessive speculation in futures contracts by a single hedge fund named "Amaranth" on the unregulated markets had increased consumer prices for natural gas. The report showed how Amaranth deliberately avoided trading limits on NYMEX by moving its trades to an unregulated electronic exchange.

Our reports repeatedly recommended legislation to close the Enron loophole, and over several Congresses, I introduced or cosponsored legislation to do just that. In 2007, for example, I introduced S. 2058, the Close the Enron Loophole Act which was endorsed by a wide range of consumer, business, and agricultural groups. In response to this legislation, our reports and hearings, the Commodity Futures Trading Commission, CFTC, suggested its own legislative approach to close the Enron loophole. I then worked with my colleagues, Senators FEINSTEIN, SNOWE, and others to come up with legislation that was acceptable to both sides of the aisle as well as the administration. That legislation was offered as an amendment to the Senate farm bill, and a closely related version of that amendment is now part of the conference report before us today.

The farm bill provisions are designed to put the cop back on the beat in all U.S. commodity markets to protect against price manipulation and excessive speculation. Specifically, the bill provides that any contract that is traded on an electronic trading facility and serves a significant price discovery function is subject to CFTC oversight to prevent price manipulation and excessive speculation, just as it is subject to that oversight on regulated markets such as NYMEX.

For each such contract, an electronic trading facility is required to comply with the same key standards—called "core principles"—that apply to regulated exchanges, like NYMEX, to prevent price manipulation and excessive speculation. For example, electronic exchanges are required to list only contracts which are not readily susceptible to manipulation; monitor trading to prevent manipulation and price distortion; establish rules to obtain information from traders and provide it to the CFTC upon request; establish position limits or accountability levels that trigger review of a trader's positions in order to reduce the potential threat of manipulation; possess emergency authority to require traders to reduce positions; publish daily trading information; and enforce trader compliance with its rules.

Essentially, an electronic trading facility will now have to function as a self-regulatory organization under CFTC oversight in the same manner as a regulated futures exchange like NYMEX. The bill gives the CFTC the same oversight and enforcement authority over the electronic exchange with respect to these contracts as it has with respect to a futures exchange. The days of unregulated electronic energy markets are over.

Passage of this critically important legislation is the culmination of many years of work by Senator FEINSTEIN, myself, Senator SNOWE, and others, and I thank them for their sustained effort to close the Enron loophole. I also would like to thank Senators HARKIN and CHAMBLISS for working with us to include this legislation in the farm bill. In addition, I would like to thank our many friends in the other body who worked diligently to get this legislation done. The legislation to close the Enron loophole is a bipartisan, bicameral success story and the winners are the American people who will gain greater protection against price manipulation and excessive speculation.

This farm bill is a bipartisan piece of legislation which includes many programs that are beneficial to Michigan. While this bill is not perfect, I believe the combination of improved assistance for specialty crops, enhanced conservation spending, increased funding for nutrition programs, investment in renewable energy programs, and the provisions closing the Enron loophole which are included in this bill are worthy of support. I am pleased we are finally able to send a farm bill to the President's desk that will benefit our Nation's farmers and rural communities, and I urge the President to sign this bill into law.

Mr. GRASSLEY. Madam President, with today's passage of the Food, Conservation, and Energy Act of 2008, we have taken a step in the right direction for rural America after well over a year of work on this bill. This legislation will result in new opportunities for U.S. farmers, rural business owners, and those who require food assistance during a time of rising food prices. I am pleased that the Senate has finally voted in favor of its implementation.

None of this would have been possible without the leadership of our chairman and ranking member on the Senate Agriculture Committee, Senator HARKIN and Senator CHAMBLISS. I want to thank both of their staffs and in particular Mark Halverson, majority staff director, and Martha Scott Poindexter, minority staff director, for their hard work and dedication to bring this 5-month conference to a conclusion.

For the first time in the process of writing a farm bill, the tax writing committees were asked to help fund a portion of the spending. I have strong concerns about this, which I have expressed previously. Still, we would not be here today without the hard work and leadership of the chairman of the Finance Committee, Senator MAX BAUCUS. And he is supported by a strong staff. That starts with the Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, as well as his legislative director, Jon Selib, who were each critical to the process. I also want to thank Brandon Willis on his personal staff, Pat Bousilmann on the Senate Finance Committee, and Cathy Koch and Rebecca Baxter on his tax staff. And I want to thank his chief international trade counsel, Demetrios Marantis, as well as the other members of the Democratic trade staff, Darci Vetter, Amber Cottle, Janis Lazda, Chelsea Thomas, and Hun Quach, and three individuals serving on detail to Senator BAUCUS, Russ Ugone, Ayesha Khanna, and Chuck Kovatch.

Of course, I am grateful for the outstanding effort of my staff as well. First I want to thank Amanda Taylor, my agriculture counsel on my personal staff for her many months and countless hours of dedication and hard work on this bill. I also want to thank my chief tax counsel and deputy staff director, Mark Prater, as well as Elizabeth Paris, my energy and agricultural tax counsel. I am pleased that with their hard work we were able to provide long overdue agricultural tax relief to our nation's farmers. In addition, from my trade staff, Stephen Schaefer, David Johanson, Claudia Poteet, and David Ross, each deserve my thanks for their contributions. I also want to thank John Kalitka, who is on detail to my staff from the U.S. Department of Commerce.

Today's vote is long overdue. The September 2007 deadline of the farm bill has long come and gone. The farm bill hasn't happened as quickly as I would have liked, and we've had multiple extensions. Still, today's vote is critical to giving our agricultural policy a face lift. The U.S. Department of Agriculture should begin to implement these new laws as soon as possible, and I will work hard to oversee the Department in its administration of this important legislation.

Mr. KERRY. Madam President, nearly 3 years after the tragedy of Hurricanes Katrina, Rita and Wilma, we have enacted meaningful reforms in the way the Small Business Administration comes to the aid of disaster victims.

The farm bill conference report includes bipartisan legislation which I have been working on since the fall of 2005 with my ranking member, Senator SNOWE, and Senators LANDRIEU and VITTER. Both Louisiana Senators are members of the Committee on Small Business and Entrepreneurship. We held many hearings in our committee and received testimony regarding the inadequate response of the Small Business Administration to the destructive gulf coast hurricanes of 2005. S. 163, the Small Business Disaster Response and Loan Improvements Act of 2007, the latest version of the Senate's small business disaster legislation, was included as an amendment to the farm bill late last year. During the last several months, we conferenced with our colleagues in the House to reconcile the differences between our legislation and companion legislation adopted by the House. I am pleased that we were able to come to an agreement. I want to acknowledge the hard work of all the staffs, and the support of Senator HARKIN and his Agriculture Committee staff as we conferenced on this bill. I also want to thank SBA Administrator Preston for his support of this legislation back in August when it first passed the Senate, and during the conference negotiations. This package of provisions does not include everything I would have wanted but it is a significant response to the gulf coast hurricanes of 2005.

These large-scale disasters taught us lessons and showed us our vulnerabilities in their wake. They also inspired novel ideas as to how to respond which we have incorporated into these reforms.

This bill gives the SBA several tools to better and more quickly assist disaster victims. One of the key issues after Hurricane Katrina was getting money to people quickly so they could keep their businesses afloat and start rebuilding their lives. This bill creates two bridge loan programs for the private sector to administer small-dollar, short-term disaster loans to businesses. It allows the SBA, in a catastrophic disaster, to authorize private lenders to make 180-day loans of up to $150,000 at not more then 1 percent over the prime rate to businesses that are otherwise eligible for a disaster loan. In all disasters, private lenders can make loans of up to $25,000 and receive an SBA guaranty within 36 hours for up to 85 percent of the loan amount. Both loans would be rolled into a standard SBA disaster loan once it has been made. These bridge loans will get financial assistance to businesses while they await processing or disbursement of their conventional SBA loan or insurance payments.

This bill also creates a program to allow private lenders to make disaster loans after a catastrophic disaster. This will leverage the relationships people already have with their local lenders and ease the burden on the SBA to make a huge volume of loans quickly. These loans will carry the same terms and benefits as conventional SBA disaster loans. All lenders would be eligible to make loans to small businesses, but only lenders who are preferred lenders could make loans to individuals. The bill also provides the SBA with authority to pay a fee to private lenders to process loans during times when the SBA's processing capabilities are overwhelmed in order to prevent application backlogs and ensure timely approval and disbursement of loan proceeds. Tools such as these will dramatically cut the time it takes to process and disburse loans in the event of a future disaster.

After a catastrophic disaster, while the disaster area clearly feels the brunt of the damage, businesses throughout the country can be dramatically affected by the incident. This could be because one of their suppliers or buyers is located in the disaster area, because they receive energy from the disaster area, or a myriad of other reasons. This bill authorizes the SBA to make economic injury disaster loans to businesses located outside the geographic area of a catastrophic disaster, if they suffer economic injury as a direct result of the disaster.

This bill also updates and increases the maximum amount of an SBA disaster loan from the current level of $1,500,000 to $2,000,000, and raises the maximum amount of unsecured disaster loans from $10,000 to $14,000. It was well past time to raise these caps given the increasing costs of doing business and these provisions give the SBA the flexibility to get people the help that they need. The bill also gives the SBA Administrator the authority to make new disaster loans and refinance existing loans from Hurricanes Katrina and Rita with a 4-year deferment period giving people time to get back on their feet before their payments come due.

Finally, the bill improves SBA's coordination with other agencies, its communication with the public, and its preparation for a future disaster. The bill adds several requirements to improve the SBA's coordination with FEMA as they are the two main agencies responsible to respond to a major disaster. The agency will also be required to conduct biennial disaster simulation exercises and create a comprehensive disaster response plan for various disaster scenarios. The SBA will be required to improve its communication with the public when disaster assistance is made available. The bill also creates a new position for high-level disaster planning to oversee the disaster planning and readiness of the agency.

I applaud my colleagues for helping pass this important piece of legislation as part of the farm bill. I expect to see immediate dividends as the SBA is better able to assist disaster victims in the short term, and I know that the passage of these provisions will be looked upon as an essential rebuilding tool if we ever have another tragedy on the scale of 9/11 or Hurricanes Katrina and Rita.

Mr. HATCH. Madam President, today the Senate voted on the farm bill. Leading up to that vote, we had two procedural votes which are required when budget points of order are raised against a legislative provision.

My vote on this farm bill was a difficult one. Certainly, opposition to this bill is justified. There are simply too many subsidies in this bill, there are Davis-Bacon provisions that I strongly oppose, and I believe that some provisions may violate our trade agreements.

To express my frustration with the negative aspects of the bill, I chose to support the procedural obstacles leading up to the vote on the bill itself. However, in response to very strong support for the farm bill from the preponderance of agricultural interests in my State, and to the fact that the farm bill has some provisions that are very important to me, I chose to vote in favor of the legislation.

I would like to say a few words about a provision in the bill which I sponsored and promoted for over a decade. The provision lifts the ban on the interstate distribution of State-inspected meat. I began the effort with Senator Daschle, and more recently worked with Senators KOHL and BAUCUS, to include it in the farm bill.

Let me give a little background on this issue. With the passage of the Federal Meat Inspection Act of 1906, the U.S. Department of Agriculture was required to inspect all cattle, sheep, swine, goats, and horses slaughtered for human consumption. The USDA was also made responsible for setting national standards for meat and poultry inspection. In 1957, the Poultry Products Inspection Act made poultry subject to USDA inspection. Later, these two laws were amended to set up a system of State inspection programs separate from the Federal program. At that time, due to some uncertainty about new State inspection programs, a prohibition on interstate distribution was placed on State-inspected beef, poultry, pork, and lamb.

It is important to note that the prohibition does not apply to other meats such as venison, pheasant, quail, rabbit, alligator, and others that are typically inspected under the state programs. Neither does the prohibition apply to other perishable products, including milk, other dairy items, fruits, vegetables and fish. All of these products which are inspected under State programs are shipped freely across State lines and to our trading partners.

If a State can inspect these products sufficiently for international distribution, they can certainly continue to do so for our more standard meat and poultry products. In the nearly 30 years that the USDA has reviewed State programs, the Department has never unilaterally found that a State inspection program should be discontinued due to an inability to meet Federal food safety regulations.

In Utah, we have 32 meat plants under our State inspection program. These establishments, like the nearly 2,000 similar plants nationwide, are mostly small businesses. Generally speaking, they cater to the needs of small, family-run farms and ranches. The outdated ban on interstate shipment of State-inspected meats clearly disrupts the free flow of trade, restricts access to the market, and creates an unfair advantage for big businesses.

Let's not forget that meat inspected in 34 foreign countries can be shipped anywhere in the U.S. because the USDA has certified that the foreign inspection programs are equivalent to the Federal program, yet our domestic products inspected by States cannot. This is a ridiculous situation, and it is well past time to remedy it.

So I am very pleased that the farm bill will remove the outdated and unjust ban that puts our small businesses at such a disadvantage. Removing this prohibition will increase competition and innovation. It will provide farmers and ranchers an increased opportunity to innovate and compete to serve their consumers.

I am also very pleased that the farm bill includes a provision by Senator MAX BAUCUS, which I cosponsored, that will set up a disaster program for the livestock industry. In Utah, we have agricultural disasters almost every year. Farmers in my State never know what Mother Nature may send their way, and my goal is to provide them greater stability. I am grateful that this farm bill will provide our livestock producers the security and certainty they have sought for so long.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

UNANIMOUS CONSENT AGREEMENT—H.R. 634

Mr. DODD. Madam President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on May 15, 2008, at 3 p.m., in executive session, to conduct a markup of the following: an original bill entitled "The Federal Housing Finance Regulatory Reform Act of 2008"; H.R. 634, "American Veterans Disabled For Life Commemorative Coin Act" and an original bill to make technical corrections to title II of the SAFETEA–LU bill.

The PRESIDING OFFICER. Is there objection?

Mr. CORKER. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, the bill the chairman of the Banking Committee, the distinguished Senator from Connecticut, is speaking about is over 400 pages long. It has been amended verbally numerous times over the past week. We are going to have a meeting at 3 o'clock today. None of us has seen the bill. None of us has seen the amendments.

I have tremendous respect for the chairman of this committee. He is, to me, one of the best Senators in this body to work with. I respect the ranking committee member. I know time is of the essence, if you will, as to addressing some of the issues that are in this bill. I am very disappointed that today at 3 we are going to be going through a very technical bill many Senators in this body, candidly, may not ever take the time to look at because of the technicalities that exist and the specialties that will be addressed, if you will, by this bill.

I am very tempted to object to this, not because it is taking place today at 3, but because of the fact that we do not have any of the documentation regarding the agreements that have been made.

Out of my respect for this chairman and out of my respect for the ranking member, I will not object at this time. But I will say, in the future I hope for a technical bill such as this that is more than a few lines—something that is over 400 pages long—there will be time to actually go through the bill prior to a very strenuous markup. I in no way assert any negativity toward the Senator. I know he is doing the best he can to hold this bill together. I know there are a lot of competing interests. It is actually out of respect for him trying to do the job he is doing today, in order to move something forward in this body, that I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I appreciate the Senator not objecting, but let me, for the purpose of the record, inform him that the committee print has not been changed. There were no verbal agreements. The bill was available a week ago for anyone to read. It was in the CONGRESSIONAL RECORD. It has been on a Web page as well so the public at large could read it here.

It is a long involved process, an involved process. The only reason we are meeting at 3 today is because of the request of the ranking member to delay the markup this morning. I am here to work out some additional provisions. I want to let my colleague know that. I appreciate my colleague very much. He is a very active and constructive member of the Banking Committee, but this is a product that has been available for people to review almost for a week now, before the markup actually was to occur this morning.

I appreciate his not objecting. We will see how things progress. Nonetheless, we will keep working at it, but his involvement will be critical.

Mr. CORKER. Madam President, I wish to say that portions—while no doubt we have the original text, it is my understanding negotiations were taking place throughout the night. I was getting e-mails at 1:30 in the morning regarding the negotiations, and yet I have seen no written copies of any of the agreements that have been made. I would say that would be nice to see prior to a markup of this type, but again out of respect I will not object, and thank you very much for this colloquy.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. I ask unanimous consent we now proceed to a period of morning business for 1 hour with Senators being allowed to speak therein for a period up to 10 minutes each.

I tell all Members the reason for this is we are going to move to the budget, appointing of conferees, with Senator CONRAD and Senator JUDD GREGG having some issues they need to work out prior to that. I think it would be in the best interests of us all if that consent agreement were confirmed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I would amend that to have the time equally divided between the majority and minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa.

ORDER OF PROCEDURE

Mr. GRASSLEY. Madam President, we have 30 minutes on the Republican side. I would like to proceed to use probably most of that. I may not use all of it.

The PRESIDING OFFICER. There is a unanimous consent agreement that speakers are limited to 10 minutes each.

Mr. GRASSLEY. I ask unanimous consent to proceed for a longer period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCAPEGOATING OF ETHANOL

Mr. GRASSLEY. Madam President, I come to the floor to rebut the scapegoating of ethanol, which is part of the food versus fuel debate.

I do not do it for a one-way conversation. I hope I can encourage conversation on this subject among my colleagues so we can look at this from a scientific and economic point of view and avoid scapegoating.

For almost 30 years, I have been leading an effort with many of my colleagues to promote policies to grow a domestic renewable fuels industry. We have promoted homegrown renewable fuels as a way to lessen our dependance on foreign oil and to improve our air quality.

For all these years, we have hardly heard anything negative about these policies. Now, ethanol and other biofuels are being made a scapegoat for a whole variety of problems. Never before in 30 years has the virtuous benefits of ethanol and renewable fuels been so questioned and so criticized.

The problem is, none of these criticisms are based on sound science, sound economics, or for that matter even common sense. I had the opportunity to hear an intelligent discussion of this, maybe it only lasted a couple of minutes, on a program on Fox News Saturday night called, "The Beltway Boys." And these people are very intelligent people.

I heard Mort Kondracke, a veteran journalist, falling prey to some of the same erroneous talking points that I have heard over and over for the past couple of weeks.

Mr. Kondracke is one-half of that intelligent duo on Fox News that I referred to as "The Beltway Boys." Maybe Mr. Kondracke has spent too much time inside the beltway and could use a little real world explanation from a family farmer like me from the Midwest.

Some of my colleagues in the Senate have also gotten involved in this misinformation campaign, and that is why I did not come to the floor to speak; I come to the floor to encourage dialogue with my colleagues on this subject because it seems there is a "groupthink" mentality when it comes to scapegoating ethanol for everything from high gas prices, global food shortages, global warming, and even deforestation.

But, as was recently reported, this anti-ethanol campaign is not a coincidence. It has been well thought out, well programmed, and that program is going on. It turns out that a $300,000, 6-month retainer of a beltway public relations firm is behind the smear campaign against ethanol. And they have been hired by a trade association referred to as the Grocery Manufacturers Association. They have outlined their strategy of using environmental, hunger, and food aid groups to demonstrate their contrived crisis. And it is right here in a 26-page document put out by the Glover Park Group, called "The Food and Fuel Campaign." They enlist the support of these other nonprofit groups that are involved with environment and hunger.

I think it is important for policymakers and the American people to know who is behind this effort. According to reports, downtown DC lobbyists, the Glover Park Group, and the Dutko Worldwide are leading the effort to undermine and denigrate the patriotic achievements of American farmers to reduce our dependence on foreign oil, while also providing a safe and affordable food environment.

The principal leaders behind the Glover Park Group's proposal reads like a who's who of Democratic operatives. The effort is led by former President Clinton's Press Secretary, Joe Lockhart. Another is 8-year veteran of the Clinton-Gore White House, Michael Feldman.

Other leaders in this misinformation campaign include Carter Eskew, Mike Donilon, Joel Johnson, and Susan Brophy, all of which proudly display their ties to the Clinton-Gore White House and their credentials of helping elect Democratic candidates.

This campaign against ethanol is more sophisticated than anything I have seen put on by big oil over the last 30 years, as big oil has been a constant fighter. I will show you how this is a well-sophisticated political operation and public relations effort. For instance, the media relations public affairs responsibility comes under the partners in charge, Joe Lockhart and Michael Feldman. The advocacy and image advertising comes under the leadership of partners in charge, Carter Eskew and Mike Donilon. The legislative affairs part of it is directed by partners in charge, Joel Johnson and Susan Brophy.

Now, these people are outstanding people. They are going to be able to deliver what they have said they could do. That is why we have to take it very seriously.

I suggest that Democrats in the Senate who claim to support our Nation's drive toward energy independence should be alarmed by this group's planned campaign and the tactics being used.

I happen to be one who fought President Clinton during his 8 years in office at every turn when he tried to undermine our renewable fuels industry. The outstanding example I remember is when California made application to the EPA for a waiver under the Clean Air Act at the very time that MTBE was being outlawed because it was poisoning the groundwater. The only oxygenate that you could use in gasoline then was ethanol. California sought an exemption. We were able to win that by the Clinton administration not allowing it. Now, of course, we find ourselves fighting President Clinton's former staff and staff who worked for the Gore and Kerry Presidential campaigns, leading an effort for the grocery manufacturers to smear ethanol, after 30 years of developing an industry because people called for more renewable energy. They wanted renewable, clean-burning energy. They didn't want to be reliant upon dirty-burning petroleum. They didn't want to be relying upon importing so much.

I imagine that they are leading this effort partly because they are being paid well for doing so, but they maybe can't stand the fact that President Bush has proved to be the best friend the renewable fuels industry has had. Because their old boss failed miserably at crafting policies to promote ethanol, they are doing everything they can to tear down the success President George W. Bush has helped foster.

There are a lot of intelligent people who have been misled by this campaign and are simply wrong. They are using in their speeches a lot of the rhetoric that comes out of this effort. The facts don't back up the argument. I invite my colleagues to look at the facts, challenge me, have a dialog on this subject so we can use science as a basis for what we are doing, and economics as well.

It is time to dispel the myths perpetuated by Mr. Kondracke, one of the Beltway boys—he was probably reporting this misinformation because he is a smart person—the Glover Park Group, and others.

The Grocery Manufacturers Association, I have come to the conclusion, needs an excuse to gouge consumers of America with higher food prices, and an easy scapegoat for increasing food prices is, of course, ethanol. One myth that pops up again and again is that ethanol takes more energy to produce than it provides. I heard Mr. Kondracke say that. Let's look at the facts. In 2005, the Argonne National Laboratory study concluded that it takes only seven-tenths of one unit of fossil energy to make one unit of ethanol. That is a positive net energy balance. In comparison, it takes 1.23 units of fossil energy to make one unit of petroleum gasoline. So why aren't the grocery manufacturers of America bringing up the point that petroleum processing into gasoline is not energy positive? Because gasoline requires more than 1 Btu of energy to deliver 1 Btu to your car. That is a negative net energy balance.

A 2004 U.S. Department of Agriculture study concluded that ethanol yields 67 percent more energy than is used to grow and harvest the grain and to process that grain into ethanol. These figures take into account the energy required to not just process grain into ethanol, it takes into consideration the energy the farmer takes to plant, to grow, to harvest the corn, as well as the energy required to manufacture and distribute the ethanol.

Of 15 different peer-review studies we have looked at and that have been conducted on this issue, 12 of the 15 found that ethanol has a positive net energy balance. Only a single individual from Cornell University, who authored the other three studies, disagrees with this analysis. The Cornell studies have consistently used old data, some from 1979. Remember, in 1979, farmers weren't producing as much corn per acre as they do today. Corn yields then were 91 bushels per acre. It was at 137 bushels per acre in the year 2000. The average is now up to 150 to 160 bushels per acre. The flawed studies also rely on 1979 figures for energy use to manufacture ethanol. This energy consumption was cut in half between the years 1979 and 2000 and continues efficiency gains every year. I could quantify that better than just using a broad sweep.

In the early 1980s, we were producing about 2.3 gallons of ethanol from a bushel of corn. Today, we are producing 2.8 gallons of ethanol per bushel. And pretty soon, the industry believes they might be able to produce 3 gallons per bushel.

So these erroneous Cornell conclusions have been refuted by experts from entities as diverse as the U.S. Department of Agriculture, the Department of Energy, the Argonne National Laboratory, Michigan State University, and the Colorado School of Mines. The fact is, studies using old data overestimate energy use by not taking into account efficiencies gained in agriculture, the greater use of fertilizer, and ethanol production.

I don't understand how intelligent people, then, can continue to argue that ethanol has a negative net energy balance. But that is what I heard on television Saturday night from very intelligent people. That is what I hear in this smear campaign. The net energy balance of ethanol production continues to improve because ethanol production is becoming more efficient. A March 2008 study by Argonne National Laboratory found significant gains just since 2001. Ethanol production since 2001 has reduced water use by 27 percent, reduced electricity use by 16 percent, and reduced total energy use by 22 percent.

Another myth being perpetuated by opponents of a renewable fuels effort and by Mr. Kondracke is that ethanol harms the environment and contributes more in greenhouse gases than petroleum. This claim is likewise hogwash. Science magazine and Time magazine made wildly erroneous claims about corn ethanol that are now being used by these detractors. They claim that ethanol production is the driving force behind rain forest deforestation and grassland conversion to agricultural production. This is an oversimplification to say the least. How could intelligent people ignore the effects of a growing global population? How can one simply ignore the surging global demands for food from growing populations in China and India? Wouldn't urban development and sprawl also be a contributor to the increased demand for arable land?

Secretary of Agriculture Ed Schafer and Energy Secretary Sam Bodman stated in a letter to Time magazine, when they ran this outrageous story that was based on a Science magazine article, that it was "one-sided and scientifically uninformed." They further stated that the Science magazine article had been "thoroughly rebutted by leading scientists at the Department of Energy's Argonne National Laboratory." In fact, Dr. Wang at the Argonne Laboratory stated:

> There has been no indication that the U.S. corn ethanol production has so far caused indirect land use changes in other countries. No claim can be made that U.S. ethanol production leads to the clearing of rain forests.

In fact, since 2002, U.S. corn exports increased by 60 percent. Even with the growth in the ethanol industry, our corn exports have steadily increased, meeting growing global demands. So when it comes to the United States and food, we allow exports to other areas where they need our overproduction.

But one of the things that is driving up the price of rice now is a lot of prohibition in countries that produce rice to exports. So the global trading system is not efficiently distributing rice to where it is needed to feed hungry people. Think of that as a detraction, but also think that in the whole world, 95 percent of all grain produced is consumed and not made into something else.

While some claim that corn ethanol increases greenhouse gas emissions because of land use changes around the globe, they need to think again. According to the U.S. Department of Energy, today's corn ethanol produces about 20 percent fewer greenhouse gas emissions on a life-cycle basis. Ethanol blended fuel emits cleaner tailpipe emissions and, unlike petroleum, ethanol doesn't harm the environment or groundwater the way the petroleum-based product MTBE did for the 20 years it was used in gasoline as an oxygenate, where ethanol can be used as an oxygenate and it doesn't do that.

In recent weeks, a new argument has come forward about the effect of corn ethanol on domestic and global food prices. Food prices are going up. Of course, we all have to be sympathetic to that, whether it is in America or abroad. People are struggling with higher prices for food is not something we like to hear. But to put all the blame at the feet of the U.S. ethanol industry is outrageous and misplaced, and that is what this smear campaign is all about, just so the grocery manufacturers of America can have an excuse to increase the price of food here.

Watching the news and listening to some of my colleagues, there was even a hearing on this a couple weeks ago in the Senate. I have even heard expressed in this hearing that the price of oranges was going up because of ethanol. We have heard that the domestic ethanol industry was blamed for shortages not only in oranges but apples, broccoli, rice, wheat, lentils, peppers, even bananas.

Let's stop to think about the people who are saying: You are growing more corn, so we are growing less wheat or rice. We don't make ethanol out of wheat or rice. But for people to say that fruits are going up or bananas are going up because we are growing more corn, well, let me assure everybody I do not know of anybody who is plowing up and tearing out an apple orchard, an orange orchard or a banana plantation to plant corn for ethanol. But that is the ignorance about the people who are making those mistakes, trying to make the argument that more land is going into corn and less going into wheat, so the price of bread is going up.

With regard to wheat, rice, and lentils, the global demand for food from a growing middle class in China and India have the most impact is what economists are telling us.

Weather trends, including a 100-year historic—how to say it—the worst drought in 100 years in Australia and poor growing conditions in Southeast Asia and Eastern Europe have had a much greater impact on the supply of rice and wheat.

Many of these countries also have government production policies that manipulate production, supply, and trading of these commodities. Think of some of the dictators in Africa who want a cheap food policy. Farmers cannot make enough producing food, so the farmers move to town and live in the slums, when they could be producing something back home, if the governments had policies that would encourage the production. There is so much resource in Africa that there is no reason to have anybody starving in Africa.

The fact is, the global demand and price for all commodities has increased. Some of this could even be due to speculation. You read that in the business papers in the United States quite regularly.

One of the biggest culprits behind rising food prices is the cost of oil at $125 a barrel. We had a recent Texas A&M study concluding that the biggest driving force behind the higher food costs is higher energy costs. So if Texas A&M is saying that, let's look at what the Iowa State University Center for Agriculture and Rural Development is saying about ethanol's impact upon the price of gasoline and energy to move food around. They say, without the ethanol we have, you would be paying 30 or 40 cents more for a gallon of gasoline. In turn, then, since Texas A&M says energy is the biggest reason for the increased costs of food, you would have yet higher food prices without having ethanol.

Joseph Glauber, chief economist at the U.S. Department of Agriculture, recently testified that rising prices for corn and soybeans have had little or no effect on the high price for wheat, rice, and other food commodities.

Dr. Glauber cited the worldwide economic growth—that would be China and India, as examples of a couple countries—global weather problems—that would be the drought in Australia—rising marketing costs, and a weak U.S. dollar as having a greater role than biofuels in the cost of food being higher and even being scarce.

A U.N. official has recently referred to biofuels as "a crime against humanity." Mr. Ziegler, from the country of Switzerland, might benefit from a review of European policies that ban or restrict the growth and import of genetically modified crops.

Let me explain that genetically modified crops have had a great deal to do with the increased production of corn per acre, from 91 bushels per acre in 1979, to 107 bushels per acre in 2000, to 150 to 160 bushels per acre in 2007.

While U.S. farmers are taking great strides, through the use of genetically modified grains, to feed the world, Europe is taking a step backward—the same Europe that Mr. Ziegler lives in, who is saying that biofuels is "a crime against humanity."

As a result, you have a ripple effect of the policies in Europe because African countries are reluctant to grow genetically modified grains, even though their production gains are great, because European countries might restrict their imports from those African countries.

I might suggest Mr. Ziegler focus more of his efforts on opportunities lost as to growing more grains in Europe and focus on GMOs and their use in Europe than our biofuels policy.

U.S. farmers responded to these increased demands for grain and produced a record corn crop in 2007. Now, we grew more acres of corn in 2007 than any year since 1944. We produced 2.6 billion more bushels of corn in 2007 than 2006. Now, out of that 2.7 billion bushels, ethanol only used 600 million of them. So for all the people complaining about not having enough corn, are they going to use 2.1 billion bushels more that we raised in the greatest acreage since 1944 that was not used for ethanol? Are they going to take that into consideration or are they going to still complain that there is not enough corn around?

Exports have grown as well. Our U.S. Department of Agriculture estimates that this year's corn exports will be a record 2.5 billion bushels—up 18 percent over last year. We are getting that surplus production in the United States around the world, where it is needed. One of the places it is needed is in China. They do not export corn anymore. In the 1980s, the Chinese were eating 44 pounds of meat a year; this year—while I guess the figures are for a couple years ago—111 pounds of meat. They are going from rice to value-added food products. They have to have some of our corn to do that, and we are glad to sell it to them.

With these facts, it is hard for critics to argue that the domestic ethanol industry is diverting corn from feed or food markets. Yet that is what this smear campaign is saying.

It is also important to keep in mind that a tiny fraction of the cost of retail food is the result of farm inputs. Would you think farmers are getting rich because the price of food is going up?

First of all, let's look at all the income from farmers. They only get back 19 cents

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Madam President, since I do not see any other colleagues asking for time, I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Thank you, Madam President.

Out of $1 that you, as a consumer, spend for food, the farmer gets 19 cents. Look at a $5 box of corn flakes. For an interview here, I bought a $5 box of corn flakes. I think I had to pay a little bit more because I bought it on the Hill. But the family farmer's share of that $5 box of corn flakes—and it happened to be a little bigger box than normal—was about less than 10 cents. I think the real figure is about 8 cents. That is what the farmer gets out of a box of corn flakes.

Yet the farmer is being blamed for the high price of food because we grow some corn to make ethanol because the American people, 30 years ago, were demanding that we go to a renewable, clean-burning fuel instead of depending upon dirty-burning petroleum, putting more CO_2 into the air. The value of corn in a pound of beef or pork is about 20 or 30 cents. Yet some have suggested we should suspend our policies that promote the use of renewable fuels to help drive down food prices.

If all the evidence suggests that biofuels have little, if any, impact on the rising cost of food, what good can come from lifting our biofuels policies? If people look at the facts, how can a public relations firm of former Clinton employees get a $300,000 contract from a very respectable organization such as the Grocery Manufacturers of America, whose Members need an excuse to raise the price of food? How do they get away with it? Well, they get away with it because nobody is looking at the facts.

I was pleased to join 15 of my colleagues in signing a letter to the Environmental Protection Agency, expressing our opposition to this misguided idea. We had about that same number of Senators in this body—some of them even voting for ethanol in the past years—sending a letter down to the same EPA, saying we have to stop ethanol, probably some of the very same people who are complaining about the dirty air we have or the global warming.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of that letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 6, 2008.

Hon. STEPHEN JOHNSON,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR JOHNSON: We're writing to express our strong opposition to any request to partially or completely waive the Renewable Fuels Standard. We strongly disagree with the assumption that the renewable fuels mandate is harming the U.S. economy or that it's primarily responsible for the global escalation of food costs.

We recognize that global food prices have seen a significant increase in recent years. However, waiving the RFS would not cause an immediate or near term reduction in food prices. Ed Lazear, Chairman of the Council of Economic Advisors, recently estimated that global food prices have increased 43 percent since last year, and domestic food inflation was 4.5 percent. Importantly, Chairman Lazear noted that the increased production of ethanol accounted for only 3 percent of the 43 percent global increase and only a quarter of one percent of the 4.5 percent increase in U.S. food prices. This data is evidence that ethanol accounts for less than 3 percent of the increase in global food prices.

There are many factors behind the rise in food costs. The increased demand in emerging markets, increased cost of energy inputs, weather conditions in Australia, China and Eastern Europe, and export restrictions have all contributed to the rising costs, according to Chairman Lazear.

Corn production and consumption in the United States has very little or no impact at all on global rice, wheat or lentil markets. Joseph Glauber, Chief Economist at the U.S. Department of Agriculture, recently testified before Congress that rising prices for corn and soybeans have had little effect on the high prices for wheat, rice and other food commodities. He indicated that many factors have a greater role than biofuels, including worldwide economic growth, global weather problems affecting wheat production, rising marketing costs, and the weak U.S. dollar.

While we're all sympathetic to those struggling to cope with the higher cost of food both domestically and internationally, we must be intellectually honest about the real causes behind the increases. Waiving the renewable fuels mandate will have a negligible impact on corn and food prices. A recent Texas A&M study concluded that relaxing the Renewable Fuels Standard will not result in significantly lower corn prices.

At a time when a barrel of crude oil costs nearly $120 and gasoline prices are approaching $4 a gallon, the fuel produced by the U.S. ethanol industry is helping to extend our fuel supply and keep prices lower. A Merrill Lynch analyst recently estimated that oil and gas prices would be 15 percent higher if biofuels weren't added to our nation's fuel supply. According to Iowa State University's Center for Agriculture and Rural Development, ethanol use has lowered gas prices by 30 to 40 cents a gallon, while relaxing the mandate would reduce corn prices by only 5 percent. The fact is, reducing the amount of ethanol in our nation's fuel mix will have little if any impact on food prices and will actually increase prices at the pump for American's consumers.

As world demand for biofuels and food increases in the coming years, we will need to continue to develop technologies and feedstocks that meet that demand in a sustainable manner. We strongly support efforts to develop alternative feedstocks and technologies that can satisfy this global demand in a way that addresses the goals of energy security and food security.

The U.S. renewable fuels industry has made tremendous strides to produce a homegrown, alternative energy that is improving our environment, reducing our dependence on foreign oil and increasing our national security. America's farmers are continuing to provide an ample supply of safe, affordable food for the U.S. and global markets. Therefore, we strongly urge you to reject any action that would reduce the production and use of domestically produced renewable fuels.

Sincerely,

Charles E. Grassley ; John Thune; Norm Coleman; Kit Bond; Tim Johnson; E. Benjamin Nelson; Amy Klobuchar; Byron Dorgan; Richard G. Lugar; Ken Salazar; Kent Conrad; Jon Tester; Claire McCaskill; Tom Harkin; Debbie Stabenow; Evan Bayh.

Mr. GRASSLEY. An investment researcher with UBS recently said that lifting the biofuels mandate will not ease corn or food prices because energy costs and commodity speculation—speculation—are greater factors. Lifting the renewable fuels mandate will not drive down the cost of corn or the price of groceries. But it will increase our demand for crude oil—dirty-burning crude oil. Big oil wins.

A Merrill Lynch analyst recently estimated that oil and gas prices would be up 15 percent higher without biofuels. I have already spoken to the Iowa State University study: 30 or 40 cents higher for gasoline without having the ethanol industry.

Another economist estimated an even higher price, that gas would go up $1.40 if we removed 50 percent of the ethanol scheduled to be used this year—as these letters from my colleagues suggest that we do away with half the mandate.

It is clear, then, reducing the amount of ethanol in our Nation's fuel mix will have little, if any, impact on food prices and will actually increase prices at the pump for all Americans.

So to the critics, let me say loudly and clearly: Ethanol is not the cause of all that ails you. While it is easy to blame, it is intellectually dishonest to make these claims. It is time for critics to take an independent look at the facts. They have a responsibility to brush aside this sort of "herd mentality" that is being encouraged by the Grocery Manufacturers Association. It eventually gets taken over by the pundits and talking heads on TV who claim that everything about ethanol is bad. And it is getting louder. It is not only bad, but it is bad, bad, bad.

I wish to tell you what is good, good, good about ethanol because the truth is, ethanol is reducing our dependence upon foreign oil. Ethanol has a significant net energy balance. The same cannot be said for gasoline. Ethanol is reducing our greenhouse gas emissions. Ethanol is not the culprit behind rising food and feed prices here at home or abroad. Ethanol is lowering the price of crude oil and lowering the price of gasoline. Ethanol is increasing our national security, helping our balance of trade, reducing our dependence upon Middle East oil and the whims of big oil.

It is time we clear the air, look at the facts, and recognize, once again, that everything about our domestic renewable fuels is good, good, good—good for agriculture; good for the refinery business, providing jobs in rural America; good for the environment; good for national defense; good for the balance of payments—good, good, good.

Madam President, I ask unanimous consent that "Ethanol Myths and Facts" from the U.S. Department of Energy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ETHANOL MYTHS AND FACTS

Myth: Ethanol cannot be produced from corn in large enough quantities to make a real difference without disrupting food and feed supplies.

Fact: Corn is only one source of ethanol. As we develop new, cost-effective methods for producing biofuels, a significant amount of ethanol will be made from more abundant cellulosic biomass sources.

Future ethanol will be produced increasingly from cellulose found in crop residues (e.g, stalks, hulls), forestry residues (e.g., from forest thinning), energy crops (e.g., switchgrass, sorghum), and sorted municipal wastes. Some promising energy crops grow on marginal soils not suited for traditional agriculture.

A high-protein animal feed, known as Distillers Dried Grains with Solubles (DDGS), is produced in the process of making corn ethanol.

The Energy Independence and Security Act of 2007 (EISA) requires that U.S. transportation fuels contain at least 36 billion gallons of renewable fuels by 2022. Of that quantity, 16 billion gallons must be cellulosic biofuels, while ethanol from corn is capped at 15 billion gallons.

The U.S. Departments of Energy and Agriculture's Billion Ton Study found that we can grow adequate biomass feedstocks to displace about 30% of current gasoline use by 2030 on a sustainable basis—with only modest changes in land use. It determined that 1.3 billion tons of U.S. biomass feedstock is potentially available for the production of biofuels-more than enough biomass to meet the new renewable fuel standard mandated by EISA.

Myth: In terms of emissions, ethanol pollutes the same as gasoline or more.

Fact: Ethanol results in fewer greenhouse gas (GHG) emissions than gasoline and is fully biodegradable, unlike some fuel additives.

Today, on a life cycle basis, corn ethanol produces about 20% fewer GHG emissions than gasoline. With improved efficiency and use of renewable energy, this reduction could reach 52%.

In the future, ethanol produced from cellulose has the potential to cut life- cycle GHG emissions by up to 86% relative to gasoline.

Ethanol-blended fuels currently in the market—whether E10 or E85—meet stringent tailpipe emission standards.

Ethanol readily biodegrades without harm to the environment and is a safe, high-performance replacement for fuel additives such as MTBE.

Myth: More energy goes into producing ethanol than it delivers as a fuel.

Fact: In terms of fossil energy, each gallon of ethanol produced from corn today delivers one third or more energy than is used to produce it.

Ethanol has a positive energy balance that is, the energy content of ethanol is greater than the fossil energy used to produce it—and this balance is constantly improving with new technologies.

Over the last 20 years, the amount of energy needed to produce ethanol from corn has significantly decreased because of improved farming techniques, more efficient use of fertilizers and pesticides, higher-yielding crops, and more energy-efficient conversion technology.

Most studies that claim a negative energy balance for ethanol fail to take into account the energy contained in the co-products.

Myth: Rainforests will be destroyed to create the new croplands required to meet food, feed, and biofuels needs, thus accelerating climate change and destroying valuable ecosystems.

Fact: Biofuels have the potential to significantly reduce global GHG emissions associated with transportation, but—as with all types of development—controls are needed to protect ecologically important lands.

In Brazil and elsewhere, laws have already slowed deforestation, and for the past decade China has converted marginal croplands to grasslands and forests to control erosion.

Links between U.S. ethanol production and land use changes elsewhere are uncertain. We cannot simply assume that increases in U.S. ethanol production will lead to increased crop production abroad. In fact, since 2002, during the greatest period of ethanol growth, U.S. corn exports increased by 60% and exports of Distillers Dried Grains (DDGs) also increased steadily. In part, improvements in U.S. corn yield (about 1.6% annually since 1980) have enabled simultaneous growth in corn and ethanol production.

Greenhouse gas emissions will decrease dramatically as biofuels of the future are increasingly made from cellulosic feedstocks and as the associated farming, harvesting, transport, and production processes increasingly use clean, renewable energy sources.

Myth: Ethanol-gasoline blends can lower, fuel economy and may harm your engine.

Fact: Most ethanol blends in use today have little impact on fuel economy or vehicle performance.

While ethanol delivers less energy than gasoline on a gallon-for-gallon basis, today's vehicles are designed to run on gasoline blended with small amounts of ethanol (10% or less) with no perceptible effect on fuel economy.

Flex-fuel vehicles designed to run on higher ethanol blends (E85 or 85% ethanol) do experience reduced miles per gallon, but show a significant gain in horsepower.

As a high-octane fuel additive and substitute for MTBE, ethanol enhances engine performance and adds oxygen to meet requirements for reformulated gasoline.

Mr. GRASSLEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

Mr. CONRAD. Mr. President, I ask unanimous consent the Senate proceed to the House message to accompany S. Con. Res. 70, the concurrent budget resolution; that the motion to disagree to the House amendment be agreed to, the motion to agree to the request of the House for a conference be agreed to; and the motion to request the Chair to appoint conferees be agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore laid before the Senate the following message:

S. CON. RES. 70

Resolved, That the House insist upon its amendment to the resolution (S. Con. Res. 70) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. SPRATT, Ms. DELAURO, Mr. EDWARDS, Mr. RYAN of Wisconsin, and Mr. BARRETT of South Carolina, be the managers of the conference on the part of the House.

Mr. CONRAD. Mr. President, I now ask we enter into 1-hour time agreement, equally divided, on an amendment that will be on or in respect to potential tax increases in the conference agreement.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GREGG. I will just say it will be a motion to instruct.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

MOTION TO INSTRUCT

Mr. GREGG. Mr. President, I send a motion to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire, [Mr. GREGG] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 70 (the concurrent resolution on the budget for fiscal year 2009) be instructed to reject the revenue levels in both the Senate-passed and the House-passed budget resolutions, both of which assume the largest tax increase in history, and include revenue levels consistent with extension of the tax rates currently in place.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this motion to instruct is necessary because the budget, as it left the Senate and it is represented, has been agreed to between the House and Senate Democratic leadership and membership, with no Republican input other than the courtesy of telling us what they have agreed to, has in it the largest tax increase in the history of the world—the history of the world, not just the history of the United States. It is a $1.2 trillion tax increase. It means that all Americans' taxes will go up significantly as a result of this tax increase. Mr. President, 7.8 million people today who do not pay taxes will find that they are paying taxes. These are low- and moderate-income Americans who are not liable to pay taxes because their income has them in a level where there is no tax event, but under this budget resolution, which assumes the termination of the tax policies that were put in place in 2001 and 2003, those 7.8 million people will be returned to the tax rolls and will have to pay taxes.

Families of four, earning $50,000—a husband, a wife and two children—in 2011, under this bill, would see their taxes go up $2,300. A single mom raising two kids—which is the toughest job in America, in my opinion—earning $30,000 a year, that mother would see her taxes go up by $1,100. That is a lot of food, a lot of clothing, and a lot of better lifestyle that will be lost to that family.

A family of four earning $110,000 would see their taxes—that would be, for example, a mother who is teaching or a father who is teaching and a mother who is a police officer, one making $50,000 and one making, say, $60,000—that family with two children could see their taxes go up $4,300 under this bill.

Small businesses—which are defined by the Democratic Party as the rich, will pay more taxes. In fact right now in the House of Representatives they are debating a bill which they claim taxes the rich, which it turns out are small businesses who file as individuals—75 percent of all individual returns with income above $300,000 include business income, and 83 percent of all individual returns with income above $1 million include business income. They will be subject to the high-end tax which the Democratic Party is proposing in the House. Meanwhile, small businesses, who pay 54 percent of all individual income taxes—those small businesses, 27 million in total, will see their tax bill go up by $4,100 under this budget resolution. That could easily put a lot of those small businesses out of business, that type of a tax hike. A lot of these businesses work at the margin. Even though they may have high income, they are still spending a lot of that in order to maintain their business.

Elderly couples with incomes of $40,000, if the Democratic budget goes forward, an elderly taxpayer, someone over 65 with $40,000 of income, will see their taxes go up $2,200. That is a lot of money for somebody who is probably on a fixed income and does not have too many ways to increase their income and are trying to make fixed costs, which they also cannot reduce. To be hit with a $2,200 tax bill in 2011 is a pretty stiff penalty to pay so the party in power, the Democratic Party, can spend their money on some program they deem more appropriate than allowing that individual to keep their money in their pocket. Eighteen million seniors will see taxes go up under this bill as the tax policies of 2001 and 2003 are repealed and taxes are increased.

There was an argument made on the other side of the aisle that we are not going to do that, we are going to collect this money from uncollected taxes. That argument has no viability any longer. They made that argument last year, and the amount of money which was collected from uncollected taxes went up a minuscule amount, so that argument has no credibility. There is an argument made, primarily by Senator OBAMA in his campaign for the Presidency, that all these new programs and all this cost will be paid for by taxing the wealthiest Americans—only the wealthiest Americans; that the other tax breaks will be left in place.

This budget does not assume that. This budget does not assume that at all. This budget assumes the full repeal of all the tax rates as they were put in place in 2001 and 2003. In addition, it assumes the full repeal of the capital gains rate, full repeal of the dividend rate—which, by the way, taxes on capital gains and dividends are paid disproportionately by senior citizens. They are the ones who sell their homes and end up with capital gains, they are the ones who have fixed incomes usually tied to dividends from their pensions.

So that argument that this proposal is just going to tax the wealthiest of Americans does not fly, on the basis of the language of the Democratic budget. The Democratic budget says they are going to repeal and raise, by $1.2 trillion, those taxes—taxes which all Americans will have to pay.

Senator OBAMA says if he just taxes the wealthy, he can pay for all his new spending programs. Those new spending programs total up to well over $300 billion a year. He has proposed over 185 new programs. If you score just 143 of those programs he is proposing—his new or additional programs—it totals $300 billion in new spending. That is on top of the new spending already in this budget resolution. This budget radically expands spending. It is well over $200 billion in new discretionary spending over the 5-year period of this budget and of course you put the Obama "spend-orama" on top of that and you are up another $300 billion. All of this is going to be paid for, allegedly, by just taxing the wealthy.

You have to look at the language of the bill. That is not the way it is going to be paid for. As I outlined, it is going to be paid for by taxing working Americans, elderly Americans, single moms with families and individuals who run small businesses.

In fact, if you took Senator OBAMA at face value, and what he is proposing, he is going to raise all of these taxes on the wealthy to pay for his $300 billion of new spending and the $200 billion in this bill. The $300 billion figure is an annual number, by the way.

The maximum amount, if you were to return to the top rate in America, back to the rate during the Clinton years, which is what has been proposed by Senator OBAMA, the maximum amount that generates annually is $25 billion. The fact is, we will not get that much. These are wealthy people. They understand how to hire tax accountants and avoid taxes when taxes become disproportionate, and they view them as something that should be avoided rather than paid.

The great advantage we have from the tax cuts which were put in place by President Bush and which caused this economy to expand and caused Federal revenues to grow in the most aggressive way in our recent history, was that tax laws have reached fair levels.

Take, for example, the capital gains tax which, under this bill, under this budget, will be doubled. The capital gains tax today, because it is at a reasonable rate, 15 percent, is generating huge increases in Federal revenues.

In fact, CBO estimated when the capital gains rate went to 15 percent, it would generate about $100 billion less than what it has actually generated over the last 3 years. And why did we obtain an additional $100 billion in tax revenue as a result of having a lower capital gains rate? For two reasons: One, because the capital gains rate was fair so people were investing in activity that was taxable, and they were not trying to avoid taxes by investing in nontaxable activity; and, two, because when you set a fair capital gains rate, what you do is incentivize people to go out, recognize their capital gains—in other words, sell the asset which they obtained gain in, and then take that new money they have gotten and reinvest it in some other activity which also generates capital gains.

Instead of having the capital gains event locked down, instead of having assets held simply because people do not want to pay taxes, and those assets may be nonproductive assets, thus not having productive use of those dollars, a reasonable capital gains rate, which is what we now have in this country, causes people to go out and invest and act in the most efficient way with the money they have.

As a result, not only do they generate more taxes to the Federal Government, $100 billion more than was estimated, but they also, at the same time, create more jobs. Because those dollars are used more efficiently, there is more entrepreneurship, there is more risk taking, and more people are willing to go out and take the risks to create a job because they know they are going to have a chance to get an adequate return, and their efforts will not be taxed away.

But this budget rejects all of that. This budget rejects that whole concept. It says: Let's go back to the period where we taxed people at extremely high rates. And why? Why do they tax people at extremely high rates? Is it to reduce the deficit? No, the deficit goes up dramatically under this bill.

Does it reduce the national debt? No, the national debt goes up dramatically under this bill. The reason they want your tax dollars is because they want to spend your tax dollars. There is a genuine philosophy on the other side of the aisle that says they know how to spend your money better than you do. You, the working American, you, the small business man or woman, you, the single mother, they know better how to spend your money than you know how to spend your money. Thus, they want to raise your taxes in order to reprogram it in some sort of program that they deem to be of a better social purpose than allowing the person who earned that income to keep their money in their pocket so they can make decisions which benefit them and their family with those dollars.

That is the philosophical difference that divides us and could not be shown in a more stark way than in this budget as it left the Senate and which will be conferenced, because this budget repealed almost all the constructive tax policy that was pro-growth oriented in the President's proposals of 2001 and 2003, and as a result it drives this massive increase in the tax burden on the American people.

This is not a tax on the wealthy. This is a tax on the middle class because it is middle-class America who will have to pay for the $1.2 trillion tax increase. To review the numbers, 7.8 million people who do not pay taxes today will have to pay them under this bill; 27 million people who run small businesses will see their taxes go up by $4,100; 43 million working Americans who have children will see their taxes go up by $2,300; and senior citizens, 18 million senior citizens, will see their taxes go up by $2,200.

Obviously, we have a deep philosophical difference with the majority on this point. And that is why we are suggesting an instruction which says we should not proceed down the path of having the world's largest tax increase. Let's at least tell our conferees: Do not do that to the American people. Keep the tax laws at a level that is fair and is responsible.

By "responsible" I mean the tax laws, as they presently are structured today, are returning more revenue to the Federal Government from our income tax than we have ever had in our history. And even as a percentage of the gross national product, they are returning more revenues to the Federal Government than has been the historical average. Mr. President, 18.7 percent of gross national product today is being collected in tax revenue. Historically, it was only 18.2 percent. So these tax laws have not reduced Federal revenue, they have actually increased Federal revenue, as I pointed out when I discussed the capital gains rates.

We should not be putting in place a tax burden on working Americans which is going to be counter to the idea of creating jobs, creating economic incentives, and giving and allowing people to keep in their pockets money which they have earned and which they know better how to spend than we as a government know how to spend.

I reserve the remainder of my time. I look forward to continuing this discussion as we proceed through the afternoon.

The PRESIDING OFFICER (Mrs. McCASKILL.) The Senator from North Dakota.

Mr. CONRAD. Madam President, I have enjoyed listening to my colleagues describe this budget resolution. But it has nothing whatsoever to do with the budget resolution we have produced. It is a wonderful speech. It is the same speech they give every year no matter what the budget resolution says. But it absolutely has no attachment to what we have presented.

I hear this talk about the biggest tax increase ever in the world history. He said the same thing last year. And you know what happened. We have cut taxes. In fact, I have that chart too. It is very interesting because he gave precisely the same speech last year. It may have been exactly the same speech.

And what has happened with this Democratic-controlled Congress? Well, here are the tax cuts we have enacted, $194 billion. After they said we were going to have the biggest tax increase in the history of the world last year, we have cut taxes by $194 billion, with $7 billion of revenue raised through loophole closers that have been enacted, loophole closers that, frankly, many of them supported to advance the legislation that was important to us all. But that is the record.

After the speech, the identical speech, virtually the identical speech he gave last year, that we were going to have the biggest tax increase in the history of the world—what is the record? We have cut taxes by $194 billion, overwhelmingly on the middle class.

Now, let's look at this budget resolution. The green line is the revenue that is in our resolution. The red line is the President's. That is a very small difference, as you can see, a very small difference between the two. In fact, here is the difference: $15.6 trillion of revenue in our resolution, $15.2 trillion of revenue in the President's proposed budget. That is a difference of 2.6 percent. So I do not know what he is talking about when he is talking about the biggest tax increase in the history of the world. That has nothing whatever to do with our resolution.

In fact, our resolution has substantial tax relief. The Baucus amendment adopted on the Senate floor with bipartisan support extended the middle-class tax relief by providing for marriage penalty relief, by providing for extension of the child tax credit, by extending the 10-percent bracket.

We also provided alternative minimum tax relief to prevent 26 million people from being caught up in the alternative minimum tax, almost an eightfold increase from the number affected now. We have taken effective action to prevent that from happening. We have estate tax reform that will provide that only two-tenths of 1 percent of estates will face any taxes.

We provide for energy and education tax cuts. We provide for property tax relief, and we provide for extension of the popular tax extenders. All of that is done in this bill. Now, there is a difference in revenue, as I indicated, a very modest 2.6 percent between what is in our budget resolution and what the President called for.

Well, where are we going to get that revenue if we are not going to have a tax increase? Well, the first thing we do is go after the tax gap which is now estimated at $345 billion a year. That is the difference between what is paid and what is owed, $345 billion a year.

If we got 20 percent of that amount alone we could meet our numbers with no tax increase. But that is not the only place we can look because, as I have shown before on the floor of the Senate, this building down in the Cayman Islands called Ugland House, this little modest, five-story building is the home to 12,748 companies.

Now, I have said this is the most efficient building in the world. Think of that. That little building down in the Cayman Islands, and 12,748 companies claim they are doing business out of that little building. Of course, the only business they are doing in this building is monkey business because what they are doing is claiming they are doing business there in order to engage in tax avoidance. That is the business they are engaged in in Ugland House.

Now, if anybody doubts it, here is a recent story from the Boston Globe from March 6 of this year: Shell companies in Cayman Islands allow Kellogg, Brown and Root to avoid Medicare and Social Security taxes in the United States. What they have done down there this is the Nation's top Iraq war contractor until last year, a subsidiary of Halliburton, is to avoid paying hundreds of millions of dollars in Federal Medicare and Social Security taxes by hiring workers through shell companies based in this tropical tax haven.

Now, what we are saying is, let's shut down this kind of scam. How much is there? Well, the Permanent Subcommittee on Investigations said there is $100 billion a year that is being lost to the U.S. Treasury in tax scams being run in these offshore tax evasion schemes. So if you have $345 billion a year in the tax gap, money that is owed that is not being paid, and the vast majority of us pay what we owe, it is outrageous that some are getting away without paying what they owe. And our argument on our side is that we ought to go after those folks who are not paying what they owe and are cheating all the rest of us.

On our side we say: Let's shut down these offshore tax havens that are costing us another $100 billion a year, these tax scams that are cheating all of the rest of us. You add those two together, that is $445 billion a year.

Again, now we need less than 20 percent of that in order to completely close this revenue gap.

But it doesn't end there, because I have shown this chart on the floor of the Senate too. This is a picture of a sewer system in Europe. What does a sewer system have to do with the budget of the United States? We have companies in America buying European sewer systems to write them off on their books to reduce their taxes here. Then they lease the sewer systems back to the European cities that built them in the first place. Is that unbelievable? Our friends on the other side don't want to do anything about that. They don't want to shut that down. They think that is OK. We don't. We think that should be shut down. This is another tens of billions of dollars a year in these types of tax scams.

We have things we have done to try to shut down some of these operations. We have put these in bills that the President has threatened to veto. This is almost hard to believe, but this is what has been going on. We proposed shutting down these scams. One of the things we propose is codifying economic substance, prohibiting transactions with no economic rationale done solely to evade taxes. We proposed shutting down schemes to lease foreign subway and sewer systems and depreciate their assets on the books of the United States to avoid taxes here. We have proposed ending deferral of offshore compensation by hedge fund managers trying to avoid taxation in this country. One of those people, by the way, earned over $1 billion last year alone. And there is not just one; there are many of them who earned over a billion dollars a year last year. Then they cook up a scheme where they move their money offshore to avoid paying taxes in this country and stick all the rest of us with the bill. We have said no, let's shut that down. The President has threatened to veto that.

We have talked about expanding broker information reporting to prevent this evasion and taxing people who leave this country and give up their citizenship to evade taxes they owe here. As unbelievable as it may sound, we have people who give up their U.S. citizenship, go to one of these tax havens and say: We don't owe any taxes in America because we don't live there anymore. We are no longer a citizen of that country. We are now down in the Cayman Islands or another one of these tax havens.

In fact, I went on the Internet. It is amazing to go on, put in "offshore tax havens." Punch that in and then do a search. You will get over 1 million hits. One of my favorites is "live offshore in a luxury yacht, never pay taxes again." This is the kind of scam that is going on. We say shut it down. If we only got back 15 percent of the money in the tax gap—not 50 percent, 15 percent—if we got back 15 percent of this tax gap, of these abusive tax shelters, we could meet our numbers with no tax increase. Remember, in our resolution, we have hundreds of billions of dollars of tax reduction on middle-income people, because we have extended all the middle-class tax cuts. That is what this resolution does. The other side doesn't want to do that. What they want to do is make sure to protect the wealthiest among us. They want to protect those who are engaged in these scams. I don't know why they want to. I don't get it. But that, apparently, is their position. They are going to have to defend it.

As I have indicated, there is no assumed tax increase in this budget resolution—none. There are substantial tax reductions, hundreds of billions of tax reductions.

I will end as I began. Last year the Senator on the opposing side gave the same speech, that our budget resolution had the biggest tax increases in the history of the world. Here is the record. Now we can look back and we can see what happened. Did Democrats increase taxes? No. Democrats cut taxes by $194 billion. In fact, people all across the country are getting checks from the Federal Government right now that represent those tax reductions enacted and, by the way, enacted on a bipartisan basis. The President signed the bill. So people know they got a tax reduction from Democrats when we have been in control of Congress this year, because they are getting the checks in the mailbox right now.

After the Senator asserted last year we were going to have the biggest tax increase in the history of the world, it didn't happen. There wasn't any tax increase. Instead, there were tax reductions.

There is no tax increase in this budget resolution either. None. None is assumed. We don't need any to meet the revenue numbers which are only 2.6 percent more than the President's revenue numbers. In fact, we have substantial middle-class tax relief. The middle-class tax relief that is in this package is right here. We extend the middle-class tax provisions that provide marriage penalty relief. We extend the important child tax credit. We extend the 10-percent bracket that provides such good relief to middle-income people. We have provided for relief from the alternative minimum tax. We have provided for estate tax reform. We have provided energy and education tax cuts, property tax relief, and the popular tax extenders. All of that tax relief is in this package.

I hope our colleagues will reject the assertion that is in the Senator's motion because it bears absolutely no relationship to the budget resolution before us.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, 2 years ago, Democrats campaigned on tax relief for middle-class families. They called for fiscal restraint and lowering the national debt. But as we have seen over the last year, our good friends are more concerned with increasing taxation, increasing regulation, and increasing litigation. The budget they unveiled this year is the latest example.

If we were to follow this budget, it would go a long way toward turning us into a country like France, at a time when even the French, as we all know, are trying to pull back and trying to get out of the ditch into which they have put themselves.

This budget lifts the curtain on what they have in store for America's already overburdened taxpayers. Instead of lowering taxes on America's working families and small businesses, this budget contains the largest tax hike in U.S. history.

It is not just the rich who would see their tax bills increase by an average of $2,300 a year; it is taxpayers making as little as $31,850, and couples earning $63,700. These are families the Democrats are calling rich and on whom they want to raise taxes.

Under this budget, every American would see his or her share of the national debt rise by $6,440 as a result of dramatically higher spending requests.

At a time when American families are tightening their belts and checking their own spending habits, Washington should be doing the same. Yet they are proposing the opposite. At a time of serious economic concern, they want to grow the Federal budget to over $1 trillion in nonemergency spending.

We have heard a lot of talk over the last few months from the other side about how middle-class families are struggling to make ends meet. We even worked together to pass a stimulus package that puts money back in the wallets of middle-class families. But now our good friends on the other side want to take that money back—and then some—to fund their irresponsible spending hikes.

Let's be clear about what this budget is: It is the Democrats' way of saying yes to the failed tax-and-spend policies of the past. American families cannot afford this budget, American job creators cannot afford this budget, and neither can our economy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Well, Madam President, it is the same song, second verse. Again, it is words. It is no wonder our friends on the other side have lost three congressional elections in a row because they keep chanting the same mantra that has no relationship to reality. These are the exact same speeches they gave last year: biggest tax increase in the history of the world.

Now we can come and we can check the record. We do not have to guess; we do not have to suppose; we do not have to engage in make-believe. We can look at the record. Here it is: Democrats lowered taxes by $194 billion. If you are listening, you do not have to wonder if that is true. All you have to do is go to your mailbox because all across America people are getting checks from the United States that represent the tax cuts Democrats in Congress passed. So this is not a question; this is a matter of fact. Democrats cut taxes $194 billion. Those are not my numbers. Those are the numbers from the Congressional Budget Office.

All of this talk about big tax increases is just talk. It has no relationship to this budget and no relationship to last year's budget. It has no relationship to this year's budget.

I present the factual record. It is as clear as it can be. We lowered taxes $194 billion in the year under the budget resolution we passed last year.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I now suggest we yield back the time remaining on this motion and that we turn to the motion to instruct by Senator KYL. So I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I will not object. So let's go forward with that, and then I will seek recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask that we enter into a unanimous consent agreement on the Kyl motion—there will also be a side by side—that we do an hour on the two, equally divided.

Mr. GREGG. Madam President, to my knowledge we have not seen the side by side.

Mr. CONRAD. Oh, they are typing up the comprehensive agreement. So shall we——

Mr. GREGG. Why don't we proceed with Senator KYL, and after we see your side by side, we can talk about time agreements because we already have an hour.

Mr. CONRAD. Let's proceed on the basis that we will make a good-faith attempt that we try to do this in an hour. Is that OK?

Mr. GREGG. That is fine with me.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Madam President. I am going to take a couple of minutes to lay this motion down and then leave the floor. I will come back. Senator GRASSLEY will be here in about a half an hour. I know he wants to speak to this motion. So the total time consumed should not be more than that, but exactly when we will do the time I am not precisely sure.

Mr. CONRAD. Madam President, if I can say, maybe we can work things out. We will try to be flexible and work in people as they come. We will do our best effort to get it done in an hour.

MOTION TO INSTRUCT

Mr. KYL. Madam President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Arizona [Mr. KYL] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 70 (the concurrent resolution on the budget for fiscal year 2009) be instructed to reject the House amendment that assumes $110 billion in tax increases as a result of having to offset the extension of tax policies that expired at the end of 2007 and will expire at the end of 2008 (including the AMT patch, the research and experimentation tax credit, the State and local sales tax deduction, the combat pay earned income tax credit, education tax credits, and the alternative energy tax credits) and insist that the final conference report include in the recommended levels and amounts in Title I reductions in revenues commensurate with extending these tax policies without offsetting tax increases.

Mr. KYL. Madam President, let me simply describe in about 90 seconds what this motion does, and then I will come back and make the presentation for it in a moment. This motion would instruct the House and Senate budget conferees to assume a 1-year extension of the alternative minimum tax so-called patch, in other words, that the filers who have not had to pay that would not have to pay it in the future for another year.

Also, it assumes an extension of the tax extenders, as we call them. Those are the provisions of the Tax Code that have already expired, things such as the R&D tax credit; plus those that expire at the end of this year, things such as the various energy tax credits; and some international tax credits that have always been the subject of our extender policy.

These tax extenders and the AMT, alternative minimum tax, fix would not have to be offset by raising taxes on others. That is the key point of this motion, that we extend the relief we have given to filers—about 26 million filers this year—from the alternative minimum tax, and extend the various so-called tax extender provisions that are traditionally extended here, and that in neither case would we be raising taxes in order to pay for them.

Madam President, I will reserve discussing this further until some of the other speakers are here to make the motion.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I will offer a side-by-side amendment that seeks to achieve the same goal. This is one place where we have an agreement. None of us want to see the alternative minimum tax imposed on the American people. That would involve 26 million people, up from 4.2 million now. All of us want the so-called tax extenders to be extended. It would involve the research and development tax credit and others.

We would add this additional caveat: We ask that every effort be made to offset the cost of these policies by closing the tax gap, shutting down abusive tax shelters, and addressing these offshore tax havens that are turning out to be so abusive. We think that is better policy.

We absolutely agree that the alternative minimum tax should not be expanded. We absolutely agree that the so-called tax extenders, such things as the research and experimentation tax credit, the deduction for State and local taxes, the deduction for classroom expenses, the deduction for qualified education expenses, the incentive for the charitable IRA rollover, the combat pay earned-income tax credit, and various energy tax incentives, be extended. But we believe that rather than just putting that on the charge card and adding to the debt—meaning that we go out with a tin cup and borrow more money from the Chinese and the Japanese—we pay for it by going after these abusive tax shelters, going after these tax scams, these offshore tax havens, and do it without raising taxes. So I hope my colleagues will support that as a general principle and an instruction to the conference committee.

With that, I note the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I am going to extend my remarks.

I think many people in the country hear the phrase "AMT" and they wonder: What is that? It is the alternative minimum tax. It was established decades ago because they found there were people making $200,000 a year who weren't paying any taxes. To address that, they created the so-called alternative minimum tax.

The problem with it is that it was never indexed for inflation. The result is that now, instead of affecting just a few people, it is affecting millions of people. In fact, the estimates are that if we don't do anything about this, it will increase from 4 million people in 2007 to 26 million people in 2008.

In this budget resolution we say: No, no, don't let that happen. Don't increase taxes on 26 million American families. Don't do that.

In this instruction to the conferees, we say: Yes, absolutely, don't allow the alternative minimum tax to grow like a cancer. Instead, let's take care of that. Let's remove it as an option, and let's try to pay for it by closing down these abusive tax shelters, these offshore tax havens, and closing the tax gap.

Our friends on the other side have a different approach. They just want to put it on the charge card. The problem with that is if you eliminate the alternative minimum tax without paying for it, it adds $1.7 trillion to the debt. That is trillion with a "t." Where do we get the money? Well, we borrow it.

We have been doing a lot of borrowing under this President. This is his record. He is building a wall of debt that is almost unprecedented in the history of the finances of this country. When he came in at the end of his first year, the debt was $5.8 trillion. At the end of his tenure, it will be $10.4 trillion. In the 8 years he is responsible for, the debt will have risen to $10.4 trillion. In fact, he will have nearly doubled the debt of the country.

More alarming is where we are getting it from because increasingly we are getting this money by borrowing from Japan and China. We even owe Korea money. This chart shows it. This chart shows that it took 42 Presidents 224 years to run up $1 trillion of U.S. debt held abroad; $1 trillion of foreign-held debt—foreign-held U.S. debt. It took 224 years to run up $1 trillion of foreign-held debt and all these Presidents, 42 of them. This President tops them all. He increased foreign holdings of our debt by $1.51 trillion so far, and counting. He has dug a very deep hole.

We have proposed a series of reforms.

I held up just moments ago a picture of a French sewer system and asked the question: What does this have to do with the U.S. budget? Well, it turns out it has quite a bit to do with the U.S. budget because we now find companies in this country—wealthy individuals buying European sewer systems, not because they are in the sewer business but because they want to avoid taxes in this country. How do the two have any relationship? Well, here is how it works: They buy a European sewer system, they put it on their books here, they depreciate it for tax purposes here, reducing their tax bill, and they lease the sewer system back to the European cities that built them in the first place. What a scam.

I just held up a picture of this little five-story building. Here it is. This little building down in the Cayman Islands is home to 12,748 companies. What a remarkable building this is. That little five-story building is supposedly the corporate headquarters of 12,748 companies. Now, are they all really doing business out of that little building down in the Cayman Islands? No, of course not. They are not doing business down there. They have a postal drop down there in order to claim that it is their headquarters for tax purposes. Why would they do that? Because the Cayman Islands doesn't have any taxes. So what they do is they have a subsidiary of this company that sells to another subsidiary that is wholly owned, and they sell at cost to subsidiary No. 2. Then they sell from subsidiary No. 2 to subsidiary No. 3 that is down in the Cayman Islands. They sell to them at cost. Then the subsidiary in the Cayman Islands sells to another subsidiary over in Germany or France and shows a big profit in the Cayman Islands where there are no taxes. That is an outrage. The vast majority of us pay what we owe. We have some who don't, and they are getting away with it with these scams. We say shut it down.

Let's not go borrow more from China and Japan and dig the hole deeper the way the President wants us to do. That is what our budget resolution says. That is what my amendment says. Yes, absolutely, don't let the alternative minimum tax be expanded from 4.2 million people in this country to 26 million. Don't let that happen. Yes, extend the research and experimentation credit. Yes, extend the sales tax deduction. Yes, provide for these other important tax incentives, especially the energy tax incentives. But instead of borrowing the money, instead of just going back hat in hand to China and Japan and asking them for more money, let's shut down these offshore tax havens, these abusive tax shelters and this tax gap where we have people who owe money but aren't paying it. Let's go after them instead of going over to China and being dependent on the kindness of strangers to finance our country.

We are headed for a cliff here because under this administration the debt has skyrocketed before the baby boomers ever retire. I have shown the chart that shows what has happened to the debt. The debt has gone up like a scalded cat.

Here is what has happened to the debt under this President and these policies: up, up, and away. He has nearly doubled the federal debt. He has more than doubled the foreign holdings of our debt. In fact, the increase in foreign-held debt under this President is now 150 percent of the amount accumulated by all previous Presidents combined over 224 years. As a result, we now owe the Chinese hundreds of billions of dollars. We owe the Japanese even more. We even owe Korea now over $40 billion. Enough is enough. Enough is enough. Let's quit digging the hole deeper. Yes, absolutely, let's provide middle-class tax relief. That is in this budget.

As I have said before, with all the talk from the other side about the biggest tax increase in the history of the world, here is the record. Democrats had been in charge for 1 year and we have provided $194 billion of tax relief, and you don't have to wonder if that is true. Just go home and check your mailbox. You are receiving a check passed by this Congress, signed by the President—a stimulus package—with $150 billion in that package alone. But we have taken other steps to provide other tax relief as well, including not allowing, last year, the alternative minimum tax to be expanded, and we are not going to let the alternative minimum tax be expanded this year either. That is a fact. That is the record. It is not rhetoric, it is a fact.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Perhaps, I would ask the ranking member, could we just agree that whenever we go into a quorum call, we equally divide the time?

Mr. GREGG. Yes.

Mr. CONRAD. I ask unanimous consent that we adopt that as a rule, that any time we go into a quorum call, we equally divide the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I would ask the Senator from South Carolina, would it be acceptable—I understand it is with Senator BOXER who has a matching motion to yours—to have 30 minutes equally divided?

Mr. DEMINT. Yes.

Mr. GREGG. On both motions?

Mr. DEMINT. I just have one. Thirty minutes equally divided?

Mr. CONRAD. On the two.

Mr. DEMINT. Yes.

Mr. CONRAD. That would help very much. I appreciate the Senator's courtesy.

Madam President, I ask unanimous consent that we have 30 minutes equally divided on the DeMint and the Boxer motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

MOTION TO INSTRUCT

Mr. DEMINT. Madam President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from South Carolina [Mr. DEMINT] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 70 (the concurrent resolution on the budget for fiscal year 2009) be instructed to insist that if the final conference report includes section 304 of S. Con. Res. 70, the deficit neutral reserve fund to invest in clean energy, preserve the environment and provide for certain settlements, as passed by the Senate, that such section shall include an additional requirement that legislation providing for new mandates on greenhouse gas emissions that would harm the United States economy or result in a loss of jobs should not be enacted unless similar mandates are enacted by China and India.

Mr. DEMINT. Madam President, I want to take a few moments to explain this motion. I hope we can all agree on it. If there is one thing that we hear from both sides when we are talking about trade around the world, and trade agreements, it is there needs to be a level playing field; that trade needs to be fair; that the terms should be the same on both sides.

This motion to instruct the conferees addresses that one issue. It would prevent Congress from passing any law with new mandates on greenhouse gas emissions that would harm the U.S. economy or result in job loss unless both China and India had the same mandates—in other words, if we had a level playing field. It is not going to help the environment in the United States or the world if we pass mandates that raise the cost of doing business in our country, particularly those companies that are energy intensive, especially manufacturing, if we create mandates that do not exist in India or China. Our companies will simply relocate to other countries, taking American jobs with them.

The point of this motion is to put in front of all of the conferees the idea that it is important for us to reduce greenhouse emissions, to reduce CO_2 emissions all over the world. But it is also important for us to keep in mind that if we do something that is isolated to the United States, that hurts our economy and costs us jobs. It makes no sense if we don't require the major industrial countries, such as China and India, to do the same.

So we have seen over the last 15 years that CO_2 emissions in the United States have actually grown less than the economy has grown. So our productivity is increasing, and our use per capita, as far as CO_2, is actually declining. We see at the same time a 100-percent increase in emissions from China and India. Anybody who watched the prelude to the Olympics in China can see the results of that in the air.

So I ask my colleagues—particularly the conferees—to support the idea that we will not do anything that puts new emissions standards on our companies in this country, if we know it is going to hurt the economy or jobs, and that we need to insist the same standards apply in China and India.

With that, I will yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I rise to speak against the DeMint motion and in favor of the Boxer motion, which takes on the issue of global warming in a way that is consistent with the information and the facts that we have today.

The DeMint motion is a throwback to 10, 11 years ago when everybody around here, including myself, was saying we better watch out and not do anything about global warming until the undeveloped world acts. We better sit back and do nothing. You know what. We cannot do that anymore. This is a time of change. This is a time where we have to challenge the status quo. This is a time when we need to stand up as the leading country in the world and say that we can fight global warming, and we can win this fight. As a matter of fact, if we approach it with hope, not fear, we are going to create tens of thousands, hundreds of thousands of new jobs. We are going to get our people off of fossil fuel, not having to worry about gas prices anymore, and we will create new technologies that will spur us on to an economic renaissance.

But what happens with the DeMint motion, he gives China and India a veto power over what we should be doing. Imagine sitting back and saying we are not going to do anything about human rights until China acts. We are not going to do anything about a better educational system until India acts.

Why would we give up our chance to take the mantle of leadership and finally grab hold of this issue, and do it in a way that makes us quite strong in the global marketplace? So when you look at the DeMint motion, it is very similar to what passed in the last century, if you will, more than 10 years ago. That is why I think my friend's party is in so much trouble—because they fight against change, they fight for the status quo, they fear change, and this is a time of change.

I didn't ask for this moment during the budget debate. I don't think this is the right place to debate a cap-and-trade system because we will be tackling this subject matter soon enough. It is not going to be easy. Change isn't easy. But this is positive change, where America says we will lead. We know from the Pentagon, and we know from our intelligence officials that if we do nothing, we become less secure in the world because global warming, we know, will have an impact on drought, floods, cyclones—all of the things we are already seeing—if we do nothing because we have given over our chance to act to India and China, and our people will suffer.

Yesterday, the Bush administration declared that the polar bear is a threatened species because the polar bears' habitat is shrinking away. The permafrost and the ice that the polar bear stands on to hunt is literally melting out from under them. Now, for the Bush administration to declare that is extraordinary. They said it is because of global warming, and that in 30, 40 years we will not have any more polar bears. That is one example.

Scientists tell us 50 percent of God's species could be gone. For those of us who happen to believe there is a spirituality to this world—and I do—it is our destiny to save the planet. It is not our destiny to support the DeMint motion, which leaves it up to China and India.

We have a better way. We say in our substitute that no legislation should pass mandates on greenhouse gas emissions until it effectively addresses imports from China and India and other nations that have no similar emissions programs. We agree that no bill should pass unless it addresses the imports from these nations. So that is our alternative—not to say stop the world, I want to get off; not to say that America will be missing in action in the biggest domestic challenge of our time, but to grab hold of that challenge and make sure we do it in a way that is fair to our industry, fair to our workers, fair to our consumers, fair to our manufacturers. And when those imports come in at our ports, if those countries seeking entry into our country do not have equivalent programs, then they will have to get the allowances at the border in order to bring those goods into the country.

That is the way we are going to handle this problem. So, once again, I say to my colleagues, we are going to have a debate on global warming very soon, thanks to Senator REID putting it on the schedule for June 2.

When we are told by the leading scientists of the world that if global warming is left unchecked, our planet will become inhospitable to us as human beings, to our children, to our grandchildren, and that there will be vectors around that we cannot combat, there will be amoebas in our water, bacteria that have never been there before; there will be storms, cyclones, droughts, and floods—extreme weather conditions; when we see that the habitat for beautiful animals—God's creatures, such as the polar bear—is already being impacted now as we speak, for us to say we will do nothing until China acts—I don't want China dictating what I do in this country. I don't want India dictating what I do in this country. I want to make sure that we handle this issue right and that we are not disadvantaged because they may not act. That is what our alternative does.

I hope we will have a good vote on that alternative and reject the status quo—the throwback position of Senator DEMINT.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I appreciate the comments by my colleague from California. Certainly, it should be our highest priority as a nation to continue to remove CO_2 emissions throughout our country. We don't need to wait for any other country to act, only our own.

We do need to recognize that if we put such a burden on our industries in America, they will move production to China, and they will do their polluting somewhere else rather than here. If that is what our legislation does, then we do nothing for the environment, and the only thing we do for our country is send jobs overseas. We need to be smarter in how we deal with this matter.

The side-by-side motion by my colleague from California would add insult to injury. She wants to leave us open to lose jobs in America by putting mandates on our companies that hurt our economy and cost us jobs. Then she wants to add taxes on products that are coming from other countries that don't abide by our mandates so that products cost more for the people who live here, many of whom would not have jobs.

We cannot solve our environmental problems with this kind of convoluted logic. The motion I have put forward simply says if—and only if—a mandate is known to hurt our economy and costs our jobs, then we need to figure out a different way to deal with it than to put a mandate on a U.S. company in competition with businesses that don't have the same mandate in other countries we trade with.

It is only common sense, and it doesn't make sense, again, to send jobs overseas and then try to add taxes to products that we buy from around the world. I encourage my colleagues to think this through. Let me provide a few more facts about what we are trying to do.

We need to work to reduce greenhouse gases, and there are many things we can do that do not hurt our economy and don't drive jobs out of our country. In fact, if we look at it closely, good economics is usually good for the environment. We see that if we move with all compassion but just knee-jerk reactions, we end up with programs, such as an ethanol mandate, that do not help the environment, raise the price of food, and hurt people all over the world. I am afraid that same type of thinking is going on right now.

It is a laudable goal, one with which I agree, that we should continue to work in all reasonable ways to reduce CO_2 emissions in our country.

One recent study from the University of California found that China passed the United States in carbon emissions in 2006 and is now the largest pollution-producing country in the world. This has just been in a few short years, and they are growing much faster than we are.

We do need to keep in mind that carbon in the air that comes from China does as much to hurt the worldwide environment, if, in fact, it does affect global warming—it doesn't matter if it is coming from the United States or China. If we ignore what other countries are doing, we do it at our own peril.

My motion is very similar to bipartisan agreements that we had in the Congress when discussing the Kyoto agreement. It makes no sense to bind our own companies with expensive mandates if we do not have cooperation from countries in other parts of the world. We simply move our production and our jobs somewhere else. So we need to be logical about it.

I mentioned before, according to a World Bank study, both China and India have increased CO_2 emissions by nearly 100 percent from 1990 to 2004, while the United States emissions in that same period only increased by 25 percent, which is less than the growth of our economy during that period.

This emissions scheme we have talked about would export American manufacturing jobs to China and India. With the solution that is being presented by my colleague from California, she is basically saying: OK, let's hurt the economy and lose jobs in this country, but we can make up for it by raising prices of goods that come to us from China and India. That is not going to help anyone in this country, and it is not going to do anything to reduce emissions in the world. It is playing musical chairs with American jobs and basically encouraging the environment to be spoiled in other parts of the world.

In order to truly address greenhouse gas emissions, it is imperative that China, India, and other countries that are emitting need to work together. So if we take this on simply as one country, we will hurt ourselves, we would not help the environment and we will send jobs overseas and actually encourage pollution, magnified, in effect, by not acting in a way that tries to seek cooperation around the world.

I certainly encourage my colleagues to respond to the need to reduce CO_2 emissions and to look at ways we are doing it already that actually create jobs and don't take them from our country. But let's not solve the problem by making it worse and shipping our jobs and pollution overseas and expect to do any good with our legislation.

Madam President, I reserve the remainder of my time and yield the floor.

Mrs. BOXER. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from California has 5 minutes 57 seconds. The Senator from South Carolina has 6 minutes 51 seconds.

Mrs. BOXER. Madam President, will you let me know when I have used up 5 minutes?

The PRESIDING OFFICER. The Chair will so advise.

Mrs. BOXER. Madam President, I say to my colleagues that Senator DEMINT's motion is a back-to-the-future position. Again, it is why his party is in so much trouble. It is not looking ahead with hope; it is looking ahead with fear. It is giving veto power to countries that we should not be following. We should not be following the environmental policies of China. You can barely breathe over there. Yet they are going to have the same until they decide to act and we sit here and do nothing about one of the greatest challenges to face our generation.

I cannot look into the eyes of my grandchildren and tell them: Sorry, I am giving over my proxy to China, I am giving over my proxy to India, and I can't do anything about it.

I don't know exactly what my colleague is talking about. He is telling me what I support, and he has no right to do that. He has no right to say I support higher taxes on consumers because I don't. He has no right to say I want to give away jobs. I have more support from working men and women in my State than probably almost anyone in this body. I take second to none in that category of fighting for the environment and fighting for jobs.

Actually, if my friend knew a little bit more about what we are talking about, he would understand that the bill we are going to come up with has one of the biggest tax cuts in history in it—let me repeat that, one of the biggest tax cuts in history in it—which is going to ease the pain and ease the burden on consumers and on our people and help them pay for high prices of gasoline.

My bill has cuts in carbon of 2 percent a year that we think is doable, and our bill is deficit neutral. It is, as my friend should know, a very bipartisan bill—BOXER, a Democrat; LIEBERMAN, an Independent; WARNER, a Republican, and it has bipartisan support.

For someone to stand up and say the purpose of that bill is to hurt consumers, hurt America, hurt jobs, then they have not read the bill or they are giving a political speech. You can put lipstick on a pig, but it is still a pig.

I look at my friend's motion as a sad one. It is a position of surrender. It takes us back to the nineties, when we didn't know what we now know about global warming. It takes us back to the nineties, when we feared taking on that challenge. But our time has come. The time for change is here. It is time, once and for all, to stand up and say we are not going to depend on foreign oil anymore, we are going to make sure we have technology developed in this country that will get us away from foreign oil and away from the countries that hold such a vise around our neck. That is why Senator WARNER is on this bill, that is why Senator LIEBERMAN is on this bill, that is why I am on this bill, and many other colleagues on both sides of the aisle.

So for my colleague to bring this issue up on the budget resolution is unbelievable because he has not even seen the bill. To stand up and say that what I want to do and what those of us who want to act against global warming will do is bad for our country is quite the opposite.

In Great Britain, over the last 10 years, they have reduced carbon emissions by 15 percent. Their GDP rose by 45 percent, and 500,000 jobs were created that are green-collar jobs.

You can stand in the corner and shiver and shake and say: Please, China, please act so we can act. You can say: Oh, India, please act so we can act. Or you can stand up like an American and say: We lead.

This vote is an important vote because what I say in my side-by-side motion is we will not support legislation that does not address the issue of imports from countries such as China and India that have no emissions program.

MOTION TO INSTRUCT

Madam President, I have a motion to instruct at the desk. I wish to make that clear.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution, S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009, be instructed that—

no legislation providing for new mandates on greenhouse gas emissions should be enacted until it effectively addresses imports from China, India, and other nations that have no similar emissions programs.

Mrs. BOXER. I didn't want to forget to offer the motion.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mrs. BOXER. I reserve the remainder of my time. I look forward to a good vote on the Boxer motion.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask to take 10 minutes off the Kyl time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I believe we should adopt Senator KYL's motion to instruct the budget conferees. First of all, I wish to comment on the status of the alternative minimum tax. There is some good news regarding the need to do a patch to protect over 20 million families. The Democratic leadership in this body recognized the importance of halting the effect of this tax on these families and provided room in the budget for a patch for this year.

I commend my friend, the chairman of the Budget Committee, for that improvement of the budget resolution over previous years. I do so again and note that the Kyl instruction is consistent with the chairman's position in that regard.

The bad news is, we are halfway through the year and the patch has not been done. The reason is that Blue Dog Democrats in the other body will not supply the votes for an un-offset patch in the House of Representatives.

By the way, the only Blue Dog answer to deficit reduction is to raise taxes. We have seen it on the AMT, and we have seen it on spending legislation. We are seeing now the GI benefit provisions in the war supplemental bill. Why they think of only raising taxes and not of where to cut spending levels to offset the need to spend someplace else I don't understand. They never seem to propose spending cuts as a remedy. I think it is fair for me to say they never do. They only ask for higher taxes.

I hope people in this body will start to pay attention to this issue. The Blue Dogs' bark is deficit reduction, but their bite is always more taxes.

In addition to the AMT patch, both bodies need to deal with several expired provisions of tax law. We need to focus on this problem and get legislation ready.

Earlier today, the House began work on an extenders bill. It is offset with tax increases. I urge them to send the bill to the Senate so Chairman BAUCUS and I will have a vehicle to deal with this pressing problem. We need to act ahead of time. We need to act before the IRS forms are finalized. We cannot go through another filing season fiasco, such as waiting until December last year when it finally got passed, and the IRS had a lot of extra work after the forms had already gone out. Let's not create big problems for our taxpayers and the Internal Revenue Service.

Senator KYL's motion then is very important to assure us of the quickest route to complete action on AMT and extenders. The quickest route is the same route as last year: Drop the offset demand.

Folks on the other side happen to be complaining all the time that offsets are essential. I would like to make it clear that the policy issues behind offsets are one thing. We ought to ask ourselves the same question on any tax policy proposal, whether it raises revenue or loses revenue. The question should be: Does a tax legislative proposal make tax policy sense? It ought to be decided on the basis of policy. That is the bottom line.

On the matters of tax policy, Senator KYL's motion to instruct, the answer is very evident. On the AMT patch and extenders, the answer is overwhelmingly clear. The answer is "yes" on the motion to instruct. The policy call is a slam dunk. It is backed up by the politics; that is, supermajority votes for an AMT patch and extenders in the House and Senate that are very difficult to get.

We have to divorce the merits of the current law provisions from the offset question. Offsets should be judged on their merits. An AMT patch and extenders should be judged on their merits. Why should we seek divorce of the two, some might ask. Here is the reason.

Right now, we have a budget process, including pay-go, that is biased toward higher taxes and, of course, higher spending. As evidence, take a look at expiring spending provisions. According to the CBO, they total $1.3 trillion—a whole $1.3 trillion. That is double a permanent AMT patch score. That spending is not subject to pay-go. It, unlike expiring tax provisions, is included in the baseline; hence, it is home free. Just like the record tax increases built into this budget, so too is a record spending increase.

I have not even talked about appropriations increases. That additional above-baseline spending is included as permanent, once passed.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, through you, I ask the Senator if he would yield for the purpose of a unanimous consent agreement we have worked out?

Mr. GRASSLEY. Yes.

Mr. CONRAD. I think it would be helpful to the overall process that we do this.

Mr. GRASSLEY. Yes.

Mr. CONRAD. Madam President, I ask unanimous consent that the following motions to instruct conferees be the only motions, except the pending motions, with no amendment in order to the motions, and that would be the Conrad AMT and the Kyl AMT amendments, with 60 minutes equally divided, with the time already consumed being applied to the 60 minutes; that there be a Democratic nuclear energy reserve fund amendment and a Republican nuclear energy reserve fund amendment and the two amendments be limited to 30 minutes equally divided; that there be a Democratic OCS amendment and a Vitter OCS amendment, with 30 minutes equally divided.

We have already had initial debate on the Boxer China-India and the DeMint China-India amendment with 30 minutes equally divided, and we will apply all time already consumed to that 30-minute limit.

Finally, a Gregg or Republican $1 trillion cap on discretionary spending amendment with 30 minutes equally divided; that points of order be waived; that upon the use of debate time on each motion, it be set aside and the motions to be voted in the order listed; that there be 2 minutes prior to each vote, and then after the first vote, the vote time be limited to 10 minutes each; that upon the use of all time, the Senate proceed to vote in relation to each motion; that there be 60 minutes of general debate time available to the chair and the ranking member.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Madam President, I would note that obviously the amendment that has already been debated in the time consumed, the Gregg amendment, would be the first amendment to be voted on and these other amendments voted on in the order indicated, or we will do it as offered. I guess we can do it as offered, if that would accommodate the Senator from California, because we did the Boxer-DeMint amendment offered earlier. We will do it as offered.

I thank the Senator from Iowa for his courtesy.

Mr. GRASSLEY. Would you give me 1 more minute added to what I had?

Mr. CONRAD. Absolutely, an additional minute. Always, anytime, to the Senator from Iowa.

Mr. GRASSLEY. Madam President, I have been given 1 additional minute, so I have 5 minutes left at this point?

The PRESIDING OFFICER. That is correct.

Mr. GRASSLEY. The bottom line is that it is about time we start treating spending and taxes the same, under pay-go. So the Kyl motion to instruct treats expiring tax relief the same as expiring spending. That reason alone, aside from the merits of the AMT patch and extenders, should be enough to get the support from all of us on the Kyl motion to instruct.

The bottom line is that pay-go has a bias toward tax increases and increased spending. We ought to have the same rules apply to the expenditure side as to the tax side. Presently, they do not. But this would make it possible for that to be the case.

The chairman of the Budget Committee continues to say he is going to bring in all this money from shutting down abusive tax shelters, which I also favor. Some examples are cross-border leases of foreign sewer systems, which he mentioned, or shutting down tax havens, which he mentioned. I would support him in every one of those efforts.

But Congress has done a great deal already, shutting down abusive leasing deals. We did that in 2004. The Senate has tried to shut off tax benefits from older deals, but the House Democrats have rejected closing those loopholes. So I do not see how the distinguished chairman can count on this revenue even though he keeps saying this is the answer to all of our offset problems—in other words, getting enough new revenue to offset tax cuts someplace else.

The chairman also continues to say we can get $100 billion per year from shutting down offshore tax havens, according to the Permanent Subcommittee on Investigations. The fact is, there are no legislative proposals out there that the Joint Tax Committee has scored to bring in anywhere close to the $100 billion we are led by the other side, by the majority, to believe we are going to be able to do.

The 12,748 companies the chairman says are in the Ugland House in the Cayman Islands are not claiming to be doing business there. It is simply their registered address, just like an address in Nevada or Delaware is a registered address of many more thousands of companies. Does the chairman have a picture of an office building in Wilmington, DE, or Reno, NV? I assume the chairman is just as willing to go after onshore tax evasion facilities by State corporate law as offshore tax evasion, and he would want to do so in a way that does not put our information exchange network at risk.

The chairman knows that it is the Joint Committee on Taxation that provides Congress with revenue scores, not the Permanent Subcommittee on Investigations. Anything that would raise the kind of money assumed in this budget would involve a significant change in tax policy, which is the last thing the chairman says he wants to do.

Again, I do not see how the distinguished chairman can count on all this revenue without assuming substantial tax increases when the Joint Committee on Taxation, the "god" of assuming revenue coming in under tax law changes—if that "god" cannot score it.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. KYL. Madam President, I had earlier filed and Senator GRASSLEY had spoken on a motion to instruct conferees. An alternative has been presented by Senator CONRAD. I wish to discuss both of them, this motion to instruct conferees on the alternative minimum tax, and the so-called tax extenders.

Each year Congress is required to fix the AMT because without such a fix—around here it is called a patch—but without such a fix, it would apply to, last year 22 million people, this year 26 million people. It was never intended to apply to those people.

It was originated about 20 years ago because there were a couple hundred millionaires who were not paying taxes because of all of their credits, deductions, offsets, and so on. People in Congress thought that was not right, so we said: Well, no matter what, even if you have enough other tax shelters to eliminate your tax liability, we are going to make you pay an alternative minimum tax, no matter what. But it was not indexed for inflation, so now everyone is going to have to be paying it. Each year Congress says: Well, we did not intend that, so we will fix it so you do not have to pay it this year.

The question is not whether we are going to relieve taxpayers from that—we will—but whether the rules of the Democratic majority that it has to be paid for will, in fact, be implemented so that we have to raise taxes in order to save taxes, save people from having to pay taxes. Obviously it does not make any sense to say to taxpayers: You should have not to pay the alternative minimum tax, but under the Democratic rules we have to raise your taxes so that the Government does not lose any money from us relieving you of that tax liability. That does not make any sense.

So each year we waive that requirement. All we are saying here is we need to do that again this year. I understand the pay-go requirement is part of the Democratic rule around here. It has not been applied in the past for a very good reason: It makes no sense, and it should not be applied here either.

We never intended that this tax apply to 26 million taxpayers, we never intended to collect the revenue, we are not going to collect the revenue. So why do we have to make the Government whole for revenue that we never intended to give it in the first place, especially since it means raising taxes on people in order to "pay for the reduction in revenues to the Treasury"? That is what this resolution is about.

The other half of it is to instruct the conferees that we need to also extend the so-called extenders. Now, that is shorthand around here for a variety of tax provisions which provide various credits and other relief to taxpayers such as the research and development tax credit. But we only do that a year at a time, so every year about this time we have to start talking about passing the extenders package. We are going to do it; there is not going to be any debate about it. The distinguished chairman of the Budget Committee made the point earlier that agrees with us that this needs to be done; it is a question of how we do it.

What we are doing is saying here, today, we need to do it in the following way: Pass it as we did last year. You do not have to raise taxes somewhere else in order to "pay for it."

This is not a case that make any sense for us. If you are going to give tax relief, why would you raise taxes to have to pay for it? We are not counting on any revenue. Every year we do it this way. So why the charade that somehow we have to raise taxes to pay for something we never intended to collect revenue from in the first place?

That is what this resolution does. Let's strip away the pretense here that somehow or other we are going to pay for it. "Pay for" are not the right words anyway. That starts from the presumption that the Government owns all of this money, and that if we ever decide to give the taxpayers a break so they do not have to pay for it all, the Government gets to make up the revenue some other way.

How does the Government make up revenue? It taxes people. That is the only way the Government makes revenue. So the assumption is, well, the Government deserves all of this money, and if we ever say we are not going to collect some of it because we want people to keep more of it, then we have to make that up some other way, obviously by raising taxes.

I would rather start from the other premise, which is that the money belongs to the people and especially in times of economic downturn it is important that they be able to use, in the way that they deem most beneficial, the income they have earned, and that when we say we are going to relieve them of the alternative minimum tax liability, for example, we are doing that for a reason, and we do not need to start from the premise that it is the Government's money and somehow we have to keep the Government whole and give the Government money by raising taxes even though they were never going to collect this AMT revenue in the first place.

This must sound like a strange debate to the American people. But that is what the rule the Democratic majority has in place would require. That is what the budget would require. All we are saying is, since we are going to be passing a budget, let's instruct the conferees on the budget here that is not what we are going to do here. We are going to do it as we have in the past, as we did last year. We are going to pass the AMT relief, we are going to pass the extenders, and, no, we are not going to raise taxes on someone in order to pay for them.

Now, what is the alternative that the distinguished chairman of the Committee comes up with? It is the identical motion I have, with one other provision. It is this addition:

> And that we should insist that every effort should be made—

That is a sure sign for: We are not really going to do anything about this, but we at least want to make it sound good—

> to offset the cost of these policies by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens without raising taxes.

Well, I am glad we have the "without raising taxes" in there, because none of us wants to raise taxes. But this reminds me of the candidates, and we have all seen them out on the stump: Yes, we have a huge Federal budget deficit, but I want to spend more money. The way we are going to pay for it is we are going to end waste, fraud, and abuse in Government. That is a sure sign for a politician who has not figured out how to get the money in any other way. Everyone is going to end waste, fraud, and abuse. You know, I used that phrase in a sort of facetious way, but actually I think it is in here.

Shutting down abusive tax shelters. There we are. Abuse. Waste, fraud, and abuse. Addressing offshore tax havens. The reality is, the Finance Committee on which we sit comes up with offsets to offset true tax policy whenever we can, and we have wrung out our Tax Code for every last dollar we can find that involves waste, fraud, and abuse.

There are not any abusive tax shelters out there. If they are out there, we have not found them or we would sure enough have gotten the money from them. The same thing about offshore tax havens. We have gotten about $60 or $70 billion from these, and there is no more to get. If there is, we would have gotten it by now.

Then there is the tax gap. The tax gap is this: Not everyone pays all of the income taxes the IRS thinks they owe, and the problem is we do not know exactly who has not paid. But the estimates are that if most businesses in an industry pay $100, and some only pay $80, the assumption is that maybe those that only pay $80 probably ought to be paying more. We cannot figure it out, but we think the money would be there if we had a better way to account for it.

We have held hearings, and the experts basically say: There is not much more you can get. You probably would have to pay more to find it than it is worth to collect.

We did do one thing, though. We actually subcontracted out to some tax collectors. If they can go out and find some and they can bring it back, they get a little piece of the action. It would help us because they would collect some of these revenues.

The only thing from the other side is, well, let's eliminate that policy. We are not going to send these guys out to try find where these taxes are. So if they intended to collect the revenue or to end or minimize the tax gap, they would not be sponsoring the legislation to fire all of the people we hired to go out there and find the revenue.

The bottom line is, this is a nice sounding phrase, but it is like the person that goes out and says: I am going to end waste, fraud, and abuse. That is how I am going to pay for all of the new spending I am recommending.

I urge my colleagues to support the motion I have filed, the motion that Senator GRASSLEY spoke to, and to reject the motion of the chairman of the Budget Committee which, at the end of the day, recognizes the reality. We are going to do the AMT patch. We are going to do the tax extenders. We are not going to pay for them. So let's don't pretend like we have to find revenue from someplace else in order to make this happen.

I reserve the remainder of my time and inquire how much remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. KYL. How much remains on the other side?

The PRESIDING OFFICER. The other side has 16 minutes.

Mr. KYL. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

MOTION TO INSTRUCT

Mr. GREGG. Madam President, I am not speaking on Senator KYL's motion. He has reserved his time. I am going to ask to set aside his motion and send another motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire [Mr. GREGG] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 70 (the concurrent resolution on the budget for fiscal year 2009) be instructed to insist that the final conference report includes a level for 2009 budget authority not to exceed $1 trillion for non-emergency discretionary appropriations.

Mr. GREGG. As I understand the order, we have pending the motion to instruct that I offered, the motion to instruct which Senator KYL offered, the motion to instruct which Senator CONRAD offered relative to the motion of Senator KYL, the motion to instruct which Senator DEMINT offered, the motion to instruct which Senator BOXER offered in relationship to Senator DEMINT's motion, and this motion; is that correct? Is there anything else pending right now?

The PRESIDING OFFICER. There is one correction; otherwise, you are correct. The Conrad motion is not pending.

Mr. GREGG. The Conrad motion relative to the Kyl motion has not been sent to the desk.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. Relative to the unanimous consent agreement, other than the motion I have just sent to the desk, which is a trillion-dollar spending cap, we would still have available to be sent to the desk the motion relative to nuclear energy reserve and the motion relative to offshore drilling, with the side by sides.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. I thank the Chair. I believe all the motions that are pending, to the extent they still have time remaining on those motions pursuant to the unanimous consent request, that time is reserved; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. So right now I will address the trillion-dollar spending one and have that come off that time which is, I believe, 30 minutes equally divided.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. What this instruction says is, we should not be spending $1 trillion on discretionary accounts around here. This budget for the first time, the Democratic budget, because of its increases last year on top of the increases in this budget, has hit the trillion-dollar mark. That should be a fairly big red flag, that we are now going to spend $1 trillion in discretionary spending. I have trouble comprehending what a trillion dollars is. I suspect almost everybody does. But if you take all the taxes paid since we began as a republic, I believe it totals something like $42 trillion. That would be over 200 years. So this one budget is going to spend a fairly significant amount of what has been raised in taxes since our country began. It is a big number, $1 trillion. It seems to me we ought to sort of maybe draw a line here, take a breath, and say: Let's stop. Let's think about what we are doing. Let's see if rather than spending this huge amount of money, we can't save a little money.

Last year the Democratic budget, and then the Democratic appropriations bills, increased spending by $22 billion. That was what they proposed. It is not just a 1-year event when you raise spending around here by $22 billion. That compounds over 5 years. It is $22 billion plus $22 billion plus interest, plus $22 billion. It adds up. In fact, a 5-year number is probably closer to $220 billion, $250 billion, when you spend $22 billion in 1 year or increase spending by that much. So it is a lot of money.

Last year they increased spending by $22 billion on nondefense discretionary spending. This year it is not absolutely clear, because it hasn't actually been disclosed to us, but we know it is going to be well over $20 billion on nondefense discretionary spending again.

That is why the Democratic budget takes us over $1 trillion; $1.9 trillion, I believe, will be spent under this budget on discretionary spending. As I said, it is time for a timeout. That is what this motion to instruct says. It says: Let's go back and rethink this effort. Can't we somewhere in that trillion dollars find enough savings to get us back under $1 trillion? Shouldn't we certainly be saying we are not going to push the American taxpayer over the trillion-dollar number; rather, we will make a little extra effort to try to reduce spending in this account if we want to increase spending in that account, rather than constantly add on to the spending?

This Democratic budget has absolutely no programmatic savings in it. The President suggested some programmatic savings. I believe his programmatic savings added up to about $15 billion. None of those was accepted and none of those was put in this budget. None of those are assumed. In fact, all it does is add to spending and add to programs. It is hard to believe that in a trillion-dollar budget, we couldn't find a mere 1 percent or 2 percent of savings by reducing programs which have either outserved their usefulness or which, in the order of priorities, we simply can't afford, and we should make difficult decisions of maybe not increasing them as much as proposed or maybe even reducing them. In most instances, we are talking about slowing the rate of increase. We are not actually talking about reducing.

This is a red-flag motion. It says: Let's pause. Let's think about this. Do we want to blow through the trillion-dollar mark on the discretionary side of the ledger without having made some effort to try to save some money around here, to reallocate money, to set priorities, and to do what is affordable? I don't think we do. That is why we are calling on the conferees to take some action to bring this number back under $1 trillion. That means they have to save $9 billion, $10 billion. That is 1 percent. They ought to be able to do that. I know it is a lot of money, $10 billion, but on a trillion-dollar budget, it certainly ought to be a doable event. It does seem to me the American people deserve that type of effort. We could all earn our pay around here, a number of times over, if we were to save the American people $10 billion or $20 billion and allow them to keep that money so they can spend it and make their lives better rather than have the Government spend it for them.

That is what this motion does. It instructs the conferees to bring this budget back under the trillion-dollar level in the discretionary side.

With that, I reserve the balance of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INSTRUCT

Mr. GREGG. Madam President, I ask unanimous consent to set aside the pending motion and send to the desk a motion on behalf of Senator GRAHAM dealing with nuclear power.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire [Mr. GREGG], for Mr. GRAHAM, moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 70 (the concurrent resolution on the budget for fiscal year 2009) be instructed to insist on the inclusion in the final conference report section 311 of S. Con. Res. 70, the deficit neutral reserve fund to improve energy efficiency and production, as passed by the Senate, and that such section include an additional requirement that the legislation also encourages the removal of existing barriers to building new zero-emission nuclear power plants in the United States.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I note that the Senator from Louisiana is on the Senate floor. I had planned to offer this motion on behalf of Senator GRAHAM in order to move the process along. He is in accordance with that as he is in a meeting he could not get out of, a briefing on security. I will reserve the remainder of the time on the motion so Senator VITTER can be recognized.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Thank you, Madam President.

I thank the distinguished ranking member for the courtesy.

MOTION TO INSTRUCT

Madam President, I have a motion I send to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> The Senator from Louisiana [Mr. VITTER] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 70 (the concurrent resolution on the budget for fiscal year 2009) be instructed to insist that the conference report include a reserve fund that requires the Chairman of the Senate Budget Committee to adjust budget aggregates and the allocation of the Energy Committee, if the Senate considers legislation that allows a Governor, with the concurrence of the State legislature to petition for increased energy exploration on the Outer Continental Shelf and that allows for revenue sharing for such producing States on new areas of production and new leases made available, if the average price of regular gasoline in the United States reaches $5 per gallon.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, if I could briefly explain this motion, it attempts to, again, get us to deal directly with the enormously important issue, the real crisis that consumers across America face; that is, the high and escalating cost of energy, including gasoline at the pump.

This will finally suggest to the American people that we get it, that we understand their plight, that we feel their pain, if you will, to use an often used phrase, and we are actually going to do something about it. We are going to act.

This motion to instruct the conferees would show the Senate is serious about increasing energy supplies and doing that to decrease gasoline prices.

The motion is very simple. It would instruct the budget conferees to include a reserve fund for future legislation that we would be expressing an intention to pass. That legislation would allow a Governor, with the concurrence of his or her State legislature, to petition for increased energy exploration on the Outer Continental Shelf off of that State.

It would also allow for revenue sharing coming from such exploration and production, to give producing States a fair share on new areas of production and new leases made available.

Specifically, I would suggest that we follow the precedent and the policy we set a few years ago. As we opened new areas of the gulf, we said the producing States will have a fair share, will finally get revenue sharing—37.5 percent of the revenue from that new production.

Finally, this would only happen if the price of regular gasoline in the United States reaches $5 a gallon at the pump.

The American people are wondering right now if we understand what their daily lives are all about because as gasoline prices at the pump are high, and higher the next day, and much higher the next month, we seem to want to do absolutely nothing about it.

This Congress, under Democratic leadership, came into power in January of 2007. As that happened, the Democratic leadership of this new Congress was very clear that an absolute top priority was to deal with sky-high energy prices.

At the time fuel prices were about $2.33 a gallon at the pump. Well, if that was sky high then, I do not know what adjective to use for today because since that time, from January 2007 to today, we have gone from $2.33 a gallon at the pump to about $3.72 a gallon—a 61-percent increase. Unfortunately, there does not seem to be any real end in sight.

Now, the American people get this because they live it. They go to the gas pump weekly. They live it. They see that bill for filling up their tank go higher and higher. They have to wonder if we get it because we talk a lot on the Senate floor, we debate a lot, but what have we done? In my opinion, very, little on this crucial challenge—even crisis—facing the American people.

When I look at this issue, I go back to economics 101: supply and demand. Price is set by the intersection of demand and supply. So you can try to stabilize or lower prices in two ways: You can try to decrease demand; you can try to increase supply.

I think our energy situation is so dire, so challenging, the escalating prices are so great, the pace of escalation is so staggering, that we need to take action on both sides of the equation. We need to do everything possible on both sides of the equation.

We need to lessen demand or at least mitigate increasing demand from other countries worldwide, such as China and India. We cannot control what they do. Their demand is increasing enormously. But at least we can try to mitigate that with demand reductions in our own economy. I support those measures: greater efficiency, greater conservation, moving to alternative forms of fuel and energy. That is all absolutely crucial. We need to do that. We have done a little of it; we need to do more.

But as we do that, we cannot ignore the supply side of the equation. We need to address both sides at the same time. We need to do everything reasonable we can on both sides of the equation at the same time.

That brings us to supply. For far too long, Congress has absolutely ignored the supply side of the equation, has absolutely refused to do anything to increase supply in this country—by increased exploration and drilling on our Outer Continental Shelf or in Alaska or anywhere else.

I do not know how long we are going to wait. What does the price have to get to before we hear the American people and before we finally act more on the demand side, yes, and more on the supply side?

Again, my motion to instruct would address this challenge head on. It would say, if the price at the pump gets to $5 a gallon—we are not there yet. We are below $4, but if it gets to $5 a gallon, is that high enough to get us to act, to get us to do something, to get us to, yes, address demand but also address supply?

I think the American people think that is plenty high enough to get us to act. If we push past that point, then under my motion to instruct, we would support a reserve fund for legislation to allow exploration and production off our coasts on the Outer Continental Shelf.

But, again, I want to emphasize there would be two important rules we would have to follow with this increased exploration and production. No. 1, the host State coast we are talking about would have to want that activity to happen. That Governor and that State legislature would both have to say: Yes, we believe this is good for the country; we believe this is good for the State; we want this activity to happen.

Secondly, when the activity does happen, that host State would get a fair share of the revenue, would get the same share as we set for the host States in the gulf when we opened new areas of the gulf a couple years ago: 37.5 percent. That host State could then use that revenue for its priorities: education, K–12, higher education, highways, environmental cleanup, beach restoration.

In the case of my State, Louisiana, it is perfectly clear what our priority for that money is. We have already passed not only legislation but State constitutional amendments regarding how we are going to use that money. It is to address the crisis that is happening on our coast, to battle coastal erosion, to enhance coastal restoration, to build hurricane protection, and to build hurricane evacuation routes.

To me, that is a very commonsense consensus approach. The price of gasoline has been rising astronomically. As I said, from the start of this Democratically led Congress, it has already risen 61 percent. The Democratic leadership of this Congress began in January 2007 saying this is a top priority. Yet little to nothing has happened, as that price has risen 61 percent.

Are we finally going to hear the pleas of the American people? Are we finally going to act on all sorts of fronts to try to stabilize and bring down these prices? This is a sensible solution on the supply side that can have a real impact.

Let me reiterate. We need to do everything conceivable, both on the demand side and the supply side, because our challenge is that great. I support demand side measures. I supported increased efficiency standards. I supported the measure we passed a couple days ago temporarily ceasing filling the Strategic Petroleum Reserve. So we decrease demand in that very modest way. We need to do more in terms of fuel efficiency, conservation, and new forms of fuel and energy.

But as we address much more aggressively the demand side of the equation, we cannot ignore the supply side. We need to increase supply, particularly domestic supply, at the same time. We have enormous reserves in this country off our coasts, as well as in Alaska, as well as places on shore to do that. What we have not mustered so far is the political will and the votes in Congress to allow our people and our industry to do it.

My motion would say $5 a gallon—if we get there, we sure as heck need to act. We sure as heck need to do all of those sensible things on the supply side, just as we should on the demand side.

I urge all of my colleagues, Republicans and Democrats, to support this sensible measure. The leadership of this new Congress has been talking about energy prices since the Congress came in in January 2007. The only thing that talk has done is be concurrent with the rise in prices at the pump of 61 percent, from about $2.33 a gallon to $3,73 a gallon.

Talk is not good enough. The American people deserve action. They deserve action on the demand side, much more aggressive action than we have taken to date. They sure as heck also deserve action on the supply side to increase our domestic supply, which can have a major impact on price at the pump.

I urge my colleagues to support this sensible motion in that regard.

I yield back my time.

Mr. MENENDEZ. Mr. President, I believe there is time in opposition to this motion?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator is correct.

Mr. MENENDEZ. I wish to claim about 10 minutes of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, here we go again. Yet again my friends on the other side of the aisle are trying to sell the American people a bill of goods to try to convince them that drilling along our shores will do something to lower gas prices. Opening our shores to drilling was a bad idea in June of last year when we voted down an amendment to the Energy bill—very similar—it was a bad idea when this body voted it down in March of this year on an amendment to the budget resolution, and it was a bad idea when we voted this idea down by well over 14 votes 2 days ago on an amendment to the flood insurance bill.

Ending a bipartisan, 26-year moratoria on oil drilling on the Outer Continental Shelf will do nothing but jeopardize our precious natural resources. The Energy Information Administration projects that even if we opened the entire Outer Continental Shelf to drilling off the east coast, off the west coast, and opened the entire eastern Gulf of Mexico, nothing would happen to gas prices—nothing. Why?

First, because production wouldn't begin until the year 2017. The infrastructure to drill for oil is not just a large oil platform but a network of hundreds of miles of pipelines that transport oil from the platform on to the land and then on to the refineries. This kind of infrastructure simply does not exist on the east coast and in only limited exceptions on the west coast.

The second reason why opening all our shores to oil drilling will not lower gas prices is because by the time full production actually ramped up in 2030, drilling off all of the coasts full tilt—full tilt—would only result in a whopping 3-percent increase in domestic production. Even in 2030, as our continent is rung all the way around by oil platforms, all of this new supply would be eaten up by a 7-percent increase in domestic demand. So the Energy Information Administration predicts: "Any impact on average wellhead prices is expected to be insignificant."

The fact is that over 80 percent of the resources in the Outer Continental Shelf are already open for exploration. Since 2001, the Bush administration has issued over 100 new leases. Many of these leases are in the eastern gulf where the oil industry already has much of the infrastructure necessary to go into production. Yet only 12 of these new wells have been drilled. The industry is only developing a small fraction of the area already open for drilling. So why isn't ExxonMobil pumping some of its profits into developing some of these areas? If companies are not interested in developing the large fields already in the Gulf of Mexico, why is it so critical to open environmentally sensitive areas to more drilling?

My home State of New Jersey and the New Jersey shore is a priceless treasure that my home State will protect at any cost. The shore also generates tens of billions of dollars in revenues each year and supports almost half a million jobs. If we open the east coast to drilling, we jeopardize a tourism and fishing economy worth tens of billions of dollars in exchange for a cumulative total of only a half year's supply of oil—a half year's supply of oil—jeopardizing, however, tens of billions of dollars. The people of New Jersey cannot afford the risk that will take place to our wildlife, to our economy and, in fact, I believe, the people up and down the coast as well.

Florida beaches generate billions of dollars each year. In South Carolina, Myrtle Beach alone brought in more than $3 billion in revenue. Do we want oil washing up into the pristine Cape Hatteras National Seashore? What about Virginia Beach? And can Maryland's famous blue crab survive yet another environmental assault?

The bottom line is this proposal will do nothing to lower gas prices, but it will jeopardize coastal economies all along both coasts.

Now to simply say: Well, it is up to an individual State, that doesn't work. The ocean doesn't have neat little boxes which it is divided into. So the reality is that the ability to open the Outer Continental Shelf in one location threatens, if there is an accident, the beaches along the shoreline along that same region. This isn't about making it one versus another; this is a continuity.

There are other things we can do about gas prices. Hopefully the President will soon sign into law the Democratic proposal that passed Congress overwhelmingly to suspend filling the Strategic Petroleum Reserve through December of 2008. When the people of this country are suffering from paying $4 a gallon for gas and when gas prices are pushing up the cost of food, and the price of oil has broken $125 a barrel, it makes no sense to be buying at this high level and then putting that oil in the ground when we are already 97 percent of where we need to be for the Nation's security, burying this precious commodity when we need it the most. Hopefully the President will sign this important measure and we can truly begin to help gas prices go back down and offer some relief.

But it begs even a bigger question, and that is breaking our dependency on foreign oil, seeking renewable sources, and finding new automobiles which we drive in our country; moving on to mass transit, having greater conservation—these are all of the elements that are necessary. It is also about ending speculation in the marketplace. Why is it that when we have testimony before House and Senate committees that says the price of oil should be somewhere between $50 and $70 a barrel between demand and supply that we are looking at $125? Let's go after the speculators. Let's go through a regulatory process that ensures this one market that is so critical ultimately has the regulation necessary.

Finally, we can't drill our way out of oil addiction. We can't drill our way out of oil addiction. We must promote sustainable alternative fuels and incentivize people to buy more efficient cars, raise the fuel economy standards and—something we don't do well in the United States—help commercialize technologies that allow us to run our cars, for example, on electricity. General Motors plans to introduce a plug-in hybrid in 2010 and Nissan announced it will start selling an electric car that same year. Once we get this type of technology right, our constituents will be able to run their cars much more cheaply. Some studies project electricity will be the equivalent of 60 cents per gallon of gasoline. That as a fuel source for the future is just around the corner. We understand that. We want to incentivize it and move it in the right direction.

On the other side, if all you want to do is create more addiction to the oil, find another vein in which to pop into and go ahead and drill even when all that is already open is not being drilled. It is the wrong policy. We have defeated three times in the Senate over the last year or so such provisions. I urge my colleagues to defeat the Vitter motion to instruct and make sure we keep this bipartisan, 26-year moratoria intact.

Mr. President, I yield back the remainder of the time that may be left in opposition, and I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INSTRUCT

Mr. CONRAD. Madam President, I understand the Kyl motion regarding the alternative minimum tax is already pending, so I ask that my motion on the alternative minimum tax, which is at the desk, also be called up and be made pending.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two houses on the House amendment to the concurrent resolution S. Con. Res. 70 (setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2009 through 2013) be instructed to—

(A) insist that the revenue levels in the resolution include the cost of providing relief from the Alternative Minimum Tax in 2008, so that the number of taxpayers affected by the AMT does not increase and thereby more than 20 million middle-class families would be protected from paying higher taxes;

(B) insist on the Senate position of providing for the extension of expiring and expired tax relief that has been routinely extended in past years, including tax relief such as the research and experimentation tax credit, the deduction for state and local sales taxes, the deduction for classroom expenses, the deduction for qualified education expenses, the incentive for the charitable IRA rollover, the combat pay earned income tax credit, and various energy tax incentives; and

(C) insist that every effort should be made to offset the cost of these policies by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes.

Mr. CONRAD. Mr. President, I ask unanimous consent that the vote sequence with respect to the pending motions be as follows: the Gregg amendment, the Conrad AMT amendment, the Kyl AMT amendment, the Boxer China-India amendment, the DeMint China-India amendment—those are both with respect to energy provisions—the Vitter OCS amendment, the

Graham energy nuclear reserve fund, and the Gregg discretionary spending cap, with the remaining provisions of the previous order in effect.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, I ask unanimous consent that there be no further motions to be brought forward.

Mr. CONRAD. Mr. President, no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Without objection, it is so ordered.

Is there objection to the request of the Senator from New Hampshire?

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I wish now to turn to the Gregg amendment that was previously offered with respect to a $1 trillion cap.

Let me indicate that the spending in the budget resolution that has gone to the conference committee takes spending down as a share of GDP each and every year from 20.8 percent of GDP in 2008 and 2009, every year stepping it down until we get to 19.1 percent of GDP in 2012 and 2013. I might add, we balance the budget in 2012 and 2013 under the budget.

The comparison of the spending under the resolution and the President's budget is depicted by these lines: The green line is the budget resolution spending line; the President's is the red line. You can see almost no difference. That is because there is almost no difference between the spending in the President's budget and the spending in the Senate budget resolution. In fact, here are the differences: The Senate budget resolution has $3.08 trillion of spending over the period of the 5 years. The President has $3.84 trillion of spending over the period.

What are the differences? Let me indicate as a percentage, that is a 1-percent difference—1 percent. Why do we have 1 percent more than the President? Well, because first we rejected his Medicare cuts. That is 45 percent of the difference. Forty-three percent of the difference is we rejected his cuts to law enforcement. We rejected his cut to veterans. We rejected his cuts to transportation. My goodness. We just had a bridge collapse in Minnesota, 35W. Can you imagine the horror? You are driving home and the bridge collapses. We don't think it is wise to be cutting transportation funding when we are not maintaining the roads and bridges we have now, much less dealing with the gridlock that exists around the country as well. So we have rejected those cuts by the President.

We specifically rejected his proposal to cut the COPS program, not by 10 percent and not by 20 percent. The President proposed cutting the COPS program 100 percent. What is the COPS program? That is a program that has put 100,000 police officers on the street in this country. In my State, it has put over 200 officers on the street. I just held a hearing with every part of law enforcement represented: the police chiefs, the sheriffs, the States' attorneys—open testimony. They said it was absolutely beyond their understanding why the President would propose cutting the COPS program 100 percent, but he did.

He proposed cutting weatherization assistance 100 percent. Why would you cut weatherization assistance when that is designed to reduce fuel bills when oil is $120 a barrel? He says cut weatherization assistance 100 percent.

He says cut first responder grants 78 percent. I just held a hearing that involved all of the first responders in my State: The fire chiefs, the police chiefs, and all of the others, including the EMS personnel, emergency medical services. I asked them: Do they think it makes any sense to cut the first responder grants 78 percent? They unanimously said absolutely not. What are we going to do in terms of interoperability of communications if we are not upgrading those systems? One of the things we learned on that fateful day, September 11, was that the failure to have interoperable communications created a fiasco at the Pentagon when all the emergency responders were going there to try to help and they couldn't communicate with each other. That is what these grants are for, to provide interoperable communications, to provide the training to respond to disasters, both natural and manmade. The President says cut it 78 percent. The President said cut community development funds 24 percent. He said cut clean water grants 21 percent. He said cut low-income home energy assistance—the very popular LIHEAP program—which is already underfunded, another 15 percent. We said, no, that doesn't make any sense; yet we produced a budget that balances. It balances in the fourth year—not by much, but it does balance, according to CBO. We stay in balance in the fifth year, unlike the President's budget. The President balanced in the fourth year but went right back out of balance in the fifth.

He has an addiction to debt unlike anything I have ever seen. This President has almost doubled the national debt in just 7 years. He has more than doubled foreign holdings of our debt in that period. We owe the Chinese hundreds of billions, we owe the Japanese hundreds of billions, and we even owe Mexico. This President's legacy is one of debt.

In this budget, we bring down the debt as a share of GDP in each and every year, according to the scoring of the budget resolution, from 69.6 percent down to 66 percent. That is not as much progress as I would like to make. Senator GREGG and I have a separate proposal to deal with the long-term entitlement problems and those challenges, to deal with that in a bipartisan special task force that would have the power to come back with a recommendation that would get a vote in the Congress of the United States if a supermajority of the members of the task force, who are completely bipartisan, would agree on the plan.

Mr. President, I am proud of this budget resolution. I think this trillion-dollar cap on discretionary spending is a pure political gambit.

Let me add one other thing. If this cap were imposed, part of what is included in that spending is spending on our national defense. So that would put defense under the gun and put it at risk of additional cuts. I am a little surprised that the Republicans are proposing that. I don't think this is the time to be making cuts in national defense, but that would be in the pot and be subject to cuts under their proposal. I hope we reject that approach.

With that, I think we are very close to being ready to go to votes.

I see my colleague, the Senator from Florida, here.

I wonder if the Parliamentarian could advise us on the time remaining on the Conrad-Kyl AMT amendment and the Gregg $1 trillion cap. How much time is left on those two?

The PRESIDING OFFICER. On the Kyl AMT amendment, Senator KYL has 7 minutes and Senator CONRAD has 16 minutes. On the Conrad AMT amendment, there is 16 minutes remaining, equally divided.

Mr. CONRAD. No, there is not. That is not correct. That was part of a unanimous consent agreement. There was 16 minutes for KYL and CONRAD combined, and all time consumed was credited against that 60 minutes. So there is virtually no time. I think we will just yield back all time on that motion.

Mr. GREGG. Mr. President, I think we will yield back all time on the Kyl-Conrad motion.

Mr. CONRAD. Senator NELSON may want to speak on OCS. How much time is left on that?

The PRESIDING OFFICER. Senator VITTER has 3 minutes. The majority has 7 minutes.

Mr. CONRAD. I am happy to yield 7 minutes to the distinguished Senator from Florida.

Mr. GREGG. I would like to retain 2 minutes to respond to my spending a trillion dollars.

Mr. CONRAD. I will retain 2 minutes on that too. So we each will retain 2 minutes on that amendment and yield back all other time, except for the 7 minutes on OCS.

Mr. GREGG. Mr. President, I ask unanimous consent that 4 minutes be equally divided between Senator CONRAD and myself when we get to the Kyl-Conrad AMT amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, here we go again. The oil companies are trying to have it exactly the way they have had it in the past. They have developed an amendment that is very seductive by saying that you can have offshore drilling with the concurrence of the State if gasoline reaches $5 a gallon. What they have not told you is that if the price of gas goes up to $5 a gallon, of which the oil companies are making money hand over fist, they are going to utilize that to perpetuate the myth that they need to drill off the coast of a State like Florida, when, in fact, what they have not told you is that the oil companies already have under lease, which has not been drilled, 33 million acres offshore. The oil companies also have another 31 million acres onshore that have not been drilled. And the myth that they perpetuate, now using the fright of $5-a-gallon gas, is that we have to have more supply and therefore we have to go offshore. This is the seductive red herring of this amendment which was offered by a Senator whose State, Louisiana, has a big oil industry that drills off of Louisiana, where, in fact, there are deposits of oil. But when you get to a State such as Florida, there have been several dry holes, and the geology shows very little oil, plus we have the adverse interests.

Now, why do we have to keep going through this drill over and over? It is because the oil companies are insatiable. Do we not remember what we did just a year and a half ago, where the oil interests wanted to drill toward Tampa, FL, 2 million acres? We worked out a compromise—which wasn't 2 million acres, it was 8.3 million acres—but we kept it further to the south, away from the military training and testing area, where you cannot put oil rigs on the surface of the water, where we have our largest training and testing area in the world for our U.S. military. That is where we are training pilots for the F-22, where we train all of the pilots for the new Joint Strike Fighter being developed. That is where we are testing some of the most sophisticated weapons. That is because we have the area that is restricted airspace. As you are shooting that live ordnance and you are testing in your research and development of weapons systems, you cannot have oil rigs down there on the surface of the Gulf of Mexico. We etched that into law.

But here we go again. Having gone through this and having the oil industry have 33 million acres that is already available for lease but has not been drilled, they want to make an exception and are using the scare of this $4 gas—maybe going to $5 gas—in order to do that. That is wrong, and we ought to put a stop to it.

Here is the greatest wrong it perpetuates. What it does is it keeps us in the same old mindset where we stay married to oil. The emphasis is drill, drill, drill to solve the problem, as evidenced by $5 gas, when, in fact, that is not going to solve our problem. What is going to solve our problem is using our technology to go to alternative fuels. What is going to solve our problem is to go to renewables. What is going to solve our problem is going to be to have a new President of the United States who says he is going to commit to making the United States independent of foreign oil, of which we now import 60 percent for our daily consumption from places such as Nigeria, Venezuela, and the Persian Gulf.

So what we have to do is change the mindset of the old way of doing things, which this amendment by the Senator from Louisiana is suggestive of; that is, to go to the alternative fuels, to go to a serious research and development program for a new engine on down the line, to encourage the increase of miles per gallon. In Japan, they are driving cars that get 50 miles per gallon. In Europe, they are driving cars, on a fleet average, that are getting in the area of 40 miles per gallon. Why can't the United States—if we had the political will—change our way of doing things as oil guzzlers through our consumption in our personal vehicles? We can if we have the political will.

Mr. VITTER. Will the Senator yield?

Mr. NELSON of Florida. I appreciate the Senator from Louisiana asking me to yield. But I have a lot on my mind, and the Senator has already had his 15 minutes, so this Senator is going to complete his thoughts.

So here we go again. The emphasis is drill, drill, drill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON of Florida. Well, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized. The Senator has 3 minutes.

Mr. VITTER. Mr. President, if I can briefly respond on my own time—and I invite a conversation or colloquy with the distinguished Senator from Florida—I hope the distinguished Senator realizes that in this proposal, in order for any offshore drilling to take place, both the Governor and the State legislature of the host State have to say, yes, we want it. That is an absolute requirement under this proposal. The distinguished Senator from Florida knows Florida politics far better than I, but based on everything I know, that is not going to happen in Florida, including under Republican Governors and Republican legislatures, anytime soon. So I don't understand why he considers this a threat to the State of Florida, because they are in absolute control of their own destiny under the details of my motion. If the Senator has a response to that simple fact, I would love to hear it and engage in a discussion.

Mr. NELSON of Florida. Mr. President, if the Senator will yield, I am very grateful to him for giving me this opportunity. When it comes to the defense interests of the United States, I think it would be folly to allow a State legislature to impose their will with regard to the defense interests. This Senator has already given the example of the largest testing and training area in the world for the U.S. military, which is the Gulf of Mexico off of Florida, which we have prohibited in law from being drilled.

Let's take, for example, the Atlantic coast of Florida. Thirty years ago, this Senator had to oppose the Secretary of the Interior James Watt from drilling off the east coast. The only way this Senator was able to beat him then was because it finally dawned on the administration that we were launching from the Cape Canaveral Air Force station from west to east and launching from the Kennedy Space Center from west to east, therefore dropping the solid rocket boosters into the Atlantic Ocean along with the first stages of the expendable booster rocket out of the Air Force station, and that, in fact, we cannot have oil rigs down there.

So a State legislature might well not understand and be able to impose its will on the security interests of the U.S. Government.

Mr. VITTER. Mr. President, if I can reclaim my time.

The PRESIDING OFFICER. All time has expired.

Mr. VITTER. I ask unanimous consent for 1 additional minute since I seemed to cede all my time.

The PRESIDING OFFICER. Under the previous order, the time is reserved to the manager. Is there objection?

Mr. CONRAD. I will allow the Senator an additional minute if the Senator in opposition will be given an additional minute as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. I thank the Chair.

Quite honestly, I am not sure I understood that response. My simple point was that Florida under my motion is in control of its own destiny, and if Florida doesn't want drilling, the Governor and the State legislature, Florida doesn't get drilling.

There is a little bit of caveat to that. I think the Cubans are going to drill off Florida if we do nothing. That is moving forward anyway. Or the Chinese through Cuba. But otherwise, Florida doesn't get drilling.

My other response is, here we are caught in a stale debate again. It isn't either/or. It isn't oil and gas or alternative fuels. Our energy picture is so challenging it clearly has to be both. We need a future of new fuels and new technology. We also need to get to that future in the short and medium term.

We need to do both things on the demand and the supply side. Let's start acting for the good of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I say to my friend, the Senator from Louisiana, perhaps since he is from the gulf coast, he does not understand that all the way up the Atlantic seaboard, there are areas with restricted airspace where live fire training is done. A State legislature would not necessarily be attuned to the security interests of the U.S. Government.

If a State legislature were at the beck and call of a particular lobby—in this case the oil industry—wanting to drill, it would be at cross-purposes with the security interests in many of those regions off Florida, off Georgia, off the Carolinas, off Virginia, and further up the seaboard and, therefore, would have a veto over the U.S. Government.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there is now 4 minutes equally divided.

Mr. GREGG. Mr. President, I ask unanimous consent that we turn to two other items that need to be taken up prior to the time limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTIONS TO INSTRUCT

Mr. GREGG. Mr. President, I send two motions to the desk dealing with budget enforcement. I ask they be reported in seriatim.

The PRESIDING OFFICER. The clerk will report the motions.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 70 (the concurrent resolution on the budget for fiscal year 2009) be instructed to insist on the inclusion in the final conference report the point of order against the consideration of a budget resolution in the Senate that does not contain a section regarding gross federal debt disclosure as contained in section 223 of the concurrent resolution as passed by the Senate, and further, that the conferees be instructed to include a debt disclosure section in the final conference report that itemizes the overall debt increase and the per person debt increase assumed by the final conference report.

The Senator from New Hampshire [Mr. GREGG] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 70 (the concurrent resolution on the budget for fiscal year 2009) be instructed to insist that the final conference report include the individual points of order that empowers the Senate to prevent future budget resolutions from raiding Social Security; enforces transparency during Senate consideration of the congressional budget by requiring disclosure of the gross federal debt held by the nation; strengthens the integrity of the reconciliation process; and provides an additional tool to thwart any net increase in deficits in the long term (four ten-year periods after 2018), as contained in sections 226, 223/224, 202 and 201, respectively, of the concurrent resolution as passed by the Senate.

Mr. GREGG. Mr. President, these are two motions, one of which says that under the rules of the budget, there will be a disclosure of the debt owed by the United States in a manner that is comprehensible.

Right now the budget is a very hard, very complex document to read for those of us who are involved in it, but it is extremely difficult to glean what actually is the debt and how the debt relates to the overall budget. The first motion says that will be made clearer for the purpose of transparency.

The second motion has four elements. The first one is a point of order that says the budget resolution, which will be live, does not put us on a path to a balanced budget over a 5-year period. The second one is a point of order against a reconciliation bill which spends more than 20 percent of what it saves. The third is a point of order against a budget resolution that does not provide a debt disclosure statement, such as the first motion included. And fourth is a long-term deficit point of order that should prohibit any deficit increases outside the budget window.

I talked about these with the chairman. The chairman seems amenable to accepting these motions. I hope they can be accepted.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the first motion I like very much, the debt disclosure. I think that would be a very useful item for Members of Congress and for the people of the country. So I readily accept motion No. 1. Can we accept that motion by a voice vote?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire, Mr. GREGG, on debt disclosure.

The motion was agreed to.

Mr. CONRAD. Mr. President, on the second motion, we have no objection on this side to adopting that motion by unanimous consent.

Mr. GREGG. Mr. President, I ask unanimous consent that the second motion be adopted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The motion was agreed to.

Mr. CONRAD. I thank the Chair, and I thank my colleague very much. I thank Senator GREGG. We have had an interesting day. Senator GREGG, we can see by his head with that nasty bruise, is bloodied but unbowed.

Mr. GREGG. That came from the farm bill.

Mr. CONRAD. He said he got hit by a farmer with a lamb chop or asparagus, I don't know which.

Mr. GREGG. It must have been asparagus.

Mr. CONRAD. I think we are ready to proceed to vote.

Mr. GREGG. We are. I suggest we have 2 minutes equally divided before each vote to explain what we are voting on for our colleagues.

Mr. CONRAD. I think that is fair.

Mr. GREGG. And after the first vote, the votes be 10 minutes.

Mr. CONRAD. I think we would be well advised as well. We advise colleagues, after the first vote, there will be 10 minutes. We will have eight votes. Typically, that will take us 3 hours. If Members will come and stay here, we can conceivably get done in 2½ hours. It is up to the Members whether we are able to do that.

With that, I go to my colleague for an explanation of the first motion.

Mr. GREGG. Mr. President, it being my motion, I am sure the chairman would like to go first.

Mr. CONRAD. I will be happy to go first. The Senator is talking about this being the biggest tax increase in history. That is the same speech he gave last year. We can now check the record and see what actually happened and, lo and behold, there was not the biggest tax increase ever. In fact, there was no tax increase. In fact, there were tax cuts. The Democrats in both Houses of Congress cut taxes by $194 billion.

In this legislation before us, we have no tax increases. We have additional tax reductions. Included in this resolution are the middle-class tax cuts, the marriage penalty relief, the child tax credit, the 10-percent bracket, further alternative minimum tax relief, estate tax reform, energy and education, property tax relief, and extenders.

The difference in revenue, which is only 2.6 percent between our bill and the President's, can completely be met by closing down these offshore tax havens, abusive tax shelters, and aggressively going after the tax gap, the difference between what some owe and what they are failing to pay.

Mr. GREGG. Mr. President, there is a tax increase in this resolution. If there isn't, then the budget doesn't make any sense because it assumes $1.2 trillion of new revenues in order to reach its targets, and that means 78 million taxpayers who don't pay taxes today are going to end up paying taxes under this budget.

It means a working family of four with $50,000 income will end up with a $2,300 tax bill increase in 2011. It means a single mom with two kids earning $30,000 will have a $1,000 tax increase in 2011. It means that 18 million senior citizens will have their taxes increased by over $2,000, and that 27 million small businesses will have their taxes increased by over $4,000 in the year 2011.

The simple fact is this budget assumes massive tax increases, the largest tax increase in the history of the world. I hope people will oppose that.

The PRESIDING OFFICER. Under the previous order, the question is now on agreeing to the motion of the Senator from New Hampshire, Mr. GREGG.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "aye."

The PRESIDING OFFICER. (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—44

Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Warner
Wicker

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—5

Alexander
Clinton
Corker
McCain
Obama

The motion was rejected.

The PRESIDING OFFICER. The Senator from North Dakota is about to explain what is going to happen in the next few minutes.

Mr. CONRAD. Mr. President, two of our colleagues and a third, counting me, have very graciously agreed to take voice votes to shorten this process. Now we will turn to Senator KYL for an explanation of his motion.

Mr. KYL. Both the chairman of the committee and I have resolutions that are almost identical. They both call for us to extend the so-called patch for the alternative minimum tax which otherwise would affect about 26 million taxpayers this year; to extend the so-called tax extenders package that has tax provisions like the R&D tax credit in it for another year, and to do so without raising taxes.

The addition on the Conrad motion is to use our best efforts to shut down abusive tax shelters, address offshore tax havens, and to close the tax gap.

Since I assume we are all for ending any waste, fraud, and abuse, I cannot disagree. I would be pleased to take votes on both of these motions by voice vote.

Mr. CONRAD. Mr. President, I thank Senator KYL for his willingness to do this on a voice vote. He has described the amendments well. I see no purpose in further discussion.

I ask for a voice vote on the Conrad and Kyl motions.

The PRESIDING OFFICER. The question is on agreeing to the motion offered by the Senator from Arizona, Mr. KYL, on the AMT.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion offered by the Senator from North Dakota, Mr. CONRAD, on the AMT.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the distinguished Senator from South Carolina, Mr. GRAHAM, has a motion on nuclear energy. The Senator from South Carolina has also graciously agreed to take it on a voice vote.

Would the Senator like to take 30 seconds to explain the motion?

Mr. GRAHAM. No.

Mr. CONRAD. The Senator from South Carolina continues to rise in the judgment of his colleagues.

Can we then go to a voice vote on the Graham motion?

The PRESIDING OFFICER. The question is on agreeing to the motion offered by the Senator from South Carolina, Mr. GRAHAM, on nuclear energy.

The motion was agreed to.

Mr. CONRAD. Mr. President, that takes us to the Boxer motion on cap and trade. We have 2 minutes equally divided. These are motions that will require votes, the Boxer and DeMint motions.

If the Senator from California would take time to explain her motion.

Mrs. BOXER. Mr. President, colleagues, I hope you pay attention to this because there are two motions that deal with global warming. The first one is the Boxer motion, and what it says is, we should not enact any global warming legislation until we address the issue of goods imported from nations such as India and China, countries that do not have their own global warming program. So we protect our people and yet we allow global warming legislation to proceed.

Senator DEMINT's motion is a back-to-the-future motion. He basically says we can do nothing—nothing—until India and China act. This is wrong. We should not be held hostage to the actions of China and India or any other nation when it comes to our own country, when it comes to an issue which is so serious that even the administration, that has been kind of dragging on this, yesterday found that global warming is threatening a beautiful species called the polar bear.

We do not want to be held hostage to India and China. Vote aye on the Boxer motion, and no on the DeMint motion.

Thank you.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, my motion has been mischaracterized, I am afraid. I am opposed to the Boxer motion because it would clearly, from the language, add tariffs or some kind of penalties to imports from around the world, unless emissions standards in other countries match ours, I guess, exactly.

This would add to the cost of products that are purchased by Americans. My motion is one that tries to keep jobs in this country. Unfortunately, my colleague is suggesting, I am afraid, as many have over the years, that we have two false choices. We either have a good economy or we have a good environment. Those are not the choices.

In fact, my motion would allow us to continue to develop nuclear generation, which is good for the environment and the economy, or hydrogen cars or electric cars or hybrid cars. Most of what we can do is good for the environment and improves the economy. My motion simply says: We cannot pass legislation unless other countries go along, otherwise we are exporting jobs and pollution.

The PRESIDING OFFICER. The question is agreeing to the motion of the Senator from California, Mrs. BOXER.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Coleman
Collins
Conrad
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—40

Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Lugar
McConnell
Murkowski
Pryor
Roberts
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Voinovich
Wicker

NOT VOTING—5

Alexander
Clinton
Corker
McCain
Obama

The motion was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote on the motion to instruct offered by the Senator from South Carolina, Mr. DEMINT.

Mr. DEMINT. Mr. President, during the last vote, some of my Republican and Democratic colleagues asked me if it didn't make sense to vote for both these motions. Both understand we need to be careful in mandates that hurt our economy and jobs, unless we recognize what other countries are doing when they are polluting.

My motion focuses on here at home. I want to make sure folks understand what it is about.

Most of the things we can do to improve our environment and to stop CO_2 emissions can actually improve our economy. We know, as we try to build dozens, if not hundreds, of nuclear plants, it will create new jobs all over the country and improve our economy, just as Europe has done. Solar panels and wind, as well as hybrid cars and hydrogen fuel—all of these things are good for the economy and energy. My motion—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. Could I get another minute?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DEMINT. I thank the Chair.

My motion does not affect any of the attempts to reduce CO_2 emissions except when we know it is hurting the economy and hurting jobs. In that case, we cannot move ahead with penalties and mandates unless China and India—the two largest polluting countries—have similar emissions standards. So it is just a "hold on," let's not hurt our economy and ourselves. There are many ways we can reduce CO_2 emissions without hurting jobs in this country.

I encourage my colleagues to support this motion.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much additional time did Senator DEMINT get?

The PRESIDING OFFICER. The Senator had an additional ½ minute.

Mrs. BOXER. Then, Mr. President, I would ask for the same amount of time, equally divided, between myself and Senator WARNER.

The PRESIDING OFFICER. What is the request of the Senator?

Mrs. BOXER. Mr. President, I ask unanimous consent that I have the same amount of time Senator DEMINT had, divided equally between myself and Senator WARNER.

The PRESIDING OFFICER. Is there objection to 1 minute being equally divided between Senator BOXER and Senator WARNER?

Without objection, it is so ordered.

Mrs. BOXER. If the Presiding Officer will tell me when I have used half the time so I can stop.

Colleagues, this is a very important vote. We already voted to level the playing field for America in that last vote so that countries cannot take advantage of us. But I have to say, this motion would hold this Nation hostage to China and India. Since when do we wait around for countries such as China to act on human rights issues, on economic issues, on environmental issues? That is not America.

I believe this is a motion that looks to fear, not hope. This is the greatest country on Earth, and I do not think we should tell ourselves we can do nothing about a pressing issue until a foreign country acts.

The PRESIDING OFFICER. The Senator has used half the time.

The Senator from Virginia.

Mr. WARNER. Mr. President, I have been working with Senator BOXER and Senator LIEBERMAN for almost 10 months on a bill with regard to global climate change. This week—perhaps tomorrow or the first of next week—we will offer a managers' amendment which will address the important issues my colleague raises.

I simply ask this Chamber to consider that when our bill comes up there will be ample opportunity to address your issues and that we have a provision in the managers' amendment giving the President of the United States the chance to proceed to correct the very things the Senator seeks to be corrected with his motion.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the motion of the Senator from South Carolina, Mr. DEMINT.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—34

Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
McConnell
Sessions
Shelby
Stevens
Thune
Vitter
Voinovich
Wicker

NAYS—61

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Coleman
Collins
Conrad
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Graham
Gregg
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter

Stabenow
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Alexander
Clinton
Corker
McCain
Obama

The motion was rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. CONRAD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to the vote on the motion to instruct by the Senator from Louisiana.

Who yields time?

The Senator from Louisiana.

Mr. VITTER. Mr. President, this motion is very straightforward. It creates a reserve fund in support of the following bill, a bill that would say: If the price at the pump, the price of gasoline reaches $5 a gallon—if it reaches $5 a gallon—then we are going to allow exploration and production off our coasts in the Outer Continental Shelf, but only if two conditions are met. No. 1, the host State wants it; the Governor and the State legislature of the host State say yes, we want that activity; and No. 2, the host State gets a fair revenue share of 37.5 percent which is the policy and the precedent we set about 2 years ago.

It would also ensure that nothing in this bill would disrupt military training, military activity off the coast, and that also a host State could decide to do natural gas only.

We can't drill our way out of this energy problem, but increased domestic supply is part of the solution. We need a new energy future, but we also need to get to that future.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what the Senator didn't say is that this puts a State's veto power over the U.S. Government as to its security arrangements in restricted areas off the coast which you never want to put at stake.

What the Senator also didn't tell you is there are already 31 million acres offshore that are ready for lease that have not been drilled.

I yield to the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, the Senate has on three different occasions over the last year defeated similar efforts to end the 26-year bipartisan moratoria on the Outer Continental Shelf. This is another attempt to get at it. Even the Energy Information Administration projects that if we opened the entire east and west coasts, we wouldn't achieve anything because it would take up to 2017 to ramp up and 2030 to actually achieve results.

So this isn't about gas prices; this is about tapping into another vein of oil, continuing our addiction, and putting our shores at risk.

I urge my colleagues, particularly from coastal States, to oppose it.

Mr. STEVENS. Mr. President, I ask unanimous consent to be a cosponsor of the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent to be a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

The question is on agreeing to the motion of the Senator from Louisiana, Mr. VITTER.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—44

Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lugar
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Wicker

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Whitehouse
Wyden

NOT VOTING—5

Alexander
Clinton
Corker
McCain
Obama

The motion was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, for all Senators, I have been talking this afternoon with Senators KENNEDY, ENZI, GREGG, and MCCONNELL, of course. We believe it would be in the best interests of the Senate to vitiate the cloture vote in the morning. Senator KENNEDY and ENZI have agreed to continue working on the firefighters bill. Yesterday, it was interrupted by the farm bill, and the Graham amendment was an interruption.

As I have said on a number of occasions, there is not more of a gentleman in the Senate than MIKE ENZI. He felt aggrieved—that is my word, not his—and he needs more time on this. Again, I have talked to him and Senator KENNEDY. They believe they can get from here to there and work out something so that we can wind up completing the bill.

I have asked the managers to work together to see if they can reach agreement on the process that will permit the Senate to complete action on the bill in a timely way.

Therefore, I ask unanimous consent that the cloture vote be withdrawn with respect to H.R. 980.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, let me further say that when these two good Senators come back to me with that process, I will confer with the Republican leader, and then I will make a decision when to return to this. I favor this a lot. I think it is a great piece of legislation. I hope we can complete it.

We should continue the bipartisan approach we have had up to this time on that legislation. I appreciate the understanding of the Senate in allowing us to approach this in a different way. This is not unique. We have done it on other occasions. For a lot of reasons, cloture would not be invoked tomorrow. I think people favor this legislation and they would vote for cloture if there is more of an opportunity to work on amendments. I appreciate the cooperation of everybody.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if I may add, I think the majority leader has made a wise decision, after consultation with both sides. Cloture would not have been invoked tomorrow. Senators KENNEDY and ENZI can work out an orderly process. I think it is an approach that I applaud and recommend.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I wish to personally thank the two leaders and Senator ENZI. This is important legislation involving national security. I am grateful for the opportunity to work with my friend and colleague, Senator ENZI, to try to make recommendations here in the Senate. I know there are diverse views on this issue. We will try to work out an orderly procedure so that Members will be able to get their views out and considered in the Senate and do it in a timely way.

Again, I thank the two leaders and the Senator from Wyoming as well for his cooperation, as always.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 28

Mr. REID. Mr. President, I ask unanimous consent that, upon disposition of the House message on S. Con. Res. 70, the Senate proceed to the consideration of Calendar No. 731, S.J. Res. 28, a joint resolution disapproving the rule submitted by the FCC with respect to broadcast media ownership, the statutory time be reduced to 2 minutes equally divided and controlled between Senators DORGAN and STEVENS or their designees; that upon the use or yielding back of the time, the Senate proceed to vote on passage of the joint resolution; provided further that all remaining provisions of the statute remain in effect. I further ask that all statements relating to the matter be printed in the RECORD prior to the vote on this important piece of legislation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Finally, as I understand, we have one more rollcall vote we are going to have now. There will be no votes tomorrow. This will be the last vote until Tuesday morning, unless someone has an objection.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to vote on a motion offered by the Senator from New Hampshire, Mr. GREGG, on discretionary spending.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, under the budget resolution, spending goes down each and every year as a share of domestic product, 20.8 percent down to 19.1 percent

The Senator opposite seeks to make those reductions more steep and embrace the President's proposal which would eliminate the COPS Program—not just cut it but eliminate it, a program that puts 100,000 police on the street—cut the Weatherization Assistance Program 100 percent at a time of $120 oil; cut the first responder grants—police, fire, emergency medical 78 percent; cut community development 24 percent; cut clean water 21 percent; cut LIHEAP 15 percent.

More than that, because of the way this amendment has been written, this would put defense in the pool to be cut. If you want to do that, vote for the Senator's motion. I urge a "no" vote.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I have no charts. I simply have a number: $1 trillion. We should draw the line somewhere around here. We should say to the American people: It is time that we exercise fiscal discipline. Let's do it at $1 trillion. That means that in this budget, you only have to reduce it 1 percent to get back underneath that number.

We don't have to look to the President to do that. We can't, amongst ourselves, come up with $10 billion of savings on a $1 trillion budget? If we can't, we should all go home.

Vote to draw the line at $1 trillion. Vote for the American taxpayer.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire, Mr. GREGG.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 48, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—47

Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Cantwell
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—5

Alexander
Clinton
Corker
McCain
Obama

The motion was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair appoints. Mr. CONRAD, Mrs. MURRAY, Mr. WYDEN, Mr. GREGG, and Mr. DOMENICI conferees on the part of the Senate.

DISAPPROVAL OF FCC OWNERSHIP RULE SUBMITTAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S.J. Res. 28, which the clerk will report.

The legislative clerk read as follows:

A resolution (S.J. Res. 28) disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media donorship.

The PRESIDING OFFICER. There is 2 minutes equally divided. The Senator from North Dakota is recognized.

Mr. DORGAN. This is a resolution of disapproval of an FCC rule dealing with media ownership. The Commerce Committee has passed this out to the floor of the Senate. I will not go into great length on the merits of the issue except to say we have visited this issue previously. I think there is too much concentration in the media. The FCC rule moves in exactly the wrong direction, adding more concentration.

I ask that Members of the Senate who wish to would be able to make statements that appear prior to this vote. I believe we have agreed to a voice vote.

I yield the floor. I reserve my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I yield to the Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I know we are going to have a voice vote. I ask unanimous consent I be recorded as a "no."

The PRESIDING OFFICER. The record will so reflect.

Mr. ISAKSON. Mr. President, I wish the record also to reflect I voted "no" on S.J. Res. 28.

Mr. STEVENS. I ask unanimous consent statements in opposition to the resolution of the Senator from North

Dakota be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

CROSS OWNERSHIP RULE

Mr. WEBB. Mr. President, I rise today to thank my colleague from North Dakota for his work on media ownership issues and to engage him in a colloquy to clarify one point about the resolution of disapproval. I note that Senator DORGAN has long been a champion of media localism and diversity, issues that are quite important to me as well.

Because I believe that the Federal Communications Commission ignored Congress's repeated admonitions about following appropriate processes in reaching the agency's new cross-ownership rules, I support this bipartisan resolution.

Yet I believe that if the Senate adopts this resolution, the existing waivers contemplated under the FCC cross-ownership rule should be protected. This means that those waivers would not be a part of this resolution.

I have significant concerns that if these waivers are not protected, this legislation could harm some media markets and constituents' access to news and information in my State of Virginia.

I would like to confirm that this resolution, while it would nullify the revised version of the FCC's newspaper cross-ownership ban, would not undo or in any manner change the FCC's decision to grant permanent waivers to five existing newspaper-broadcast combinations, and thus grandfather them, as set forth in paragraphs 77 and 158 of the FCC's December 18, 2007 Report and Order. It is my understanding that this resolution will not affect these five specific waivers, and I would like to clarify this understanding

Senator DORGAN, is it your goal and understanding that the waivers that the FCC granted in conjunction with the cross-ownership rule be protected?

Mr. DORGAN. Under the Congressional Review Act, the resolution of disapproval is intended to overturn a specific rule, not other parts of an agency's order. The waivers are not rules.

The resolution is written in a specific way referring to an order, but it is the rule that is nullified. These waivers could have been granted alone or under the previous cross-ownership ban. It is not the intention of this resolution to affect the waivers in the order.

Ms. SNOWE. Mr. President, I rise today in strong support of the resolution of disapproval that repeals the recent Federal Communications Commission's media ownership rulemaking.

As an original cosponsor of this measure, I applaud Senator DORGAN for once again taking the lead in introducing critical legislation to overturn a misguided attempt by the commission to relax crucial media ownership rules—a move that will only lead to further consolidation within the industry that will ultimately harm consumers.

As my colleagues are well aware, consolidation in the media market has led to fewer locally owned stations, and less local programming and content. Indeed, it speaks volumes that the number of independent radio owners has plunged in the past 11 years by 39 percent.

Just in 1996 and 1997 alone, more than 4,400 radio stations were sold following the first round of consolidation following passage of The Telecommunications Act of 1996. Between 1995 and 2003, ownership of the top 10 largest television stations increased from 104 owners to 299 owners.

At the same time, we know that locally owned stations aired more local news and programming than non-locally owned stations—and that is not just me talking. That is according to the FCC's own studies, which also found that smaller station groups overall tended to produce higher quality newscasts compared to stations owned by larger companies.

So there should be no mistake—fewer independent, local stations mean less local content and programming.

Minority and women-ownership of media outlets are also at perilously low levels—currently only 6 percent of full-power commercial broadcast radio stations are owned by women and 7.7 percent are owned by minorities. Ownership of broadcast television is even lower—5 percent for women and only 3.3 percent for minorities. Instead of being a catalyst promoting localism and ownership diversity, the FCC's action will actually hasten the decline in these crucial areas.

The Senate Committee on Commerce, Science, and Transportation last fall held a hearing to consider these very issues, and the actions required for improvement. During that hearing, I and several of my colleagues voiced strong concern about Chairman Martin's intent to ease current media ownership rules, particularly because of the potential impact on localism and diversity in broadcasting.

That is why I, along with many committee members, joined Senators DORGAN and LOTT in introducing The Media Ownership Act of 2007, which was reported out of the committee favorably in December. This constitutes yet another step in the mounting opposition to the loosening of these crucial rules. We had hoped that Chairman Martin would heed not only our urgings, but the concerns expressed by the American public, and complete the 4-year-old rulemaking on localism.

However, on November 13, less than a week after that hearing, the Chairman issued a new proposal to lift the 32-year-old newspaper-broadcast cross-ownership ban in the top 20 media markets. Worse still, the FCC allowed only 28 days for the public to comment on the proposal when it has historically provided 60 to 90 days on pivotal matters such as this.

Clearly, the FCC's actions demonstrate a litany of highly-misguided priorities that neglect to consider the full impact of the FCC's rule change on the American people. Therefore, this resolution of disapproval is necessary to rescind this haphazard approach.

I must say it feels a little like déjà vu all over again, when nearly 5 years ago the FCC attempted a similar effort to relax another set of media ownership rules. And fittingly, the opposition to the commission's attempt then mirrors the opposition that is coalescing now. And the action we are considering now is reminiscent of the joint resolution passed by the U.S. Senate in September 2003, which I cosponsored, condemning the Commission's efforts to rewrite those rules.

So that naturally begs the question—why would the commission continue to attempt to weaken media ownership rules when the American public has vociferously opposed these efforts time and again? When the U.S. Congress in 2004 enacted a statute prohibiting the FCC from raising national ownership limits above 39 percent? When the Third Circuit Court of Appeals rejected as arbitrary and capricious this attempt at revising the rules after finding the FCC had no factual basis for the limits it set? We deserve an answer.

Many proponents for relaxing media ownership rules have pointed to the precipitous decline of the newspaper industry as the reason change is mandatory. They have even cited a recent report by the Newspaper Association of America, NAA, which found print ad revenue for the industry fell by 9.4 percent last year—the biggest decline since it started keeping records in 1950.

However, what these proponents are neglecting to mention is that the NAA also found that online newspaper advertising revenue increased 19 percent last year.

Furthermore the NAA president and CEO John Sturm stated "newspaper publishers are continuing to drive strong revenue growth from their increasingly robust Web platforms." This hardly sounds like an industry in irreversible peril if this longstanding rule remains in place.

Opponents of this resolution will also argue that the FCC crafted a very narrow revision, lifting the cross-ownership ban for only the top 20 media markets, so this resolution is unnecessary. However, the FCC also adopted "four factors" and two broad "special circumstances" that would allow this ban to be lifted for a station in any media market.

These scenarios and factors include evaluating financial condition, possible increased local news, as well as existing market media concentration, and news independency. Given the vagueness and loopholes that exist with the rulemaking, the "high hurdle" that the Commission has supposedly set for proposed combinations could be easily cleared by using only a stepladder.

Preventing further media consolidation has been a bipartisan effort, and the resolution before us today is no different. We must not allow the indispensable role the media plays in promoting diversity and localism to be further marginalized and miniaturized by unchecked consolidation within the industry.

We owe it to the American people to restore confidence in the FCC's commitment not only to uphold the public interest but to advance it and strengthen it. That is why it is undeniably incumbent upon the commission members to revisit these rules and establish a set of standards that will effectively promote localism and minority and women-ownership, not more media consolidation. I urge my colleagues to support this resolution.

Mr. MENENDEZ. Mr. President, today we are considering a critical piece of legislation. The resolution of disapproval is critical to the diversity of our media and I would like to thank Senator DORGAN for his leadership on the issue. In December, the FCC pushed through new media ownership rules on a partisan three to two vote. The proposal strips newspaper-broadcast cross-ownership rules that have protected diversity for 32 years in the top 20 markets.

This proposal has been described by the chairman as a modest rules change. That since it is restricted to the top 20 markets, and since it only applies to television stations not in the top 4 in ratings in those markets, its some sort of compromise. The reality is that is simply not true.

To begin with, 44 percent of Americans live in the top 20 markets. This includes my State of New Jersey, which is split by two of the largest markets in the country. And there are a number of loopholes in the rule. Companies looking to consolidate either outside the top 20 markets or to purchase one of the 4 largest stations need only be granted a waiver from the FCC.

The standards for granting these waivers are vague at best. Here is an example: one of the standards a company must show in order for a waiver to be granted is whether the broadcast station has enough editorial independence. How does anybody quantify that?

The fact is there is no way to objectively judge the parameters Chairman Martin's rule requires to grant the waivers. This means that depending on who is running the FCC, a waiver can be granted in any market or for any station. As Commissioner Adelstein put it so appropriately, this proposal is nothing more than a wolf in sheep's clothing.

While the FCC devotes its resources to opening up more loopholes for consolidation, the commission has done virtually nothing to address the issue of minority ownership. The reality of diversity in our Nation's broadcast ownership is a far cry from the reality in which we live.

Despite making up 35 percent of the population and owning roughly 18 percent of all nonfarm businesses, minorities currently own only 3 percent of all broadcast TV stations.

It is in the best interests of our democracy that media ownership reflect the wealth of this Nation's diversity. As a public trustee of the broadcast spectrum, it is the responsibility of the FCC to advocate on behalf of women and minorities.

Yet this Commission under President Bush has failed in this pursuit. In fact, the FCC has so mishandled the issue, nobody even uses their statistics on minority ownership anymore. The best estimates we have on minority ownership have to come from outside groups because the FCC simply doesn't have accurate reporting numbers.

In 2000, the FCC released five studies conducted to help the commission comply with its own regulations that require the elimination of market-entry barriers for small business. These studies largely found that media consolidation negatively impacted minority ownership, and noted that minority owners face historic barriers to accessing capital from lending institutions to purchase broadcast outlets. But rather than act on these studies to address the underlying problems, the FCC took 4 years to even issue a notice for public comment.

So today we have a chance to overturn a misguided decision by the FCC. And we have a chance to tell the Commission that rather than spend their time on finding loopholes for major media corporations to buy up more outlets throughout our country, the FCC should be working to its charge as the trustee for America's airwaves.

Mr. INOUYE. Mr. President, I rise today in support of S.J. Res. 28, a joint resolution disapproving the Federal Communications Commission, FCC, rule relaxing newspaper-broadcast media cross-ownership.

Like many of my colleagues, I am deeply troubled by the FCC's rulemaking that would allow greater consolidation of our media. The media is a tremendous force in our society. It can inform, educate, and entertain, as well as nourish our democratic dialogue. Unfortunately, the media also has less savory powers.

In recent years, we have seen an increase in coarse and violent programming, coupled with a decrease in local news and hardhitting journalism. To say these trends are not in the best interest of the American people, and especially our youngest citizens, is clearly an understatement.

In addition, as corporate ownership over our media grows more concentrated, we see less and less of the diversity of our Nation. When programming is the same from coast to coast, our airwaves will no longer reflect the rich mosaic of our country and our citizens. Such a landscape should prompt the FCC to act with an overabundance of caution, but it has not.

Five years ago, the FCC substantially relaxed the rules that govern media ownership in this country. Millions of Americans contacted the FCC to complain. The U.S. Senate voted to support a "resolution of disapproval" in response to the FCC's decision. Next, the courts got involved, and the Third Circuit Court of Appeals shipped the agency's handiwork right back to the FCC.

In 2006, the FCC began a new rulemaking, and in November of 2007, the Commerce Committee held a hearing to discuss the effects of consolidation on localism and diversity in news and entertainment.

Over the following month, the Senate made clear to the Commission that it had serious concerns about the FCC's process and its apparent rush to issue a new rule. But on December 18, 2007, over the objections of Commissioners Michael Copps and Jonathan Adelstein, the FCC approved a relaxed set of ownership rules under which newspaper-broadcast cross-ownership is permissible in the top 20 markets.

I commend Senator DORGAN for introducing S.J. Res. 28, a joint resolution disapproving the FCC rule. I am pleased to join him as a cosponsor of this resolution. I hope that my colleagues will join me in supporting S.J. Res. 28.

Together we can send a strong and united message that media diversity is clearly in the national interest and that the U.S. Senate will defend that interest with all the tools at its disposal.

Ms. MURKOWSKI. Mr. President, I ask that I be recorded as voting no on S.J. Res. 28, a resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

Mr. DODD. Mr. President, I rise in strong support of the resolution of disapproval of the Federal Communications Commission, FCC, recently issued rules on media cross-ownership. I want to commend my colleague from North Dakota for his leadership on this most important of issues. This resolution will nullify the ill-considered and hastily-passed rules pushed through by the FCC in December of last year.

Over the last several years, the effects of media consolidation have become extremely clear to the American people: Less local control and community-oriented programming; less independently produced programming; fewer divergent views and opinions; fewer minority-owned broadcast stations.

And now, the FCC has green-lighted further media concentration by voting to overturn a 32-year-old rule prohibiting the cross-ownership of newspapers and broadcast stations—a rule that could impact markets in which nearly half of the American public lives and works.

Put simply, the FCC rule change would harm local and independent owners and help big media owners. In particular, the change further disadvantages minority media owners. While such owners control a mere 3 percent of the Nation's commercial TV stations, as many as 90 percent of minority media owners would be subject to these new rules. Further consolidation will simply reduce the number of opportunities for minorities to enter the market while putting those already in the market more at risk of being forced out by larger media conglomerates.

The FCC argues that this rule is necessary to "save" the newspaper industry. But as an internal FCC study showed, despite all the stories we are hearing about newspaper cutbacks, publicly traded newspapers earn 16 to 18 percent annual rates of return. An internal FCC memo found the industry as a whole to be profitable. That is to say nothing of the fact that the FCC has given no compelling reason for it to be in the newspaper business in the first place. The FCC regulates the broadcast airwaves—and it should remain that way.

Perhaps most disturbing is the way the FCC went about implementing this radical new rule. First, it completely ignored Congress's bipartisan bill, the Media Ownership Act, of which I am a proud cosponsor. Then it ignored the public. Indeed, the Chairman's proposed rule changes were first made public in an op-ed he published in the New York Times outlining the changes for the first time—which might have been helpful had the public comment period not already closed the day his column appeared.

Public comments are not merely a formality, Mr. President—they are a vital piece of the rulemaking process and an integral part of responsive, open government. Five years ago, more than 3 million Americans spoke out when the FCC voted without any public input whatsoever to allow a single company to own up to three television stations, a local newspaper, a cable system, and as many as eight radio stations in a single media market. In large part because of the public outcry, the courts overturned the rules.

Mr. President, it isn't more consolidation and homogenization the American people want from their media—it is less. No one can seriously argue that the consolidation of the media in recent years has been a good development for the fourth estate. As coverage has become increasingly superficial, people wonder more than ever about the quality of the information they are receiving from the media. And quite frankly, I do not blame them.

Must we act to ensure the strength and vitality of the American media in the 21st century? Absolutely. But that should be accomplished within an open and transparent framework as prescribed in the Media Ownership Act—a process that gives the public a voice in this fight. As the Senator from North Dakota has said, "Localism and diversity of media ownership is vital in a democracy."

Indeed it is, Mr. President. It is time to tell the FCC that this is no way to maintain a free, open and diverse media, and I urge all my colleagues to support this resolution of disapproval.

Mr. STEVENS. I yield the remainder of my time.

Mr. DORGAN. I ask the Senator from Washington to use the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise, obviously, to encourage my colleagues here. This is an issue we dealt with before. While media consolidation might be good for Wall Street, it is not good for Main Street. The diversity of voices has been a key component to our society, and preserving them by making sure we don't have a consolidation of media is very important.

I urge my colleagues to disapprove of the FCC rule on media consolidation.

The PRESIDING OFFICER. All time has expired.

The question is on the passage of the joint resolution.

The joint resolution (S.J. Res. 28) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to broadcast media ownership (Report and Order FCC 07-216), received by Congress on February 22, 2008, and such rule shall have no force or effect.

Mr. DORGAN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate now be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

MEDIA DIVERSITY

Ms. CANTWELL. Mr. President, for those who may not have observed that voice vote, it was a very positive result for the voices of America supporting diversity. I want to spend a few minutes talking about this issue, to make sure we give it the due consideration that is important.

Mr. DORGAN. I wonder if the Senator from Washington will yield for a question. I have to leave the Chamber due to another event.

First, I thank the Senator from Washington. Senator CANTWELL has been unbelievably strong and supportive in getting us to this point of having passed the resolution of disapproval. We got it through the Commerce Committee. She was a leader in that effort. We now have voice voted it. It has passed the Senate.

I did want to say, as I said earlier, the issue here is simple. We have far too much concentration in the media. The Federal Communications Commission, at least the Chairman and two others who have been members, have become cheerleaders of more concentration. That means less localism. It means your local radio station, in many cases your television station, other media outlets, are run by somebody living 1,500 miles away, running homogenized music through a radio station having nothing to do with covering the local baseball team or news events. I think this moves in exactly the wrong direction. I believe there needs to be more localism and I think there has to be a procedure on localism at the Federal Communications Commission. There need to be public interest standards with respect to broadcasters that do not now exist. The standards have been emasculated. We have a lot to do to put this back on track.

Suffice it to say, the FCC was anxious to move in the direction of more consolidation, allowing newspapers to buy up television stations. We have had a ban on that for three decades. We prohibited the cross ownership in a market. The reason we have done that is pretty simple: We don't want there to be only one or a couple of dominant voices in a market. We want there to be many voices.

That is what our purpose is, to bring this resolution of disapproval. It is unusual to do this, but we did it. It got through the Commerce Committee, now through the Senate. It says to the Federal Communications Commission, get things right, do things right, don't truncate these things and cut the American people out of this process.

We have also said today we believe this is moving in the wrong direction. Everybody says there are more voices out there in the Internet and cable channels and so on. More voices but the same ventriloquist. We had one person testify from Los Angeles who came and said in my office we have 48 cable channels. I went through who owns the channels—42 of them are owned by the same few companies and that is the problem with concentration.

I again thank the Senator from Washington. She has done a great job and I am proud to work with her and Senator SNOWE especially, on the other side, and Senator Lott when he was here, to accomplish this result.

Ms. CANTWELL. I thank the Senator from North Dakota. The praise should go to Senator DORGAN for his leadership on this issue for the last year-plus time, continuing to make sure the Senate holds the FCC accountable for their actions, trying to pass a rule on media consolidation when they know there have been dissenting views all across America about this issue. Certainly there has been a dissent from the Senate.

The ownership of broadcast and print media does touch on some of the core values Americans hold for freedom of speech, open and diverse viewpoints, to have vibrant economic competition from a variety of sources, and local diversity.

Attention to diversity and localism has served our economy well and has also provided us a good civics lesson. These opportunities—when we hear from small companies, when we hear from minorities, when we hear from women—are the types of diversity we want to protect. We did that tonight.

The diversity in media does energize our democracy. Viewpoint diversity that comes from the various views that can now be expressed are key to making us a stronger nation.

Having independent sources of news helps citizens to take opinions, not just locally but nationally and even globally. That is why I am glad we stopped the FCC from moving forward on their media consolidation proposal.

I remind my colleagues of the history here because I have a feeling this issue may come up again. Back in 2002, the FCC initiated its biennial review process, announcing the agency would fulfill and review the full range of broadcast ownership rules, but the announcement of the review was the only thing that was truly conducted in public.

On June 23, 2003, on a 3-to-2 party line vote, the FCC issued its new rules on media consolidation. Then-Chairman Powell did not issue the proposed rule for public comment prior to the vote.

The reason I am bringing this up is because what ensued is millions of people sent e-mails and weighed in with postcards and petitions to oppose the rule. In fact, the Senate sent a very clear message to the FCC at the time invalidating that proposed media consolidation proposal.

The Third Circuit Court of Appeals reviewed the FCC decision from 2003 and they determined it was "not supported by reasonable analysis."

What happened after that? Obviously there were a lot of people in loud chorus saying they disapproved of the FCC's action to further concentrate the media in this country. In 2007 the FCC passed the new media ownership rule, barely a month after it was proposed, allowing for little public comment and for even less time for consideration of the comments that came in. I know Chairman Martin likes to talk about allowing public comment for over 120 days and 6 hearings around the country, but all of that was done before the rule was even out there in public, what the actual changes would be.

In one example, they came to Seattle on November 9 and I think we had a mere 1-week notice for that. They had the meeting on a Friday afternoon. I think it was a 3-day weekend. Maybe they thought no one would show up, but it does not take a lot of notice in Seattle to get people to show up for a hearing about media consolidation, so 800 people showed up and spent 9 hours letting the Commission know their thoughts on what they thought the impact of increased media concentration would be.

It would hurt competition. It would lessen diversity. It would impact localism and was not in the broader public interest. I know Chairman Martin received an earful in Seattle, but clearly he didn't pay much attention to what we said, because a few days later he proposed new media ownership rules. They were released in a November 13 op-ed piece, I think in the New York Times, in a Commission press release.

So what we are saying is we do not like the process which the FCC pursued in not having the broadest public comment in this, and also when it looks at some of the issues that were discussed in trying to validate why the Commission continues to try to push for media consolidation.

I think it is very important. We have seen a pattern emerge. We see economic studies from the Commission where they cannot hold up to peer review, where data are not supportive of the predetermined conclusions that the FCC had, and that maybe they were "checking the box" when it comes to these public hearings and maybe giving mere lip service to localism and to women and minority ownership issues.

So all of those issues are going to continue to be duly noted by the Commerce Committee, and certainly we are going to continue to fight on this issue. The FCC media ownership rules were created decades ago to foster these longstanding goals that our country has to promote competition, to promote localism, to have diversity of voices.

The courts and industry experts and elected officials of all ranks across America have come together in an overwhelming chorus saying "no" to the FCC move to try to further consolidate the media.

I am glad my colleagues tonight as well disapproved of their action so we can continue to have the diversity of voices in America that I believe my constituents and Americans all across this country deserve.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 100TH ANNIVERSARY OF THE NATIONAL GOVERNORS ASSOCIATION

Mr. CARPER. Mr. President, I want to say a few words on the 100th anniversary of the National Governors Association.

I especially want to thank my friend and colleague Senator DURBIN for yielding to me to speak first this evening.

It was 100 years ago today that the first meeting of our Nation's Governors took place. In recognition of the National Governors Association's Centennial today, I, along with a number of my colleagues, including Senator VOINOVICH of Ohio and Senator ALEXANDER of Tennessee, have submitted a resolution commemorating the 100th anniversary of the National Governors Association.

It is my hope we will be able to clear this resolution honoring the 100th anniversary this evening. As former Governors currently serving in the Senate, Senators BAYH, BOND, GREGG, and BEN NELSON will also be joining myself and Senator ALEXANDER, along with Senator ROCKEFELLER, in sponsoring this resolution.

If you think about it, that is all of the former Governors who now serve in the Senate and who were at one time members of the National Governors Association. I was privileged to serve, along with Senators VOINOVICH and ALEXANDER, as chairman of the National Governors Association at one time.

It is a special privilege for me to take a moment to reflect on the organization's growth and its accomplishments over the last 100 years. On May 15, 1908, 100 years ago today, President Teddy Roosevelt hosted the first meeting of our Nation's Governors at the

White House. They gathered to discuss conserving America's natural resources.

Now, 100 years later, the Federal Government is still working with our Nation's Governors in an ongoing effort to protect America's natural resources through conservation provisions such as the farm bill that we adopted here today or addressing climate change or protecting our air through legislation such as the Clean Air Planning Act.

Today, 100 years later, the National Governors Association serves as the collective voice of our Nation's Governors and remains one of Washington, DC's most respected public policy organizations.

Through this bipartisan organization, Governors are able to identify and discuss a broad range of issues relating to public policy and to governance. I have long said the 50 States are laboratories of democracy, and we should use them as such, and we do.

Today we do that. From the redwood forests to the gulf stream waters, initiatives and policy recommendations that have come from the Governors often serve as catalysts for change both in the States and at the national level.

I was Governor of Delaware back in 1995 when Congress was actively debating how to reform a failing Federal welfare program, trying to decide how do we make work pay more than welfare. Without solutions coming from the Congress, the States had already begun taking reform efforts into their own hands. Over half the States, including my own State of Delaware, and I believe the State of Vermont, had made significant changes to their own welfare programs by seeking waivers from the Federal rules.

Many of the welfare policies and practices tested by States were ultimately adopted by the Federal Government in the sweeping 1996 welfare reform legislation passed by the Congress and signed by President Clinton, which the Governors helped to write.

As with welfare reform, the National Governors Association has played and continues to play a key role in developing national policies ranging from transportation to education, to environmental protection and health care, to name a few.

In the 1950s, President Eisenhower enlisted the Governors' help to help build our very first interstate highway system. The State-Federal partnership forever changed the face of transportation in America and underscored how critical States' participation has been to realizing national goals.

The same is true of Medicaid and the SCHIP program, the State Children's Health Insurance Program. The same is true of the implementation of the Clean Air and Clean Water Acts, and as we fight wars in Iraq and Afghanistan, the National Guard units of all 50 States.

Over the past century, the National Governors Association has played a key role in shaping public policy and addressing America's most pressing challenges. On behalf of each of the former Governors who are privileged to serve today here in the Senate, it is my honor to acknowledge the leadership of Governors both past and present, to celebrate what they have achieved over the last 100 years by working together, and to look toward with anticipation of what lies ahead for our Nation's National Governors Association and for the Governors who will help to lead it in this century and beyond.

If I could just add a footnote, I always think of the States as laboratories of democracy. We can test policies or programs to see if they work at the State level, and if they do, maybe see if they would work on a national level.

One of the things I especially liked about being part of the National Governors Association was that every even-numbered year, right after the election in mid-November, the National Governors Association would host a school for new Governors and spouses. For 3 days, a different Governor would host in his or her State the NGA's school for new Governors and spouses. The students were the newly elected Governors who had been elected 2 weeks earlier. They were Democrats and Republicans, in some cases an Independent. The faculty were the current Governors and their spouses. We would spend 3 days together. Usually, it was as many as 20 Governors and spouses on faculty.

We would spend those 3 days together in different places around the country—no press, very little staff. The idea was for the grizzled veterans to really bare our souls to the new guys and gals, incoming Governors, and tell them the mistakes we made and to say to them: Learn from our mistakes. Don't make the same ones we did, whether it is putting together your team, developing your communications plan, working with the legislature, deciding where you are going to live and trying to be a chief executive and still be a good parent, a good spouse. But during those 3 days we spent together, a remarkable bonding occurred between the old Governors, the veterans, and the new Governors, and across party lines. I am convinced one of the reasons why the Nation's Governors tend to be less partisan is what happens in new Governor school.

Among my closest friends are Governor Mark Racicot, former Governor of Montana, who later went on to be national committee chair and general campaign manager for President Bush's reelection; Mike Leavitt, former Governor of Utah, who succeeded me as chair and who serves today as a Cabinet secretary in this administration. What we have tried to do in the Senate, those of us who used to be Governors who serve here today but went through new Governors school, is take that idea and transplant it here. I call it Senators school. It is really orientation.

This fall, in November, 2 weeks after the election, we will have new Senators, newly elected Senators, their spouses will come. They will spend 3 days together; some sessions with spouses, others not with spouses. The faculty will be current Senators and our spouses. We will have 3 days to get to know each other, to try to teach the new guys and gals the ropes and to begin to develop new personal relationships that really are needed here to make this place work. I look forward to being a part of doing that this November. But the idea was one of those ideas that came from the National Governors Association.

Again, the NGA and the States are laboratories of democracy. Taking that lesson and applying it here on the national level will have good effect.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 568 submitted earlier today by yours truly.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 568) commemorating the 100th anniversary of the founding of the National Governors Association.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARPER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 568) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 568

Whereas, in 1908, President Theodore Roosevelt invited the Nation's Governors to the White House to discuss conserving America's natural resources;

Whereas the Governors decided to form an association through which they could continue to come together on a bipartisan basis to discuss mutual concerns and share State practices;

Whereas, 100 years later, the National Governors Association serves as the collective voice of the 55 Governors of States, commonwealths, and territories;

Whereas, for the past century, Governors have utilized the organization to explore issues, develop solutions, and build consensus on diverse national policies;

Whereas the National Governors Association has played a key role in shaping public policy and addressing America's most pressing challenges; and

Whereas the National Governors Association is celebrating 100 years of gubernatorial leadership—honoring the past, celebrating the present, and embracing the future: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the leadership of the Nation's Governors and honors their contributions to American politics and society; and

(2) commemorates the 100th anniversary of the founding of the National Governors Association.

The PRESIDING OFFICER. The Senator from Ohio.

ARMED FORCES DAY

Mr. BROWN. Mr. President, tomorrow we celebrate Armed Forces Day. Communities across my State, from Van Wert to St. Clairsville, from Sandusky to Ironton, will pause to honor the service and sacrifice of the men and women in all branches of the military service as they and we celebrate Armed Forces Day.

I have held close to 100 roundtables around my State where, in many of them, I had the opportunity to speak with dozens of these honorable man and women. Those conversations reinforced my profound respect for their unstinting bravery, their unshakable sense of duty, and their unwavering commitment to our national security.

Not long ago, at Walter Reed I visited two Ohio marines recovering from wounds suffered in Iraq. I asked each of them what was the first thing they thought about when they realized they were wounded. Both marines, independently of one another, said: "Can I stay in the Marines." That simple statement speaks volumes about our men and women in uniform.

Armed Forces Day is an opportunity to honor our troops, an opportunity to honor the sacrifices they and, equally importantly, their families have made to protect our Nation, and an opportunity to honor the promises our Nation has made to repay their services and sacrifices. That is so important. We are stewards of those promises. We have a responsibility to work every day, against opposition sometimes, to ensure that our Armed Forces receive the wages and benefits and services they have earned. Honoring our troops should be more than sentiment. It should be action. When we make promises to our troops, we should keep them. They most certainly have kept their promises to us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join the remarks of the Senator from Ohio acknowledging the great contribution made to America by our men and women in uniform. I hope we can honor their service, not only by providing for them while they are at war but providing for them as well when they come home. I am sure the Senator joins me in believing that a new GI bill which will provide for those returning soldiers is a fitting tribute to their service and a great investment in our future.

For initial GI bill after World War II was born in conflict. After World War I, those returning soldiers marched on Washington time and again, demanding some payment for their service to our country. They were rebuffed and even attacked at times by our then Army in uniform. By the Second World War, we understood that we owed a great debt to the 16 million men and women who served, and 8 million of them took advantage of the GI bill.

That GI bill was groundbreaking and revolutionary. It paid for their tuition, their books, their room and board, as well as a monthly allotment so they could go to school. Those graduates of the GI bill became the thriving middle class of America that built our great Nation in the late 1940s, 1950s, and 1960s. It was the greatest single investment in returning soldiers in our history, and it should be replicated.

Those who honor the armed services should also honor them when they come home, to make sure they receive all the health care and benefits promised and are given a chance to have a full life after having served our country so well.

I am happy to identify myself with the remarks of the Senator from Ohio.

REPUBLICAN FILIBUSTERS

Mr. DURBIN. Mr. President, I also want to say that this has been a week when we have achieved a few things in the Senate but not nearly enough. We started off the Senate with a historic occasion, one which is not likely to be remembered by great historians but should be remembered by all who follow the business of the Senate. As of this week, the Republicans, the minority in the Senate, have now engaged in 71 Republican filibusters. A filibuster is an effort to stop the business on the floor of the Senate or at least to slow it down. It is a time-honored tradition in the Senate, but it is a tradition which has not been overused until this session of Congress.

In the entire history of the Senate, the total number of filibusters in any 2-year period, the maximum, was 57. So far in this 2-year period, the Republicans have engaged in 71 filibusters, and, of course, we have another 6 or 7 months to go in this session of Congress. It is clear that their ambition is to stop the Senate from addressing the major issues facing our Nation, or at least to slow us down to a crawl.

We have what we believe are good ideas and good proposals to deal with the high gasoline prices facing America's families and businesses, farmers and truckers. We have good proposals to deal with tax breaks for working families so they can meet the needs of their families with escalating prices for food and health care and daycare and the cost of daily living. Again, the Republicans have done their best to slow us down, if not stop us.

It reached a point several weeks ago that was nothing short of ridiculous. The Republicans initiated a filibuster to slow down the consideration of a bill known as a technical corrections bill. That is a bill that takes care of spelling and grammar errors. They engaged in a filibuster to slow down the Senate so it would take us a whole week to finish a technical corrections bill. When we finally reached the point and asked them for amendments, they had three or four that could have been dispensed with quickly.

They are dragging their feet and slowing us down with this record number of filibusters. But that isn't it alone. There is also a device in the Senate known as a hold. Most every Senator has used a hold, either on a bill or a nomination. Some of the holds that have been applied recently are so-called secret holds. Senators don't step forward to identify why they have held up a nomination or bill.

I have used holds. I am currently using those. But I have been very public about it. I have said exactly why I am doing it and the conditions for my releasing the hold. For example, when the Department of Justice wanted the approval of the Deputy Attorney General Mark Filip, a good man from Chicago, I said I would hold his nomination until I had received responses to questions I had submitted to the Department months before. Well, to his credit, Attorney General Mukasey moved on it extremely quickly. Within 48 hours, I had the answers and withdrew the hold immediately as promised. I am sorry it reached that point, but after waiting months, I didn't know another way to turn to get answers to important questions. So holds can be used effectively and honestly and openly.

Then again, there are holds that have been applied that I think are almost impossible to explain or justify. For example, one of the Senators on the Republican side has put a hold on a bill which was not controversial and very bipartisan, which would establish in the United States a national registry of those who are suffering from a disease known as ALS, or Lou Gehrig's disease. It is a terrible, debilitating disease. It was the hope of the sponsor, Senator HARRY REID of Nevada, that we could establish this registry and move even closer to finding the cause of this disease and perhaps lead to a cure. It was certainly a high-minded and sensible approach to a very serious medical condition affecting thousands of families across America.

One of the Senators from Oklahoma on the Republican side put a hold on this bill—in other words, stopped us from calling this bill for a vote. That is extremely unfortunate. There is nothing controversial about this bill. He should reconsider that hold. But it is not the only one.

PEPFAR REAUTHORIZATION

Mr. DURBIN. Mr. President, I rise this evening to speak for a few moments about another hold that has been placed on critically important legislation.

Anyone who follows what we do here on the floor of the Senate or in the House of Representatives knows that many of us on the Democratic side have disagreed with President Bush as to his policies. Over the last 7 years, there have been ample opportunities to vote against the President's policies, whether it is on the invasion, the war in Iraq, or economic policies that brought us to this sorry stage of the American economy, with working families struggling to pay their bills and to survive.

I have opposed President Bush's economic policies and many other things during the course of his administration. But there was one moment I can still recall when the President gave a State of the Union Address and announced that the United States would try to lead the world in dealing with the global AIDS epidemic. On the Democratic side, I joined many of my colleagues, standing and applauding President Bush for that announcement. Though I may disagree with him on many issues, I salute him for his special efforts to deal with the global epidemic of AIDS and tuberculosis and malaria.

The President established a program known as the President's Emergency Plan for AIDS Relief, commonly known as PEPFAR. This important program is up for reauthorization so that it can continue to save lives across the world.

They have renamed it in honor of two men who served in the House of Representatives—one a Democrat, Tom Lantos; the other a Republican from Illinois, Henry Hyde. It is known as the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act.

The Senate Foreign Relations Committee considered this bill and passed it out 18 to 3—an overwhelming bipartisan vote. Our colleagues in the House passed a similar measure with an overwhelming vote at the end of March of this year.

The President has urged Congress to send him the bill before the end of the year. President Bush takes great pride in this bill. He believes it is one of the hallmarks of his tenure in office and administration. I join him. I think it is his most positive achievement as President of the United States.

The purpose of this bill is to prevent 12 million new infections; support treatment for at least 3 million people; provide care for another 12 million, including 5 million very vulnerable children.

That kind of assistance helps to save lives, and it is an important step not only from a humanitarian viewpoint but also to alert the world as to our real values in America. We are in a struggle across the world now. Many of our harshest critics paint a picture of the United States that is not close to reality. This kind of legislation, where the United States puts investment in the health care of people around the world, tells the right story about who we are and what we believe.

There is a sad ending, regrettably, as is too often the case in the Senate. This bill—despite the President's support, despite broad bipartisan support in the House and the Senate—is being blocked by several Republican Senators. Seven of my colleagues across the aisle, who have publicly identified themselves, have stopped the consideration of this bill to deal with the global AIDS epidemic. Those Senators are Senators COBURN, DEMINT, SESSIONS, CHAMBLISS, VITTER, BUNNING, and BURR.

Now, former Bush speech writer, Michael Gerson, issued a scathing criticism of this Republican hold in a recent article in the Washington Post. I quote him when he says:

> It is the nature of the Senate that the smallest of minorities can impede the work of the majority. But it takes a conscious choice—an act of tremendous will and pride—for members to employ these powers against an AIDS bill with overwhelming bipartisan support.

Mr. Gerson is right. I appreciate and share his sentiments and the frustration that comes with them.

There is broad bipartisan support for this measure. There are literally lives on the line. The President says we need it. Who would disagree? Virtually all of us on both sides of the aisle have applauded the President's efforts and voted for funding the PEPFAR program. Our ability to save the lives of millions of people around the world depends on a parliamentary maneuver in the Senate, where seven Republican Senators have put a hold on a bill to try to fight the global AIDS epidemic.

Many of my friends on the other side of the aisle support this bill enthusiastically. Even those with concerns about it are willing to concede this has been a remarkably successful program.

Since 2003, when we were treating only 50,000 people in sub-Saharan Africa, the PEPFAR and Global Fund now reach nearly 2 million people, primarily on the continent of Africa. That is an amazing record of progress in 5 years. That has literally changed the situation in Africa.

I went to Africa 7 or 8 years ago and did not go looking for the global AIDS epidemic. But you could not avoid it. Everywhere you turned, in every country I visited, terrible stories were being told about the people who were dying, how it was necessary to hire two teachers for every grade in school because one was likely to die before the end of the school year. It was awful. There was no hope. People would not go for tests to see if they were positive because learning that information led them nowhere—just the knowledge of impending doom.

Well, Mr. President, that has changed. Because of PEPFAR and the Global Fund, because of the efforts of the Gates Foundation, because of the efforts of former Presidents Bill Clinton and George H.W. Bush, we now find medications and treatment available in Africa. People are going forward to be tested so they do not unnecessarily expose someone else to the disease and so they can seek treatment at an early stage and live a long life.

The world has changed in Africa because of this program. But the program is about to expire, and these seven Republican Senators are standing in the path of reauthorizing that program.

When they were asked why they opposed this program being reauthorized, one of the Senators argued that it has gone beyond its original mission of treating AIDS and now is dealing with other issues. This critic of the program, my Senate colleague, called it "mission creep." I wish that Senator could go to Africa and see it firsthand.

To argue that adding nutrition, safe water, and sanitation programs, treatment of tuberculosis and malaria, and protection of vulnerable populations is somehow beyond the scope of the original bill is to ignore reality.

I went to a portion of Nairobi, Kenya, to one of the larger slums, which has some 600,000 people and a rampant AIDS epidemic. Well, it is being treated with drugs and testing, and we are making some progress, but they took me to a small area where a group of parents who were infected with HIV were sitting and watching their children play.

I looked on as several of the women who were sitting there looked as if they were about to die, they were so emaciated. I said to the person with me: It is a shame they didn't have access to the drugs. The person said: They have access to the drugs. They are taking the drugs. They just don't have access to food.

These drugs don't work on a hungry person and an empty stomach. So when the critics of this PEPFAR reauthorization argue against food and nutrition as part of the program, they are ignoring the obvious. If you want to treat a woman with a child, and you want the drugs to work, she needs basic nutrition. That has to be part of the program. It does no good to give these drugs to a starving, dying person.

Maintaining the status quo, as some of my Republican colleagues who oppose this bill prefer, would deny the progress we have made under President Bush. This bill creates a program that is sustainable and maintains our essential leadership role in the fight against AIDS, TB, and malaria.

Some on the other side may disagree, and let me tell you, it is their right to disagree. But I think the honorable thing to do, the right thing to do, is to bring their disagreement to the floor and to offer an amendment. If they want to change the program, so be it. That is why we are here. We should consider the merits of their amendment and vote it up or down. Then, depending on the outcome, they can decide whether they want to vote for or against the bill.

But to hold this bill indefinitely, when 12 million lives hang in the balance, I have to agree with Mr. Gerson, it is a conscious decision—as he said: "an act of tremendous will and pride."

I urge my Republican colleagues: Please, please reconsider this hold. I find it very difficult to understand how some of these same colleagues can go to our Prayer Breakfast regularly and pray for the poor and suffering in the world and come to the floor of the Senate and put a hold on a bill that would provide nutrition and drugs to people who will die without it. I do not understand that. I hope they will reconsider.

Recently, President Bush traveled to Africa. He was greeted with great warmth and hospitality by a continent grateful for his efforts in the fight against AIDS. The Senate should not turn its back on what the President and America have achieved. We should move quickly to reauthorize the U.S. commitment to global AIDS relief. The efforts of these seven Senators holding this important bill should not stop us from doing the right thing for the millions of people around the world whose lives literally depend on it. I am going to urge my colleagues, as often as I can, to drop this hold on this bill to allow the Senate to debate and pass this important legislation.

TRIBUTE TO LUCY AND ROSA TREVINO

Mr. DURBIN. Mr. President, this past Sunday—Mother's Day—Barbara Mahany, a reporter for the Chicago Tribune, wrote a touching front-page story about Rosa Trevino, a mother who never gave up on her daughter, Lucy.

Born with a rare genetic degenerative disease, spinal muscular atrophy, Lucy Trevino was determined to win a degree in bio-engineering from the University of Illinois at Chicago.

Her quest would have been physically impossible if her mother had not been by her side for every class, every lab, every study session, and there to turn every page of her daughter's textbooks when Lucy's arms were too weak.

On Saturday, Lucy Trevino overcame the greatest obstacles and earned her degree. And Rosa, in reporter Barbara Mahany's words, taught us "all a lasting lesson of a mother's love."

At Lucy's commencement, the dean of UIC's engineering college stopped the ceremony to tell the members of the Class of 2008 about Lucy's persistence and Rosa's devotion. He said he could barely get the words out without bursting into tears. When he finished, the entire audience rose and delivered a thunderous 2-minute ovation.

Spinal muscular atrophy is a progressive disease that withers the muscles that control the legs, arms and lungs. It can make breathing a struggle and make turning the page of a heavy book nearly impossible. But it leaves the brain and the mind untouched.

Lucy Trevino was 4 years old when she was told she had the disease. She started using a wheelchair when she was 9.

It was during countless visits to neurologists and orthopedic surgeons when she was a child that Lucy first became fascinated by science. During medical tests, she says, she used to wonder, "How do those devices work?"

During her senior year in high school, she learned about a summer camp in bioengineering at UIC and immediately signed up. And she was hooked.

The following fall, Lucy Trevino became the first person in her family to go to college.

For her major, she chose bioengineering—one of the toughest programs in the engineering college.

Now, the prospect of years of studying such complicated subjects as thermodynamics and circuit analysis would be daunting for almost all of us. For Lucy, college presented special challenges.

You see, Lucy often needs help performing even such simple physical tasks as dressing, brushing her teeth, and cutting her food.

It takes her twice as long as other students to write up her labs because just moving a pen across paper can be hard sometimes.

At first, Lucy wasn't sure she could even go to college because UIC doesn't have a personal assistants program to help students with disabilities.

One day, as the start of Lucy's freshman year grew near, her mother Rosa asked, "How would you feel if I went with you?"

Rosa had never even attended high school. But she had vowed years earlier that she would do whatever she could to see that her first-born daughter was never held back by her disease.

So every day, every semester for the last 6 years, Rosa was by Lucy's side.

Five days a week, mother and daughter took the CTA train from their home in Cicero to the University of Illinois at Chicago.

They became a familiar sight on campus: Rosa pushing Lucy's purple wheelchair. Rosa ordering for Lucy in the cafeteria line because Lucy's voice is sometimes barely louder than a whisper.

And there was Rosa, sitting a few feet behind Lucy in class, copying recipes or cutting coupons—always watching to see if Lucy needed a drink of water, or help turning a page. She sat through more than 2,100 hours of lectures in 51 different classes.

Pete Nelson, interim dean of UIC's engineering college, told the Tribune's Barbara Mahany, "Lucy's story is about the sacrifices our mothers make for all of us."

Michael Cho, who teaches mostly graduate engineering courses at UIC, has come to know Lucy and Rosa and is in awe of them.

Of Rosa's devotion, he says, "The first thing that comes to my mind is this can't be anything else but a mother's love. It goes beyond commitment. It is sacrificial love. And I am just overwhelmed. It's not just 1 month or one semester. It's every day for 4 years."

In fact, it took Lucy Trevino 6 years to earn her degree. Serious health challenges forced her to take a break from school in her junior year.

Last year, a student told Lucy that she had felt like skipping class, but she thought of Lucy and told herself, "There's Lucy, she's always here. There's nothing wrong with me. I'm just lazy."

Lucy was amazed anyone noticed her.

Another of Rosa's four children, Lucy's younger brother Hugo, also has spinal muscular atrophy—SMA—and uses a wheelchair. He is studying architecture at the University of Illinois Champaign-Urbana.

As much as Rosa would like to see Lucy and Hugo walk, she says she knows that God is good. She explains: One daughter can walk, one can't. It's the same with her two sons. What she can't see in one child, she sees in the other. And she sees in each child special talents.

In a few weeks, Lucy will go back to school to take one more class so she can complete a math minor. After that, she says, she would like to study law and become a patent attorney.

I hope Rosa is ready for law school. Because I suspect that once Lucy makes up her mind to do something, there's no holding her back.

Rosa Trevino is one of our new Americans who came to this country from Mexico 30 years ago, when she was 17.

This past Saturday, the day of Lucy's commencement, was Mother's Day in Mexico.

When Lucy received her cherished degree, she gave her mother a gift she had ordered months earlier: a formal-looking "Certificate of Gratitude." It read: "Thank you for all your love and support. I would not be where I am today if it wasn't for you. I feel so grateful to have you in my life. Today is my day, but I dedicate it to you." It is signed, "Lucy Trevino."

And on behalf of the Senate, I want to congratulate Lucy Trevino on her amazing accomplishment, and thank Rosa Trevino for her inspiring example of a mother's love.

Mr. President, I ask unanimous consent that the full text of the Chicago Tribune article about Lucy and Rosa Trevino be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, May 11, 2008]

LUCY'S MOM WAS THERE

(By Barbara Mahany)

Lucy Trevino's mother cuts peanut-butter-on-whole-wheat into bite-size squares, unscrews a strawberry-kiwi juice and holds the bottle to her daughter's lips so Lucy can get through lunch and make it back to class.

She riffles through Lucy's lavender backpack to find the lab report for BioE 494, bioengineering-based physiology. When the cell phone rings, she holds it to her daughter's ear. She zips her coat. Dabs a tissue to her nose.

And before all this, she has slipped her into jeans, tied her shoes, smeared toothpaste on her toothbrush and combed her thick black hair into a perfect ponytail. Lucy Trevino's mother was right behind her firstborn daughter all through college—sometimes shoving through mounds of snow, or up an icy ramp if her motorized wheelchair balked. When they got stuck, her mother pulled out her cell phone to call maintenance and ask if someone could please come clear the walks. Over the last six years, Rosa Trevino also became fluent in the CTA's Blue Line and Pink Line, as the mother and daughter made their way five days a week from home, a red-brick two-flat in Cicero, to the University of Illinois at Chicago.

Lucy Trevino graduated Saturday from UIC with a degree in bioengineering, and the dean stopped the commencement of the Class of 2008 to tell of the Trevinos' triumph. He barely made it, he said, without breaking into tears.

For the six years it took to get through one of the most rigorous programs in the College of Engineering, it was Rosa—a tad shy and always thinking two steps ahead—who got her daughter to every class, lab and study session. She knew which text and notebook to lay on Lucy's desk. And she turned the pages when a heavy book tired Lucy's hands.

For two or three hours, as Lucy absorbed lectures in calculus or thermodynamics or circuit analysis, Rosa sat not far away, just in case Lucy needed a sip of water or began choking.

Lucy, who is 24, was told she had a rare genetic degenerative disease, spinal muscular atrophy, when she was 4. SMA is a progressive disease that withers the muscles that control the arms, legs and lungs, and can make breathing a struggle.

Lucy's type of SMA usually takes away your ability to walk by the time you're in your teens—she began using a wheelchair at age 9—but unlike some other types, doesn't necessarily affect life span.

Lucy, who is the oldest of four, has a younger brother, Hugo, who has the same disease. He, too, uses a wheelchair; he's a freshman at the University of Illinois at Urbana-Champaign, studying architecture.

PARENTAL DEDICATION

"Lucy's story is about the sacrifices our mothers make for all of us," said Pete Nelson, interim dean of UIC's engineering college. Trevino's teachers, he said, "were pounding down my door" to ask for some recognition for this mother-daughter feat of unconditional devotion.

At UIC, where nearly a third of the students are the first in a family to go to college, Nelson said it's not uncommon to hear tales of parents working two or three jobs, sending money from overseas and just plain struggling so their kids can get what parents weren't afforded.

"But this is sort of the pinnacle in terms of the amount of dedication," Nelson said. "This is what makes this business worthwhile."

One of the professors pounding on Nelson's door was Michael Cho, who teaches mostly graduate courses in cell and tissue engineering, but who has gotten to know—and has been amazed by—the ubiquitous mother-daughter duo, so often spotted wending their way up a ramp, on or off an elevator, or tucked away studying in some secluded corner.

"The first thing that comes to my mind is this can't be anything else but a mother's love," Cho said. "It goes beyond commitment. It is sacrificial love. And I am just overwhelmed. It's not just one month or one semester. It's every day for the last four years that I can think of."

In fact, it's six years, because Lucy had to take time off when she got really sick her junior year; she suddenly couldn't lift her arms and was quickly losing memory.

It took months before a sleep test showed she stopped breathing 30 times an hour when she was asleep. She now sleeps with a machine that helps her breathe, and, within a week of using it, she said, she regained her memory, if not her arm strength.

"Ever since I was little, I loved science," said Lucy, who shares her mother's deep cocoa-colored eyes and rolls around campus in a purple wheelchair with back wheels that sparkle, like fireworks, with tiny neon bits. "Because I went to doctors a lot and had a lot of medical exams, I would always wonder, 'How do those devices work?' "

In her senior year at Morton West High School in Berwyn, Trevino learned from a counselor about a summer camp in bioengineering at UIC, so she signed up, and found her life's work.

She once dreamed of working to find a cure for her own disease, but decided "it would be too stressful if I couldn't find it."

The first one in her family to ever go to college, Lucy Trevino said she was "too afraid" to venture down to the U. of I. in Urbana-Champaign, where there's a whole dorm for students with disabilities, and the nation's oldest college-level disabilities-services program provides trained personal assistants, physical therapy, even wheelchair repairs.

"I didn't know if I should risk going all the way down there," she said.

Sticking closer to home seemed like a better plan. But because UIC doesn't have a personal-assistants program, she was stuck trying to find someone who could help her in a thousand little ways and be there whenever she needed.

"In college, you have such a crazy schedule. You stay after to study with other students. You need to talk to a professor. I was like, 'Oh, my gosh, how am I going to find someone who's going to put up with all of that?'

"My mom was like, 'Well, I guess I'll just go with you.'

"And then it was getting closer to the start of the first semester, and I still hadn't found anybody. She said, 'How would you feel if I went with you?' I was like, 'Oh, my gosh, would you?' "

Because Rosa Trevino, who is 47 and moved from Mexico when she was 17, had two children with special needs, she had long since become a stay-at-home mom, giving up a series of baby-sitting jobs. Rosa's husband, Hugo, retired last year after 32 years as a CTA bus driver. Rosa herself had never even been to high school.

On the day back in 1987 when doctors said her little girl would "someday need a wheelchair," Rosa recalled, crying at the memory, she promised herself she would do "everything I can."

MOTHER KEEPS BUSY

Even if that meant sitting through more than 2,100 hours of 51 classes, countless study sessions and hour-long train rides, back and forth, each day. Most often, Lucy said with a laugh, her mother spends time cutting recipes and coupons, because she gets bored with all the bioengineering in a language she doesn't fully understand.

At first, Lucy admitted, going to college with her mother wasn't exactly without its bumps.

"I had never spent so much time together with my mom. We would sometimes get on each other's nerves," she said, chuckling. "But then we got to know each other really well. We're like best friends. Now I tell her everything. Before I wouldn't tell her everything that happens when you have a disability. People who aren't in a wheelchair can't understand. But now, since we do everything together, she knows."

Semester after semester, year after year, Lucy and her mother found a way. She passed 400-level exams. She wrote up labs that took her twice the time of everyone else, simply because the pushing of a pen on paper is so hard for her.

Once, a civil engineering professor noticed that because of Lucy's wheelchair, she couldn't write on her desk. He challenged her to design a lightweight writing table. Then he went and built it. She got an A.

Mostly, the Trevinos relied on each other, and on unflagging faith.

"One time, I think in the night, almost for an hour, I cried to on high, 'Why me? Why me?' " Rosa said. "I heard a voice, 'Why not me?' "

For those who watched their unswerving perseverance, the simple fact that the Trevinos never stumbled inscribed a lasting honor on Lucy's college transcript.

"One time last year," Lucy said, "a student told me she'd felt like ditching class, staying home. But then she looks and says, 'There's Lucy, she's always here. There's nothing wrong with me. I'm just lazy.'

"Wow, I didn't even think that anyone noticed me."

In the very end, on a Mother's Day weekend in the red-carpeted UIC Pavilion, as Nelson saluted a student and a mother who had taught them all a lasting lesson, a sea of Lucy's blue-gowned classmates rose and nearly drowned out the dean with a thunderous two-minute ovation. Chances are Lucy and Rosa Trevino finally understood how very much a whole college noticed.

ZIMBABWE

Mr. FEINGOLD. Mr. President, with skyrocketing inflation and unemployment, riots over land reform and food shortages, and streams of economic and political refugees fleeing into neighboring countries, the primary constant in Zimbabwe over the last 30 years has been the increasingly despotic and disastrous rule of President Robert Mugabe. A decade ago, high interest rates and inflation galvanized public support for the Zimbabwean Congress of Trade Unions led by Morgan Tsvangirai, who was chosen in 1999 to lead a new opposition party—the Movement for Democratic Change, or MDC. In 2002 and 2005, President Mugabe's ruling ZANU–PF party rigged Presidential and Parliamentary elections to maintain its grip on power, and while he tried to do it again on March 29 of this year, the MDC and the people of Zimbabwe refused to be intimidated or outmaneuvered.

Despite the Zimbabwean Government's best efforts to limit the access of international monitors and journalists, most observers concur that the general elections conducted this past March were fraught with rigging, mainly to favor the ruling ZANU–PF. Even so, these efforts failed to silence the people of Zimbabwe's call for change. After significant and unexplained delays, the Zimbabwe Electoral Commission announced that the MDC had won a majority in Parliament and that Mr. Tsvangirai won more votes for the Presidency, but not enough to avoid a runoff.

For more than 6 weeks now, Zimbabwe has been in a state of increasing political uncertainty and violence. With each passing day, there are new reports of state-sponsored intimidation and detention of opposition leaders and supporters, human rights activists, trade union leaders, lawyers and journalists. The delay in announcing and now in setting a date for the Presidential runoff election has allowed the ruling party to mobilize traditional state security services as well as youth militias and bands of military veterans to weaken the opposition. Mr. Tsvangirai has agreed to participate in a run-off election, but he is reluctant to return to Zimbabwe, much less to campaign, unless the government will guarantee his security and cease its assault on his supporters. Facing the prospect of another three months in political limbo and social upheaval, Zimbabwe risks plunging into even greater uncertainty and instability.

Mr. President, we can not stand by while this disaster unfolds. President Mugabe has been losing legitimacy, both at home and abroad, for years, isolating himself and his country to the detriment of Zimbabwe's citizens. The people of Zimbabwe are calling for change, but it will take engagement from external actors to help them escape the devastating status quo. The recent decision by dock workers across southern Africa to refuse to unload a Chinese ship carrying Zimbabwe-bound ammunition sent a strong message, one that the international community should echo. Public statements condemning the situation in Zimbabwe by the newly elected President of Botswana followed on the heels of these protests and resulted in the denial of a port at which the Chinese ship could dock. Decisions by other leaders in the region to welcome Mr. Tsvangirai for a visit have been equally important signs of this growing political will but they are not enough.

The MDC's runoff conditions are more than reasonable, and should be supported in any way possible by regional and international governments. Given the tense environment and high potential for politically motivated violence, a commitment to ending impunity for human rights violations and stopping the attacks must be a top priority. Yesterday, the United Nations representative in Zimbabwe reported "indications that the level of violence is escalating . . . and could reach crisis levels." I urge the U.N. to immediately send a team to investigate these human rights abuses so that the perpetrators will be held accountable and future violations might be deterred. Similarly, I welcome the African Union's willingness to send additional monitors for the runoff election, and I encourage the AU or SADC to draw together resources for a short-term peacekeeping mission to maintain order and protect civilians in Zimbabwe during this uncertain time.

In addition to an immediate cessation of violence, I fully support demands by the United States Government and others that the Zimbabwe Government permit unfettered access for international media and observers during the campaign and conduct of the run-off polls and guarantee Mr. Tsvangirai's safety. South Africa's President Mbeki and other leaders of the Southern African Development Community should join this forthright call. President Mugabe and his top brass must respect fundamental human and political rights and allow for a fair, nonviolent, and independently monitored runoff election that can bring to power a legitimate government capable of bringing stability and growth to this embattled nation.

HONORING AMERICA'S FINEST

Mr. CARDIN. Mr. President, this week, 358 new names were inscribed on the National Law Enforcement Officers Memorial, representing officers from across the country over the course of many years. We often take for granted the thousands of brave officers who dedicate their lives to protecting our streets and our communities every day across Maryland and across America. But this week, during National Police Week, we all should take a moment to thank these brave men and women—America's finest—who risk their lives on our behalf. We especially must honor the fallen law enforcement officers who have made the ultimate sacrifice so that the rest of us could enjoy our families and go about our daily business with a common sense of peace and security.

Nationally, 187 law enforcement officers gave their lives in the line of duty during 2007. More than one-third succumbed to gunfire. On average, they were nearly 11-year veterans of their respective departments. The average age was just 39 years young. Seven of these brave officers were women. Most importantly, these were sons and daughters, husbands and wives, sisters, brothers, and true role models for those who knew them well or saw them on the street proudly wearing their uniform or badge. So our thoughts, during this special commemoration, also are with their families and the communities they touched by their presence.

Four of Maryland's finest gave their lives for our safety in 2007 and one more recently on New Year's Day, January 1, 2008. I would like to take a moment to tell you about these brave law enforcement officers.

Troy Lamont Chesley, Sr., was a detective with the Baltimore City Police Department. At age 34, he was a 13-year veteran. On January 9, 2007, shortly after Detective Chesley got off duty at a public housing unit, a suspect attempted to rob him. Despite being shot and mortally wounded, Detective Chesley was able to take police action and return fire. The robber was arrested later in the day and charged in connection with Detective Chesley's murder. A widower himself, Detective Chesley is survived by his three daughters, two sons, parents, and brother.

On April 25, 2007, Police Officer Luke Hoffman had been with the Montgomery County Police Department just 1 year when he was struck by a car while involved in a foot pursuit of a suspected drunk driver. The driver had fled on foot after a slow-speed pursuit in the Aspen Hill area early that morning. Officer Hoffman was struck after chasing the suspect across Old Georgia Avenue in an area with very low lighting conditions. Another patrol car struck Officer Hoffman when his patrol car went down an embankment and struck a tree. The officer in the patrol car was injured. Officer Hoffman was flown to a local hospital where he later died.

Corporal Scott Wheeler of the Howard County Police Department was struck by a speeding vehicle he was attempting to flag down on Route 32. He had stepped into the roadway in an attempt to stop the car for speeding while working an enforcement detail. He was flown to Maryland Shock Trauma Center where he died on June 18, 2007, 2 days after the accident. Corporal Wheeler had served with the Howard County Police Department for 6½ years. He was posthumously promoted to the rank of corporal. He is survived by his wife, parents, and brother.

Another brave Marylander who lost his life far too early was 25-year-old Police Officer Christopher Nicholson of the Smithsburg Police Department. Officer Nicholson was shot and killed while responding to assist members of the Washington County Sheriff's Office at a call involving reports that a man had just murdered his girlfriend during a domestic disturbance. As he waited in his patrol car a short distance away from the home for additional units to arrive, the suspect drove toward Officer Nicholson's patrol car and opened fire as he pulled even with the officer's door. A rifle slug struck him in the chest, penetrating his vest. The suspect fled into a nearby cemetery, where he engaged members of the Special Response Team in a shootout. The man was wounded and taken into custody. Officer Nicholson was flown to a local hospital where he succumbed to his wounds. Officer Nicholson had previously served with the Maryland Division of Correction but spent only 1½ years with the Smithsburg Police Department before his death. He is survived by his mother, father, and girlfriend.

Finally, another auto accident claimed the life of Corporal Courtney G. Brooks of the Maryland Transportation Authority Police Department. He was struck and killed by a hit-and-run driver on I–95 in Baltimore City at approximately 11:30 pm on New Year's Eve 2007. A 13-year veteran of the Maryland Transportation Authority Police Department, Corporal Brooks was setting out cones at the interchange of I–95 and I–395 to keep commercial vehicles out of downtown Baltimore during New Year's celebrations when he was hit. The driver fled in his vehicle but was apprehended early the next morning. Corporal Brooks was transported to Maryland Shock Trauma Center where he succumbed to his injuries shortly after midnight on New Year's Day, January 1, 2008. Lost at the age of 40, Corporal Brooks is survived by three children and a fiance.

I mentioned earlier that gunfire accounted for more than a third of the law enforcement deaths nationwide. This was the single-biggest cause of death. Perhaps after hearing about Police Officer Hoffman, Corporal Wheeler and Corporal Brooks, it is no surprise that automobile accidents fall second on that list, claiming the lives of over 25 percent of law enforcement officers who died nationwide last year.

During this commemoration, let me also offer thanks to The Officer Down Memorial Page, a nonprofit organization dedicated to honoring America's fallen law enforcement heroes every day of the year by telling the stories and preserving the memories of each of these officers at www.odmp.org. I also offer my tribute and respect to the National Law Enforcement Officers Memorial Fund, which generates increased public support for law enforcement as a profession, promotes law enforcement safety, and leads our Nation in remembering the fallen 365 days a year but especially during National Police Week.

I am humbled by the sacrifice these law enforcement officers have given for their fellow Marylanders. I would hope that they represent the last of our Nation's finest law officers who would sacrifice themselves for the greater good of safety and security.

Unfortunately, we know that is not likely. That is why, as a member of the Senate Judiciary Committee I am working with my colleagues to improve the Bulletproof Vest Partnership Program to make it easier for States to qualify for grants under this program. While not a guarantee, bulletproof vests do save lives and allow more men and women in law enforcement to return home to their families at the end of their shift.

We held a hearing in the Judiciary Committee earlier this week, during which we heard from Detective David Azur, an ATF agent from Baltimore, MD. He testified about how, in 2000, while working as part of the Regional Auto Theft Task Force, he was shot in the line of duty and survived only because of his bulletproof vest. He was subsequently awarded the Medal of Valor for his actions that day.

I also recognize that strong partnerships between first responders, like police officers, and the cities and States they serve are vital to public safety. I firmly believe that all of our Nation's first responders deserve the right to be treated with respect. But far too many first responders across the country do not have basic workplace protections.

As we debate the Public Safety Employer-Employee Cooperation Act, I pledge to work to ensure all first responders receive the respect they deserve with the same protections enjoyed by so many other workers across the country. I have cosponsored this important bill. In honor of the 187 law enforcement officers who gave their lives last year and the more than 18,000 who have done likewise, I urge the Senate to pass this important legislation.

TRIBUTE TO LEO KELLY

Mr. KENNEDY. Mr. President, it is always sad when a World War II veteran leaves us. These men and women served our country with immense courage, skill, and dedication, and came home from war to make immense contributions to our society. They have rightly been called "the greatest generation," and we mourn the loss of each and every one of them.

On February 18, another member of the "greatest generation" died. Navy veteran Leo Kelly was 87 and lived in Burlington Township in New Jersey with his wife of 58 years, Claire. Leo was the father of six daughters and a son, and I came to know him because his daughter Beth is married to my nephew Joe Kennedy, a son of Robert Kennedy and a former Congressman from Massachusetts in the House of Representatives.

It is Leo Kelly's extraordinary career in the Navy that I want to call to the attention of my colleagues in Congress. Leo Kelly answered the Nation's call soon after World War II began. He enlisted in the Navy in 1942 at the age of 21 and retired in 1964 with the rank of lieutenant commander.

He became a Navy fighter pilot and earned numerous awards and medals for valor and bravery under fire during the war. He served on the USS *Langley*, which was named for the great American scientist and aviation pioneer Samuel Pierpont Langley. The ship was on the front lines during the critical final years of the war in the Pacific, and the crew as a whole was cited in glowing terms by Secretary of the Navy James Forrestal for their outstanding heroism in action that contributed so much to our Nation's victory.

Leo Kelly himself was awarded both the Distinguished Flying Cross and the Air Medal for his special heroism on January 12, 1945 in an attack on Japanese shipping in Camranh Bay in French Indo-China, which is now Vietnam. As the citation by President Roosevelt stated.

> Kelly fearlessly dove his plane through a heavy curtain of powerful anti-aircraft fire to score two direct hits with his rockets and contribute to the damaging of an enemy merchant vessel. Then, joining in an attack against a group of hostile seaplanes on the water, he executed a series of strafing runs and, striking furiously at his target, personally destroyed one of the enemy aircraft.

Courage like that is what made Leo Kelly a true American hero, and the Nation owes him a debt we can never fully repay.

After the war, Leo Kelly continued his career in the Navy for nearly two decades. From 1953 to 1955 he was assigned to a Naval ROTC unit in Philadelphia and earned his bachelor's degree in political science and attended the Navy's postgraduate school. He retired from the Navy in 1964 and went to work for Tenneco Plastics Company in Burlington, where he and Claire raised their wonderful family.

He had many interests. He was an excellent golfer, and had played for various Navy teams early in his career. He loved classical music, especially playing the violin. He had a profound faith in God, was a member of St. Paul's Roman Catholic Church in Burlington, and had been a member of the Bridge Prison Ministry.

He was also a wonderful family man, as so many members of his family said so movingly at the service held for him in February. His daughter Beth said it beautifully in her eulogy at the service:

> Our father was a strong, quiet force in our lives, guiding us, always encouraging, smiling or nodding his approval. . . . He always adjusted to whatever came his way. The very qualities that made him excel at being a pilot prepared him for a life with six daughters and one son.

America is grateful to Leo Kelly for all he did for our country during his extraordinary life, and I know that future generations of his family will always treasure his memory.

I ask unanimous consent to have his daughter Beth's eulogy printed in the RECORD, along with the full texts of the World War II citations he received.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY BY BETH KENNEDY FOR HER FATHER, WORLD WAR II NAVAL HERO LEO KELLY

[Military Chapel, Wrightstown, New Jersey, Feb. 25, 2008]

Good afternoon. I'm Beth Kennedy, one of Leo and Claire's many daughters who no one can keep straight. It's as though our names are interchangeable!

On behalf of my mother and my brother and sisters, I'd like to thank all of you for coming to celebrate our father's life and mourn his passing.

I just wanted to share a few words before we all leave today. My mother always told me, for as long as I can remember, God will never give you more than you can bear. He will give you the strength to accept His will.

And for my family, those words were never more true than during the past week as we began a life without our father. We each have our special memories of Dad. Some we remember with lots of laughter, and some we reflect on privately. But all of them are filled with love, and all of them are joined with our mother, who was always by his side, beautiful and smiling. You know, in all the hundreds of photos we sorted through for this occasion, in every single picture our mother was smiling radiantly, as though every moment with her husband—and later, with her children—was a gift. And it was a gift for us, too.

Mom, you were Dad's co-pilot. The love of his life. You taught us what love and devotion truly are.

Kathy, you spent so much time helping take care of Dad, always with humor and grace. You were a leader for all of us.

Michelle, you spoke so beautifully last night about Dad. You took care of so many details of his health care, always with patience and love.

Nancy, you embraced our parents' spirituality the most, and shared a strong religious bond with Dad.

Leo, you inherited Dad's quiet strength, and to this day you share your time and energy helping your family and your friends in need, most times without even being asked.

Teresa, you would always brighten Dad's days with your sparkling optimism and good cheer, along with a little something for his sweet tooth and a visit from Michael.

Jackie, you could always make Dad smile, and you could always get away with anything. Dad was so happy and proud to finally become a grandfather.

Our parents gave us so many wonderful memories: trips to the seashore; our family outing to the Poconos; grilling steaks in the backyard at Salem Road; Friday night fish fry dinners at Howard Johnson's. And later in our lives, as our father gave each of us girls away on our wedding days, dancing with the happy bride. And always, always, praying with us for God's blessing. Our parents gave us the highest standard for a strong marriage filled with love and faith.

Our father was a strong, quiet force in our lives, guiding us, always encouraging—smiling or nodding his approval. I remember the day I moved to Boston after graduating high school. After my teary goodbye to mom, my father drove me to the train station in Trenton. He got me settled in on the train, bags secured, and I took so long saying goodbye to him with tears and prayers—the train took off with both of us on it!! He had to get off at the next stop and wait for a train to take him back to Trenton. I was delighted to have his company for such a nice send-off, but I do recall an inordinate amount of throat-clearing by Dad.

He always adjusted to whatever came his way. The very qualities that made him excel at being a pilot prepared him for a life with six daughters and one son. I read through Dad's pilot rating book a few nights ago, and I was struck by the consistent comments and descriptions of him: "smooth, dependable, eager to learn, retains instruction, good coordination in unfavorable weather conditions, good pilot material."

Well, Dad, we're all here to say a prayer for you as you join Grandpere and Mamie, Aunt Teen, and all your friends up in Heaven. And as you always said to me at the end of every conversation or phone call—"God bless you good." Goodbye, Dad; I love you; God bless you good.

CITATION FOR THE DISTINGUISHED FLYING CROSS AWARDED TO LEO KELLY

The President of the United States takes pleasure in presenting the Distinguished Flying Cross to Lieutenant Junior Grade Leo Kelly, United States Naval Reserve, for service as set forth in the following citation: For heroism and extraordinary achievement in aerial flight as Pilot of a Fighter Plane in Fighting Squadron Forty-Four, attached to the USS Langley, during operations against enemy Japanese forces in the vicinity of French Indo-China, on January 12, 1945. Participating in a daring strike against enemy shipping and installations, Lieutenant Junior Grade (then Ensign) Kelly fearlessly dove his plane through a heavy curtain of powerful anti-aircraft fire to score two direct hits with his rockets and contribute to the damaging of an enemy merchant vessel. Then, joining in an attack against a group of hostile seaplanes on the water, he executed a series of strafing runs and, striking furiously at his target, personally destroyed one of the enemy aircraft. By his expert airmanship, courage, and devotion to duty in the face of grave danger, Lieutenant Junior Grade Kelly upheld the highest traditions of the United States Naval Service. For the President, [signed] James Forrestal, Secretary of the Navy.

CITATION FOR THE AIR MEDAL AWARDED TO LEO KELLY

For distinguishing himself by meritorious acts while participating in an aerial flight in an attack on enemy shipping, Camranh Bay, French Indo China on 12 January, 1945. As pilot of a carrier-based fighter plane he dived against enemy anti-aircraft fire to hit an enemy merchant vessel with two rockets. This vessel was left beached. A few minutes later he again dived through anti-aircraft fire to destroy an enemy seaplane on the water. His courage and skill were at all times in keeping with the highest traditions of the United States Naval Service.

CITATION FOR THE NAVY UNIT COMMENDATION AWARD TO THE AIRCRAFT CARRIER USS "LANGLEY"

The Secretary of the Navy takes pleasure in commending the United States Ship Langley for service as set forth in the following citation: For outstanding heroism in action against the enemy Japanese forces in the air, ashore and afloat in the Pacific War Area from January 29, 1944 to May 11, 1945. Operating continuously in the most forward areas, the USS *Langley* and her air groups struck crushing blows toward annihilating Japanese fighting power; they provided air cover for our amphibious forces; they fiercely countered the enemy's aerial attacks and destroyed his planes; and they inflicted terrific losses on the Japanese in Fleet and merchant marine units sunk or damaged. Daring and dependable in combat, the Langley with her gallant officers and men rendered loyal service in achieving the ultimate defeat of the Japanese Empire.

[This citation specifically mentions the following operations of the USS *Langley*: Marshall Islands, Jan. 29–Feb. 23, 1944; Palau, Hollandia and Truk Islands, March 29–April 30, 1944; Marianas and Bonins Islands, June 11–Aug. 8, 1944; Philippines, Palau, and Yap Islands, Sept. 6–24, 1944; Ryukyus, Formosa, and Philippines Islands, Oct. 10–Nov. 25, 1944; Luzon, Dec. 14–16, 1944; Philippines, Formosa and Ryukyus Islands, and China Sea, Jan. 3–22, 1945; Japan and Bonins Islands, Feb. 16–25, 1945; Japan and Ryukyus Islands, March 18–May 11, 1945.]

AWARDS TO LEO KELLY FOR HIS SERVICE IN THE NAVY

Distinguished Flying Cross; Air Medal; Navy Unit Commendation Ribbon; Combat Action Ribbon; National Defense Service Medal with 1 Bronze Star; American Campaign Medal; Asiatic Pacific Campaign Medal with 3 Bronze Stars; World War II Victory Medal; Philippine Liberation Medal with 2 Bronze Stars; Philippine Presidential Unit Citation.

SERVICE OF LEO KELLY IN THE NAVY

Enlisted in Navy, July 9, 1942 as Seaman Second Class and became Aviation Cadet on Aug. 7, 1942; July 9–Dec. 14, 1942—Inactive Naval Reserve; Dec. 15, 1942–Jan. 15, 1944—Active Naval Reserve; January 16, 1944—Promoted to Ensign; June 1, 1945—Promoted to Lieutenant Junior Grade; July 1, 1955—Promoted to Lieutenant Commander; July 1, 1964—Retired.

ADDITIONAL STATEMENTS

TRIBUTE TO SANDRA ESTY

• Mr. INHOFE. Mr. President, I would like to recognize Ms. Sandra "Sandi" J. Esty, one of our most distinguished civil servants who will retire from Federal service on June 7, 2008, after contributing over 35 years of dedicated service to our country. She serves as the Chief, Air Operations Division, Office of Legislative Liaison, Office of the Secretary of the Air Force, the Pentagon, Washington, DC. She is responsible for managing, planning, developing and executing all facets of congressional travel matters for the Department of the Air Force. Ms. Esty also serves as the senior adviser and special assistant to the Director, Legislative Liaison and Air Force leadership with oversight of the Air Force Congressional Travel Program.

Ms. Esty left Syracuse, NY, in 1972 to begin her illustrious civil service career as a clerk-stenographer in the Office of the Air Force Reserve, the Pentagon. After demonstrating remarkable competence in working congressional constituent inquiries, she was selected to work Air Force constituent issues in the Secretary of the Air Force Legislative Liaison Inquiry Division, in 1975. She was promoted and served a short tour as the Administrative Assistant for the Secretary of the Air Force Space Systems, Budget Office before being asked to return to the Air Force Legislative Liaison Branch in 1981, this time as the Administrative Assistant to the Chief of Air Operations Division in Legislative Liaison. She was promoted in 1983 and served as Administrative Assistant to the Deputy Assistant Secretary of the Air Force for Acquisition, Electronic Warfare. In 1985, she returned to Legislative Liaison as the Administrative Assistant to the Director of Legislative Liaison and then was assigned as an action officer in the White House Liaison Branch, Legislative Liaison, where she established herself as one of the top leaders of Legislative Liaison. In 1988, she was promoted and selected as the Deputy Chief, Air Operations Division, Legislative Liaison, and then, in 1997, she was promoted as a GS-15 and continued to serve in her current position as Chief, Air Operations Division.

During her tenure in the Air Operations Division, Ms. Esty was responsible for all the travel requirements of Members and staff of Congress arranged by the Air Force. Ms. Esty's calm, logical, thorough method of dealing with unique situations involved some of this country's most important citizens, its legislators. Her true dedication to "doing it right," the absolute insistence on honesty and integrity, and the patience under extreme daily pressure are the standards that Ms. Esty leaves for all those who follow. She coordinated and executed over 10,000 congressional trips worldwide, to include the movement of approximately 70,000 Members and staff of Congress to 193 countries and 7 continents. I personally travelled on many of the trips with the Senate Armed Services delegations that Ms. Esty arranged, coordinated, and flight followed. Each was a complete success.

I join my colleagues in expressing our sincere appreciation to Ms. Esty who has provided many years of dedicated and professional service to the Congress and the U.S. Air Force and wish her well in all her future endeavors.●

TRIBUTE TO DR. CARL V. PATTON

● Mr. ISAKSON. Mr. President, I wish today to honor in the RECORD of the Senate a great educator in the State of Georgia. On June 30, 2008, Dr. Carl V. Patton will retire as president of Georgia State University after 16 years of outstanding service.

Dr. Patton has led Georgia State University in its transition from a commuter school into a vibrant research university that is home to more than 28,000 students representing every county in the State, every State in the Nation, and 160 countries.

Georgia State has grown into one of this Nation's leading urban research universities, reflecting Dr. Patton's vision for a partnership between Atlanta and the university. Instead of designing walls to keep the city and its urban ways separate from the campus, he has insisted that the university fully integrate its research, teaching and service mission into the fabric of the urban environment of its downtown Atlanta home.

As the university has grown physically, it has grown in stature as well. The College of Law, which was in its infancy when Dr. Patton became president in 1992, is now ranked within the top 100 law schools. The Andrew Young School of Public Policy, founded in 1996, has grown from an idea to an internationally recognized program that works in over 30 countries around the globe as well as at home in the areas of health care, environment, air quality, taxation, aging, education, child care, and diversity.

The J. Mack Robinson College of Business continues to rank among the best in both graduate and undergraduate offerings, with two programs ranked in the top 10 by US News and World Report. The College of Health and Human Sciences leads the country in research on urban health issues such as HIV, health care shortages, criminal justice, social work and nutrition.

Georgia State's College of Arts and Sciences hosts one of only two bio-safety level 4 labs, which will move shortly into a new Science Park that this Congress has seen fit to support. The new Science Park promises to bring cutting-edge research in the bio and neurosciences and will facilitate the growth of bio-technology in Atlanta and beyond.

Finally, the College of Education is hard at work partnering with urban schools to provide a clinical, supervised method for training our future teachers to ensure the success and longevity of these new teacher careers and, most importantly, the long-term success of our children who live within our major urban centers.

Dr. Patton has lived his life in the way he hopes his students live theirs, tirelessly volunteering for service in his community through organizations such as Central Atlanta Progress, the Rotary and the Grady Memorial Hospital Corporation. However, his example and his hard work will not stop at retirement, as he plans to continue to live downtown and assist Georgia State in its future endeavors to raise capital and to expand its student body to tackle the tough issues of our times.

It gives me a great deal of pleasure and it is a privilege to recognize on the Senate floor the contributions of Dr. Carl V. Patton to higher education in Georgia. He has served Georgia State University, the city of Atlanta, the State of Georgia and the United States of America very well. Dr. Patton has earned the many happy years of retirement ahead of him.●

CELEBRATING THE 100TH ANNIVERSARY OF HOLY NAME OF JESUS PARISH

● Mr. LUGAR. Mr. President, I wish today to congratulate Holy Name of Jesus Catholic Church and School in Beech Grove, IN, currently celebrating the centennial year of the founding of the parish. On the weekend of June 27–29, 2008, the clergy, students, and parishioners who are part of the Holy Name community will honor this signal event. I am confident it will be a time of joy, worship, and fellowship that members will cherish well into the future.

Holy Name was founded in 1908 by the Rt. Rev. Silas Chatard, the first Bishop of Indianapolis. In its inaugural decade the parish grew steadily, and the years that followed brought about exciting changes and expansions to the facilities and ministries provided by the church. In the early 1920s, the Holy Name School was built; its first class graduated in 1923; and to date, the school has graduated over 4,200 students from prekindergarten to eighth grade.

I applaud Holy Name and its many members for the laudable service they provide local communities in the greater Indianapolis area and beyond, and I am hopeful that these festivities will be an opportunity for celebrants to not only honor the past achievements of their parish, but the blessings of another 100 years as well.●

OSWEGO ELKS

● Mr. SCHUMER. Mr. President, I ask that the following statement be printed in the RECORD.

The statement follows.

[From the Elks Magazine, Apr. 2008]

ALL-AMERICAN LODGE—OSWEGO ELKS SHINING FORTH IN NEW YORK STATE

(By Mark Hagland)

Just because something is old doesn't mean it's tired. In fact, in the case of Elks Lodge No. 271, in Oswego, New York, the opposite is, most vigorously, true. The Oswego Lodge, with over eleven hundred members and a very large contingent of core active members, has been for years a leader lodge in its region, its state, and the nation. Showered with awards for outstanding achievement in such key areas as youth programs, veterans activities, and ritual ceremony, the Oswego Lodge was designated an All-American Lodge in 2006–2007 by the GL Lodge Activities/State Associations Committee.

In fact, in the key area of youth programs, the Oswego Lodge has won first or second place in the state of New York every year for more than twenty years, confirms John Rinaldo, Oswego's exalted ruler. “We're absolutely committed to the youth of this community,” Rinaldo says, and all the awards are evidence of the lodge's long-term commitment, a commitment that actually goes back nearly to the beginning of the lodge's history, he notes.

That history is a long and storied one. The Oswego Lodge was inaugurated on June 24, 1894, at a time when Grover Cleveland was in his second term as president, during the nationwide depression of 1893 to 1896.

That the Oswego Lodge should have come into being during a time of community—and nationwide—need should surprise no one who understands and upholds Elks' values. For the 114 years of its existence, the lodge has been deeply involved in supporting its community through a wide range of programs and activities. Because of all the hard work and constant participation of its active members, the Oswego Lodge exemplifies the motto Elks Care—Elks Share.

Just ask some of those who have benefited from lodge members' volunteerism.

Sheri Valle, Voluntary Service Program Assistant at the nearby Syracuse VA Medical Center, for example, points out that “local Elks lodges have donated the equivalent of more than $18,000 just this year in activities, items, and cash donations, and this particular lodge has donated more than $5,000 in items, time, and cash donations.”

And though the monetary amounts are gratifying, Valle immediately adds that “the biggest benefit to us is always the time the Elks spend with our veteran patients, especially in our nursing home care unit. Patients live there and really don't have a lot of opportunity to see people outside the medical center.” The Oswego Lodge members, in addition to volunteering to transport patients and residents to various places, visit the nursing home residents virtually every day. Among numerous other activities, the lodge supports a playing card club in the nursing home; regularly hosts the distribution of T-shirts and golf hats to residents; and makes sure to create special activities for the various holidays. “They've been wonderful during the holidays,” Valle enthuses. “It's wonderful to see the faces of the veteran patients when the Elks are here. They're a lot happier, and they're asking, ‘When are they coming next?’ ”

The same kinds of comments come from school officials in Oswego. “There doesn't appear to be anything that they've been asked to do that they've said no to, if it benefits kids,” says Bill Foley, public relations director for the Oswego School District. “And,” Foley adds immediately, “practically everyone asks them for help, but they're always more than willing to give.”

Foley cites the smaller size of the Oswego community, and the interconnectedness of its residents, when describing the generosity of the Elks' giving and volunteerism there. “Almost all of them went through our schools,” he notes. “So they're giving back to the community in which they've grown up, and that is just tremendous.”

Among the recognitions and awards the Oswego Elks bestow in the local school system are Teen of the Month awards and annual scholarships for graduating seniors. In a smaller community like Oswego, which serves about forty-five hundred students, such awards and recognitions are by definition high-profile and resonate strongly. Indeed, Foley can speak of them with personal zeal, since his own son, Michael, was named Teen of the Month during the 1996–1997 school year. “Michael was very proud,” Foley recalls. “He held his head so high when he achieved that; it meant so much to him to be recognized.”

From such experiences, Foley says that it's clear that “students need to receive some recognition. Being named Teen of the Month or receiving a scholarship builds confidence, morale, and self-esteem. There's nothing but positive value in this, and the Elks are having a major impact on our youth through such programs.”

A SPECIAL CULTURE

Because of all the activities that the Oswego Elks Lodge is involved in, there is always a buzz of volunteerism humming around the lodge itself. If there were a single word that would best describe the lodge's atmosphere, it might be “enthusiastic.”

“It's all about an enthusiastic, community-focused outlook,” says Rinaldo. “What you've heard from these folks,” he explains, referring to community leaders like Bill Foley and Sheri Valle, “is what this lodge is all about. Everything has been geared toward the kids, toward the vets, toward the community. It all comes back to what the Elks are doing for the community. As far as the All-American Lodge Award goes, I think we've earned it. Everyone here is committed to this community.”

“At the same time,” says Daniel Capella, a past exalted ruler of the Oswego Lodge and a past president of the New York State Elks Association, “we have a lot of fun, and that's part of what makes it go nicely. We know how to laugh.”

Still, Capella notes, a tremendous amount of work and energy go into all the lodge's activities, including the social activities that take place at the lodge itself: “From the first Friday in January through April, we serve three hundred or four hundred meals every Friday night here at the lodge. Volunteers show up at four or four-thirty in the afternoon, we start serving dinner at five, and it goes on well into the evening. And yet we're never short of volunteers to support the Friday dinners.”

GOOD CITIZENSHIP MAGNIFIED

The Oswego Lodge demonstrates its Americanism and good citizenship in various ways, including very strong support for local law enforcement and broad community efforts. Those efforts and that support are clearly recognized and appreciated by law enforcement and municipal officials. In a community of seventeen thousand, such good works are very much noticed.

“In a smaller city such as this, everybody seems to know what everybody else is doing,” says Edward Geers, Oswego's fire chief. “And if there's a need in one family, everybody helps out. I visit other places, but love coming back here,” he adds. “Everybody here is interested in the city as a whole and the community as a whole. If somebody's in need, whatever it is, the community pulls together; and the Elks have always been a big part of that.”

The Elks' appreciation of the people and organizations that hold the town together is shown regularly through public recognition. For the lodge's annual public safety recognition event, called Lincoln Day in Oswego, Geers develops a profile of the personnel who might deserve the lodge's Firefighter of the Year Award, and then he “lets the firefighters decide who they feel is worthy. And when the Elks recognize that person, it means a lot.” Geers continues, “I think everyone realizes that even though an individual wins an award, it's not just that one individual who's being recognized. It reflects on the entire department. We stand as one, and that perception is very important for us.”

Geers, an active Elk for twenty-three years, adds: “I'm proud to say I'm a member of the Oswego Elks, because of the wonderful things they've done in the community. Other organizations do little things, but the Elks are trendsetters, who make sure everything's done right.”

Oswego's chief of police, Michael Dehms Jr., agrees that receiving the Oswego Lodge's public safety award is a distinct honor. “It's good to be recognized, but when you're recognized by an organization like the Oswego Elks, it means a lot.” Dehms notes that the Elks also have made numerous important contributions directly to public safety. For example, in the 1980s, the Oswego Lodge purchased a working police canine for the department's canine unit. What's more, Dehms points out, every year during the community's biggest social event, called Harborfest, the Elks “supply meals for our officers and state police, for the officers who have to work through it and can't go home for dinner. Anything we've ever asked for, they've always helped us,” he adds.

According to Dehms, the Elks “definitely set an example of community involvement.” One of the Elks' programs, for example, honors the memory of a deceased police officer by maintaining an ongoing memorial fund in his name that provides college scholarships.

Mayor Randolph Bateman easily summarizes the Oswego Elks' exceptional volunteerism by saying that “the Elks' contribution to the community is great. They're involved in various activities, including youth activities. And last year, they hosted the New York Elks' bowling tournament, which brought significant income into the city.”

Another example of the Oswego Elks' civic involvement that Mayor Bateman cites is the Youth Community Day that the lodge sponsors every year in May. Youth Community Day includes an Elks-sponsored luncheon for students and local government officials. At the luncheon, the mayor and various city department heads speak to the students, explaining some of the functions of city government, and give the students the opportunity to meet public officials directly. Such events, Bateman says, are extremely important in helping reinforce the natural cohesiveness that already exists in a community like Oswego.

As the school district's Bill Foley sees it, a smaller community like Oswego brings out the best in people, and the Elks of Oswego help to encourage that. "We look like a sleepy little town on the lake," he says, "but what amazes me is the way this town always pulls together, whether during the ice storm of a few years ago, or during Harborfest. This is a caring community," he emphasizes. "It's almost like a community of the past. We joke about Oswego maybe being a few years behind other places, but we care about each other and pull for each other. And to have folks like the Elks be so involved, it's tremendous."•

TRIBUTE TO VESTAVIA HILLS HIGH SCHOOL

• Mr. SESSIONS. Mr. President, I would like to make some remarks today about Alabama's State champion and national finalist in the "We the People" competition. Vestavia Hills High School placed fourth in the national We the People: The Citizen and the Constitution national finals, held in Washington, DC. This impressive competition, headed by the Center for Civic Education, engaged young people in the fundamental ideals and values of American constitutional government.

Members of this remarkable team from Vestavia Hills included Diana Chen, Colleen Cusick, William Desmond, Felipe Goncalves, Lauren Hammonds, Pei-Ann Lin, Tyler Martin, Robert Nuttall, Shannon O'Sheal, Thomas Oliver, Sean Sapp, Curry Stevenson, Andrew Swindle, Wesley Vaughn, Jay Watson, Ylia Wilson, Shin Xu, and Zaka Yazdi.

I would like to congratulate Amy Maddox, the teacher who led this fine team. Teachers shape the future, and I appreciate Ms. Maddox's investment in these students. As a former educator and the father of three children, I have a great admiration for educators, and I am grateful that educators like Ms. Maddox are making a difference.

I would also like to thank Janice Cowin, the executive director of the Alabama Center for Law and Civic Education.

I applaud the efforts of students, teachers, and community leaders who made this accomplishment possible. Vestavia Hills High School is an exceptional school and has represented Alabama well. I encourage these students to continue pursuing a deep understanding of the Constitution and our Government. It is important that we raise up quality leaders that will serve our country in years to come.•

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. RUSH, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. BARTON of Texas, Mr. WHITFIELD of Kentucky, and Mr. STEARNS as managers of the conference on the part of the House.

At 5:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for fiscal year ending September 30, 2008, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

At 5:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 6022. An act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

H.R. 6051. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6276. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from October 1, 2007 through March 31, 2008; ordered to lie on the table.

EC–6277. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyproconazole; Pesticide Tolerance" (FRL No. 8362–9) received on May 13, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6278. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Navy and has been assigned case number 07–06; to the Committee on Appropriations.

EC–6279. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, notification of the Department's decision to conduct a streamlined competition of aircraft maintenance functions performed by personnel of the Fleet Logistics Support Squadrons at Andrews Air Force Base, MD; to the Committee on Armed Services.

EC–6280. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions: Site-Specific Treatment Variance for P and U-Listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the Energy Solutions' Facility in Clive, Utah" (FRL No. 8565–9) received on May 13, 2008; to the Committee on Environment and Public Works.

EC–6281. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Implementation of the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers" ((RIN2060–AN86)(FRL No. 8566–1)) received on May 13, 2008; to the Committee on Environment and Public Works.

EC–6282. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the feasibility study that was undertaken to evaluate hurricane and storm damage reduction opportunities for Pawleys Island, South Carolina; to the Committee on Environment and Public Works.

EC–6283. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Assumption of Liabilities" ((RIN1545–BH95)(TD 9397)) received on May 13, 2008; to the Committee on Finance.

EC–6284. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Medicaid Rebates" (Rev. Rul. 2008–26) received on May 13, 2008; to the Committee on Finance.

EC–6285. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "QSP: Reverse Subsidiary Merger; Step Transaction" (Rev. Rul. 2008–25) received on May 13, 2008; to the Committee on Finance.

EC–6286. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 956 Rep Exception Relief" (Rev. Proc. 2008–26) received on May 13, 2008; to the Committee on Finance.

EC–6287. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Simplified Relief from Withholding Tax Upon Disposition of U.S. Real Property Interests" (Rev. Proc. 2008–27) received on May 13, 2008; to the Committee on Finance.

EC–6288. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to Chile for the manufacture of the SIG556 Rifle; to the Committee on Foreign Relations.

EC–6289. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of an agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office; to the Committee on Foreign Relations.

EC–6290. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to Brazil for the SP 2022 semi-automatic pistol; to the Committee on Foreign Relations.

EC–6291. A communication from the Director of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Graves Marked with a Private Headstone or Marker" (RIN2900–AM93) received on May 13, 2008; to the Committee on Veterans' Affairs.

EC–6292. A communication from the Director of Regulations Management, Office of General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Accreditation of Agents and Attorneys; Agent and Attorney Fees" (RIN2900–AM62) received on May 13, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 2511. A bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2913. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*William J. Brennan, of Maine, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

*Lily Fu Claffee, of Illinois, to be General Counsel of the Department of Commerce.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3020. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the postmarket surveillance of devices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself and Mrs. MCCASKILL):

S. 3021. A bill to amend title 49, United States Code, with respect to length and weight limitations for buses, trucks, and other large vehicles on Federal highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself and Mr. VOINOVICH):

S. 3022. A bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus; to the Committee on Environment and Public Works.

By Mr. AKAKA:

S. 3023. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims; to the Committee on Veterans' Affairs.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3024. A bill to authorize grants to the Eurasia Foundation, and for other purposes; to the Committee on Foreign Relations.

By Mr. THUNE:

S. 3025. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for the purchase of a flexible fuel vehicle; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 3026. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for Mrs. CLINTON):

S. 3027. A bill to amend the National and Community Service Act of 1990 to establish a program to provide college coaches to low- and middle-income high-achieving high school students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mrs. CLINTON):

S. 3028. A bill to amend the National and Community Service Act of 1990 to promote community service among United States youth by connecting secondary school seniors to community service opportunities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 3029. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. BAUCUS, Mr. BAYH, Mr. BROWN, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mrs. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mrs. LINCOLN, Mr. MENENDEZ, Mr. SCHUMER, Ms. SNOWE, Mr. STEVENS, Mr. VITTER, Mr. VOINOVICH, and Mr. WICKER):

S. Res. 567. A resolution designating June 2008 as "National Internet Safety Month"; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Mr. VOINOVICH, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mr. GREGG, Mr. NELSON of Nebraska, and Mr. ROCKEFELLER):

S. Res. 568. A resolution commemorating the 100th anniversary of the founding of the National Governors Association; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 2040

At the request of Mr. BOND, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2040, a bill to amend the Internal Revenue Code of 1986 to increase the alternative tax liability limitation for small property and casualty insurance companies.

S. 2059

At the request of Ms. MIKULSKI, her name and the name of the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2504

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2523

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2708

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2781

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2781, a bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program.

S. 2790

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2790, a bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research.

S. 2795

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2795, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 2862

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 2862, a bill to provide for National Science Foundation and National Aeronautics and Space Administration utilization of the Arecibo Observatory.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2931

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2938

At the request of Mr. GRAHAM, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 3007

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3007, a bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals.

S. RES. 482

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 482, a resolution designating July 26, 2008, as "National Day of the American Cowboy".

S. RES. 541

At the request of Mr. FEINGOLD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 541, a resolution supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 3023. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veteran's Affairs regarding the substantiation of claims; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the proposed Veterans' Notice Clarification Act of 2008. This bill would require VA to issue regulations specifying the content of notices provided to claimants who seek VA benefits and services. Following a number of court decisions, VA's notification letters to veterans have become increasingly long, complex, and difficult to understand.

These notification letters must be simplified, as veterans, VA, veterans' advocates and outside review bodies have all recommended. The letters should use simple ordinary language rather than bureaucratic legalese and they should be focused on the specific type of claim that the veteran is bringing.

My bill would require different notice contents depending upon whether the claim is an original claim, a claim to reopen, or a claim for an increase in benefits. VA would also have the discretion to provide additional or alternative contents for notice if appropriate to the benefits sought. For example, an original claim for service-connected compensation may require different content than a claim for a specially adapted housing grant.

The notice required for original claims by the Veterans Claims Assistance Act, Public Law 106–475, should provide useful information based on the documents submitted to VA and the benefit sought. The information and evidence requested by VA should be relevant to the claim filed. For example, the information and evidence requested by VA for a claim for disability compensation and financial information concerning claims for pension benefits are wholly different. A veteran should not be made to submit information that is unrelated to his or her claim.

I believe that this bill, if enacted, will assist VA in developing appropriate criteria to implement the requirements of the current law. In addition, courts which review appeals from VA decisions should find it easier to identify errors in notification by measuring the notice against clear regulatory criteria.

I urge all of my colleagues to support this measure, so that veterans, survivors and dependents seeking VA benefits may be provided with clearer and more understandable notices.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Notice Clarification Act of 2008".

SEC. 2. REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS WITH THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS.

Section 5103(a) of title 38, United States Code, is amended—

(1) by inserting "(1)" before "Upon receipt"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The Secretary shall prescribe in regulations requirements relating to the contents of notice to be provided under this subsection.

"(B) The regulations required by this paragraph—

"(i) shall specify different contents for notice depending on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for increase in benefits;

"(ii) may provide additional or alternative contents for notice if appropriate to the benefit or services sought under the claim;

"(iii) shall specify for each type of claim for benefits the general information and evidence required to substantiate the basic elements of such type of claim; and

"(iv) shall specify the timing of the issuance of notice.".

By Mr. REID (for Mrs. CLINTON):

S. 3027. A bill to amend the National and Community Service Act of 1990 to establish a program to provide college coaches to low- and middle-income high-achieving high school students; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, in honor of AmeriCorps Week, I am pleased to introduce legislation that will place more of our Nation's low- and middle-income high school students on the road to higher education. My legislation will address the disparity that exists in college persistence between lower-income, high-achieving students and their more affluent peers.

According to the National Educational Longitudinal Survey, NELS, more than 1.5 million high school students with annual household incomes of less than $85,000 do not earn college degrees despite having ranked in the top half of their high school classes. Further, a recent report from the Jack Kent Cooke Foundation found that 59 percent of lower-income high-achieving students graduated from college compared to 77 percent of their higher income peers. America cannot remain competitive in the global economy if we continue to squander our college talent every year. That is why I am sponsoring the Coaching Our Adolescents for College Heights Act, or the COACH Act.

The COACH Act creates a pilot AmeriCorps program to recruit, train, and place recent college graduates, or coaches, in high schools to help prepare low- and middle-income, high-performing high school students for success in college. Under this program, coaches will be responsible for working with school staff to build a strong college-going culture within their high schools. Coaches will be paired with a cohort of low- and middle-income, high-achieving students to ensure student enrollment and success in college-prep coursework and to connect participating students with summer internships, community service activities, and other opportunities that will enrich each student's academic experience. Coaches will also help students and their parents in understanding the college application, admissions, and financial aid processes as well as work with students to select and enroll in the institutions of higher education that best meet each student's educational and social needs.

The role of coaches will not end once students are enrolled in college, as coaches will be required to monitor their students' academic performance and social adjustment through the end of each student's first year of college. In this way, coaches will ensure that students are connected to the support services they need to persist in and ultimately graduate from college.

A recent study, by the Consortium on Chicago School Research found that only 41 percent of students who aspired to go to college took the steps necessary in their senior year to apply to and enroll in a four-year college, despite being well-qualified for even the most selective colleges and universities. It is among these students that the Nation suffers the greatest loss in proven talent. Unfortunately, our high schools are struggling to provide these students with necessary guidance. In 2002, the National Center of Education Statistics found that the average ratio of high school students to full-time guidance counselors was 315 to 1. Furthermore, only 10 percent of public schools have advisors whose sole responsibility is college counseling. The COACH Act not only addresses the need to prepare our high-achieving, low- and middle-income students for college, but it also engages eager AmeriCorps members as a necessary resource for completing this task.

I hope my colleagues will join me in this effort to help these students succeed in higher education and compete in the global economy.

By Mr. REID (for Mrs. CLINTON):

S. 3028. A bill to amend the National and Community Service Act of 1990 to promote community service among United States youth by connecting secondary school seniors to community service opportunities; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, in honor of AmeriCorps Week, I am pleased to introduce a bill that will help keep our Nation's high school seniors engaged in learning and community service. My legislation will connect high school seniors to service opportunities within their schools or communities while earning money for college.

The senior year of high school is a crucial transition time for youth. Despite this fact, many twelfth grade students opt to take less challenging courses, or no classes at all, during their final year of high school, a phenomenon commonly termed "senioritis." I strongly believe we should use this opportunity to provide a service-oriented education for young people across the country. That is why I am sponsoring the Senior Year Community Service Act.

This legislation will create a pilot program to enable six local educational agencies to connect high school seniors with service opportunities within their communities or schools. The bill calls on the Corporation of National and Community Service to assist local educational agencies with the implementation of this pilot program. Using grant funds, the local educational agency will establish a partnership with a community based organization to implement this pilot program, provide a service coordinator to assist participating high schools, and provide information to students about this program as early as their junior year.

The Senior Year Community Service Act also requires the Department of Education to study the effects of this program on participating seniors. The evaluation will measure student academic achievement on State academic assessments, graduation rates and student rates of college enrollment, persistence and graduation. If the evaluation proves that this program is successful in increasing student achievement, the legislation calls upon the Department of Education to make this program a universal experience for high school seniors.

Research has shown that participation in community service activities can lead to increased student achievement. In one study, students involved in community service and service-learning reported higher grades and better school attendance. In another study, civically-engaged high school students tended to make greater academic progress and were more likely to graduate from college.

The benefits of community service participation can reach beyond the school walls. The National Service-Learning Clearinghouse notes that in addition to increased academic achievement, service learning contributes to students' increased self-efficacy, enhanced problem-solving skills, and enhanced civic engagement.

We have seen colleges and universities take their own approaches to solving the problem of "senioritis." Earlier this year, the New York Times reported that a handful of universities are taking action against slacking high school seniors—ranging from requiring students to meet monthly with the dean of admissions once enrolled, to rescinding admission status completely. Programs that keep seniors engaged in school can prevent college-bound students from squandering their precious opportunities.

The Senior Year Community Service Act will prevent many high school students from wasting their senior year and makes community service a common expectation for high school seniors. I hope that my Senate colleagues will join me in supporting this bill that will help our youth stay on track for a bright and successful future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 567—A BILL DESIGNATING JUNE 2008 AS "NATIONAL INTERNET SAFETY MONTH"

Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. BAUCUS, Mr. BAYH, Mr. BROWN, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mrs. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mrs. LINCOLN, Mr. MENENDEZ, Mr. SCHUMER, Ms. SNOWE, Mr. STEVENS, Mr. VITTER, Mr. VOINOVICH, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 567

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 86 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 67 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 30 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 12 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 42 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2008 as "National Internet Safety Month";

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

Ms. MURKOWSKI. Mr. President, today I introduced a resolution designating June 2008 as National Internet Safety Month.

The Internet has become one of the most significant advances in the 20th century and, as a result, it affects people's lives in a positive manner each day. However, this technology presents dangers that need to be brought to the attention of all Americans. Consider the pervasiveness of Internet access by children and the rapid increase in Internet crime and predatory behavior. Never before have powerful educational solutions—such as Internet safety curricula for grades kindergarten through 12—been more critical and readily at hand.

I-SAFE is one nonprofit organization that has worked tirelessly to educate our youth and our community on these important issues. Formed in 1998, I-SAFE educates youth in all 50 States, Washington, DC, and Department of

Defense schools worldwide to ensure that they have a safe experience online.

It is imperative that all Americans learn about the Internet safety strategies which will help keep their children safe from victimization. Consider the facts: In the United States, about 35 million school-aged children have Internet access. Eighty-six percent of middle and high school students are online for at least one hour per week.

An alarming statistic is that 61 percent of middle and high school youths admit to using the Internet unsafely or inappropriately. Furthermore, at least 12 percent of these students have met face-to-face with someone they first met online and 42 percent of these students know of someone who has been bullied online.

Now is the time for America to focus its attention on supporting Internet safety, especially bearing in mind that children will soon be on summer vacation and will spend more time online.

SENATE RESOLUTION 568—COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE NATIONAL GOVERNORS ASSOCIATION

Mr. CARPER (for himself, Mr. VOINOVICH, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mr. GREGG, Mr. NELSON of Nebraska, and Mr. ROCKEFELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 568

Whereas, in 1908, President Theodore Roosevelt invited the Nation's Governors to the White House to discuss conserving America's natural resources;

Whereas the Governors decided to form an association through which they could continue to come together on a bipartisan basis to discuss mutual concerns and share State practices;

Whereas, 100 years later, the National Governors Association serves as the collective voice of the 55 Governors of States, commonwealths, and territories;

Whereas, for the past century, Governors have utilized the organization to explore issues, develop solutions, and build consensus on diverse-national policies;

Whereas the National Governors Association has played a key role in shaping public policy and addressing America's most pressing challenges; and

Whereas the National Governors Association is celebrating 100 years of gubernatorial leadership-honoring the past, celebrating the present, and embracing the future: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the leadership of the Nation's Governors and honors their contributions to American politics and society; and

(2) commemorates the 100th anniversary of the founding of the National Governors Association.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4777. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table.

SA 4778. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4779. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4780. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4781. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4782. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4783. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4784. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4785. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4777. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of the substitute amendment, insert the following:

SEC. ___. AUTHORIZATION OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by striking "for fiscal year 2006" through the period and inserting "for each of the fiscal years 2006 through 2012".

SA 4778. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLIC SECTOR EMPLOYEES' RIGHT TO WORK.

(a) PROVIDING PUBLIC SECTOR EMPLOYEES WITH THE RIGHT TO WORK.—Section 4(b) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by adding at the end the following:

"(6) Providing for the rights of all public sector employees in the State, by mandating that no such employee pay any dues or fees to a labor organization as a condition of employment.".

(b) ROLE OF THE AUTHORITY.—Section 5(a) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by striking "in section 4(b)" and all that follows through the period at the end and inserting "in section 4(b).".

SA 4779. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIFE AT CONCEPTION.

(a) IN GENERAL.—Section 4(b) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by adding at the end the following:

"(6) Requiring that the State shall have taken steps to protect the rights, life, and safety of all of its citizens, born or unborn, by enacting laws to protect the lives of these citizens and granting to the born and unborn equally the right to life guaranteed under the Constitution and enumerated under the 14th Amendment, and declaring such protections to be vested in each human being from the time of conception.".

(b) ROLE OF AUTHORITY.—Section 5(a) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by striking "described in section 4(b)" and all that follows through the period and inserting "described in section 4(b).".

SA 4780. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MEMBERS-ONLY BARGAINING.

(a) MEMBERS-ONLY BARGAINING.—Section 4(b) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by adding at the end the following:

"(6) In order to protect the rights of the individual worker—

"(A) prohibiting a State or local government from entering into an exclusive representation agreement with a labor organization; and

"(B) ensuring that a labor organization is only representing its own members, and that the rights of nonmembers to bargain on their own behalf is provided for.".

(b) ROLE OF THE AUTHORITY.—Section 5(a) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by striking "in section 4(b)" and all that follows through the period at the end and inserting "in section 4(b).".

SA 4781. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RIGHT TO CARRY WEAPONS.

(a) IN GENERAL.—Section 4(b) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by adding at the end the following:

"(6) Granting citizens of the State the right to carry concealed weapons to assist in protecting the safety of its citizens and public safety officers.".

(b) ROLE OF AUTHORITY.—Section 5(a) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by striking "described in section 4(b)" and all that follows through the period and inserting "described in section 4(b).".

SA 4782. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RECIPROCITY.

(a) IN GENERAL.—Section 4(b) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by adding at the end the following:

"(6) Granting citizens of other States where the concealed carrying of firearms has been duly provided for by law the ability to exercise that right in their State without the further issuance of permits.".

(b) ROLE OF AUTHORITY.—Section 5(a) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by striking "described in section 4(b)" and all that follows through the period and inserting "described in section 4(b).".

SA 4783. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTING PAYROLL DEDUCTION.

(a) PREVENTING PAYROLL DEDUCTION.—Section 4(b) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by adding at the end the following:

"(6) Prohibiting the deduction of labor organization dues or fees of any kind directly from an employee's paycheck.".

(b) ROLE OF THE AUTHORITY.—Section 5(a) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by striking "in section 4(b)" and all that follows through the period at the end and inserting "in section 4(b).".

SA 4784. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLIC SAFETY OFFICER RIGHT-TO-WORK.

Section 4(b) of this Act is amended by adding at the end the following:

"(6) Forbidding any public safety employer from negotiating a contract or memorandum of understanding that requires the payment of any fees to any labor organization as a condition of employment.".

SA 4785. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

On page ___, line ___, insert the following:

SEC. ___. COLLECTION OF UNION DUES FROM ILLEGAL IMMIGRANTS PROHIBITED.

(a) IN GENERAL.—It shall be unlawful for a labor organization to collect dues or initiation fees from any individual who is physically present in the United States in violation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) STATE RESPONSIBILITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, a State law shall be deemed to have failed to substantially provide for the rights and responsibilities described in section 4(b) unless the Authority determines that such law, in addition to meeting such rights and responsibilities, prohibits labor organizations from collecting dues or initiation fees from any individual who is physically present in the United States in violation of the Immigration and Nationality Act.

(2) ENFORCEMENT AUTHORITY.—The Authority may issue and enforce regulations to carry out paragraph (1) in the manner provided under section 5.

(c) DECERTIFICATION OF PUBLIC SAFETY LABOR ORGANIZATIONS.—In addition to any enforcement measures authorized under subsection (b)(2), if the Authority determines that a labor organization has violated any provision under subsection (a) or (b), the Authority shall issue an order that decertifies the labor organization or otherwise notifies the labor organization that the organization will no longer be recognized by the Authority as the exclusive representative of employees for collective bargaining purposes.

(d) REQUIRED PARTICIPATION BY PUBLIC SAFETY LABOR ORGANIZATIONS.—Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (title IV of division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) LABOR ORGANIZATIONS.—

"(A) IN GENERAL.—All labor organizations (as defined in section 3 of the Public Safety Employer-Employee Cooperation Act of 2007) shall elect to participate in the basic pilot program and shall comply with the terms and conditions of such election.

"(B) VERIFICATION OF ALL MEMBERS.—Notwithstanding any other provision in this title, each participating labor organization shall use the confirmation system to seek confirmation of the identity and employment eligibility of each member of such labor organization.

"(C) DEADLINE FOR COMPLIANCE.—The verifications required under subparagraph (B) shall be completed—

"(i) not later than 1 year after the date of the enactment of the Public Safety Employer-Employee Cooperation Act of 2007 for all members of the labor organization as of such date; and

"(ii) for individuals who become members of such labor organization after such date of enactment, not later than 14 days after the commencement of such membership.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 15, 2008, at 2:30 p.m., in Executive Session to consider pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 15, 2008, at 3 p.m. in Executive session to conduct a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, May 15, 2008, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, May 15, 2008, at 1:50 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 15, 2008, at 2 p.m. to hold a hearing on U.S.-China relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President; I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 15, 2008, at 10 a.m. to conduct a hearing entitled "Nuclear Terrorism: Providing Medical Care and Meeting Basic Needs in the Aftermath."

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 15, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 15, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, May 15, 2008, at 2 p.m. in order to conduct a hearing entitled, "National Security Bureaucracy for Arms Control, Counterproliferation, and Nonproliferation Part I: The Role of the Department of State."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jenna Jones of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the farm bill: Ayesha Khanna, Bridget Mallon, Scott Guenther, Bruce Fergusson, Kelsey Hamilton, Libby Cohn, Nathan Empsall, Ezana Teferra, Jeremiah Langston, and Thea Murray.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that Caryn Long from my staff be granted the privilege of the floor for today and throughout the remaining time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENCOURAGING DISPLAY OF THE FLAG OF THE UNITED STATES ON FATHER'S DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2356 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2356) to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2356) was ordered to a third reading, was read the third time, and passed.

TEMPORARY EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3029 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 3029) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, on May 23, 2008, many of the Small Business Administration's programs and authorities will expire.

Unfortunately, it has become commonplace for those in the small business community to face an expiration of the programs they depend upon. Since September 30, 2006, we have had to pass four temporary extensions to keep the Small Business Administration authorized. And here we are, yet again, trying to pass a temporary bill to continue these vital small business programs—this time through March 20, 2009.

Since Democrats took the majority over a year ago, the Committee on Small Business and Entrepreneurship has worked hard to create a good climate for small businesses in this country. To that end, we have had 20 hearings, 6 roundtables, and passed 5 major bills out of committee to address the needs of the small business community, needs which have gone unmet the past 7 years. During that time, we have often encountered obstruction from the administration and Republican congressional leadership. Despite the cooperation of the very supportive ranking member I have in Senator OLYMPIA SNOWE, who is cosponsoring this legislation, some on the other side have blocked our legislation and have blocked the appointment of conferees, which leaves us unable to conference with the House and get much-needed legislation signed into law. The Republicans, now in the minority, fear what will happen in a conference. Rather than work through differences and accomplish something, it is easier to block legislation. Who suffers from all this needless obstruction? Small business owners and their employees.

Just today, we saw how it is possible to get things done. S. 163, the Small Business Disaster Response and Loan Improvements Act of 2007, was included in the farm bill conference report. This legislation, which was adopted as an amendment to the farm bill, was then negotiated with the House as part of the farm bill conference, allowing us to enact meaningful reforms in the way the Small Business Administration comes to the aid of disaster victims.

My hope is that once we have this extender bill in place, the administration and the Republican leadership will realize that five temporary authorizations are five too many and allow our committee to do what it has been attempting to do, which is to do a comprehensive reauthorization of the rest of the small business programs. Therefore, I urge my colleagues to pass this temporary bill and then give us the support we need for a comprehensive reauthorization of small business programs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3029) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 110–136 (121 Stat. 1453), is amended by striking "May 23, 2008" each place it appears and inserting "March 20, 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on May 22, 2008.

SIGNING AUTHORIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader, Senator REID, of Nevada be authorized to sign enrolled bills during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MAY 19, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, May 19; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, as previously announced, there will be no rollcall votes on Monday. The next vote is expected to occur Tuesday morning.

ADJOURNMENT UNTIL MONDAY, MAY 19, 2008, AT 2 P.M.

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Monday, May 19, 2008, at 2 p.m.

EXTENSIONS OF REMARKS

TRIBUTE TO MRS. MARY ELLEN TOLLIVER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. DAVIS of Illinois. Madam Speaker, there is no greater gift that one can give when they give of themselves and Mr. Speaker such was the life and such is the legacy of Mrs. Mary Ellen Tolliver.

Mary Ellen Tolliver was born on September 1, 1915 in Richmond, Virginia; to the union of the late Thomas Day and Georgetta Walker-Day. Mary Ellen Day was the oldest of four children.

On Tuesday, May 13, 2008 at 2:30 a.m., God called Mary Ellen Day home for she had done her part. "Peace I leave with you, my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled neither let it be afraid" (John 14:27).

Mary Ellen Day moved to Pennsylvania as a young child with her family where she attended the public school system. Mary Ellen Day was married to John L. Toliver in 1935 and they attended Enon Tabernacle Baptist Church in Germantown, where she worshiped until her passing. John and Mary Toliver never had children of their own, but considered many in the community as their own family and provided them with values and traditions that will live on forever.

Mary Ellen Toliver dedicated her life to the field of mental health. She worked as a nurse at the Byeberry State Mental Hospital in Pennsylvania, also known as the Philadelphia State Hospital for 40 years from where she retired.

While at Byeberry, Mary Ellen Toliver became close to and took two long-term patients from Byeberry into her home in Germantown. Julia and Sweeney were abandoned by their families, but felt at peace with Mary Ellen Toliver. Mary Ellen Toliver shared her home with both ladies until their passing; Julia for 24 years and Sweeney for 30 years. They brought her great joy.

Mary Ellen Toliver, was preceded in death by her husband John L. Toliver, her brother Sonny Day, and sister Mabel Day. Mary Ellen Toliver leaves to cherish her lasting memories; her sister Willeta Day, and her sister Aquilla Laws. Mary Ellen Toliver leaves a host of nieces, great-nieces, nephews, great nephews, cousins, and the Enon Tabernacle Baptist Church family.

CONGRATULATING TOM HAMBY ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Tom Hamby, on the occasion of his retirement from AT&T Inc.

A native of Social Circle, Georgia, Tom earned a Bachelor of Science degree in engineering at the University of Georgia. He was commissioned in the Army Corps of Engineers and went on to serve 10 years in the reserves and National Guard.

As the Birmingham News described Tom, he is "one of Birmingham's most influential business leaders." With a career spanning over 37 years, Tom has served in various assignments in the network, marketing, and regulatory departments in Georgia, Alabama, and Washington, DC, and he was appointed to his current position, AT&T president—Alabama, in 1999.

In the early 1990s, Tom led the effort to bring caller identification and voice mail products to customers. During his tenure as president, the Alabama Legislature passed landmark telecommunication legislation, which led to greater competition, investment, customer choice as well as new services.

Tom is also well-known in Birmingham and throughout the State of Alabama as a leader in both the business and civic communities. He is chairman of the board of the Birmingham Museum of Art and the Greater Alabama Council of Boy Scouts of America. He is a past chairman of Birmingham's Metropolitan Development Board, the Business Council of Alabama, and the Birmingham Regional Chamber of Commerce. He is a current director on the boards of Protective Life Corp. and the Birmingham Civil Rights Institute.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout the State of Alabama. I know his family; his wife, Wyona; and his many friends join me in praising his accomplishments and extending thanks for his service over the years on behalf of the city of Birmingham and the State of Alabama.

Tom will surely enjoy the well deserved time he now has to spend with family and his first grandchild, who is due this summer. I wish him the best of luck in all of his future endeavors.

HONORING THE ACHIEVEMENTS OF HELEN MYERS

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. MCNERNEY. Madam Speaker, I ask my colleagues to join me in honoring Mrs. Helen Myers as the Brentwood Chamber of Commerce's Citizen of the Year. Helen is an extraordinary woman whose entrepreneurial endeavors, generous spirit, and deep commitment to the residents of Brentwood will benefit our community for generations to come.

One of seven children, Helen's father passed away when she was only five years old. To support her family during this time of need, she began selling produce from her mother's vegetable garden to neighbors. This entrepreneurial spirit carried into her adulthood, and she is now a successful small business owner of both Irene's Dress Shop and The Weathervane.

The only child in her family to graduate from high school, Helen went on to marry Bill Myers. Together they moved to California, and eventually settled in Brentwood in 1968 with their two children, Corky and Sherry.

Soon after moving to Brentwood, Helen joined the East Contra Costa Chapter of the Soroptimists International Club, of which she has proven to be both a valuable member and a tireless volunteer. She has not only been instrumental in raising funds for various community projects, she has also served on numerous boards and commissions, including the Delta Hospital Board, the City's Art Commission, and the Art Society Board.

Helen's friends and family describe her as someone who is always looking out for others. As an example of her kindness, friends often tell the story of the time Helen caught a young woman shoplifting in one of her stores. After soon learning the woman was homeless and living out of her car with her young child, Helen decided against calling the police, and instead provided the woman with food and clothing and contacted a social service agency to assist her with housing. A few weeks later, the young woman returned to Helen, thanked her for her compassion, and reimbursed her for the food and the clothing.

A woman who has given so much to her community, Helen has done so quietly and without fanfare, making her selection as the Brentwood Chamber of Commerce's Citizen of the Year all the more worthy of public recognition. From her countless hours as a volunteer, to her success as a small business owner, Helen has touched the lives of many and has improved the community of Brentwood for years to come.

It is for these reasons that I ask my colleagues to join me in honoring Helen Myers, Brentwood Chamber of Commerce's Citizen of the Year.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMEMORATING RANDY JEFFERS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. LAMPSON. Madam Speaker, I rise today to commemorate a true Texan, Randy Jeffers of Amarillo, Texas.

Mr. Jeffers is the 2008 chairman of the 90,000 strong members of the Texas Association of Realtors, TAR.

The tireless leader of TAR, Mr. Jeffers has worked day and night to ensure that the eternal American dream of homeownership will not be denied to any Texan, even in these challenging times for the real estate market.

As a former realtor and real estate course instructor, I fully recognize the sub-prime mortgage crisis facing our Nation. The real estate market affects every city, town, county, and State in our country, and as we have all seen, the wellbeing of the housing market is key to the overall strength of the U.S. economy.

This Congress and the Texas Association of Realtors have worked hard to address serious issues facing our housing market, and we are working together toward a balanced solution that turns the market around, stops falling prices, stops abuses, aids stable homeownership, and preserves our vibrant communities.

Mr. Jeffers was not able to come to Washington for his legislative conference this year, but I wanted to set the record straight that Mr. Jeffers passionately believes that real estate is a major driving force behind a strong American economy and he is working hard to champion his industry at every opportunity.

IN HONOR OF ARKANSAS' THIRD DISTRICT POLICE OFFICERS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. BOOZMAN. Madam Speaker, I rise in support of National Peace Officer Memorial Day and recognize the sacrifices and honorable service of law enforcement officers in Arkansas and throughout the country.

Their efforts were first honored with this special recognition in 1962 when President John F. Kennedy designated May 15th as Peace Officers Memorial Day and the week as National Police Week.

The law enforcement career path attracts many brave Americans. Today there are more than 900,000 sworn law enforcement officers serving, which is the highest number ever.

With the honor of the badge also comes the possibility of anguish. On average a law enforcement officer is killed in the line of duty in the United States every 53 hours. Earlier this year, the Third District of Arkansas experienced the loss of an Arkansas State Trooper who sacrificed his life while on duty.

My appreciation for these Americans who help protect us every day is immeasurable. We must recognize and honor the efforts of these brave men and women not only this week, but all year long.

KEEPING SPORTS IN PERSPECTIVE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. TOWNS. Madam Speaker, I would like to share with my colleagues an excellent May 13th article by Steve Politi of The Star Ledger entitled "Spygate Shouldn't Concern Congress." It emphasizes the importance of Congress remaining focused on critical national issues such as the economy, healthcare, education and the war.

[From the Star-Ledger, May 13, 2008]

SPYGATE SHOULDN'T CONCERN CONGRESS

(By Steve Politi)

If Congress really wanted to make a difference in our lives, it could hold hearings on how to make our most annoying sports storylines go away. Start with the endless debate over Joba Chamberlain and his eighth-inning celebrations, then move to Roger Clemens' creepy personal life.

Then, and only then, should Washington tackle "Spygate," which has dragged on through an entire season and has the legs to make it to training camp. No matter what Roger Goodell declares today after meeting with fired Patriots video assistant Matt Walsh, the NFL commissioner can't get rid of this one himself.

Arlen Specter will see to that. The Pennsylvania senator plans to meet with Walsh this afternoon, and it's hard to believe he'll emerge from their conversation and tell the world that the matter is settled. Which means, sometime in the near future, Bill Belichick could be packing his hoodie for a trip to Washington and another unnecessary sports-related hearing.

Specter is another politician who has figured out that the quickest path to easy publicity—and to getting noticed by his football-loving constituency—is to take on a sports issue. Why settle for C-SPAN when you can get on ESPN and a few hundred sports radio stations, too?

Congress can make an impact on a sports issue occasionally, as it did with steroids in baseball. Without those early hearings, Major League Baseball would have continued to take its time cleaning up the sport and Mark McGwire might have a bust in Cooperstown.

But what, exactly, would society gain from a hearing into the Spygate mess? Is it to set an example for kids who might steal signals at their Pop Warner games? To distract us from rising gas prices, the struggling economy and the million or so more important issues?

"Congress has a legitimate reason to conduct hearings on any number of issues in sports," said Stephen Ross, director of Penn State's Institute for Sports Law Policy. "The question is, what are they looking at? Steroids is a legitimate public problem. Whether a mass on Roger Clemens' butt is evidence of steroid use is not."

Specter insisted recently that "we have a right to have honest football games," but the Founding Fathers must have forgotten to include that with life, liberty and the pursuit of happiness. NFL games should be fair, of course, but the responsibility for keeping them that way belongs to the NFL.

Goodell fined Belichick, who was caught taping signals at the season opener against the Jets last fall, $500,000 and docked the team a draft pick. He should have suspended Belichick, too, to send a message that even the league's most successful coach is not above the rules.

But Goodell is the one who should make that decision. Walsh apparently will arrive at the NFL offices in New York today without a smoking gun—reports from February that Walsh had taped the St. Louis Rams' walk-through before the 2002 Super Bowl were false.

Walsh did turn over eight tapes made from 2000 to 2002, which further confirms what we already know: Belichick is a cheater. He has been scolded and embarrassed, his legacy as a coach tarnished forever. Do another eight examples make it more tarnished?

No one can ever say for sure what impact taping signals had on the Patriots dynasty. The answer is probably more than the NFL wants to admit, and less than the posse chasing after Belichick with the torches thinks. Dragging the coach and commissioner to Capitol Hill won't clear up a thing.

"If the sole focus of the hearing is, 'What did Belichick do and when did he do it?' I agree it's hard to see the need," Ross said. "Whether it becomes the football equivalent of a discussion of Tom Cruise and Katie Holmes, well, that remains to be seen."

It is hard to believe that Specter's motives are pure. Beyond the usual grandstanding for the cameras. his secondlargest political contributor is Comcast, which is battling the NFL over fees for the NFL Network. Tops on the list? Comcast's Washington lobbying firm.

Soaring cable bills! Now there's a good topic for a Congressional hearing. We love a good conspiracy, but the only way Spygate resembles Watergate is how long it has dominated the news. Bill Belichick is not Richard Nixon. He shouldn't be heading to Washington.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 306 through 316. I was absent on Tuesday, May 13th and part of the day Wednesday April 14th due to personal reasons.

If I were present I would have voted, "yea" on rollcall vote 306, "yea" on rollcall vote 307, "yea" on rollcall vote 308, "nay" on rollcall vote 309, "nay" on rollcall vote 310, "nay" on rollcall vote 311, "yea" on rollcall vote 312, "yea" on rollcall vote 313, "yea" on rollcall vote 314, "yea" on rollcall vote 315, "yea" on rollcall vote 316, and "nay" on rollcall vote 317.

HONORING PFC WILBUR J. (WEB) FENBERT FOR BEING NAMED 2008 VETERAN OF THE YEAR

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the distinguished service of PFC Wilbur J. (Web) Fenbert to the United States of America during World War II. PFC Fenbert will receive Veteran of the Year honors at an Armed Forces Day celebration breakfast this weekend.

During his time in the military, Web served in the 4th Armored Division which was the spearhead of the 3rd Army as it pushed into German territory. Web was an ambulance driver and moved casualties to field hospitals. In 1944, on Christmas Day, his division moved into Bastogne, and casualties had to be evacuated to the field hospital in Chaumont. Web bravely made seven trips through German artillery shell fire as he carried 22 wounded soldiers to the hospital.

Web's closest call was in a combat offensive called Task Force Baum while involved in a mission to liberate the concentration camp at Hanneburg, Germany. The camp was sixty miles behind German lines. Web picked up five casualties from a battle at Schweinhaim and took them back to the field hospital. Once there, he was ordered not to return. Although the Task Force reached Hanneburg, they ran into a Panzer Division on their return. All Task Force members were either killed or taken as prisoners of war.

Web has many war memories. One is of seeing General Patton and General Eisenhower directing traffic at a crossroads outside Bastogne. Another memory is of liberating POW camps such as Moosburg. He said that Buchenwald was the worst. Web said, "I'll never forget the stench or the heinous scene." Web was also at Foshenbroke, Germany, where General Patton was killed, and he attended the funeral.

At the end of the war, Web turned in his ambulance which had 29 shell holes and said, "I wasn't even scratched."

RECOGNIZING THE ACHIEVEMENTS AND ACCOMPLISHMENTS OF J. MICHAEL DURNIL DURING HIS TENURE AT ROOSEVELT UNIVERSITY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. DAVIS of Illinois. Madam Speaker, I want to take this opportunity to recognize the significant contributions of J. Michael Durnil, Ph.D., to Roosevelt University. Dr. Durnil will leave Roosevelt University, where he has devoted his talents and energies for the last 15 years, for the newly created position of Senior Vice President for GLADD, the Gay and Lesbian Alliance Against Defamation in Los Angeles.

Throughout his career at Roosevelt, Dr. Durnil has been a staunch advocate for students, especially those who are the first in their family to attend Roosevelt, a protector and promoter of the university's image, reputation, and history as an institution of higher education founded on the principles of social justice and academic excellence, and a devoted cheerleader for Roosevelt University at both the Chicago and Schaumburg campuses.

During his time at Roosevelt, Dr. Durnil rose quickly through the ranks, beginning as Dean of Students, serving as the Campus Executive Officer for the Schaumburg campus, and eventually being promoted to Vice President for Administration and Assistant Secretary to the Board of Trustees. In spring 2004, he was honored as an American Council on Education Fellow, a highly prestigious appointment made only to the Nation's top college and university leaders. He spent the next academic year at Fairleigh Dickinson University in New Jersey.

Upon his return in 2005, he was named to the newly created position of Vice President for Governmental Affairs and University Outreach, the position he will leave on May 28, 2008. Making a strong impact from the start, Dr. Durnil oversaw the creation, direction and implementation of strategic activities focused on governmental, community, public and external relations for the university.

Through Dr. Durnil's efforts, Roosevelt University gained national and international recognition as a major sponsor for the 2006 Gay Games, which were hosted by the City of Chicago. From serving as a registration site for the 140,000 participants to hosting a mayoral press conference on campus to providing housing for athletes, Roosevelt University was a major part of this event, thanks to Dr. Durnil. His hard work and penchant for developing productive and solid relationships in Springfield and Washington, DC, has resulted in a strengthened presence and recognition for the university with elected officials.

With deep appreciation and admiration for his efforts, I thank Dr. Durnil for his service to Roosevelt University and the city of Chicago and wish him well in his new endeavors.

CONGRATULATING JULIAN SMITH ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Julian Smith, on the occasion of his retirement from Alabama Power Company.

With a career spanning over 34 years, Julian rose through the ranks of the Alabama Power Company. Julian joined Alabama Power in 1974 in the construction department at Greene County Steam Plant. In 1982, he transitioned to the governmental affairs department, and in 1991, he was promoted to vice president of governmental affairs. Julian assumed his current position, vice president of corporate relations, in 2000.

Julian has been active in Alabama politics his entire adult life. He served as corporate liaison to former Alabama Governor Don Siegelman. In 2001, he was appointed to the Delta Regional Authority as well as the Alabama Commission on Physical Fitness. Julian also served as corporate liaison for the creation of the Alabama Black Belt Community Foundation, leading Alabama Power to partner with Auburn University in their effort to establish a Regional Foundation for the Black Belt.

Julian serves on the board of trustees for Marion Military Institute. He is an alumnus of Leadership Birmingham. He served on the 1996 Birmingham Soccer Organizing Committee as well as numerous committees for the Birmingham Chamber of Commerce. In 1981, the Alabama Jaycees named Julian among the "Four Outstanding Young Men of Alabama."

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. I know his family and his many friends and colleagues join me in praising his accomplishments and extending thanks for his service over the years on behalf of the State of Alabama.

Julian will surely enjoy the well deserved time he now has to spend with family and loved ones. On behalf of a grateful State, I wish him the best of luck in all his future endeavors.

HONORING LEE HUDSON OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Mr. Lee Hudson, who is being honored by the Napa Valley Grapegrowers as their Grower of the Year on Friday, May 16, 2008. Mr. Hudson is being recognized for his outstanding contributions to the wine grape industry and the larger community of the Napa Valley.

Hudson Vineyards has established itself over the last 25 years as one of the truly great vineyards of the Napa Valley. Mr. Hudson found his love for winemaking early on, receiving his B.S. in Horticulture from the University of Arizona and continuing his education in Viticulture and Enology at the University of California, Davis. Mr. Hudson's dedication and passion to his craft shows in the number of critically acclaimed wines that Hudson Vineyards has produced and continues producing today.

Throughout his career, Lee Hudson has set a lofty standard for farming in the Napa Valley. These high standards are reflected not only in the quality of his fruit and clients, but also in the loyalty of his employees. In recent years, Mr. Hudson has brought significant benefits to some of his field-based employees by offering after-hours English courses and low-cost housing options on the ranch.

Mr. Hudson is a great role model for other growers in the industry through his innovation, progressive farming techniques, and managing vineyards and surrounding land with a "systems approach". This "systems approach" makes Hudson Vineyards stand out among the rest in land stewardship and land conservation. Mr. Hudson sets a tremendous example with his strong advocacy for the preservation of agriculture in the Napa Valley, as well as his active involvement with the Napa Valley Grapegrowers.

Madam Speaker and colleagues, it is appropriate at this time that we thank Mr. Lee Hudson for the incredible work he has done on behalf of the Napa Valley. As a respected grape grower he has advanced the reputation of Napa Valley grapes and wine, and has been a model citizen and superb steward of the land.

NATIONAL PEACE OFFICERS MEMORIAL DAY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. REICHERT. Madam Speaker, today is National Peace Officers Memorial Day.

Just outside this chamber, are thousands of law enforcement officers, here to honor the fallen.

Freedom is not something we can take for granted. Police officers understand their role in this and take it seriously. For 33 years, I wore the badge of the King County Sheriff's office, and understand the sacrifice, and the pain of losing a partner.

My good friend Mr. POE has a resolution honoring these brave men and women who sacrificed all while protecting our communities and keeping our children safe. The House Oversight and Government Reform Committee passed the resolution on May 1st and yet the Majority has failed to bring it to the floor. Why? The House has honored our peace officers and passed this resolution every year since 1999. This is the first time in 5 years the resolution has failed to come to the floor during National Police Week.

Madam Speaker, on this National Peace Officers Memorial Day, I ask this body to reconsider, and pass the resolution honoring these brave men and women.

TRIBUTE TO MS. CRYSTLE STEWART, MISS USA 2008

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. LAMPSON. Madam Speaker, on April 11, 2008, Crystle Stewart, 26, of Missouri City, Texas was awarded the coveted Miss USA crown. I am honored to recognize her on this tremendous accomplishment.

Miss Stewart graduated from the University of Houston with a degree in consumer science and merchandising and now runs her own company "Inside/Out." This remarkable company aids young women in building self-esteem and volunteers with many organizations in the community. Her ability to juggle academics, her company, and work at a modeling agency is a testament to her amazing discipline and strong desire to succeed.

In the process of obtaining her crown, Miss Stewart made history; she is only the second African-American woman to win the title of Miss Texas and the first in more than a decade. I commend Miss Stewart for being a trailblazer, scholar, and success story to young women throughout the country, and I wish her luck as she competes for the title of Miss Universe in Vietnam this June. I know she will continue to bring pride to the state of Texas and the United States of America.

THE GREEN SCHOOLS ACT OF 2008, H.R. 6065

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. KIRK. Madam Speaker, I am proud to stand here today to introduce legislation with Congressman CHRISTOPHER CARNEY (D–PA) which will provide healthier and more productive environments for students.

As energy prices soar and state budgets shrink, schools around the country need more assistance than ever to keep afloat. Congress can provide a commonsense way to help schools achieve fiscal sustainability by helping them to reach energy sustainability through energy efficient and other green improvements.

According to the independent U.S. Green Buildings Council which established a nationally recognized green school certification program, the LEED rating system, green schools on average save $100,000 per year. This is enough to hire two new teachers, buy 500 new computers or purchase 5,000 new textbooks. In fact, if all new school construction or school renovations went green, energy savings alone would total $20 billion over the next ten years.

Green schools also provide better environments for our children, improving student achievement and health. Students at LEED certified schools perform twenty percent better on reading tests and twenty-four percent better on math tests than the average student. There are nearly forty percent fewer asthma occurrences at green schools, contributing to the decreased number of sick days students experience.

Providing green school improvements are extremely cost effective. Construction costs average less than $3 per square foot more to build, yet save roughly $12 per square foot in energy and water savings.

Some schools are already investing in green school technology to take advantage of all the benefits it provides. I am proud that a school in my Congressional District of northern Illinois, Thomas Middle School, installed a one-kilowatt solar array on its roof in November, 2007 with a $10,000 grant from the Illinois Clean Energy Community Foundation. The photovoltaic panel produced enough energy to date to offset more than 310 pounds of carbon dioxide. The output so far is equivalent to the energy needed to power 3 homes for one day, or operate one TV for 1,084 hours.

Thomas Middle School teachers also use the solar array data to help teach students about the importance of renewable energy. Classes use the information from the solar panels in experiments about energy conservation and environmental protection.

I applaud Thomas Middle School Principal Tom O'Rourke and science department chair Jay Bingaman for taking such an initiative to improve the school, environment and education of their students.

We are introducing the Green Schools Act to encourage schools all around the country to follow the example of Thomas Middle School. This legislation provides up to $10,000 in matching grants for schools to undertake green construction and improvement projects. The bill would also reauthorize the Qualified Zone Academy bonds program, which is used to fund renovations and repairs at schools in low-income neighborhoods. The bill would require that any improvements or rehabilitations be energy efficient. Since its establishment in 1997, the QZAB program has provided nearly $1.7 billion for school improvements projects.

I hope my colleagues will join me in supporting this bill to improve the health and education of our children and provide financial security to schools.

PERSONAL EXPLANATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. ROSKAM. Madam Speaker, on rollcall No. 307, I was detained in traffic while returning to the Capitol. Had I been present, I would have voted "aye."

HONORING LIEUTENANT COLONEL JOHN R. DEHAVEN ON BEING NAMED 2008 VETERAN OF THE YEAR

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. JORDAN of Ohio. Madam Speaker, I rise today to honor LTC John R. DeHaven of Findlay, OH, on being named 2008 Veteran of the Year at the Armed Forces Day Celebration on Saturday, May 17, 2008, in Findlay, OH.

A graduate of Findlay High School, John was drafted in 1941 into the Infantry and taught trainees to use rifles in Texas Training Camp. In 1942, he passed the exam for the Army Air Corps and took his Basic Flight Training in Randolph Field in San Antonio, TX. He later completed his advanced pilot training in Victoria, TX. During his training, he flew the BT–6 single engine biplane. Later in 1942, he graduated and stayed in Victoria as a flight instructor.

During World War II, John was assigned to the Chinese-American Composite Wing to fight against the Japanese. Before his move to China, he trained in Mitchell Field on Long Island. His mission was to fly P–40's from Karachi, India to Kunming, China. While in Karachi, John trained American and Chinese Pilots for the 5th Fighter Group.

As the struggle in China against the Japanese intensified, John showed incredible bravery. His unit was constantly re-deployed and they eventually ended up in Zhejiang, a mountainous area where flights were incredibly dangerous.

His main mission was to strike the Japanese, often going after eight to ten aircraft per mission. He also escorted B–25 bombers to Japan. On one mission, John was returning to base and got separated from his squadron. It got dark and John was lost and running out of fuel. He had to fire his machine gun over a town, causing all the town's lights to go out. He then saw the searchlight in the distance and followed it to base.

As the war drew to a close, John returned to the United States to train pilots in Texas. When the war ended, he remained in the Air Force Reserve and rose to the rank of Lieutenant Colonel. After his retirement, he remained active with the military, serving as a liaison for the Air Force Academy interviewing and recommending Academy applicants.

I am honored to join the chorus of well-wishers as the State of Ohio again recognizes his distinguished service to Ohio's veterans. He is a shining example of our mutual responsibility to serve those who devoted their lives to protecting the freedoms we enjoy.

IN HONOR AND IN MEMORY OF BRIAN D. SHRADER OF HUEYTOWN, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the life of a young man from Hueytown, Alabama, who recently made the ultimate sacrifice while serving as a firefighter for the United States Department of Defense in Mosul, Iraq.

A 1994 graduate of Pleasant Grove High School, Brian's childhood dream was to become a career firefighter. Brian had even interviewed with Mobile Fire-Rescue by telephone from Iraq and would most likely have received a position in the upcoming class of recruits.

In a fitting tribute, the Mobile Fire-Rescue Department honor guard escorted the funeral procession down Interstate 65 from Hueytown to Mobile. The procession was met by the Mobile County Sheriff's Office at the Mobile County line, and the hearse carrying Brian's casket passed under a 30-foot-by-50-foot flag hung from extended ladders of two Mobile Fire-Rescue trucks on its way to the Mobile cemetery where he was laid to rest.

At this difficult time, it is only appropriate for us to pause and give thanks to God that there are still young men like Brian D. Shrader. His life and actions personify the very best America has to offer. I feel certain his many friends and family, as well as his fellow firefighters in Iraq, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

Madam Speaker, I urge my colleagues to take a moment and pay tribute to Brian D. Shrader and his selfless devotion to our country and the freedom we enjoy.

We should also remember his wife, Rebecca Shrader; their three children, Kaitlyn, Hailey, and Jacob; his parents, Richard F. Shrader Sr. and Linda Shrader; and his other relatives and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

HONORING THE NAPA VALLEY AGRICULTURAL PRESERVE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. THOMPSON of California. Madam Speaker, I have had the honor for the past 10 years to represent in the House of Representatives the Napa Valley, an area known throughout the world for its immense beauty, environmental consciousness and bountiful agriculture. This evening, the Jack L. Davies Napa Valley Agricultural Land Preservation Fund will celebrate an act of foresight and wisdom that has helped the Napa Valley to earn its lofty reputation: the creation of the Napa Valley Agricultural Preserve.

In 1968, the Napa County Board of Supervisors passed Ordinance No. 274, creating the Napa Valley Agricultural Preserve. The ordinance ensured that agriculture and open space were the "highest and best use" of our land and should be preserved for those uses. This unprecedented action revolutionized land use policy nationwide and paved the way for other landmark measures, such as measure J, to help preserve agricultural land.

Among its many virtues, the establishment of the Ag Preserve proved that responsible land stewardship and a thriving economy were not mutually exclusive values; indeed, the Napa Valley owes much of its economic prosperity and special quality of life to the preservation of its agricultural and open space lands.

Madam Speaker and colleagues, it is my distinct pleasure to honor Napa County Supervisors Dewey Anderson, Jack Ferguson, and those former Supervisors who are with us in spirit Henry Wigger, Julius Caiocca and Pete Clark for having the foresight to protect the land so that future generations could enjoy the majesty of the Napa Valley. We also salute those who are working today to preserve and protect agricultural land and open space in Napa County.

FINANCIAL NET WORTH

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. SENSENBRENNER. Madam Speaker, through the following statement, I am making my financial net worth as of March 31, 2008, a matter of public record. I have filed similar statements for each of the 29 preceding years I have served in the Congress.

ASSETS—REAL PROPERTY

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $1,502,816). Ratio of assessed to market value: 100% (Unencumbered)—$1,502,816.00.

Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)—$153,700.00.

Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $1,760,300.00—$1,000,170.04

Total Real Property—$2,656,686.40.

2008 DISCLOSURE

Common & preferred stock	# of shares	$ per share	Value
Abbott Laboratories, Inc.	12200	55.15	672,830.00
Alcatel-Lucent	135	5.76	777.60
Allstate Corporation	370	48.06	17,782.20
AT&T	5335.8322	38.30	204,362.37
JP Morgan Chase	4539	42.95	194,950.05
Benton County Mining Company	333	0.00	0.00
BP PLC	3604	60.65	218,582.60
Centerpoint Energy	300	14.27	4,281.00
Chenequa Country Club Realty Co.	1	0.00	0.00
Comcast	634	19.34	12,261.56
Darden Restaurants, Inc.	1440	32.55	46,872.00
Delphi Automotive	212	0.09	19.08
Discover Financial Services	156	16.37	2,553.72
Dunn & Bradstreet, Inc.	2500	81.38	203,450.00
E.I. DuPont de Nemours Corp.	1200	46.76	56,112.00
Eastman Chemical Co.	270	62.45	16,861.50
Eastman Kodak	1080	17.67	19,083.60
El Paso Energy	150	16.64	2,496.00
Exxon Mobil Corp.	9728	84.58	822,794.24
Fairpoint Communications, Inc.	26	9.02	234.52
Gartner Group	651	19.34	12,590.34
General Electric Co.	15600	37.01	577,356.00
General Mills, Inc.	2280	59.88	136,526.40
General Motors Corp.	304	19.05	5,791.20
Hospira	1220	42.77	52,179.40
Idearc	67	3.64	243.88
Imation Corp.	99	22.74	2,251.26
IMS Health	5000	21.01	105,050.00
Kellogg Corp.	3200	52.56	168,192.00
Kimberly-Clark Corp.	1740	64.55	112,317.00
Merck & Co., Inc.	34078	37.95	1,293,260.10
3M Company	2000	79.15	158,300.00
Medco Health	8218	43.79	359,866.22
Monsanto Corporation	2852.315	111.50	318,033.12
Moody's	2500	34.83	87,075.00
Morgan Stanley/Dean Whitter	312	45.70	14,258.40
NCR Corp.	68	22.83	1,552.44
Newell Rubbermaid	1676	22.87	38,330.12
JP Morgan Liquid Assets Money Mkt	718.76	1.00	718.76
Pactiv Corp.	200	26.21	5,242.00
PG&E Corp.	175	36.82	6,443.50
Pfizer	22211	20.93	464,876.23
Qwest	571	4.53	2,586.63
Reliant Energy	300	23.65	7,095.00
RH Donnelly Corp.	500	30.31	15,155.00
Sandusky Voting Trust	26	1.00	26.00
Solutia	82	14.00	1,148.00
Tenneco Automotive	182	27.94	5,085.08
Teradata	68	22.06	1,500.08
Unisys, Inc.	167	4.43	739.81
US Bank Corp.	3081	32.36	99,701.16
Verizon	1430.6338	36.45	52,146.60
Vodaphone	323	29.51	9,531.73
Weenergies (Wisconsin Energy)	1022	43.99	44,957.78
Total common & preferred stocks and bonds			$6,656,430.29

Life insurance policies	Face $	Surrender $
Northwestern Mutual #4378000	12,000.00	80,901.36
Northwestern Mutual #4574061	30,000.00	194,541.15
Massachusetts Mutual #4116575	10,000.00	12,130.16
Massachusetts Mutual #4228344	100,000.00	304,668.59
American General Life Ins. #5–1607059L	175,000.00	41,647.56
Total life insurance policies		$633,888.82

Bank & savings & loan accounts	Balance
JP Morgan Chase Bank, checking account	13,850.37
JP Morgan Chase Bank, savings account	14,274.18
M&i Lake Country Bank, Hartland, WI, checking account	9,958.76
M&I Lake Country Bank, Hartland, WI, savings	370.60
Burke & Herbert Bank, Alexandria, VA, checking account	1,570.17
JP Morgan, IRA accounts	128,939.66
Total bank & savings & loan accounts	$168,963.74

Miscellaneous	Value
1994 Cadillac Deville—retail value	$3,350.00

Miscellaneous	Value
1989 Cadillac Fleetwood—retail value	$2,200.00
1996 Buick Regal—retail value	$3,000.00
1991 Buick Century automobile—retail value	$1,600.00
Office furniture & equipment (estimated)	$1,000.00
Furniture, clothing & personal property (estimated)	$180,000.00
Stamp collection (estimated)	$110,000.00
Interest in Wisconsin retirement fund	$410,371.69
Deposits in Congressional Retirement Fund	$182,301.98
Deposits in Federal Thrift Savings Plan	$303,826.87
Traveller's checks	$7,800.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	$6,500.00
20 ft. Pontoon boat & 40 hp Mercury outboard motor	$12,500.00
Total miscellaneous	$1,224,450.54
TOTAL ASSETS	$11,340,419.79

LIABILITIES—None.

Net worth—$11,340,419.79.

2008 DISCLOSURE

STATEMENT OF 2007 TAXES PAID

Federal income tax—$124,247.00

Wisconsin income tax—$37,582.00

Menomonee Falls, WI property tax—$2,415.42

Chenequa, WI property tax—$24,575.49

Alexandria, VA property tax—$12,649.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of five trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

TRIBUTE ON THE PASSING OF SCOTT S. STUART

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. PAUL. Madam Speaker, I rise to pay tribute to a man who recently died at a tragically young age. I am appending his official obituary to this extension of remarks. In addition to those things listed in his obituary, I would like to point out that Scott was very involved in community and political events. This, for him, was essential to share his concern for his country. Scott held a deep and abiding belief in the rights, freedom and dignity of human beings.

May he Rest In Peace.

Stuart, Scott S. Stuart of Baltimore, Maryland, and Canton, Connecticut, passed away peacefully in his sleep on Wednesday, May 7th. He was 43 years old. Scott was the Director of Alumni Relations at Loyola College since June of 2007. Prior to this position, he was the director of alumni relations for his alma mater Niagara University. Scott also had over 15 years of corporate experience as an executive in the banking industry and as a fund-raising director in the nonprofit sector. He held the position of vice president, director of marketing, for OBA Bank in Washington, DC. In this post, he formulated corporate growth strategies and directed and identified marketing programs and opportunities, helping to "re-brand" America's oldest thrift institution. Earlier, he spent several years working for the Boy Scouts of America in Boston, Mass., and Washington, DC., as district executive, district director, development director, and director of major gifts.

After graduating from Niagara University in 1986 with a bachelor's degree in commerce/marketing, Scott worked his way up the corporate ladder at M&T Bank to assistant vice president. Scott enjoyed traveling, backpacking, skiing and winter camping. But first and foremost, he loved his family. He was a devoted son and brother and was happiest when he was around them. He had an infectious spirit and love of life and faith. Scott is survived by his mother, Anne Stuart of Canton, Conn., and three younger siblings, Brian and his wife Yvonne of Boston, Mass., Sean Stuart of Broad Brook, Conn., and Tracy Stuart of New Canaan, Conn. To continue to keep his memory alive, the family asks that you pass on a good deed to someone in need.

TRIBUTE TO COLONEL TOM SCHIESS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. WALDEN of Oregon. Madam Speaker, on the occasion of the change of command this weekend at the 173rd Figher Wing at Kingsley Field in Klamath Falls, Oregon, I rise to share with you and our colleagues my pride in an outstanding officer and a great American: Colonel Tom Schiess, United States Air Force, Commander of the 173rd Fighter Wing at Kingsley Field. I will have the honor of attending the change of command ceremony in Klamath Falls this weekend, and before Colonel Schiess relinquishes his command I want to express our nation's gratitude for his service. My comments today echo the admiration of residents of the Klamath Basin community and the respect and affection of the men and women who serve in his command. Colonel Schiess is the type of leader who makes a difference in any endeavor he pursues, and he has made a tremendously positive impact at Kingsley Field.

Colonel Schiess, who is approaching 5,000 flight hours, spent eight and a half years in the United States Air Force before joining the Oregon Air National Guard in 1991. His active duty assignments include: Tyndall AFB as a T–33 Instructor Pilot; McDill AFB as an F–16 Student Pilot; Hill AFB, UT; and AL Minhad AB, United Arab Emirates as an F–16 Pilot. He flew 34 combat missions in Operation Desert Storm while deployed in support of the war effort. While stationed at Kingsley Field, he has been Chief of Wing Standardization and Evaluation, 114th Fighter Squadron Operations Officer, 114th Fighter Squadron Commander, 173rd Operations Group Commander, and 173rd Maintenance Group Commander. Colonel Schiess excelled in each of these roles.

Madam Speaker, in the course of his unselfish service to his country and the State of Oregon, Colonel Schiess has earned many awards, including the Meritorious Service Medal, Aerial Achievement Medal, Air Medal, Air Force Commendation Medal, Air Force Achievement Medal, Combat Readiness Medal, Air Force Longevity Award, National Defense Service Medal, Air Force Outstanding Unit Award, Global War on Terrorism Medal, Kuwait Liberation Medal, Southwest Asia Campaign Medal, and Oregon Faithful Service Medal with "M" device.

Colonel Tom Schiess has clearly distinguished himself with awards and recognitions, Madam Speaker, but he is most proud of the collective accomplishments of the 173rd Fighter Wing, which he has led so ably. With the motto of "Land of No Slack," Colonel Schiess leads a world class training facility of more than 1,000 Oregon Air National Guard personnel and state and contract employees at Kingsley Field.

As Wing Commander, Colonel Schiess is essentially the Chief Executive Officer and top leader of a very large and highly successful organization. Colonel Schiess is responsible for the production of F–15 sorties to generate student-flying training to graduate the best air-to-air F–15 pilots in the world. The 173rd Fighter Wing serves as one of only two professional F–15 schoolhouses in the United States for Air Force and Air National Guard fighter pilots.

The 173rd Fighter Wing accomplishes its primary mission, F–15 flight training, on the leading edge of innovative training technology and techniques, setting the standard for military training centers worldwide. The Wing flawlessly provides over 4,700 hours and over 3,500 sorties for the training mission as well as training opportunities for the Combat Air Force. The Wing has received a Lockheed Martin award for its generation of 20,000 accident-free F–15 sorties since it converted to the F–15 in 1998.

The Wing, under the command of Colonel Schiess, has not only distinguished itself as a world class training facility, but has also proven itself to be a significant international ambassador, deploying to Plovdiv, Bulgaria to participate in Sentry Lion, an air-to-air exercise with the Bulgarian Air Force. Subsequently, the 173rd Operations Group hosted six Bulgarian officers for a week as part of a familiarization program in the United States.

The Wing consistently earns outstanding ratings in accomplishing its mission. The high morale and job satisfaction of Colonel Schiess' team are reflected in extremely high retention rates, reenlistment rates, and manning and training rates in the unit career advisory program.

Colonel Schiess and his team have endeared themselves to the community, rendering over 45,000 volunteer hours annually. Each year they welcome the community onto the base with their Sentry Eagle Exercise open house or hosting an outstanding air show. The men and woman at Kingsley Field are not visitors to the Klamath community; they are active and deeply involved neighbors who do a great deal to make the Klamath Basin the very special place that it is.

Madam Speaker, I know that my praise of Colonel Tom Schiess and his exceptional team not only represents the gratitude of the local community, but of a nation well served and protected by highly trained and highly motivated individuals. The time that Colonel Schiess has dedicated in commanding the

173rd Fighter Wing will long be remembered as a period of unmatched accomplishment and stellar service at Kingsley Field. Tom has achieved his goal of seeing that the men and women of the 173rd Fighter Wing are citizen airmen who are second to none, and are constantly ready, reliable, and relevant in answering America's needs through brave, confident, and unselfish service.

My colleagues, please join me in thanking Colonel Tom Schiess for his dedication, his commitment, and his tremendous success in a very big and important job.

INTRODUCTION OF THE HELP AMERICA VOTE ACT AMENDMENTS BILL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Ms. NORTON. Madam Speaker, as another presidential election fast approaches, I am pleased to introduce a bill to amend and improve the Help America Vote Act of 2002, HAVA, which was enacted after the chaos of the 2000 presidential election. The genesis of my bill is my own experience and observations from the 2004 elections here in the District of Columbia and campaigning in other parts of the country during the 2004 presidential elections.

The first provision is in response to the long lines that voters have been forced to endure throughout the country that may have deterred significant numbers of voters and would require States to permit counties or other subdivisions upon request to begin voting prior to the scheduled date of an election. During the 2004 election, some subdivisions had voting machines that were modern and plentiful, while other jurisdictions in the same State were burdened with scarce and out-of-date machines, resulting in long lines. In the pivotal state of Ohio, which determined the outcome of the close 2004 presidential election, the controversy was deepened by reports that lines were particularly long in counties where there were large minority populations compared with largely white counties. One reason for the difference is that in many States, voting machines are purchased by counties or other jurisdictions. Differences in income levels, tax bases and other issues often result in large disparities within the same State in the availability of machines. Small changes in the calendar day that voting begins can help eliminate these disparities and the lines that discourage the exercise of the right to vote, and without the often significant capital investment in new equipment.

The second provision of my bill adds a section to HAVA that responds to calls my office received regarding absentee ballots sent in that inadvertently did not include postage, or had insufficient postage. My bill would require officials to accept such absentee ballots. Postage mistakes may be made depending on the number of issues on the ballot and the resulting size and weight of the envelope containing the ballot. The cost to authorities, if any, is de minimis. The public interest in counting every ballot voters have cast outweighs the incidental, virtually immeasurable cost, if any. There should be no doubt that such ballots should be counted.

A third provision amends HAVA to eliminate the confusion that arises when voters go to the incorrect voting sites because they are first-time or infrequent voters or their usual voting site has been changed. To encourage participation, my bill would allow voters registered anywhere in the State to cast a provisional ballot and have it counted and verified. However, voters would be told the correct polling site to allow the option of going to the correct site and thereby avoiding any doubt that their ballots would be counted.

The 2000 presidential election was a calamity of such historic proportions that it cast doubt on the validity of the election of the President of the United States and led to the enactment of HAVA. The continuing problems in the 2004 elections were very serious, unacceptable, and controversial. Although that election was also razor thin close, its problems took longer to surface and there was no delay in the certification and settlement of the final result through the Supreme Court in Bush v. Gore in 2001. However, the 2004 elections were another close call that yielded bitter controversy. Beyond the recent election controversies, the voting franchise is precious enough for us to want and endeavor to protect its full expression. Congress must be willing to learn from our continuing experience to make improvements in protecting the right to vote as they are needed. My bill simply uses the experience from my own district and elsewhere to contribute to this effort.

CONCERN ABOUT TREATMENT OF U.S. CITIZEN IN BELARUSIAN DETENTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I would like to draw attention and concern to the case of Mr. Emanuel Zeltser, a U.S. citizen who was detained March 12th upon his arrival in Minsk, Belarus, charged with "use of forged documents." In the entire time that Mr. Zeltser has been detained, he has only been allowed visitation by the U.S. Embassy twice, on March 21st and April 25th. Upon the latter visit it was noted by the U.S. consul that Mr. Zeltser had been beaten several times and appeared in greatly weakened health. Mr. Zeltser suffers from Type 2 diabetes and a severe form of arthritis. Though his condition causes him severe pain and has further deteriorated during his incarceration, the authorities in the detention facility where he is held have reportedly denied him necessary medications. Without proper medications, Mr. Zeltser may not be able to survive the harsh conditions of his detention. Furthermore, according to his lawyer, Belarusian authorities have recently extended the period of Mr. Zeltser's term of detention.

It is incumbent upon the Belarusian government to provide Mr. Zeltser full consular access, proper medical care, and ensure that he is not subjected to further physical abuse and degrading treatment—consistent with its international legal obligations and basic human rights standards.

Time is of the essence in Mr. Zeltser's case, as further delays could lead to further deterioration of his health to the point of endangering his life.

Madam Speaker, I call upon the Belarusian authorities to ensure that Mr. Zeltser immediately receives the medication his doctor has prescribed, and is protected from further ill-treatment, given access to U.S. consular representatives and any medical attention he may need. On April 25, the State Department requested the Government of Belarus to release Emanuel Zeltser on humanitarian grounds. I urge the Belarusian Government to favorably consider that request.

CELEBRATING TAYLOR'S 40TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. DINGELL. Madam Speaker, I rise today to acknowledge, honor, and celebrate the City of Taylor on the occasion of its 40th Anniversary. Incorporated as a city on May 13, 1968, and named after our country's 12th president, Taylor's roots as a community date to the mid-19th Century. What began as a largely agricultural town grew into a prosperous and diverse city which features ample retail and industry for employment and safe neighborhoods for her citizens.

Taylor first began as a Township when residents succeeded in petitioning for their own government in 1847. Like many Michigan communities, Taylor began to thrive when Ford Motor Company opened the nearby Rouge Plant. The Rouge, as it was often simply called, provided over 100,000 jobs at one time during the 1930s. This mighty economic engine created a boom in the burgeoning town that would carry it through the Great Depression and World War II, during which it played an invaluable part of the American war effort.

As the auto industry continued to expand, Taylor grew as well. At the time of incorporation as a city in 1968, Taylor had a population of over 70,000 and was one of the largest cities in southeast Michigan. Residents like to say that "all roads lead to Taylor," a statement justified by the many major transportation arteries that flow through the city. Taylor has taken wonderful advantage of this fact by becoming not only a community that it is necessary to drive through, but also a community that is necessary to stop in and enjoy.

Taylor continues to thrive today as a result of active involvement and partnership from its corporate and individual citizens alike. Taylor is home to numerous industries and businesses, a large and impressive new SportsPlex, and many beautiful new municipal buildings and community centers. Of particular pride to the city and the region, Taylor is the annual host of the Junior Little League World Series—a week-long tournament that features teams from across the globe.

Madam Speaker, I ask that all of my colleagues join me in honoring the City of Taylor on its 40th Anniversary. The City of Taylor is home to vibrant and stable neighborhoods, significant industrial production, world-class youth sports, and numerous commercial business opportunities.

In celebrating Taylor's 40th Anniversary, we are honoring a city that truly represents the best of American history and progress.

HONORING MARIAN LOFTIN AND THE CHILDREN'S TRUST FUND OF ALABAMA FOR 25 YEARS OF SERVICE TO THE CHILDREN OF ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. BONNER. Madam Speaker, today I rise to pay tribute to Marian Loftin and the Children's Trust Fund of Alabama for 25 years of dedicated service to protecting the children of Alabama.

Created in 1983 by the Alabama legislature, the Children's Trust Fund was created to reduce the incidence of child abuse and neglect. The Children's Trust Fund was unique in the fact that it specifically focuses on solving the problem of child abuse before it occurs.

This state agency, which has its own board, funding and staff dedicated solely to preventing child abuse, is the state of Alabama's only agency designated to preventing child neglect and maltreatment.

Through education initiatives and community involvement, the Children's Trust Fund has worked to increase awareness, prevent the abuse and neglect of children, find new and effective solutions for preventing child abuse before it occurs, and strengthen Alabama families to prevent such tragedies in the future.

Madam Speaker, I ask my colleagues to join with me in congratulating both Marian Loftin and all of those at the Children's Trust Fund on 25 years of service to the children of Alabama and their families. For all their accomplishments, I extend my heartfelt thanks for their continued service to the children of Alabama, the First Congressional District, and the state of Alabama.

HONORING DR. CARROLL L. ESTES PHD OF HEALDSBURG, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleagues Congresswoman JACKIE SPEIER, Congresswoman LYNN WOOLSEY, and you as Speaker of the House of Representatives, to honor the contributions of Carroll L. Estes, PhD. Dr. Estes is one of our country's most highly acclaimed leaders in the field of aging, who has combined distinguished scholarship with a sustained commitment to public sociology.

Dr. Estes was raised in Texas by her mother, Carroll Cox Estes, an artist and writer, and her father, the late U.S. District Judge Joe E. Estes. She received her AB in Sociology from Stanford University, her MA in Sociology from Southern Methodist University, and her PhD from the University of California, San Diego. Her first book, The Decision Makers: The Power Structure of Dallas, published in 1963, gained notoriety on both local and national levels at the time of President Kennedy's assassination.

Over her 40 year career, Dr. Estes has been passionately devoted to improving the health and economic security of vulnerable and underserved populations, with special concern for women, older persons, and ethnic and racial minorities. Through research, teaching, and public service, she has steadfastly worked to advance the public good and the interests of America's most powerless and disenfranchised populations. She is an internationally recognized policy advisor in the field of social insurance, Social Security, Medicare, and long term care.

Dr. Estes has authored and co-authored eight books and more than 150 scientific articles and coedited 15 books. Her research, including her groundbreaking book, The Aging Enterprise (1979), has contributed to understanding of the impact of social policy on the elderly. Her latest book, Social Insurance, Social Justice and Social Change will be published in 2009.

Dr. Estes's current scholarship is focused on the social movements surrounding the privatization of social insurance programs for the elderly. She is also working on the missing feminist revolution in old age policy and studies of the long term care ombudsman program and access to elder mental health services.

In 1979, Dr. Estes cofounded the Aging Health Policy Center, and in 1985 it was approved by the University of California Board of Regents as the Institute for Health & Aging (IHA). Dr. Estes was appointed its first director and served for nearly two decades. She was also chairperson of the Department of Social & Behavioral Sciences in the School of Nursing from 1981 through 1992.

Dr. Estes's service extends far beyond academia. She was a consultant to U.S. Commissioners of Social Security and the U.S. Senate and House Committees on Aging and was a member of Federal commissions, committees of the Institute of Medicine and the National Academy of Sciences, and private foundation boards. She is past president of the Gerontological Society of America (GSA), the American Society on Aging (ASA), and the Association for Gerontology in Higher Education (AGHE), and past national vice-president of the Older Women's League. Dr. Estes is a long-time member of many advocacy organizations induding: the Gray Panthers, Responsible Wealth, the Older Women's League (of which she was national vice president). She worked directly with both Tish Sommers and Maggie Kuhn, who continue to inspire her activism.

In 2006 Dr. Estes received the Lifetime Achievement Award from the National Committee to Preserve Social Security and Medicare, where she is currently vice chair. She is also a current member of the Sonoma County Council on Aging.

Most important among Dr. Estes's many contributions is that of mother and grandmother to her daughter Duskie Estes, her son-in-law John Stewart, and her precious granddaughters Brydie and Mackenzie.

Madam Speaker, it is appropriate that Dr. Carroll L. Estes, PhD, is being honored at a University of California, San Francisco, symposium celebrating her 40 years of policy research and leadership in health and aging. We are grateful for her many contributions as a distinguished scholar, inspiring teacher, influential policy advisor, institution builder and advocate for the most vulnerable in our Nation.

A TRIBUTE TO JOSEPH SELLERS, JR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Joseph Sellers, Jr., President and Business Manager of Sheet Metal Workers Local 19 Union. Throughout his career, Mr. Sellers has exemplified exceptional labor leadership for the Sheet Metal Workers, the city of Philadelphia, and beyond.

Mr. Sellers began his career as a sheet metal worker apprentice in 1980, and became a journeyman four years later. In the years since, Mr. Sellers has been honored with a number of leadership positions within the Sheet Metal Workers Local Union 19. He was first appointed Training Coordinator in 1996, and was then elected to the position of Business Representative four and a half years later. Just two years after that, he was unanimously appointed by the Local 19 Executive Board to his current position as President and Business Manager. He was overwhelmingly elected to the same position in 2003 and 2006, and is currently serving a three-year term.

During his current tenure, he also holds a number of prominent leadership positions, including President of the Pennsylvania and New Jersey State Councils of Sheet Metal Workers, Vice-President of the Philadelphia AFL–CIO, President of the Mechanical Trades District Council of Delaware Valley, President for the Metropolitan Association of Presidents and Business Representatives, and many other prestigious positions. Mr. Sellers has also been active on behalf of a number of charities throughout his career, and is a long time supporter of the Unico Salute to Labor.

Mr. Sellers's unwavering dedication to organized labor is commendable, as are his enthusiasm and proficiency in leadership. He truly embodies the Unico motto, "Service Above Self."

RECOGNIZING COOPER BARNES, TUCKER BARNES, CONNOR MAGID, AND STEVEN PARKER OF VENETA, OREGON

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. DEFAZIO. Madam Speaker, I rise today to recognize Cooper Barnes, Tucker Barnes, Connor Magid, and Steven Parker of Veneta, Oregon. These Veneta Elementary School students are 2008 National ExploraVision winners. The team earned first place in the grade 4–6 division for designing an underwater energy generator to harness the power of ocean waves.

The team accepted the challenge of this extracurricular activity with enthusiasm, determined to create a technology for clean energy generation that was simple and cost-effective. They were supported and encouraged by their teacher and project coach, Michelle Beller, and Mentor Scottie Barnes. Their working prototype, the Wavemaster, successfully fused science, technology, and imagination, and it worked!

ExploraVision, now in its sixteenth year, is sponsored by the National Science Teachers Association and Toshiba. The competition highlights the natural curiosity and creativity of kids. The student projects showcase their innate desire to explore, experiment, invent, and ask really good questions.

Congratulations to Steven, Connor, Tucker, and Cooper for their outstanding achievement. I am proud to represent these young Oregon scientists and excited about the potential of the Wavemaster.

HONORING THE WORK OF WELCOME HOME TROOPS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. ISSA. Madam Speaker, today I rise in support of the efforts of the Welcome Home Troops, a Southern California based organization dedicated to "Returning the Hearts of Our Soldiers to our Homeland."

Welcome Home Troops is a non-profit organization based in Lake Elsinore, California. Its efforts extend beyond California to Texas, Kentucky, and future expansion to additional states. Dedicated to the reintegration of The Global War on Terrorism veterans back into the community, Welcome Home Troops provides support services to help servicemembers transition comfortably from combat to home, restore personal relationships, and encourage a productive and positive life after military service.

Welcome Troops sponsors job fairs, college fairs, financial aid counseling, relationship counseling, drug abuse counseling, Vets to Vets mentoring, and Post Traumatic Stress Disorder (PTSD) counseling. According to the National Center for PTSD, at least 18% of those serving in Iraq and at least 11% of those serving in Afghanistan will suffer from PTSD. Welcome Home Troops aspires to provide services that will lessen the effects of war time stresses.

In honor of Memorial Day, Welcome Home Troops will involve the community with a Military Appreciation night in Lake Elsinore, California on May 24, 2008. This full afternoon and evening will be filled with assistance outreach opportunities and family fun activities to be capped with an evening game of baseball.

Madam Speaker, I ask you to please join me in congratulating Welcome Home Troops for their dedication this Memorial Day and beyond to our returning servicemembers and their families.

HONORING THE RETIREMENT OF CEDAR HILL CITY SECRETARY FRANKIE LEE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. MARCHANT. Madam Speaker, I rise today to honor Frankie Lee on the occasion of her retirement as City Secretary for the City of Cedar Hill.

Frankie Lee began her service to the City of Cedar Hill on September 20, 1977, when she joined the City as the Purchasing Agent/Secretary. She is currently the longest serving employee of the City of Cedar Hill, holding a 30 Year Service Certificate.

Frankie was Appointed City Secretary on April 1, 1984, upon the retirement of then-City Secretary Marie Vincent.

During her tenure with the City of Cedar Hill, Frankie has been associated with seven Mayors, four City Managers and numerous Council Members. She has been a first-hand witness to the growth and progressiveness of Cedar Hill, growing from a population of approximately 6,800 in 1980 to 46,000 in 2008.

In her early years as City Secretary, Frankie was in charge of Human Resources, insurance, payroll and zoning. Her current role as City Secretary includes Official Meeting Notices, Minutes, City Public Information Coordinator, Records Management Officer and numerous other duties. For several years she was one of Cedar Hill's Alternate Members of the North Central Texas Housing Finance Corporation.

She has also been responsible for the City's general and special elections and has worked closely with the Dallas County Elections Department to insure the proper management of ballots, early voting, Election Day Voting, and results. It is estimated that in her over 24 years as City Secretary, Frankie has overseen approximately 50 elections.

Frankie has been an active Member of the Texas Municipal Clerks Association, North Texas Municipal Clerks Association, and International Institute of Municipal Clerks. Through the years she has attended many Training and Certification Courses and Professional Seminars presented by these organizations, as well as the Texas Attorney General and Secretary of State.

In 2005, she was a Texas Municipal Clerks' Honor Roll "Honoree".

Frankie attended the University of Texas at Arlington and is a Graduate of the Leadership Southwest Class of 1996–97.

She is an active Member of the Cedar Hill Lions Club, serving on the Board of Directors, and has Chaired the Annual Pancake Breakfast for the past three years. Lion Tamer-Elect for 2008–09, she was recently Honored at the Lions District Convention as the Cedar Hill Lions Club "Grass Roots Lion" for 2007–08.

A Member of First United Methodist Church of Cedar Hill, Frankie has two grown daughters and one grandson.

Madam Speaker, in closing, I would like to commend and congratulate Frankie Lee on all of her accomplishments. Her numerous years of service and dedication to the City of Cedar Hill is worthy of recognition. It is an honor to represent Frankie Lee in the 24th District of Texas and I wish her continued success in the years to come.

IN HONOR OF ARMED FORCES DAY

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to honor all branches of the military this Armed Forces Day. I speak for Kansas and for the United States when I say that the men and women who make our country safe have earned our respect and our appreciation.

Many are called upon to protect our towns, our businesses and our homes in times of crisis. When Mother Nature strikes, the National Guard absorbs the blow and ensures that life will go on as usual. Each of our military personnel has been tasked with the defense of our Nation. When terrorism, tyranny and injustice strike, the National Guard, the Army, the Navy, the Marines, the Air Force, and the Coast Guard absorb the blow so that we can remain free. Free to enjoy our values, to pursue our hopes and dreams.

These service men and women have been asked to travel to Iraq or Afghanistan, to be away from their spouses, their children, their jobs—that's a lot to ask of anyone. Yet they go and they fulfill their responsibilities to their State and our country. Today we recognize these brave men and women. Every day we recognize those who serve. I want to thank them for their vital role in making this Nation the land of the brave and the home of the free.

TRIBUTE TO BOB REGNIER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Bob Regnier, who recently was named Philanthropist of the Year by the Kansas City Council on Philanthropy. I was honored to attend a luncheon on May 9th at which he received this very well-deserved honor, which prompted me to consider Bob

Regnier's lifetime of service to Johnson County and the entire Kansas City metropolitan area. Bob is the living embodiment of the anonymous saying, "Those who can, do. Those who can do more, volunteer."

I have been privileged to know Bob Regnier for many years. He embodies the observation of leadership consultant Don Blohowiak: "A balanced life is the centered intersection of your values, time and action. That's where integrity resides." Starting in 1970 as a safe deposit clerk and teller at Baltimore Bank in Johnson County, he rose within the Boatmen's Bank organization and, in 1989, he left that organization following a merger and founded the Bank of Blue Valley, meeting with his first customers in a doublewide mobile home. The Bank of Blue Valley developed from its initial asset base of $2,150,000 to an organization with total assets in excess of $700 million total loans in excess of $550 million and total deposits in excess of $550 million.

Just as importantly, however, Bob Regnier has been a tireless volunteer and source of strength for the Kansas City metropolitan area. As he said in a 2006 column in the Kansas City Business Journal, "There is no question that Kansas City is a good place to live and raise a family. The question for all of us is, will this be a 'great' place to live? The choice is up to each one of us." Phrased differently by Dr. Seuss, the keystone of Bob Regnier's service to our community is based upon this idea: "Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."

Madam Speaker, a cursory review of the many, many ways Bob Regnier has served our Kansas City community as a dedicated volunteer simply would not do him justice. Below I've listed his past civic commitments and current civic activities, as well as the numerous other public recognitions he has earned over the years for his good works. I thank you and the U.S. House of Representatives for joining me in taking note of this distinguished history.

CIVIC—PAST COMMITMENTS

Heart of American United Way, 1977–1988, Member of Campaign Cabinet in 1987–1988; UMKC Banking Advisory Panel, 1986–2000; UMKC Bloch School Alumni Board, 1990–1996; Blue Valley Educational Foundation, 1993–1997, Treasurer, 1994–1995; Health Partnership of Johnson County, 1994–1995, Treasurer, 1994–1995; Blue Valley School District Board, Member 1995–2003, President 1998–2000; Blue Valley School District Bond Campaigns, Campaign Co-Chairman 1998, 2005; Johnson County Sales Tax for Benefit of Public Schools Campaign, Campaign Co-Chairman 2002, 2005; Menorah Medical Center Foundation, 1998–2003; Enterprise Center of Johnson County Board, 1998–2006, Vice Chairman, 2002–2003, Chairman 2003–2005.

Overland Park Chamber Research & Development Foundation, 2000–2004; Health Midwest Johnson County Board, 2001–2003; United Community Services "Navigating the Future" Task Force, 2002–2003; Salvation Army Christmas Campaign Chairperson, 2003; Honorary Co-chairman Ronald McDonald Hope Is Building Campaign, 2003–2006; Honorary Vice Chairman Avila College Capital Campaign, 2003–2006; Menorah Medical Center Board of Trustees, 2003–2007, Vice Chairman, 2005–2007; Menorah Legacy Foundation Board, 2003–2006; Co-Chairman of Development Committee, 2004–2006; Truman Medical Center Foundation, Co-Chairman, Capital Campaign for Behavioral Health Network, 2005–2007; Honorary Dinner Co-chair 30th Annual Jewish Community Relations Bureau/American Jewish Committee Human Relations Dinner, 2006; Arts Council of Johnson County, Shooting Stars Gala, Honorary Chairperson, 2007.

CIVIC—PRESENT COMMITMENTS

Johnson County Community College Foundation Board, 1996–Present, Some Enchanted Evening Scholarship Dinner, 1996–2001, Executive Committee, 1999–Present, Some Enchanted Evening Chair Couple–2000, Chairman Technology Center "Blue Ribbon Task Force"–2002, Chairman Business & Technology Center Capital Campaign, 2003–Present, Vice Chairman 2005–Present, Chairman 2007–Present; Kansas University Edward's Campus Board of Advisors, 2000–Present; Greater Kansas City Chamber Johnson County Leadership Council, 2001–Present, Chairman, 2004–2007; Community Foundation of Johnson County Board, 2002–Present, Vice Chairman, 2005–2006; Union Station Kansas City Board, 2003–Present, Vice Chairman, 2005–Present; REACH Foundation, 2003–Present, Secretary 2003–2006, Chairman 2006–Present; Greater Kansas City Chamber Board of Directors, 2003–Present, Co-Chairman of Annual Meeting, 2004, Vice Chairman & Treasurer, 2004–2005, 2nd Vice Chairman, 2005–2006 1st Vice Chairman, 2006–2007; Chairman 2007–Present.

Civic Council of Kansas City, 2003–Present, Regional Infrastructure Task Force, 2003–Present, P–12 Education Task Force, 2004–Present, Board of Directors, 2004–Present, Vice Chairman, 2007–Present; Arts Council of Greater Kansas City, 2004–Present, Vice Chairman, 2005–Present; Greater Kansas City Community Foundation Board, 2005–Present; Midwest Research Institute, Board of Trustees, 2005–Present; University of Kansas Medical Center & Hospital Advancement Board, 2006–Present; United Way of Greater Kansas City, Board of Directors, 2007–Present, Nelson Atkins Museum of Art, Board of Trustees, 2007–Present; University of Kansas Hospital Authority, Board of Directors, 2007–Present.

PROFESSIONAL & CIVIC RECOGNITION

UMKC Block School Alumni Achievement Award, 1996; Ernst & Young Financial Entrepreneur of the Year, 1998; Overland Park Chamber of Commerce "OP Award"–2002, 2004, 2005; Wayside Waifs "Fur Ball" Honoree, 2003; Johnson County Community College "Johnson Countian of the Year," 2004; Johnson County Housing Coalition Sunflower Award for Community Service, 2004; Salvation Army "Others Award," 2005; Jewish Family and Children's Services Alfred Benjamin Award, 2005.

Safehome "Jubilee Gala" Honoree, 2005; Health Partnership of Johnson County "Evening of Stars" Honoree, 2006; Johnson County Community College "Open Petal Award," 2006; Midwest Christian Counseling Center "Ethics in Business" Award Finalist, 2006; Baker University "Distinguished Leadership in Business" Award, 2006; NAACP, Olathe Branch Martin Luther King Legacy Award, 2007; Shawnee Mission Educational Foundation Patron Award Recipient, 2007; Volunteer Center of Johnson County "Volunteer of the Year," 2007.

PAYING TRIBUTE TO MRS. MARY BAILEY WHITTINGTON "WHITT" DAVENPORT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. HINCHEY. Madam Speaker, I rise today to honor posthumously Mrs. Mary Bailey Whittington "Whitt" Davenport for her invaluable contributions in the areas of education, the arts and historic preservation in Ulster County, New York. For more than 70 years, Whitt Davenport was the epitome of generosity and benevolence. Her pioneering spirit is directly responsible for the creation of a consolidated school system in the Rondout Valley and the construction of Marbletown Elementary School. One of her most notable efforts was advocating for the establishment of Ulster County Community College, where her husband went on to serve as its first president.

Whitt Davenport was born in Greenwood, Mississippi on June 3, 1911 to William and Anna Whittington. Her father, a lawyer and cotton planter, also had the distinct honor of being a member of the U.S. House of Representatives for 28 years. Whitt met Kenneth Davenport during her tenure as a student at Vassar College in Poughkeepsie. They married shortly after her graduation in September 1933.

Once the Davenports took up residence in their historic home in Stone Ridge, Mrs. Davenport quickly become an active member of her newly adopted community. As a native Southerner, she retained her distinctive accent and brought a sense of Southern charm to all of her endeavors. Over the years, she opened her home for the many parties needed to support her philanthropic efforts and was often honored for her volunteerism.

Whitt Davenport was well known for her interest in books and volunteered at the Stone Ridge Library, going on to serve as both a librarian and president of the library board. Her commitment to the arts remains unparalleled, and she has even been called "Queen of the Arts." She served on the Board of the Ulster Performing Arts Center, Music in the Mountains, and the Hudson Valley Philharmonic. After the death of her husband in 1982, she, along with her family, established the Kenneth Davenport National Competition for Orchestral Works.

Her drive and determination helped save the landmark Luke Kiersted House in Kingston's Stockade District from the threat of Urban Renewal demolition and she planned the restoration of the gardens at the Senate House Historic site. Mrs. Davenport gave her time to many other organizations, lending them her sense of purpose, strength, and wisdom.

Madam Speaker, I had the pleasure of knowing Whitt Davenport over the course of many years. Her work on behalf of her community was inspiring and commendable. In fact, Whitt Davenport was a force to be reckoned with. It is with sorrow that we mark her passing and with pride and gratitude that we remember her grand accomplishments.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. EMANUEL. Madam Speaker, I was absent from the Chamber for rollcall vote 320 on May 14, 2008. Had I been present, I would have voted "aye."

IN RECOGNITION OF BARBARA GOODWIN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. COSTA. Madam Speaker, I rise today along with my colleague from California, Congressman DENNIS CARDOZA to pay tribute to the distinguished public service of Barbara Goodwin. After working nearly 40 years with the County of Fresno, she has decided to retire this year.

During her tenure, Barbara worked tirelessly to improve Central California's transportation system. At retirement, she held the position of Executive Director of the Fresno County Council of Governments. We have had the pleasure of working with Barbara frequently and her dedication to the community is to be commended.

Due to her vast knowledge and attention to detail, Barbara was frequently called upon by State agencies to represent the Valley on transpiration issues at forums and meetings. Over her distinguished career, Barbara has served on multiple statewide committees such as the University of California's advisory panel on transportation planning curriculum, and the task force on State transportation improvement program reform. In 2007 she was appointed by Governor Arnold Schwarzenegger to the California Partnership for the San Joaquin Valley.

Throughout her career with Fresno County, Barbara Goodwin has proven to be a highly effective leader who was always committed to excellent in public service. As she gets ready to spend much more time enjoying other relaxing activities, my colleague and I wish her continued success and best of luck for the future.

HONORING TIAA-CREF'S 90TH ANNIVERSARY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. KING of New York. Madam Speaker, I rise today in honor of TIAA-CREF's 90th anniversary and to recognize the important contributions that this company has made to New York and across the country.

TIAA-CREF is a company with a rich and distinguished history. As a trustee of Cornell University in my home State of New York, philanthropist and businessman Andrew Carnegie was appalled by how many college professors could not afford to retire. He then established the Carnegie Foundation to support pension plans for professors. Soon, he realized the Foundation's endowment was too limited for the increasing number of qualified professors and, in 1918, established the Teachers Insurance Annuity Association with an initial million-dollar subsidy from the Carnegie Corporation of New York. At the time, TIAA was the only large, portable, fully-funded private pension system in the country.

In 1952, TIAA created CREF, the College Retirement Equities Fund, the world's first equity variable annuity and today the largest equity mutual fund. That year, an editor of Fortune magazine wrote, "This is the biggest development in the insurance-investment business since the passage of the Social Security Act."

Now, TIAA-CREF is a Fortune 100 company serving 3.4 million active and retired employees of more than 15,000 institutions. TIAA-CREF is also one of the largest employers in the United States, employing almost 1,200 individuals in New York and over 7,000 Americans nationwide.

Headquartered in New York City, TIAA-CREF provides financial services for over 10,400 participants with assets totaling over $1.3 billion in my home district and administers plans for 1,784 nonprofit educational, research, and health care institutions across New York State.

The important work that this company does in helping Americans plan for retirement and to save for a quality education is unparalleled. I am proud to be honoring them today and wish TIAA-CREF continued success.

HONORING THE 18TH ANNUAL DC BLACK PRIDE CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Ms. NORTON. Madam Speaker, Memorial Day Week, May 21-26, is the 18th Annual DC Black Pride celebration in Washington, DC.

DC Black Pride is an exciting six-day event complete with dynamic workshops, receptions, cultural arts activities, small and large nightclub events, that culminates in the world's oldest, most inclusive Black Pride Festival. Many consider DC's festival one of the world's preeminent Black Pride celebrations. The Festival consistently draws more than 30,000 people to the Nation's Capital. Attendees come from every major urban area in the United States as well as Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands. The Black Pride Festival features activities for the entire family, including performances by national recording artists, 200 exhibition booths, book signings from noted writers, participation from national and local health organizations, and arts and crafts.

Black Lesbian and Gay Pride Day, Inc. (BLGPD), the celebration's organizing body, chose the theme "Official 18: Empowered and Poppin'" to encourage the Black lesbian, gay, bisexual, and transgender (LGBT) communities to vote, to combat homophobia, to promote health and wellness, to strengthen their communities, and to inspire Black LGBT people everywhere to live their lives with pride.

Black Lesbian and Gay Pride Day, Inc., a non-profit organization with a volunteer Board of Directors, coordinates this annual event. BLGPD's 2008 Board of Directors consists of: Courtney R. Snowden, President; Ray T. Daniels, Jr., Vice President; Christopher Lane, Corresponding Secretary; Khalid Parker, Recording Secretary; Meagan Marcano, Treasurer; and the following Members at Large: Lisa Washington, Sterling A. Washington, and Shanika Whitehurst; and these Members Emeritus: Earl Fowlkes, James W. Hawkins, Eric E. Richardson, Clarence J. Fluker, and Cheryl Dunn, who lead BLGPD in its mission to build knowledge of and to create greater pride in the Black LGBT community's diversity, while raising funds to ameliorate and prevent health problems in this community, especially HIV/AIDS.

I ask this House to join me in welcoming all attending the 18th Annual DC Black Pride celebration in Washington, DC, and I take this opportunity to remind the celebrants that United States citizens who reside in Washington, DC are taxed without full voting representation in Congress.

STATEMENT FOR INTRODUCTION NASA AUTHORIZATION ACT OF 2008

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the "NASA Authorization Act of 2008", a bill to reauthorize the programs of the National Aeronautics and Space Administration for fiscal year 2009. I am pleased that Science and Technology Committee Chairman BART GORDON, Ranking Minority Member RALPH HALL, and Space and Aeronautics Subcommittee Ranking Minority Member TOM FEENEY are joining me as original cosponsors. Their cosponsorship demonstrates the bipartisan nature of the support for NASA in this Congress, and I want to thank them for their efforts in helping to develop this legislation.

In addition to providing funding and programmatic direction for fiscal year 2009, this bill is also intended to provide congressional guidance for the next Administration relative to NASA. I believe that it is critically important for Congress to do so. Without a clear statement of congressional priorities and policies for the Nation's civil space and aeronautics enterprise, we run the risk of wasting both time and scarce resources during and after the transition from one Administration to the next. I want to avoid such an outcome if at all possible.

Madam Speaker, 2008 marks the 50th anniversary of the birth of the U.S. space program and the establishment of NASA. NASA has accomplished a great deal in both space and aeronautical R&D over those past five decades, and we can all take pride in what has been accomplished. However, we cannot become complacent. If we fail to invest adequately in NASA now, it is unlikely that we will see a comparable record of accomplishment over the next five decades—at a great opportunity cost to the Nation.

That is because NASA's programs are strongly relevant to addressing the Nation's needs. In short, a properly balanced and focused NASA portfolio can pay large dividends to our society as well as to our standing in the world, and maximizing the value of the NASA portfolio to the Nation is one of the main goals of the NASA Authorization Act of 2008.

Thus, the bill emphasizes a number of important areas—areas that demonstrate the role that NASA can and should play in improving the quality of life of our citizens, enhancing our economic vitality, demonstrating American leadership in the international arena through the pursuit of challenging scientific and technological goals, and helping to advance knowledge.

To that end, the NASA Authorization Act of 2008 establishes a role for NASA in leading a cooperative international effort on Earth observations research and applications, especially with respect to climate change—one of the major challenges facing our generation. It builds on the recommendations of the National Academies' Earth sciences and applications decadal survey to outline a robust and challenging agenda for NASA to pursue that will help us better understand the causes and impacts of climate change as well as other Earth system phenomena. It is an agenda that will also maximize the opportunities for transitioning those research results into applications that can benefit our society in a myriad of ways.

NASA's aeronautics research program is one of the most relevant activities that NASA undertakes as it impacts both public safety and our national economy, and the bill provides guidance to ensure that that aeronautics program will regain its former health and focus so that it can continue to contribute to the wellbeing of the nation. That guidance takes several forms. For example, the legislation provides enhanced funding for aeronautics, but it makes clear that the additional funding is to be used to take NASA's aeronautics research activities to a sufficiently mature state so that the results of that research can be transitioned to the commercial sector as well as to key public sector users. One of the most important examples of the latter is the interagency initiative to develop the next generation air transportation system for the nation, known as NextGen—a program that will improve both the safety and efficiency of our air travel system. The bill makes it clear that we need to do all we can to ensure that the aircraft of the future leave as small an impact on the environment as possible, whether it be noise, energy consumption, or harmful emissions—and that NASA has a critical role to play in that effort. And the bill requires an external review of NASA's aviation safety research to make sure that it is doing all that it can to protect the flying public.

Finally, the NASA Authorization Act of 2008 recognizes that America's human space flight activities are not, and should not, be an end in themselves. We need a results-oriented human space flight program that serves the nation's geopolitical goals in addition to advancing America's exploration of outer space. I believe that we provide the foundation for such a results-oriented approach in the bill I am introducing today. Thus, the bill includes provisions to ensure that the International Space Station—a unique orbiting R&D facility that represents a significant investment of resources by both American citizens and those of a host of other nations—will be utilized in as productive manner as possible.

In addition, the ISS is a compelling example of the value of undertaking a cooperative approach to space exploration that we would do well to emulate as we embark on exploration beyond low Earth orbit. To that end, the NASA Authorization Act of 2008 makes clear that any human exploration initiative to return to the Moon and venture to other destinations in the solar system should be undertaken as a cooperative international undertaking under U.S. leadership—and that such a cooperative approach will have the best chance of being successfully sustained if the President is personally involved in inviting our friends and allies to participate in such a venture.

It is clear that the 21st century will see the emergence and growth of ambitious human space flight programs carried out by a number of nations. It is not in our national interest to get drawn into rerunning a "space race" that we already won almost 40 years ago. Instead, we should be looking to leverage that emerging global interest to promote a peaceful, cooperative approach to space exploration under American leadership. Such an approach can provide a compelling "soft power" rationale for NASA's human exploration program and be an approach that will deliver clear benefits to America beyond just the demonstration of our technological prowess and national commitment to space exploration.

Madam Speaker, those are just three ways in which continued investment in and support for a properly focused NASA can deliver important benefits to the nation, especially if NASA works hand in hand with our colleges and universities and our commercial sector. However, I would be remiss if I didn't mention the important way in which NASA's basic and applied research activities help advance America's competitiveness and promote innovation as well as helping inspire and educate the nation's next generation of scientists, technologists, engineers, and mathematicians. That is why I and many of my colleagues consider NASA to be just as much a part of America's innovation agenda as the other agencies called out for support in the "America COMPETES Act" that was enacted into law last year. This bill recognizes that reality and puts NASA on the same doubling path as those agencies.

However, NASA will not be able to contribute effectively in the ways I have just outlined unless we not only invest adequately in NASA's programs but, equally importantly, direct those investments in ways that maximize their utility. Thus the bill contains a number of provisions focused on each of NASA's main mission areas to ensure that NASA can make the best use of its capabilities to advance the nation's space and aeronautics agenda.

Madam Speaker, I am a passionate believer in the value of America's space and aeronautics programs and the role that NASA can play in delivering significant benefits to the American people. I believe that the NASA Authorization Act of 2008 that I am introducing today will go a long way towards positioning the agency for a productive future when the next Administration takes office, and I hope that Members will support it.

CONGRATULATING DISTINGUISHED SERVICE AWARD RECIPIENT DALE ENGQUIST OF MICHIGAN CITY, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. DONNELLY. Madam Speaker, I rise today to recognize and congratulate Dale Engquist of Michigan City, Indiana for receiving the Distinguished Service Award for his dedicated work for the National Park Service.

Dale Engquist has been with the National Park Service for 19 years. He has proven his leadership skills through developing partnerships and cooperative programs and providing collaborative opportunities for a diverse and complex audience. During Mr. Engquist's extensive career with the National Park Service, he increased the lakeshore at the Indiana Dunes by 15 percent and developed an educational program that serves over 35,000 students each year at the Paul Douglas Center for Environmental Education. Mr. Engquist is also responsible for the partnership formed between local community governments, LaPorte County, and the State of Indiana that collaborated to build a new visitor center, which is set to increase contacts with visitors to the area by 500 percent.

Mr. Engquist's vision and passion led to the development of a network of community organizations, state agencies, and environmental organizations to combat invasive species, which have been a pervasive problem along the southern tip of Lake Michigan. His participation on the Executive Steering Committee of the Chicago Wilderness greatly increased the awareness of the region to the biologically diverse and sensitive nature of the Indiana Dunes. Mr. Engquist has also signed a sister park agreement with Kampinoski National Park of Poland, formally providing opportunities for each park to meet and exchange ideas and information about resource management and education.

Due to his extended commitment to both residents and visitors to Indiana's Second District, it is my pleasure to rise today to honor Dale Engquist for receiving the Distinguished Service Award for his long and accomplished career with the National Park Service.

TRIBUTE TO HARVEY SCHECTER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. BERMAN. Madam Speaker, I rise to pay tribute to my dear friends of more than 30 years, Hope and Harvey Schechter. They are being honored at the 7th Annual Hillel 818 Dinner Celebration for their generous support and outstanding contributions to Los Angeles Valley College and to our community.

I have had the pleasure of working with Hope and Harvey throughout the years on many important issues of concern to the San Fernando Valley, the State of California and our Nation. I value their counsel, respect their knowledge and appreciate the help they have given me in my career.

Harvey is a remarkable individual who has dedicated his life to protecting our civil rights and combating anti-Semitism and racial discrimination. From 1952, when he began his impressive career with the Anti-Defamation League (ADL), until 1993 when he retired as Western States Regional Director of the ADL Foundation, he has been at the forefront on critical humanitarian issues of concern to the ADL, the Jewish community and the world at large. Harvey has been a mentor, confidant, friend, teacher and inspiration to others during his career. His speeches, writings, and incomparable wit have enriched all who have had the good fortune to know him.

Following Harvey's retirement from the ADL, he rediscovered the joy of learning at Los Angeles Valley College. He touched the lives of hundreds of students as he shared with them the knowledge he has gained in his 84 years.

Hope is an outstanding example of the American dream. Born in a small mining town in Arizona to Mexican-American parents who spoke no English, she overcame tremendous challenges to achieve great success. After dropping out of high school, she worked at menial jobs, including as an underpaid garment industry worker. Her personal experience with the injustices to unskilled workers led her to a career as a union organizer for the International Ladies Garment Workers Union. She helped improve the quality of life for hundreds of workers by her determination, positive attitude and resilience. Her career includes many significant contributions to our community, including Community Service Organizer, fighting for safe neighborhoods, establishing the first Head Start Operation in Los Angeles County, helping resolve racial issues as a member of the Board of Directors of the Council of Mexican American Affairs and many more. She became a Certified Court Reporter, established her own firm and was the first woman elected President of the General Court Reporters Association. During my brief period in law practice, Hope was my court reporter of choice.

Beyond her community contributions, Hope has been a valuable asset to the California Democratic Party, serving for many years on the California Democratic State Central Committee in a number of leadership positions and volunteering her time and efforts to numerous political campaigns. Hope's dedication and tireless efforts on behalf of our community are an inspiration to us all.

Hope and Harvey recently celebrated 53 years of a wonderful marriage. Although they have no children of their own, they have been "adopted" as parents by more than one hundred young people they have met on the campus and in the community.

I rise today to ask my colleagues to join me in honoring two special people who's caring and contributions have benefited so many.

THE NEW RUSSIAN GOVERNMENT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. STEARNS. Madam Speaker, on May 7th, Dmitri Medvedev was sworn in as the new Russian President. It remains to be seen if he will be more than just a puppet controlled by Prime Minister Putin, but if the President's victory speech is any indication, we should expect a "direct continuation" of Putin's iron-fisted policies.

As Russia desires to regain its stance as a major world power, rest assured Putin and Medvedev will stop at nothing to achieve this. As Americans, we should be wary of Putin's legacy of government corruption, diminished democracy, and antagonistic stance toward its former Soviet neighbors and the West.

Although there may be opportunities for the U.S. to re-engage with Russia under Medvedev, we must proceed with caution. Let us not forgot that there are Iranian enrichment facilities in Russia, and that Russia uses its oil and gas resources to manipulate and control its sovereign neighbors.

These are the characteristics of an emerging dictatorship hiding beneath the mask of democracy.

TRIBUTE TO 2008 ATHENA AWARD RECIPIENTS

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize the 2008 Lenawee County ATHENA Award recipients Durstyne Farnan, O.P., and Dr. Nancy Kelly, DVM, and Parthenon Award recipient United Bank and Trust. It is with great admiration and pride that I congratulate these individuals and this company on behalf of all of those who have benefited from their demonstrated excellence in their professions and dedicated service to Lenawee County and the State of Michigan.

ATHENA International was founded in the early 1980s by Martha Mertz, who while serving as the sole woman on the board of directors of the Lansing Regional Chamber of Commerce, was inspired to recognize female business leaders in her community whom she felt had largely been overlooked. Thus, the first ATHENA Award was presented in 1982 and 5,000 more have been awarded since to honor men and women across the globe for their professional excellence, community service, and active role in enabling women to achieve success as business and community leaders.

Durstyne Farnan, better known as Sister Dusty, has devoted much of her life to promoting international peace. An advocate for women's liberties worldwide, Sister Dusty has traveled to countries around the globe assisting women in other cultures achieve independence and promote peace. Additionally, she has educated students at Siena Heights University on the serious subject of the trafficking of women and children.

Dr. Nancy Kelly has faithfully served Lenawee County as a successful veterinarian and trusted mentor for many years. She is the on-call veterinarian for the Adrian, Madison, and Fairfield Township Fire Departments and holds an impressive record of extensive community service in the area. In addition to assisting veterinary students secure highly beneficial externships, she selflessly devotes much of her time to mentoring several local female students of veterinary medicine.

United Bank and Trust has a history of producing successful businesswomen and stands as a fine model to companies throughout Lenawee County. As a company committed to providing training and development opportunities to all employees, United has a track record of promoting women to leadership positions. United Bank and Trust has earned respect as a hometown bank for their tailored service to the Lenawee community and for encouraging each of their employees to volunteer within the community.

This year's ATHENA Award for Lenawee County was presented to Sister Dusty, Dr. Nancy Kelly, and United Bank and Trust for demonstrating excellence, creativity, and initiative in their profession and for actively assisting women in realizing their full leadership potential. The 2008 winners join an international network of men and women who work together to create leadership opportunities and encourage the empowerment of women leaders.

Madam Speaker, today I honor the recipients of the 2008 ATHENA Award for their invaluable service to the Lenawee community. May others know of my high regard for their commitment to promoting women around the world, as well as my best wishes for them in the future.

HONORING MARCUS MATHES OF PASCO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American soldier who gave his life in service to our Nation.

Army Sergeant Marcus Mathes of Pasco County, Florida, was killed Monday, April 28th outside Baghdad, Iraq, when the equipment truck he was working on was struck by enemy rocket fire. Sergeant Mathes is survived by his mother and step-father, Sue and Mike Sawyer of Sebring, his father, Ralph Mathes of Tampa, and two brothers, Kyle Mathes of Illinois, and Zach Sawyer of Sebring.

A graduate of Zephyrhills High School, Sergeant Mathes grew up in Highlands County before moving to live with his father in Pasco County. While in high school, Sergeant Mathes joined the JROTC, and had dreams of being a professional military member. Inspired by the events of September 11, he enlisted in the Army and left for boot camp on his 23rd birthday. Serving in Afghanistan from October 2006 until march 2007, Sergeant Mathes was sent to Iraq in November of 2007.

A devoted family man, Sergeant. Mathes married his high school sweetheart Julia two weeks after her graduation. The two were planning to celebrate their six-year wedding anniversary this June and had wanted to start a family together. During a visit to his base in Louisiana, Sergeant Mathes introduced his sister-in-law, Julia's sister Heather, to one of his fellow soldiers. Two months later, Bryan Harvey and Heather were married. One of his best friends who served in his same unit, Bryan was nearby when Sergeant Mathes was killed, even picking up his torn Bible where it was thrown from the truck.

Madam Speaker, it is soldiers like Sergeant Marcus Mathes who have volunteered to protect the freedoms that all Americans hold dear. While brave men and women like Marcus have perished in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

HONORING THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF THE LA CROSSE, WISCONSIN BOARD OF PARK COMMISSIONERS

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. KIND. Madam Speaker, I rise today to honor the city of La Crosse's Board of Park Commissioners for their 100 years of dedication to beautifying the largest city in western Wisconsin. Through their unrelenting hard work, a comprehensive park system consisting of 13 parks throughout the city was developed. Over the past century, countless families have benefited from the opportunities these parks have provided.

The Board of Park Commissioners was established through an ordinance passed by the Common Council in May of 1908. Mayor Wendell A. Anderson, a spirited advocate for park services, appointed Joseph M. Hixon, Edward L. Colman, Lucien F. Easton, and Henry Gund to the Board of Park Commissions. All 4 men were dedicated to public service and guided by a grand vision for the city of La Crosse. This vision was made into reality after the city hired landscape architect John Nolen, an understudy of the legendary Frederick Law Olmstead.

For 100 years, La Crosse's residents and visitors have enjoyed the comfort and recreation these parks offer. Having grown up on the north side of La Crosse, I know that the park system is an essential part of the community. Badger Park offered my friends and me a safe place to shoot hoops, play softball, and go ice skating. These parks are not only a way for families and friends to enjoy one another's company, but are also a means of creating lasting memories.

I applaud the La Crosse Common Council and the Board of Park Commissioners for their inspiration and dedication over the past 100 years. Their gift to the city of La Crosse will undoubtedly be enjoyed by many generations to come.

HONORING 11 OUTSTANDING BROWARD COUNTY CITIZENS

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. WEXLER. Madam Speaker, today in Tamarac, Florida, 11 outstanding Broward elders will be honored at the Annual Senior Hall of Fame Breakfast. These 11 seniors being honored have volunteered in their communities and have spent countless hours helping others. Their outstanding character and compassion have truly set them apart. Those being honored are George Bisbikos, Mary Jane Bowen Graff, Sidney Feinberg, Edith Gooden-Thompson, Velma Hawthorne, Reverend Grant Lynn Ford, Dr. Henry "Hank" Mack, Marilyn Manning, Paul B. Snow, Lesley Tobin, and Polly Wilkie.

George Bisbikos of Sunrise, president/executive director of the Learning Center for Vision Impaired Seniors, LCVIS, has been volunteering with the vision impaired for many years. Legally blind himself, George has led a health and finance class at the Lighthouse of Broward County for the blind and vision impaired, and works relentlessly to enable the blind and partially sighted in our community to participate in activities that sighted people take for granted.

Mary Jane Bowen Graff of Fort Lauderdale is the epitome of a volunteer and has been awarded for the over 4,000 hours of her time she has donated to Holy Cross Hospital Auxiliary. An energetic, motivated, and goal/task oriented person, Mary Jane has also been an active member in Kiwanis International, serving as president of her local chapter in 2006–07; and, Mary Jane currently serves as director of the city of Fort Lauderdale's Historic Preservation Advisory Board and board member of the Fort Lauderdale Museum of Art.

Sidney Feinberg of Deerfield Beach was integral in the building of Broward Homebound Program, Inc., in Century Village Deerfield Beach, submitting the grant proposal to the Florida Legislature in 1986 and being awarded a 1-year pilot project in 1986. Broward Homebound Program, Inc., has functioned independently since 1987. Sidney has also served as president of Young Israel in Deerfield Beach, Flatbush, and Jamaica Estates, and is president of the Coalition for Century Village East and is one of the founders of the National Association of Jewish Homes for the Aged, among many other leadership positions.

Edith Gooden-Thompson of Plantation is the daughter of Reverend James Gooden and Evelyn Smith Gooden, both honored as members of the Broward Senior Hall of Fame in 2006 and 1991, respectively. Edith has been volunteering her time with numerous schools and community committees for over 40 years, and is currently serving the Aging & Disability Resource Center as the SHINE, Serving Health Insurance Needs of Elders, volunteer coordinator. In this role, Edith guides more than 25 volunteers committed to providing services to Medicare customers, their families, and caregivers. She also volunteers with Friends of the African-American Research Library and Cultural Center, Florida Leaders.net, and the National Coalition of 100 Black Women, among many other organizations.

Velma Hawthorne of Fort Lauderdale is a Foster Grandparent volunteer, having raised three of her niece's children and two grandchildren in addition to her three children. She continues to help elementary children learn how to read, mentors Girl Scouts, and assists the Broward County Library with after-school programs. During the summer, Velma also volunteers at Kids In Distress, and she enjoys teaching Sunday School and singing in the choir at Evergreen Baptist Church.

Reverend Grant Lynn Ford, Senior Bishop of the Sunshine Cathedral in Fort Lauderdale, has been providing dynamic and inspirational leadership for his congregation and multitudes of organizations, agencies and groups for nearly two decades. Reverend Ford was key in the establishment and continuum of the Noble A. McArtor Adult Day Care Center, the first such program primarily designed for the needs of Broward gay and lesbian elders, and continues to serve the needs of the diverse cross sections of Broward communities through innovative programs, services and projects.

Dr. Henry "Hank" Mack of Lauderhill has the distinction of being one of the few living Buffalo Soldiers of the United States Calvary. A renowned civil rights fighter and past member of the executive committee of the Fort Lauderdale NAACP, Dr. Mack has the distinction of having stood with Dr. Martin Luther King, Jr. when he made his "I Have A Dream" speech, and he continues to be active in opening doors for minority firms in Broward County. Dr. Mack has also been recognized numerous times for his volunteer efforts and serves on a number of public safety and education councils and committees in Broward County.

Marilyn Manning of Tamarac has spent the past 8 years donating her time and talents at Florida Atlantic University's Lifelong Learning Program, helping with registration and greeting students. She also volunteers at the Daniel Cantor Senior Center in Tamarac, working in the thrift store and assisting in the day care. Additionally, she lends a hand mentoring elementary students with behavioral issues and has helped wounded troops recuperating in Germany through her assistance to the Landstuhl Hospital Care Project.

Paul B. Snow of Hallandale Beach has volunteered his life following retirement to volunteering for the poor, elderly, homeless and disabled in south Florida, joining the Hallandale Food Pantry in 1991 and later becoming Director. In that time, the Pantry has expanded from helping 11 families in his first week to more than 7,500 families in 2007. The Pantry also assists the elderly with completing critical benefit paperwork, offers after-school community credits to students wishing to attend college, and takes over 450 inner city youth to professional sporting events.

Lesley Sobel of Margate, along with her husband Jack, recognized the need in the community for a center to aid families caring for someone with alzheimer's disease and founded the Alzheimer's Family Center to fill that need. Lesley served as president of the agency's board of directors for 10 years and has devoted a tremendous amount of time and energy to the center, as she was instrumental in the development of fundraisers which have been held annually for over two decades now. Lesley also serves on the Boards of God's Little Acre, Senior Volunteer Services, and is active with the Margate Chamber of Commerce.

Polly Wilkie of Pembroke Pines is a veteran volunteer, possessing both fundraising acumen and the passion to roll up her sleeves and work. Founder and current president of New Prestige Clubs, Polly has worked to improve the lives of children and homeless women throughout Florida. She has recruited others and inspired them to establish Prestige chapters elsewhere in Florida and in Atlanta, Georgia, and hosts networking breakfasts for business people and inspires them to volunteer. Polly is a board member of the Light of the World Clinic, the Ease Foundation Pantry, the James Jr. Fund, the Boys & Girls Club, and Crime Stoppers, and has served as commissioner for Volunteer Florida.

Madam Speaker, I would like to again congratulate these 11 outstanding Broward County citizens who are being honored at the Annual Senior Hall of Fame, and thank them for their years of service to their fellow Floridians.

TRIBUTE TO RITA AND JACK SINDER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. BERMAN. Madam Speaker, I rise to pay tribute to two dear friends, Rita and Jack Sinder, who are being honored by Valley Beth Shalom's 60th Birthday of the State of Israel Dinner Celebration. They are being recognized for their lifetime of commitment to Israel, the Jewish people, and Valley Beth Shalom, VBS.

In 1967, Rita and Jack made their first trip to Israel just prior to the Six-Day War. The outbreak of hostilities forced their early departure on the eve of the war. The impact of their experience motivated them to mobilize the American Jewish community on Israel's behalf.

Their dedication to Israel, however, began long before the State of Israel was created.

Born in Vienna, Rita was immersed in Judaism as a young child. During WWII, when Hitler invaded Austria, Rita's father was shipped to Poland. He fortunately escaped and her mother managed to get herself and her daughters out of Austria. Rita was sent to London on Kindertransport and was not reunited with her family until the war ended. The determination, positive attitude, tremendous resilience, and adaptability that helped her survive still guide her life today. Rita's family was miraculously reunited in America, settling in Los Angeles where Rita attended Belmont High School and graduated from USC with a degree in business administration.

Jack, raised in the Orthodox tradition by his father, a prominent Rabbi in Michigan, earned a degree in mechanical engineering from Michigan State. He worked for a machine tool company that supplied parts to the big three automakers. He was asked by an associate to help send machine tools to the Jewish fighters in Israel, and together with his friends, he shipped tools which ultimately helped in the creation of the Israeli aircraft industry and the Israeli Air Force.

Rita and Jack have been an integral force in the Jewish Community, living up to the motto, "Give of yourself first and only then ask others to join you." They have generously contributed their time and resources to VBS, the Jewish Federation, Israel Bonds, AIPAC and many other worthy organizations. They endowed the Midrasha Program at the VBS, where Jack formerly was a member of the board of directors and currently serves on the board of trustees and the steering committee. Rita has chaired many special events at VBS. She is past president of the San Fernando Valley Women's Division of Israel Bonds and the Golda Meir Club, an active member of AIPAC, serving on its national executive board, and is past president and member of the executive board of the Women's Alliance of Israel. Rita and Jack are founding members of the American Jewish University's Wagner Program, university patrons and also patrons of the Wiesenthal Center.

Rita and Jack work together in their business, Jasin Co., he as a real estate developer and she as a real estate broker and property manager. They are the proud parents of Sherri and Alan and adore their three grandchildren. Rita and Jack's greatest joys are being with family and friends, boating and travel.

I ask my colleagues to join me in saluting Rita and Jack Sinder, who have devoted their lives to working for the survival of the Jewish people and the State of Israel.

PAYING TRIBUTE TO MARA LETICA SAAD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the accomplishments of Mara Letica Saad of Bloomfield Hills, Michigan, who has been honored by Crain's Detroit Business Publication as one of southeast Michigan's "Most Influential Women" over the past five years.

Mara Letica Saad's experiences are unique, remarkable and in many ways, reflect her wonderful family's success story. Mara was born in Germany during her father, Ilija Letica's journey toward America after escaping communist rule in former Yugoslavia. Soon they reached their destination in Greenville, Michigan where Mara attended the local schools and her father began to work toward his vision for Letica Corporation, a plastic packaging company.

Mara attended The University of Michigan where she earned a bachelors degree in history. She traveled west to Seattle University to study law and remained in Washington for several years working as a prosecutor and a commercial litigator.

Fortunately, Mara did not stray long from Michigan. She returned to join the family business and after twenty years, Mara continues to successfully balance many roles as the corporation's executive vice president, general counsel and secretary. Along with her father and other family members, Mara has helped build Letica Corporation, now headquartered in Rochester, Michigan into a nationwide manufacturer of paper and plastic packaging with more than a dozen locations throughout the U.S.

Mara Letica Saad's accomplishments are not limited to the business world. Throughout her life she has had a strong interest in her family's birthplace, Croatia, and was actively involved in Croatia's independence movement. With her father, she organized a group of attorneys in the U.S. to aid and supervise the 1990 elections in Croatia. Her efforts were recognized by President George H.W. Bush and she was nominated to be Ambassador to Croatia.

An active participant in the Detroit area community, Mara serves on the board of the Motor City Lyric Opera and until recently served on the board of the Mackinac Center for Public Policy. She resides in Bloomfield Hills, Michigan with her husband, Judge Henry Saad, and they have four grown children.

Mara Letica Saad has excelled in her profession and her touched many in southeast Michigan and beyond.

Mara Letica Saad is a loyal and loving family member with a passion for its history, culture, and human dignity. Madam Speaker, I ask my colleagues to join me in honoring Mara Letica Saad, recipient of southeast Michigan's "Most Influential Women." She truly merits our respect and admiration.

STATEMENT ON LIHEAP

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mrs. McCARTHY of New York. Madam Speaker, I rise today to call on colleagues to fully fund the Low Income Home Energy Assistance Program, also known as LIHEAP, during this year's appropriations process, at the full $5.1 billion.

LIHEAP is a vital program that helps low-income Americans pay their heating and cooling bills.

Our nation is facing an escalating energy crisis. More and more, American families are being forced to make difficult decisions between putting food on their tables and paying their utility bills.

If the current trend continues, LIHEAP will not have enough funding for the remainder of fiscal year 2008. Soaring energy prices combined with another heat wave this summer could be deadly if we don't act now to fully fund this important program.

This presents a particular risk to our Nation's most vulnerable, the elderly, infirm and children. Extreme temperatures can be incredibly dangerous to those with compromised physical conditions. They need to be protected and we have the ability to protect them by fully funding LIHEAP.

This month, utility shut-off moratoriums that have been offered by states are set to expire just as temperatures are rising. With past-due notices on the rise, there is no question that millions of Americans could be facing summers with no cooling options available. There is simply no time to waste. I urge all of my colleagues to act now to fully fund LIHEAP. American families cannot sweat out Congress's delays on this matter.

RECOGNIZING THE 90TH ANNIVERSARY OF TIAA-CREF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. CROWLEY. Madam Speaker, in keeping with his philosophy that "the man who dies rich thus dies disgraced," Andrew Carnegie took care in distributing his substantial wealth, largerly toward the goal of promoting education. When Mr. Carnegie became a trustee at Cornell University, in my home State of New York, he was appalled to learn how little professors earned and thought they deserved financial security. As a result, he donated $10 million to fund a system of pensions that today allows colleges and universities in the United States to offer some of the best retirement plans in the Nation.

In 1918, the Carnegie Foundation established the Teachers Insurance and Annuity Association, known today as TIAA, a fully-funded system of pensions for professors. By the end of its first year, 30 public and private institutions had signed on. After World War II, facing inflation and increased longevity, TIAA created the College Retirement Equities Fund, the world's first variable annuity in 1952. As TIAA–CREF evolved over the years to meet new challenges, its noble mission bestowed on them by Carnegie never changed: to aid and strengthen the institutions they serve and to provide financial products that are suited to the needs of such entities, their employees, and their families on the best terms practicable.

In his autobiography, Carnegie wrote: "Many college pension fund beneficiaries and their widows have written to me most affecting letters. These I can never destroy, for if I ever have a fit of melancholy, I know the cure lies in re-reading these letters."

TIAA–CREF continues to have a special relationship with those in higher education and also serves those who work in the medical, cultural, and research fields. Today TIAA–CREF celebrates its 90th Anniversary and continues to serve those whose life work advances the greater good.

COMMEMORATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. LAMPSON. Madam Speaker, this May, all Americans take time to commemorate Asian Pacific Heritage Month. As a proud member of the Congressional Asian Pacific American Caucus, I honor and celebrate the culture, achievements and valuable contributions of Asian Pacific Americans.

This May marks thirty years since the first ten days of May were designated Asian Pacific Heritage Week. This was extended to a full month once it became quite clear that a week would not be nearly enough time to do justice to the abundant contributions Asian Pacific Americans have made to our Nation, without which we could never have reached the heights we have today.

Asian Pacific Americans are one of the most diverse, talented and successful ethnic groups in America today. There are nearly 16 million Asian Pacific Americans who call America home, representing more than 5 percent of the U.S. population.

In my district, they are without question the fastest growing ethnic group. In Fort Bend and Harris counties, the growth of Asian Pacific Americans has been dramatic. In many cases the growth of Asian Pacific Americans has been more than three times the growth of the overall population. Fort Bend now has the largest percentage of Asian Americans of any county in Texas. In particular, in Sugar Land and my home, Stafford, Asian Pacific Americans make up more than 20 percent of the overall population.

However, population growth is only part of the story. As the grandson of immigrants, I know true assimilation means preserving tradition while achieving success. I am in awe at how quickly the Asian Pacific-American community has mastered both. Asian Pacific Americans have quickly taken hold of many of the most prominent civic, industry, philanthropic and research-based positions in the Houston area.

I would specifically like to honor the trailblazing Asian Pacific American elected officials in my district. Natalie Ong, M.J. Khan, Thomas Abraham, Daniel Wong, Neeta Sane, Ken Mathew, Sonal Bhuchar, and Natasha Kamrani have broken barriers and shattered stereotypes and opened the door for a future generation of Asian Pacific American leaders.

With values of hard work, discipline, community and family, it's no wonder that Asian Pacific Americans are one of the fastest-growing, best-educated and highest-earning ethnic groups in the U.S. From the medical professionals who care for us, the educators who teach us and the titans of industry large and small, Asian Pacific-Americans are one of the most indispensable parts of our Nation's ever-growing national tapestry. Asian Pacific-Americans are authentic Americans, and proof that the American dream continues to thrive.

I am very proud of my friendship with the Asian Pacific-American community. I remain committed to working with my friends to create and promote policies that help the community and its needs. I will continue to seize every opportunity to recognize the valuable contributions Asian Pacific-Americans make to our community and to the nation.

HONORING SGT. WILLIAM P. TREECE ON BEING NAMED 2008 VETERAN OF THE YEAR

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. JORDAN of Ohio. Madam Speaker, I am honored this day to commend to the House the distinguished service of Sgt. William Patrick Treece for his sacrifices to his country on two different tours of duty. I would like to recognize Sgt. William Patrick Treece as his selection for Veteran of the Year 2008.

Sgt. Treece is a Findlay, Ohio resident. A 1988 graduate of Findlay High School, he has made a career of serving his country and his proud family of three children of the ages twelve, six, and three.

Sgt. Treece served his first tour of duty from 1989–1994 in the Gulf War; followed by a second tour from 2000–2005, serving in Iraq and Kuwait. He finished his service as a Police Sergeant.

The list of citations, honors, and medals awarded to Sgt. Treece is as long and distinguished as his active service to this Nation. He was awarded: the Marine Corps Good Conduct Medal, Coast Guard Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal (Iraq), Armed Forces Expeditionary Medal (Iraq), Sea Service Deployment Ribbon, Southwest Asia Service Medal (twice), Air Force Outstanding Unit Award, Presidential Unit Citation, National Defense Service Medal, Kuwait Liberation Medal (Kuwait), and Navy Meritorious Unit Commendation.

I am honored to be one of the many to add my voice in recognizing, and commending, Sgt. Treece for his invaluable and distinguished service for his country. He is a shining example of our mutual responsibility to serve those who devoted their lives to protecting the freedoms we enjoy.

IN HONOR OF JUANA BORDAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Juana Bordas, President of Mestiza Leadership International, and in recognition of her dedication, advocacy, and promotion of leadership in the Hispanic Community.

Juana Bordas, is a national speaker and trainer who has worked tirelessly to promote leadership skills in minority communities since the beginning of her illustrious career. Her vision enabled her to found several important organizations and programs. In 1977, she founded what is now considered a national model of women's empowerment, Mi Casa Women's Center in Denver, Colorado, where she served until 1986. Mrs. Bordas is also the founding President and CEO of the National Hispana Leadership Institute, the only program of its kind in the United States that prepares

Latina women for national leadership. Through this program, Mrs. Bordas partners with Harvard's JFK School of Government and Center for Creative Leadership to provide training for Hispanic women. She is also currently serving as President of Mestiza Leadership International, a unique company that focuses the promotion and fostering of leadership, diversity and organizational change.

A former Peace Corps volunteer, Mrs. Bordas has served as advisor to Harvard's Hispanic Journal on Public Policy and the Kellogg National Fellows Program. She was also a former faculty member for the Center for Creative Leadership (CCL), where she guided and mentored students in the Leadership Development Program, which is considered the most utilized executive training program in the world. She is currently the Vice President of the board of Greenleaf Center for Servant Leadership and a trustee of the International Leadership Association. Mrs. Bordas has inspired countless readers through many of her publications and essays including, "Passion and Power: Finding Personal Purpose", an essay in "Reflections on Leadership" and is a contributing author to "Leadership in the 21st Century" in the book "Rethinking Leadership". She has been recognized for her innovative and important work on empowering members of minority communities by numerous organizations and institutions. She has been inducted into the Colorado Women's Hall of Fame, is the recipient of the Wise Woman Award from the National Center for Women's Policy Studies; the Franklin Miller Award from the U.S. Peace Corps and the 2006 Leadership Legacy Award from Spellman College's Center for Leadership. She was one of fifty leaders chosen by the Colorado Legislature to design the state's future plan and was selected by Colorado Business Magazine as one of the top one-hundred influential people in the state.

HONORING THE 100TH ANNIVERSARY OF THE KUTZTOWN FIRE COMPANY NO. 1

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and honor the Kutztown Fire Company No. 1 as they celebrate their 100th anniversary of service to their community. Organized on January 14, 1908 and incorporated on April 1, 1918, the countless hours of service and examples of heroism are a testament to the brave men and women who strive each and every day to keep our communities safe.

The Kutztown Fire Company No. 1 was organized on January 14, 1908, merging what remained of other smaller companies. It was incorporated April 1, 1918, as a completely volunteer fire company, consisting of 10 officers and 10 charter members.

During the early years of the company, funds were raised by sprinkling the streets of the borough, holding band fairs, renting the hall to outside organizations and operating a social quarters.

On October 22, 1931, the company purchased land adjacent to the Fire Dam to build a swimming pool. The pool has been a source of income and was operated solely by the company until 1963 when the Borough Council had a new swimming pool erected along the Saucony Creek north of the Normal Avenue bridge.

Today, the Kutztown Fire Company runs approximately 450 calls annually and covers 40 square miles, which include residential and rural areas, light industrial section, a university and an interstate highway. The fire company truck crew has about 50 members which operate five pieces, under the leadership of President David J. Reimer Sr. and Fire Chief Troy Arndt. The Company will celebrate this great milestone on Saturday, May 17, 2008 with an Appreciation Banquet.

Madam Speaker, I ask that my colleagues join me in congratulating the brave men and women of Kutztown Fire Company No. 1 as they celebrate 100 years of protecting our communities. We can never thank our first-responders enough for all their dedication and sacrifices to protect the lives and property of their neighbors, and the Kutztown Fire Company No. 1 is a proud part of this great history.

CLARA WHITE MISSION—"MIRACLE ON ASHLEY ST."

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. CRENSHAW. Madam Speaker, I rise today to congratulate and recognize the Clara White Mission located in my district in Jacksonville, Florida.

Tomorrow, the Clara White Mission will be awarded the 2007 HUD Secretary's Award for Excellence. This award, made in partnership with HUD and the American Planning Association, recognizes "model" programs that improve employment, education, and housing opportunities, and I cannot imagine any more deserving recipient than the Clara White Mission.

The Clara White Mission, which was founded in 1904, but traces its origins to 1880s Jacksonville, is committed to eradicating chronic homelessness in blighted areas. It should be noted that the Clara White Mission is unique in many ways, but most notably their passion for bettering not only the community but also the individual.

Tomorrow, at the Mission's "Miracle on Ashley Street" event, community and corporate leaders will serve the homeless and community guests a gourmet lunch prepared by area restaurants and the Clara White culinary students in an effort to help raise awareness for the program.

The project assists homeless members of the community through a variety of programs. The Mission offers permanent housing, substance abuse mediation, mental health counseling, and help to those in need of developing marketable job skills tailored to the demands of the local job market.

The saying goes, "Give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime." The Clara White Mission puts this principle in practice every day through the programming they offer those who have the greatest need.

I congratulate this very special program and rise today to acknowledge the wonderful accomplishments of the Clara White Mission as they receive HUD's 2007 Award for Excellence.

IN HONOR OF ROBIN JAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Robin Jay, an award-winning speaker, author, and coach who has inspired and motivated countless entrepreneurs to establish their visions and achieve success in their field.

Robin Jay, originally from Cleveland, Ohio, started her own successful writing and public speaking career after eighteen years as an advertising account manager. She recognized the power of a positive mental attitude and that the key to success lay in leadership, management, focused attention, and self motivation. Her personable demeanor and inspiring message has enabled her to connect with audiences of entrepreneurs across the nation and quickly put her in demand as a keynote speaker and coach. As a professional key note speaker, author and corporate trainer, Ms. Jay works with her clients to accomplish the same thing she did—establish their vision and achieve it. As one of the leading business relationship experts, she teaches her clients how to build profitable business relationships in a way that motivates and inspires them.

Her first book, "The Art of the Business Lunch", a book on business relationships, is a best seller and is now sold in ten languages worldwide. She is also the author of "The Power of Mentorship" series which includes "The Millionaire Within", "For the Woman Entrepreneur", and "Chicken Soup for the Wine Lover's Soul". Several of her articles have been featured in What's On Magazine and she was a featured mentor in the movie "The Power of Mentorship—Unlock Your Journey to Success".

Ms. Jay sits on various organizational boards and has been recognized several times for her groundbreaking and inspirational work for business entrepreneurs. She was awarded the Women in Communication Media Award for the Radio Account Executive of the Year and served as past President of the Las Vegas Women in Communications organization. Currently, she is on the board of directors of the Juvenile Diabetes Foundation and The Advertising Community Talent Show.

Madam Speaker and colleagues, please join me in honor and recognition of Robin Jay for her outstanding leadership skills and for her extensive and diverse service to many individuals as they strive to achieve their dreams.

HONORING THE DISTINGUISHED SERVICE OF MR. RALPH NEALMAN AND MR. EDWARD CAMPBELL

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and honor Mr. Ralph Nealman and Mr. Edward Campbell for their 31 years of dedicated service to the Norriton Fire Engine Company, located in East Norriton Township, Pennsylvania. Mr. Nealman and Mr. Campbell will be honored for their long history of service with the Distinguished Lifetime Achievement Award on May 17, 2008 at the annual Norriton Fire Engine Company banquet.

Before becoming a member of the Norriton Fire Engine Company in 1977, Mr. Nealman served his country for 27 years as a Sergeant First Class in the U.S. Armed Forces. As a member of the Company, he has served as Assistant Chief Engineer and Engineer, and has worked tirelessly on many committees, including the five he now chairs. Mr. Nealman has been a member of the Board of Trustees for 26 years, and he currently holds the position of Chairman of the Board.

In 1997, Mr. Nealman was awarded Life Membership for his committed service to the Company. Additionally, he was a two-time recipient of the President's Award and a recipient of the Firefighter of the Year Award. Mr. Nealman's leadership included his successful efforts to establish the first driver qualification test for the Company and his foresight in creating a radio-funding account, which was essential to the Company's efforts to comply with new duties following the 9/11 tragedy.

Mr. Campbell also became a member of the Norriton Fire Engine Company in 1977, after serving two years in the U.S. Army. Mr. Campbell holds the position of Vice Chairman of the Board of Trustees and has served as Assistant Engineer for many years. He has enthusiastically worked on the Building and Insurance Committees, and greatly improved the Company's insurance system. Mr. Campbell increased the Company's disability insurance plan, and helped to establish a joint payment plan designed to encourage youth involvement in the Company.

Mr. Campbell is also the recipient of the President's Award and the Chief Engineer's Award. Additionally, he was awarded Life Membership in 1997 in recognition of his untiring efforts on behalf of the people of East Norriton Township and the surrounding communities.

So I ask, Madam Speaker, that my colleagues join me in honoring Ralph Nealman and Edward Campbell for leading two exemplary lives of service. They have spent 31 years protecting the lives and property of their neighbors throughout East Norriton Township and the surrounding areas. May their service be an inspiration to us all and the next generation of first-responders who dedicate their lives to protecting others.

MESSAGE HONORING 4TH CONGRESSIONAL DISTRICT LAW ENFORCEMENT OFFICIALS DURING NATIONAL LAW ENFORCEMENT WEEK

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. CRENSHAW. Madam Speaker, I would like to recognize and honor all law enforcement officials for the crucial and irreplaceable job that they so tirelessly do for our communities' benefit. When I meet with various officials throughout my district and see the job that they do, I am continually impressed by the sense of honor and the level of commitment with which they so unselfishly serve. Many of them continually place their lives on the line in order to protect the families and individuals in our area. Some have indeed given their lives in the line of duty, and for that there is no measure of gratitude that can possibly rise to the level of what our community owes them.

These dedicated individuals give of their time, energy, and heart. They ask for little other than our support. They crave no spotlight or public applause. They serve out of a sense of deep love for their community and out of a sense of purpose in ensuring the citizenry is protected and justice is served.

I would like to especially recognize a fallen officer whose name was added to the wall on the National Police Memorial in Washington, D.C. this week, in a ceremony attended by Jacksonville Sheriff Rutherford.

Jacksonville Sheriff's Officer Eric Bell was killed, on duty, on October 12, 2007 when a vehicle pulled in front of his patrol car. Officer Bell was returning from a call on Heckscher Drive when a van traveling on New Berlin Road collided with his cruiser.

Officers like Eric Bell embody the belief that there is no greater purpose than serving our fellow neighbors, and Officer Bell gave his life in this noble effort. In doing so, he and other law enforcement officials model character and integrity for generations to come.

It is with a grateful heart and a sense of tremendous pride that I recognize and honor Jacksonville Sheriff's Officer Eric Bell and each individual serving our community in a law enforcement capacity during this 2008 National Law Enforcement Week.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mrs. WILSON of New Mexico. Madam Speaker, because I was unavoidably detained on Wednesday May 14, 2008, I missed rollcall votes 317, 318 and 319. Had I been present, I would have voted no on rollcall vote 317, no on rollcall vote 318 and YES on rollcall vote 319.

IN RECOGNITION OF THE 2008 ANNUAL OHIO BUSINESS WOMEN'S CONFERENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the 2008 Annual Ohio Business Women's Conference and Expo, and in honor of the Hispanic Chamber of Commerce for Ohio and the Hispanic Business Association for their work in the state of Ohio.

The Annual Ohio Business Women's Conference is the largest event of its kind for women in business and provides business owners with the information and tools necessary to expand their market. The theme for this year's conference is "Bridging Success" and will feature over five hundred women business owners, entrepreneurs and corporate exhibitors. The mission, put forth by the Hispanic Chamber of Commerce for Ohio and the Hispanic Business Association is to promote women business enterprises through all stages of development. This unique and important event provides women business owners with the forum to display their products and services to America's leading corporations and government agencies, who join the conference from across the nation as sponsors, exhibitors, and attendees. This year's event will provide women business owners and entrepreneurs with networking activities, workshops, panel discussions, and matchmaking procurement sessions.

I also stand in recognition of the Hispanic Business Association (HBA) for their contributions and leadership in promoting and supporting women business owners in the Greater Cleveland Area. The Hispanic Business Association grew out of the vision of local Hispanic business owners in 1981 who were startled by the low participation of the Hispanic community in the private and public sector. Since its official incorporation as a nonprofit in 1983, the HBA has worked to fulfill its mission of promoting Hispanic business interest and its economic development and expansion through strategic partnerships, technical assistance and advocacy.

Madam Speaker and colleagues, please join me in recognition of this year's Annual Ohio Business Women's Conference and Expo as well as in recognition of the Hispanic Business Association for their diverse and extensive service to business owners and entrepreneurs in the Greater Cleveland Area.

THE DAILY 45: SALVADORAN IMMIGRANT FAMILY'S MURDER SUICIDE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. RUSH. Madam Speaker, every day, somewhere in America, an average of 45 people are shot and killed at the hands of a gun-wielding assailant. This senseless loss of life comes in all shapes, sizes, colors and zip codes. And, far too often, death comes at the hands of a loved one.

According to law enforcement authorities, on May 10th in Houston, Texas, death came at the hands of a Salvadoran immigrant husband and father of three young children. Neighbors describe the father, Salvador, as friendly and hard-working. For reasons we'll never know, Salvador took a rifle and shot his wife, Lupe, and their three children, all under the age of 10. Before he shot himself, Salvador left a Snoopy doll and other plush animals along with a note that read, "May God Have Mercy." So many dreams cut short in an instant of despair.

We must stop the senseless murders of "The Daily 45." When will Americans say "Enough is enough, stop the killing!"

IN RECOGNITION OF WHISKEY ISLAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Whiskey Island, a natural beauty along Lake Erie's urban coastline near Downtown Cleveland. On Saturday May 17, 2008, our Cuyahoga County Commissioners will be dedicating the Whiskey Island Bridge so that the people will have better access to Whiskey Island. Whiskey Island is a magnificent natural asset at the mouth of the Cuyahoga River in Downtown Cleveland. This lakefront park is not only an environmental asset, but an amenity for people who live, work, and play in Downtown Cleveland.

The Cuyahoga County Commissioners were visionary in having acquired this park for the people of Northeast Ohio. I join with the Commissioners in envisioning a day when the Towpath Trail, which links our state's history, culture, nature, and geography along 110 miles between New Philadelphia and Cleveland, will connect with Lake Erie at Whiskey Island. With our continued stewardship of this important natural resource, Whiskey Island will one day be linked by this pedestrian and bicycle trail through Akron and Canton along the Cuyahoga River and its historic Towpath.

Whiskey Island and the Towpath Trail are the people's treasures. With the dedication of the improved Whiskey Island Bridge, more people may now enjoy this oasis along the shoreline of Lake Erie and the banks of the Cuyahoga River. I have supported these projects in the past and pledge my future support to preserve and protect them as the people's resources.

Madam Speaker, please join me in this moment to reflect on the beauty of Whiskey Island and the will of the people of Northeastern Ohio to protect this important patch of nature for the people's continued enjoyment.

Madam Speaker and colleagues, please join me in recognition of Whiskey Island, and the will of the people of Northeastern Ohio to protect this important patch of nature for the people's continued enjoyment.

VOLUSIA HONOR AIR

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. MICA. Madam Speaker, on Saturday, May 17, 2008, 102 Volusia County veterans from the Second World War will visit our Nations Capital as part of the Honor Air program. For each of these central Florida veterans this will be their first opportunity to see the World War II Memorial. As the Congressman from Florida's Seventh Congressional District, it will be my privilege to assist in their visit. As part of their mission to Washington, DC, I will join them in laying a wreath at the Tomb of the Unknown Soldier at Arlington National Cemetery to honor those who have paid the ultimate sacrifice for our Nation. This will be a special occasion in the lives of our World War II veterans. It will be my pleasure to welcome the first Honor Air visit from central Florida. I ask that the United States House of Representatives join me in recognizing Our Greatest Generation from Florida's Seventh Congressional District and wish them well as they gather in America's Capital City.

It is my privilege to honor the service and sacrifice of those veterans who will be visiting our Nation's Capital on May 17, 2008:

Berkley E. Adams; Robert W. Anderson; Melvin Arnold; Frank R. Balzer; George A. Bass; Jacob R. Beard, Jr.; Edwin L. Best; Vernon B. Bly; Imon F. Boarman; Alfred G. Boykin; Melvin Burgess; Kenneth P. Burnette, Jr.; Lewis H. Buzzell, Jr.; James Callahan; Charles Carafano; Duncan S. Chamberlin; John F. Cheney.

Lawrence E. Cheshire; Ralph H. Chesser; Franois H. Clifton; Odbert H. Cornwell; Edmund D. Covington, Jr.; Otis R. Daniels; William J. Dreggors, Jr.; Ernest S. Eckhardt; H. Leslie Ferrell; Charles Finlayson; Jack F. Fortes; Kenneth E. Fowler; Richard B. Fuquay; Homer Goff; Richard A. Gray; David F. Greenawalt; H.L. Guthrie; Hayden K. Hale.

Dorothy E. Halevy; Georgene E. Hall; Chester V. Hamilton; Edward M. Hampton; Edward L. Herendeen; Wayne Holby; George R. Holden; Paul Hornbaker; Lawrence J. Hubbard; Vera L. Hubler; Russell W. Hunt; Daniel Jarczynski; Eddie Jenkins; Erling Johnson; Irving Kelton; Joseph R. Killeen; Jess Knight; John A. Konrad III.

Claude G. Labranche; Edwin L. Lazarus; Ernest Lee; William F. Litke; Richard Macak; Robert B. Marriett; Evelyn Mazurak; Clifford E. McCalley; William R. McKenzie; Evert Mills; Max W. Minear; Frank R. Nicolo; Chester W. Nixon.

John C. Nuttall; William Orr; Robert L. Orwig; Priscilla I. Pagano; Charles Paiva; Earle H. Palmer; Harold Parson; William F. Patterson; Harold N. Pelton; Robert F. Pennington.

Edward J. Perry; Omar Pritchett; James P. Ragan; John Rokop; John K. Ross; Sam Roth; James E. Sankey; John A. Seeders; Bill W. Sharp; Richard A. Shaw; Phillip Sheak; Leonard Slater; Margaret E. Snowdon; Stephen M. Straight; Robert V. Talley; Margaret S. Terbeek; Angelo Todarello; John C. Toenjes; George V. Tucker; Alexander B. Veech, Jr. Gordon L. Ward; Richard H. Westervelt; Delmar E. Whipple; Donald W. Whynot; John W. Williams.

I know I join countless Americans who continue to recognize their heroism and their families' incredible sacrifice to our Nation.

HOUSE OF REPRESENTATIVES—*Friday, May 16, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 16, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As Your people, born into freedom, we stand humbly before You, our God, desirous to be in dialogue in search of truth. Attentive to Your Word and Your Spirit, we seek Your self-revelation, Almighty God.

Lord, as the House of Representatives today is simply open to receive messages from the U.S. Senate and the President, we take this moment and realize that it will not bring determination but only a continuation of the work of government.

Guide us in our efforts to be open to have dialogue to do what is best for this Nation. Free us and all governments of the world from manipulation of the truth or self-deception. Restrain us from any attempt to redefine reality by simply changing the meaning of words. Rather make us true instruments of justice and peace both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 7 minutes a.m.), under its previous order, the House adjourned until Monday, May 19, 2008, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6656. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6657. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6658. A letter from the Special Counsel Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Regulatory Review Amendments [Docket ID OCC-2008-0004] (RIN: 1557-AC79) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6659. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Emergency Rule Extension [Docket No. 070510101-7101-01] (RIN: 0648-AV57) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6660. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Swan Creek Viticultural Area (2005R-414P) [Docket No. TTB-2007-0012; T.D. TTB-69; Re: Notice No. 63] (RIN: 1513-AB20) received April 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6661. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Special Rules to Reduce Section 1446 Withholding [TD 9394] (RIN: 1545-BD80) received April 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6662. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Dividends received Deduction on Separate Accounts of Life Insurance Companies [LMSB Control No.: LMSB-04-0308-010] received April 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6663. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Transitional Relief for Diversification Requirements for Certain Defined Contribution Plans [Notice 2008-7] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6664. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274A.—Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,000 26 CFR 1.1274A-1: Special rules for certain transactions where stated principal amount does not exceed $2,800,000. (Also 483, 1274) (Rev. Rul. 2008-3) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on May 16, 2008]

Mr. SKELTON: Committee on Armed Services. H.R. 5658. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; with amendments (Rept. 110-652). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. POMEROY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. ALTMIRE, Mrs. BOYDA of Kansas, Mr. COHEN, Ms. DELAURO, Mr. ELLSWORTH, Mr. LOEBSACK, Ms. TSONGAS, Mr. WELCH of Vermont, Mr. WALZ of Minnesota, Mr. ARCURI, Ms. SHEA-PORTER, Mr. BECERRA, Mrs. DAVIS of California, and Mr. DOGGETT):

H.R. 6081. A bill to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. CARSON, Mr. BOOZMAN, and Mr. PLATTS):

H.R. 6082. A bill to amend title XVIII of the Social Security Act to provide for expanded

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. HOYER, Mr. CLYBURN, Mr. LAMPSON, Mr. ORTIZ, Mr. AL GREEN of Texas, Mr. DOGGETT, Mr. HALL of Texas, Mr. HINOJOSA, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. BACA, Mr. MCNULTY, Mr. WYNN, Mrs. CHRISTENSEN, Ms. NORTON, Ms. KILPATRICK, Ms. BORDALLO, Mr. BRALEY of Iowa, Mr. ROTHMAN, Mrs. JONES of Ohio, Mr. FATTAH, Mr. ETHERIDGE, Mr. LEWIS of Georgia, Mr. BRADY of Texas, Ms. CLARKE, Mr. CAZAYOUX, Mr. WATT, Mr. WEXLER, Mr. ALTMIRE, Mr. BOSWELL, Mr. MELANCON, Mr. TOWNS, Mr. COOPER, Mr. THOMPSON of Mississippi, Mr. PALLONE, Mr. DINGELL, Mr. CONYERS, Mr. REYES, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. KENNEDY, Mr. COSTA, Mr. CLAY, and Mr. BACHUS):

H. Con. Res. 353. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer; to the Committee on Oversight and Government Reform.

By Ms. FOXX:

H. Res. 1207. A resolution directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5857: Mr. TIAHRT.

EXTENSIONS OF REMARKS

HONORING THE 100TH ANNIVERSARY OF ANALY HIGH SCHOOL, SEBASTOPOL, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 2008

Ms. WOOLSEY. Madam Speaker, today I rise with great pride to join in celebrating the 100th anniversary of Analy High School, located in Sebastopol, CA, and one of the most successful schools in my district.

Prior to the founding of Analy High School, students from West Sonoma County commuted to Santa Rosa High School, travelling by train or wagon, or even boarding during the week in Santa Rosa. When the people of the Sebastopol area decided the student population was large enough to support its own school, the Analy Union High School District (now the West Sonoma County Union School District) was started. From its origins in 1908 with a student body of 37, Analy has grown to support more than 1,200 students this year.

In 1910, five students received diplomas—the first graduating class of Analy High School. Since then, Analy High School has been named a California Distinguished School, and has graduated more than 30,000 students, including Dr. Willard F. Libby, the 1960 Nobel Prize winner in chemistry for his work in developing the process of carbon dating; actress Karen Valentine; Chicago Bears star tight end Jim Thornton; and numerous students who went on to become teachers, police officers, firefighters, business leaders, housewives, parents and grandparents of Analy graduates.

Madam Speaker, Analy High has come a long way from the days when students rode to class on horseback. It has contributed an educated populace to Sebastopol, to Sonoma County and beyond. I am proud to have such citizens in my district, and I ask you to join me in congratulating Analy High School on the past 100 years and wishing them the best of luck and continued success for the next 100 years.

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NATIONAL PEACE OFFICERS MEMORIAL DAY

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 2008

Mr. PUTNAM. Madam Speaker, a society cannot function properly without a means to enforce its laws and protect itself. However, we know all too well that safety and security does not come without a price. National Peace Officers Memorial Day was established to honor the men and women who have paid that price and I rise today to pay tribute to the one hundred and eighty-one federal, state and local law enforcement officers who gave their lives in 2007.

Sadly, Florida lost sixteen officers last year, two of which were from central Florida. On April 13th, Lieutenant Delmar Teagan of the Florida Fish and Wildlife Conservation Commission died in an automobile accident in Polk County. Then, on August 15th, Hillsborough County Sheriff's Sergeant Ronald Harrison was killed by a gunman in Brandon, Florida.

These officers provided communities with safety and security and we are indebted to their service. Like so many of our nation's law enforcement officers willing to work in harm's way, Lieutenant Teagan and Sergeant Harrison are true heroes.

Since 1962, National Peace Officers Memorial Day has been observed on May 15th. This is a time when thousands of law enforcement officers descend upon our Nation's capital to remember and honor their fallen colleagues. Madame Speaker, our thoughts and prayers are with these men and women as they gather to recognize the officers who died in the line of duty while serving the people of this great Nation.

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TRIBUTE TO EXERCISE TIGER FOUNDATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 2008

Mr. SAXTON. Madam Speaker, I rise today in recognition of the Exercise Tiger Association, a National Commemorative Foundation. The Association bears the name of a little known World War II naval battle which claimed the lives of several hundred American servicemen.

"Exercise Tiger" was originally a practice operation, preparing for the upcoming D-Day invasion. On the morning of April 28th, 1944, German submarines stumbled upon the operation, proceeding to torpedo the mostly defenseless landing ships. Three of the landing ship tanks were sunk and 749 servicemen lost their lives.

The Exercise Tiger Association goes to great lengths to commemorate this engagement and honor the memory of the servicemen who lost their lives that day. The Association has a wreath tribute and ceremony each year. The annual ceremony recently became a national tribute, when wreaths were dropped simultaneously into both the Pacific and Atlantic Ocean, honoring veterans nationwide.

Under the leadership of Walter Domanski, the National Director, this organization has also awarded veterans, servicemen, and other noteworthy individuals with numerous accolades, honoring service and sacrifice to our country.

Madam Speaker, I would like to extend my sincere gratitude to Walter Domanski and the Exercise Tiger Association for honoring our Nation's brave men and women of the Armed Forces and for providing the opportunity to embrace the memory of the lives lost on that day in 1944.

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HONORING OUR VETERANS BY EXPANDING THE GI BILL

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 2008

Ms. GIFFORDS. Madam Speaker, I strongly support the passage of H.R. 5740, the Post–9/11 Veterans Educational Assistance Act. This bipartisan legislation, introduced by my friend and fellow Arizonan, Representative HARRY MITCHELL, modernizes the "GI Bill" and provides expanded educational benefits for our veterans.

Let there be no doubt about our iron-clad resolve to support our troops. As a nation, we are acutely aware of the extraordinary sacrifices they are making. I have seen it firsthand in Baghdad and Bagram. We have a solemn responsibility to our service members, and one way to fulfill that responsibility is to help them prepare for life after they leave the military.

The first GI Bill was enacted more than 60 years ago for World War II veterans. It paid for the full cost of attending a public college, including tuition, fees, book purchases, and a monthly living stipend.

For example, in 1974, retired Air Force Lieutenant Colonel Bob Gent from Sierra Vista, Arizona, used his GI Bill benefits to obtain his B.A. from Arizona State University in math and computer science as well as a second degree 30 years later in astrophysics from the University of Texas.

Like Bob, over 7.8 million Americans who served our Nation have received a college education thanks to GI Bill. Unfortunately, the current Montgomery GI Bill does not fulfill the original GI Bill's promise—it does not adequately cover of the cost of attending a four-year state college or university.

In 2003, Former Marine Corps Sergeant Tommy Mendoza from Sierra Vista served as an Infantry Mortarman in support of Army Special Operation Forces in Afghanistan. When he re-entered civilian life, Tommy had a difficult time finding a competitive job. He exhausted all of his GI Bill payments on a community college education.

The only option he has left is the Veterans Administration's Vocational Education and Rehabilitation Program. The current GI Bill fails to provide him adequate benefits to attain his college education.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Modernizing the GI Bill is an investment in our future. According to the Congressional Joint Economic Committee, for every $1 the government invests in our veterans' education, approximately $7 is generated in economic growth. GI Bill benefits also play an important role in military recruitment.

The Post–9/11 Veterans Educational Assistance Act also creates a new program in which the government matches, dollar for dollar, any additional scholarships awarded to veterans from institutions within tuition costs above the maximum amount allowed by this legislation. In addition, veterans would have up to 15 years after leaving active duty, compared to ten years under the Montgomery GI Bill, to use their educational assistance benefits.

By voting to pass this legislation, we are demonstrating our deep, unwavering commitment to the brave men and women who fight to preserve our freedom.

STATEMENT FROM WESLEY E. DAVEY, MASTER SERGEANT IN THE ARMY RETIRED RESERVES

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, while I was back in the Fourth Congressional District of Minnesota, I met with Wes Davey, a constituent and master sergeant in the Army Retired Reserves. He fought in Operation Iraqi Freedom and is concerned about the funding of the wars in Iraq and Afghanistan. As Congress begins to debate providing supplemental appropriations for these wars, I would like to enter Wes's thoughtful words into the CONGRESSIONAL RECORD.

ST. PAUL, MN,
May 2, 2008.

Hon. BETTY MCCOLLUM,
Western Avenue North,
St. Paul, MN.

DEAR REPRESENTATIVE MCCOLLUM: The President has requested additional funding to continue the war in Iraq. Before the members of Congress approve this budget, they should consider doing three things.

First, increase taxes in order to at least partially pay for the current and future war funding requests. If these wars are in our national interest as President Bush and others have often told us, we should be willing to pay for them; if these wars are not in our national interest, we should get out of both countries.

It is wrong for our generation to pass off the entire Iraq and Afghanistan war debt to the future generations of taxpayers, and it is also wrong for President Bush and Congress to abrogate their fiscal responsibilities and expect future presidents and future members of Congress to sort out the funding mess from these wars.

Second, the United States Treasury should sell war bonds (as we did during WW2) to finance the portion of the war costs not funded by increased taxes. We need to stop borrowing money from foreign countries to finance our wars. Countries such as Saudi Arabia and China are not loaning us money because they have America's best interest at heart, and their economic influence in our country is already too great.

Third, Congress should set up a government internet website which explains in detail to the American public how the wars in Iraq and Afghanistan have been and will be financed. More specifically, where the money has come from, be it China, Saudi Arabia, or other countries, how much each foreign country has loaned us, at what interest rates, and exactly when and how those loans will be repaid.

Thus far in these wars, President Bush has done his very best to place an opaque window between war funding and the American public, which goes against the belief by the founders of our country that good government should transact its business in the open.

Sincerely,

WESLEY E. DAVEY.

A TRIBUTE TO DR. ALFREDO QUIÑONES-HINOJOSA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor the life and accomplishments of an extraordinary neurosurgeon, professor, mentor and hope-giver, Dr. Alfredo Quiñones-Hinojosa.

The New York Times, May 13, 2008, carried a story which described Dr. Alfredo Quiñones-Hinojosa's incredible journey from Mexicali, Mexico, to the world-renowned halls of the Johns Hopkins School of Medicine. His story is the story of America and what immigrants in every chapter of our history contribute to our Nation.

Below is the full text of the article:

A CONVERSATION WITH ALFREDO QUIÑONES-HINOJOSA: A SURGEON'S PATH FROM MIGRANT FIELDS TO OPERATING ROOM

(By Claudia Dreifus)

At the Johns Hopkins School of Medicine, Alfredo Quiñones-Hinojosa has four positions. He is a neurosurgeon who teaches oncology and neurosurgery, directs a neurosurgery clinic and heads a laboratory studying brain tumors. He also performs nearly 250 brain operations a year. Twenty years ago, Dr. Quiñones-Hinojosa, now 40, was an illegal immigrant working in the vegetable fields of the Central Valley in California. He became a citizen in 1997 while at Harvard.

Q. Where did you grow up?

A. Mexicali. My father had a small gas station. The family's stability vanished when there was a devaluation of the Mexican peso in the 1980s. My father lost the gas station, and we bad no money for food. For a while, I sold hot dogs on the corner to help. As the economic crisis deepened, there seemed no possibility for any future in Mexico. I had big dreams and I wanted more education. So in 1987, when I was 19, I went up to the border between Mexicali and the United States and hopped the fence.

Some years later, I was sitting at a lunch table with colleagues at Harvard Medical School. Someone asked how I'd come to Harvard. "I hopped the fence," I said. Everyone laughed. They thought I was joking.

Q. After you crossed the border, what kind of work did you find?

A. I was a farm laborer in the San Joaquin Valley, seven days a week, sunup to sundown. I lived in this little trailer I paid $300 a month for. It didn't take long to see that farm work was a dead end.

After a year of it, I moved to Stockton, where I found a job loading sulfur and fish lard onto railroad freight cars. My eyes burned from the sulfur, and my clothes smelled from fish lard, but it paid me enough so that I was able to go to night classes at San Joaquin Delta Community College. There, I met this wonderful human being, Norm Nichols, the speech and debate coach. He took me into his family and mentored me. Norm helped me apply for and get accepted to the University of California, Berkeley.

Once at Berkeley, I took a lot of math and science classes to up my G.P.A. Science and math are their own language. You didn't need to write in perfect English to do well in them. I pulled straight A's in science. In my senior year, someone told me to go see this guy, Hugo Mora, who helped Hispanics with science talent. I brought him my transcript and he said: "Wow! With grades like these, you should be at Harvard Medical School." That's how I got to Harvard. All along, I had much luck with mentors.

Q. Did you find Harvard tough?

A. Not really. Compared to working in the fields, it was easy. The question was what kind of doctor should I become? For a while, I thought I'd be a pediatric oncologist, because I wanted to help children. But then I thought, I'm good with my hands. Maybe I should do surgery.

One day, I was waltzing through Brigham and Women's Hospital and I saw Dr. Peter Black, the chairman of neurosurgery. I introduced myself, and he invited me that day to come to watch him do an operation. As it happened, he was doing an "awake" surgery, where the patient's brain is exposed and the patient is awake so that the surgeon can ask questions. As I watched that, I fell in love with brain surgery.

Q. What about it spoke to you?

A. Imagine, the most beautiful organ of our body, the one that we know least about, the one that makes us who we are, and it was in Dr. Black's hand. It was in front of me. It was pulsating! I realized I could work with my hands and touch this incredible organ, which is what I do now. I cannot conceive of a much more intimate relationship than that. A patient grants you the gift of trusting you with their lives, and there is no room for mistakes.

Dr. Peter Black, he was a very humble person. And he took me under his wing. So here again, I was very fortunate with mentorship.

Q. I'm told that you do something that not all surgeons do: you spend a lot of time with patients before an operation. Why?

A. I meet them several times, and their families. They don't know if they are going to wake up after the operation. Not all the time am I successful. I do about 230 to 240 brain tumor operations a year. The majority make it. Some have complications. And some—2 to 3 percent—it takes a while for the patients to wake up. I need to meet everyone so that they know the risks. But getting to know these patients, it's the most painful part.

I was at a funeral yesterday. This was a 21-year-old man with a young wife, pregnant. Three surgeries, and the tumor kept growing and growing. And he told me, "There's no possible way I'll give up." He fought so hard. He trusted me with his life. Not once, several times. I owed him my presence.

Q. How do you handle such losses?

A. One of the ways I work it out is through research, the laboratory. I'm trying to learn about the causes of these recurring tumors. The patients, they can donate tissue, which we will examine.

My hypothesis is—and there are quite a few scientists who believe this—there are within these brain tumors a small subset of cells that can keep growing, even when you think you've taken them all out. We call them brain stem cells. They can keep making themselves, and they can make "daughter cells" that can become anything else in the brain. They have the ability to go to sleep for a little bit and then wake up and do it again. So we're trying to identify this small subset of cells we may be leaving behind when we make these beautiful surgeries.

Q. Have you actually found them?

A. Yes, but only in the laboratory. When we've found them, they may be a product of the experimental conditions of the laboratory. We haven't found them yet in live patients. The next challenge is to see if they truly exist in the human brain while the patient is alive.

Q. When you hear anti-immigrant expressions on talk radio and cable television, how do you feel?

A. It bothers me. Because I know what it was that drove me to jump the fence. It was poverty and frustration with a system that would have never allowed me to be who I am today.

As long as there is poverty in the rest of the world and we export our culture through movies and television, people who are hungry are going to come here. There's no way to stop it.

IN RECOGNITION OF TREADWAY CREEK TRAIL IN OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the dedication of the Treadway Creek Trail in Ohio's 10th Congressional District.

On Friday, May 16, 2008, I will join with Ohio Governor Ted Strickland, Cleveland Mayor Frank Jackson, Ohio Senator Shirley Smith, and Ward 15 Councilman Brian Cummins for the grand opening of this important natural and historic link along Ohio's Towpath Trail which will connect Cleveland with Akron, Canton, New Philadelphia, and all points between. Other partners in this project include the Old Brooklyn Development Corporation, the Northeast Ohio Regional Sewer District, the Cuyahoga Metropolitan Housing Authority, the State of Ohio Clean Ohio Funds, Natural Resources Assistance Council of Cuyahoga County, the Ohio Canal Corridor, and the Ohio & Erie Canalway Association. Treadway Creek is a natural tributary to the Cuyahoga River in Cleveland's Old Brooklyn neighborhood. With the opening of the Treadway Creek Trail, the people of Old Brooklyn and other neighborhoods nearby will have an important natural resource to enjoy and will ultimately have pedestrian and bicycle access to the Cuyahoga River and the Towpath Trail.

The Treadway Creek Trail restores and preserves for future generations 21 acres of natural open space in an urban section of the 10th District. This includes a prime riparian corridor and wooded ravine, acquired through donations and conservation easements. Restoration elements include erosion and water quality improvements, invasive species removal, and plantings of native grasses and woodland wildflowers. The Treadway Trail provides public access to the ravine and connects the developing Towpath Trail at lower Harvard Avenue by incorporating retaining walls planted with native species, interpretive and directional signage, scenic overlook areas, custom benches, and handcrafted timber railings. The Towpath Trail, which links our state's history, culture, nature, and geography along 110 miles between New Philadelphia and Cleveland, will ultimately connect Akron and Canton with Lake Erie at Whiskey Island. With our continued stewardship of Treadway Creek, Old Brooklyn and the Treadway Creek Trail will be an important linkage in this web of urban, suburban, and rural trails which connect the people of Northeast Ohio with their history, culture and natural resources.

Madam Speaker, please join me in recognizing the beauty of Treadway Creek and the will of the people of Northeastern Ohio to protect this important piece of nature for the people's continued enjoyment.

SENATE—*Monday, May 19, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our refuge and hope, thank You for the opportunity to make a substantive difference for good in our world.

Guide our Senators that they may discover new opportunities to fulfill Your purposes. Lord, give them the wisdom to become concerned about the things that touch Your heart, enabling them to become instruments of Your glory. Open their ears to the cries of the lost and the least in our Nation and world, as they seek to remove the shackles of the hurting. Remind them that apart from You, they can accomplish nothing of lasting significance.

And, Lord, please place Your healing Hands upon Senator EDWARD KENNEDY.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MCCASKILL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELL WISHES FOR SENATOR KENNEDY

Mr. REID. Madam President, I received a call early Saturday morning that Senator KENNEDY had taken ill. Since that time, we have heard only encouraging words from his doctors and his family. I spoke to Vicki, his wonderful wife, a couple hours ago. He is resting comfortably. He is having some more tests run today. He is doing very well. Vicki tells me Senator KENNEDY is not only up moving around, but over the weekend he was able to watch some movies, but, more importantly, he was able to watch some Red Sox games. I would note in passing, it cannot hurt his recovery that the Red Sox have won three games in a row.

Anyone who knows Senator KENNEDY and his tremendous work ethic realizes no one is more eager to get back to work than Senator KENNEDY.

So to my good friend, the Senator from Massachusetts, I say: Rest and get well. All of your friends and colleagues in the Senate wish you the very best and look forward to your quick return because there is a lot of work we are depending on you to do. We have a number of things, of course, we were working on together last week.

I talked to him Friday at some length. I am going to give a couple speeches—actually three—on Wednesday because we are having celebrations here in the Capitol on the 100th birthday of Senator, Majority Leader, and President Johnson. It was interesting to hear Senator KENNEDY—who had worked with him in all of his capacities, as Senator, majority leader, Vice President, and President—some of the comments he had about President Johnson.

So we look forward to Ted being back as soon as possible.

SCHEDULE

Mr. REID. Madam President, following leader time, there will be a period of morning business for Senators, and they will be able to speak for up to 10 minutes each. There are no votes today, but this is going to be a very busy week. We have a certain number of things we have to do.

We are going to do as many circuit judges as we can. We will certainly at least do one. We have the budget conference report we have to complete. We hope to go to that on Thursday at about 4 o'clock. And, of course, the big one we have to do is the supplemental appropriations bill regarding the war funding in Iraq. Those things we have to complete before we leave here. The budget and the supplemental we have to finish before we leave.

As I indicated, we are going to have some things here on Wednesday in the Capitol regarding President Johnson. From 11 until 12 noon on Wednesday, there will be a time set aside on the Senate floor for tributes to the former President on the centennial of his birth.

NOMINATIONS

Mr. REID. Madam President, I expect the Senate will consider the nomination of Steven Agee to a Virginia seat on the Fourth Circuit Court of Appeals.

Judge Agee is currently a member of the Virginia Supreme Court. His nomination to the Federal bench is supported by both Senators WEBB and WARNER, and I am confident he will be confirmed overwhelmingly.

Several weeks ago, I pledged my best efforts to have, by the Memorial Day recess, three circuit court nominations completed—by Memorial Day, as I said. I explicitly said at that time that "I cannot guarantee" three confirmations because the outcome would depend on factors that are certainly beyond my control. Still, Senator LEAHY and I have worked hard to move three appellate nominees this month. Judge Agee is one of those three. The next two it appears, in line are Sixth Circuit nominees Raymond Kethledge and Helene White, both of Michigan.

These nominees are the product of an agreement between the White House and Senators LEVIN and STABENOW. It took about 5 or 6 years to work out this agreement, but we now have a chance to fill the vacancies on that circuit.

Senator LEAHY expedited consideration of the Michigan nominees in light of the pledge I made. I did that with the full understanding of Senator LEAHY. Unfortunately, though, Senators on the Republican side on the Judiciary Committee have delayed consideration of Judge White.

I do not know what you would say about what took place at our hearing. Senators have a right to ask questions. They can ask questions. There is certainly leeway. They can basically ask anything they want, and they did. They, following the hearing, asked a total of 73 separate written questions, and some of them were very, very time consuming. As I said, every Senator has a right to ask questions of a nominee, but the number and nature of the questions posed to Judge White suggest there was more to it than just the questions. They went into some things very personal in nature that I am not certain were probative as to this good woman's ability to be a circuit court judge.

In addition, Republicans have insisted that the nomination not move forward until Judge White's ABA review is complete. That is fine with us. They have that right. But in this case, it is ironic they would make that request since she was rated qualified by the ABA 10 years ago when Republicans blocked her nomination from moving forward. Since that time, she has been a sitting Michigan appellate court judge.

It is still possible the Senate will consider these two Michigan nominees before the recess. But if it does not happen, it will be despite my best efforts. I indicated I want to do everything I can to complete this. But we have to have the ABA report, and these questions, as I have indicated, have to be completed.

It is pretty clear these 34 numbered questions I have talked about—a number of them were compound questions, and that is how we arrived at the number 73—some of these are straightforward questions about judicial philosophy, but there are a number of others that are very time consuming and I am not sure bear on her qualifications. But they have a right to ask those questions.

For example, Senator SESSIONS asked Judge White to compile her caseload statistics as compared with other judges on her court, including the median time intervals between case filing and date of disposition. Think about that. That is a lot of work, a lot of math. Senator SPECTER asked her to supply names and addresses of the groups involved in panel discussions, conferences, and meetings she attended, as well as numerous unpublished opinions.

These are not unreasonable questions, but they are time consuming and they were submitted right before the deadline for submitting written questions to the nominee.

In contrast, Republicans asked Mr. Kethledge—the so-called Republican nominee—the other Michigan nominee, only seven questions, and they were all pretty easy; none of them burdensome questions.

Republicans preferred that Chairman LEAHY, I guess, consider other nominees before the Michigan nominees, but nothing in my pledge regarding judicial nominations deprives Chairman LEAHY of his prerogative to determine the sequence of nominations that would come before his committee.

No one presumed to instruct Senator SPECTER about the sequence of nominations during the years he served as chairman of the Judiciary Committee. And certainly Senator HATCH exercised the chairman's prerogatives freely during the years in which more than 60 of President Clinton's nominees were denied hearings or floor consideration.

Chairman LEAHY and I will continue to process judicial nominations in due course, consistent with the Senate's constitutional role. Consideration of Judge Agee's nomination tomorrow is consistent with that goal.

Madam President, is there going to be a period of morning business now?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent I be authorized to speak in morning business for as much time as I might consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. SALAZAR. Madam President, this week is a very important week for the United States of America and for the Senate because we will begin our dialog about where we are in Iraq today and where we are going in Iraq in the future; where we are in Afghanistan today and where we are going in Afghanistan in the future.

As part of this dialog we will engage in here in the Senate over the next few days, we will also engage in a major discussion about how it is that our Nation should treat those veterans from both Iraq and Afghanistan, those veterans who have served our country since our country was attacked on 9/11.

It is important at the outset, as we begin this discussion, to first of all pause to remember that there has been a great deal of sacrifice on the part of Americans in terms of life and blood in both Iraq and Afghanistan. We must remember these warriors, these fighters who have been fighting for the cause of their country. We must do that every day so their contribution is never forgotten.

As of today, in Iraq there have been 4,078 Americans who have given their lives carrying out the orders of their Commander in Chief. In Iraq, as of today, since the beginning of that war, there have been 30,004 members of our armed services who have been wounded in Iraq. Let me repeat that number one more time: 30,004 members of our armed services who have been wounded in Iraq. In Afghanistan, where we have now been for 7 years, fighting a just war, going after the Taliban—an effort that spearheaded and should have succeeded in going after Osama bin Laden—in Afghanistan there have been 4,097 Americans who have been killed and 1,044 who have been wounded. For these brave men and women who have served our country and who have given their lives or who have been wounded in the cause that has been assigned to them, we should dedicate the debate we will have on the floor of the Senate in the days ahead.

Today, as we begin that debate, I want to speak about two things. First, with respect to Iraq, it has been my view for the last several years that we need to have a new direction in Iraq. In December of 2006, when the Iraq Study Group, headed up by Congressman Lee Hamilton and former Secretary of State James Baker, came forward with the bipartisan Iraq Study Group recommendations, they came forward with a coherent set of recommendations about how we ought to move forward in the transition of the mission in Iraq. That was more than a year and a half ago when those recommendations were coming together.

Since then, some of those recommendations have been implemented, but by and large the bulk of those recommendations—in what the heart of the recommendations was really all about in the Iraq Study Group report—have not been implemented. The heart of those recommendations was, if the United States did some things right, we would be able to transition in the spring of 2008—which is right now, the spring of 2008—from a mission of combat over to a mission of support, of training the Iraqi forces, of providing protection to the American interests in Iraq, making sure we had special forces on the ground to chase al-Qaida and other terrorist elements.

That is the transition of mission which was called for by the Iraq Study Group, now some time ago, where they said this transition should be completed by the spring of 2008.

We are not there yet. One of the things on which we will engage in a debate on the floor this week is where we ought to go. In my view, that transition of mission is something we should require by law. We should require it because it is the only way in which ultimately we are going to be successful in

Iraq. It is the only way in which the baton and mantle of responsibility which the United States of America has assumed for security in Iraq can be handed over and given to the Iraqi Government. It is time for the Iraqi Government and the Iraqi people to stand up for their own nation. The time for the United States of America to be doing it on behalf of the Iraqi people has come to an end. It will be coming to an end.

I hope this debate leads us to find that new direction in Iraq in the days and weeks and months ahead. But there is another element to this debate that we will have this week, and that is how we, as a grateful nation, honor the 1.6 million veterans who have served this country since September 11, 2001, when this country was attacked. This week we will have an opportunity to stand for our veterans in a way that walks the walk, not just talks the talk about how great our veterans are—because they are—but allows us an opportunity to send them an unmistakable signal that we, as a grateful nation, are willing and wanting to pay them for that sacrifice they have made for our country.

Abraham Lincoln, in his second Inaugural Address on March 4, 1865, said the following:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Today we will begin the discussion about how we move forward with what will be known in time as the 21st century GI bill of rights.

It is, in our parlance, S. 22, which is a formulation of this 21st century GI bill of rights which has been put together by none other than Senator JIM WEBB from Virginia, who himself has been a great contributor to so many causes for American veterans and who, through his own pen and through his own writing and his own work, has taken the lead in making sure we are providing this honor to our veterans who have served since September 11, 2001. For his work, and the work of colleagues who will join him in this effort, we need to pay him tribute for making sure he is making America walk the walk in honoring our veterans.

I also wish to applaud the great leadership of Senator HAGEL, who does so much to bring that voice of independence and authenticity to the floor of the Senate; to Senator JOHN WARNER, who is oftentimes the Moses, with his voice leading us out of the wilderness on tough issues here in the Senate; to Senator LAUTENBERG, who himself was a beneficiary of the GI bill of rights as a World War II veteran and who today speaks so eloquently on behalf of the veterans and the military policy of our country. And also to all of the other Senators, the 58 Senators who have joined us in this legislation, along with Senator AKAKA, who is the chairman of our Veterans Affairs' Committee, who so often is standing to make sure we do not forget what the veterans have done here for us in America, along with Senator INOUYE, Senator STEVENS, and others who have been so much a part of this effort.

I am pleased that the bill that was reported out of the Appropriations committee with the 2008 Supplemental Appropriations Act, includes provisions to help a new generation of veterans receive the educational benefits they have earned through their service in wartime. The 1.6 million soldiers and sailors, airmen and marines who have served in Iraq or Afghanistan over the last 7 years, often with multiple deployments which last up to not only a year but 15 months, have given more than their country could have expected of them. It is right and it is proper that their country honor them with the benefits commensurate with their service and with their sacrifice.

The GI bill the Congress passed after World War II proved to be one of the greatest ideas this country has ever had. That GI bill was based on a simple but powerful premise: If you served your country in wartime, your country would pay for your education. If you served your country during wartime, your country would pay for your education—a simple but powerful premise.

For the 7.8 million World War II veterans who took advantage of the GI bill, this great idea opened the doors of opportunity in civilian life. It eased the difficult transition from wartime service to peacetime employment and equipped the greatest generation—the greatest generation—with the education and skills to lead our country into an era of prosperity and into an era of growth.

Over the last half century, the educational benefits we offer our veterans have evolved from the wartime service benefits of the World War II GI bill to a more limited set of educational benefits known as the Montgomery GI bill. Designed primarily for peacetime, the Montgomery GI bill helps defray the cost of tuition, but it does not cover the full cost of education. Today, almost 7 years into the war in Afghanistan and more than 5 years into the war in Iraq, the educational benefits we offer our veterans should reflect the magnitude of the sacrifices they are making on our behalf.

The 21st century GI bill does this by restoring the principle of the first wartime GI bill. Under S. 22, servicemembers who have answered the call of duty since September 11 will receive an educational benefit that will cover the full cost of a 4-year public education. The benefit will be available to not only the Active-Duty component but also to members of the National Guard and Reserve, proportional to their amount of Active-Duty service since September 11, 2001. It is fitting and it is proper that they be included in this benefit.

Now, in an unfathomable and incomprehensible way, to me, I know there are critics of this bill, including the President of the United States, who said that this bill is too expensive—that this bill is too expensive. To them, I say that providing our servicemembers a comprehensive educational benefit is simply a cost of war.

Since 2003, we have spent over $525 billion in Iraq alone—that is $525 billion in Iraq alone. This year, we will spend nearly $150 billion in Iraq, over $12 billion a month every month. Compare that to this 21st century GI bill of rights. It will cost between $2.5 billion and $4 billion a year—$2.5 billion to $4 billion a year. Think of that. The cost of this new GI bill is about the same as a cost of conducting the war in Iraq for 10 days—for 10 days.

As we have a duty to provide our men and women in uniform the equipment they need to do their jobs, so, too, we as a nation and the Senate have a duty to provide them the educational benefits that will assist their transition back to civilian life. This should not even be a close question. This should not even be a debate.

In addition to all the opportunities this bill will create for America's newest veterans, this bill is a smart investment for both our military and our economy. The educational benefits under this legislation would help us rebuild our military.

Over the last several years, the Army has consistently been missing its recruiting goals. As a result, the Army has relaxed its enlistment policies, lowered the standards for signing up new soldiers, and implemented a stop-loss policy to keep soldiers in beyond their contract obligation. This formula is symptomatic of a military in America which today is under severe strain. It is a formula that will, over time—and it already has—erode the quality of our armed services. The benefits under this 21st century GI bill will reverse this trend by attracting a new generation of high-quality recruits who come to the service of their country for the promise of an education in return.

S. 22 is a powerful recruitment tool. It is also a very smart economic investment. Each month it seems we read a new report describing how America is falling behind in education and losing its global competitiveness. With tuition costs rising, more and more young Americans are finding college out of reach. Ask those young Americans in college today or ask their parents today about how far out of reach college has become for them.

Veterans who in another era would have been able to use their Montgomery GI bill to pay for college now find their benefits have not kept pace with tuition growth. After years of service to their country and multiple deployments, college remains out of reach.

By making college accessible again to those who have answered the call since September 11, we will be making one of the smartest investments we can possibly make. By giving veterans a clear path from the military to the classroom, we will be equipping them with the skills and knowledge they need to lead our world. We will be helping them fulfill their destiny as the greatest generation of their time, leaders in their community, leaders in business, and leaders for America and the world in the 21st century.

I am proud of all of my colleagues who are behind this bill. I am proud of the leadership of Senator DANNY AKAKA, the chairman of the Veterans' Affairs Committee. I am proud of Senator WEBB, who has led this. I am proud of Senator HAGEL, whose principled voice serves our soldiers so well; Senator WARNER, whose wisdom and leadership on the Armed Services Committee has been so valuable for so many years; and Senator LAUTENBERG and Senator AKAKA, who both attended college under the GI bill in World War II. I thank each of them for their leadership.

I am proud the 21st century GI bill is included in this fiscal year 2008 supplemental. I am proud we have resisted efforts to weaken the bill. I am proud we have the opportunity to honor the service of our veterans with this GI bill to better reflect their sacrifice.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

A NEW GI BILL

Mr. AKAKA. Madam President, I rise to speak in support of a new GI bill for the 21st century.

As chairman of the Senate Veterans' Affairs Committee and as one of the 8 million veterans who took advantage of the opportunity to attend college on the original World War II GI bill, I know first-hand the value of this benefit. It is one of the reasons why I am here today in the U.S. Senate.

Without the generous support I received from the GI bill and the maturity and discipline I gained from my military experience, I am certain that my life would have turned out much differently. Being able to attend the University of Hawaii—with all expenses covered—and receiving an allowance of $113.50 a month—gave me the start in life that led to me standing here in this body today.

Now we should give that same opportunity to those young people—stepping forward—who put themselves in harm's way for our country. That is why I have given my enthusiastic support to the provisions that will come before the Senate later this week in the supplemental appropriations bill that would establish a new program of educational assistance for veterans and servicemembers.

Those provisions are drawn from S. 22, the proposed Post 9/11 Veterans Educational Assistance Act of 2007, which was introduced by my good friend and colleague from Virginia, Senator WEBB, who serves with me on the committee. This is a bipartisan measure that has already been approved by the House of Representatives.

This legislation will give thousands of young men and women who sacrificed for our country the opportunity to return to civilian life and pursue a full-time college education without worrying about what they will live on. It makes good on our promise of an education in return for volunteering to serve in our military and for honorable service.

To those who have concerns about the impact that this proposal might have on the Armed Forces ability to recruit and retain quality personnel, there are a number of points which must be made.

First, this new GI bill for the 21st century would be a powerful recruitment tool for our military. Our bright, college-bound high school seniors will see this as an attractive way to pay for their advanced education. By completing a 3-year commitment, they will earn a benefit that will allow them to attend school without accumulating thousands of dollars of debt.

As for retention, the armed services cannot retain those who they do not recruit.

In addition, this proposal incorporates a number of tools that the military can use to make longer commitments attractive, including retention kickers and the option of transferring benefits to family members.

I believe that those who would rely on transferability as an incentive to longer service would be disappointed. In 2006, the Army began offering this option to certain soldiers in critical skill areas. Less than 2 percent of the 17,000 soldiers who were given an option to transfer benefits to a spouse accepted it. Now the program has been expanded to permit transferability to children, but much more experience is needed before anyone can positively say that this benefit would have the desired impact on retention.

Finally, I want to say a few words to those who are concerned about the cost of the program. I have long said caring for veterans is a continuing cost of war. This Nation will be paying for the conflicts in Iraq and Afghanistan for many years. The cost of this program is a very small portion of the total funds that have already been spent and will continue to be incurred in the future. As others have pointed out, this program would be an extremely small percentage of what these conflicts are costing us each day.

I have worked very closely with Senator WEBB in developing this legislation. I take this opportunity to thank both Senator WEBB and his staff, especially Phillip Thompson and William Edwards, for their cooperation and collaboration. I also thank Senator JOHNSON and Appropriations Committee staff, Chad Schulken, as well as Senator HAGEL and his staff member, Sarah Pullen for their cooperation and assistance.

I believe that what the Appropriations Committee has reported, and that will be before us later this week, is a workable and effective proposal and I urge my colleagues to support it and the President to sign it into law.

It is time for a new GI bill for the 21st century.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GAS PRICES

Ms. CANTWELL. Madam President, I rise today to talk about the out-of-control oil prices we are seeing and what we can do about it right now. I see we have reached another record in gas prices with the national average topping $3.79 a gallon, and today is the 13th day in a row we have seen an increase in gas prices.

It is time Congress be more aggressive at trying to solve this problem. We have taken some action in the last week, both on the Strategic Petroleum Reserve and on the farm bill, trying to put more teeth into the CFTC. But we need to do more.

Democrats certainly want to police the oil and gas markets. We want to make sure we are doing a better job at policing these markets and restoring the authority the CFTC once had, and in making sure the CFTC does its job in preventing fraud, excessive speculation, and market manipulation. But many of my colleagues may not remember exactly how we got to this point after we substantially deregulated the energy futures market. While the oil futures market may seem like an issue that many may not understand in America, I guarantee my colleagues that oil futures affect the price of gasoline today. In fact, oil futures out to 2015 are already over $100 a barrel and certainly affect the price of gas at the pump. But on a dark December night in 2000—in fact, it was December 15, the last day of the 106th Congress—an amendment was put on the Omnibus appropriations bill that received little attention and basically deregulated the energy futures market. That amendment that deregulated the energy futures market—the Commodity Futures Modernization Act—was added quietly to the 11,000-page must-pass Omnibus appropriations bill, right when Congress was adjourning. This deregulation has had a major impact on what we now lack in the oversight of markets.

In fact, we had one analyst, Gretchen Morgenson, being quoted as saying:

> The Commodities Futures Exchange Act was an early Christmas gift to a company that had worked hard to persuade Members of Congress that the electronic energy exchanges and all the trades made on them should be exempt from regulators' prying eyes. The company was Enron.

So while many of my colleagues may not have realized in 2000 exactly what was happening, it was clear Enron knew exactly what it was lobbying for in getting the Commodities Futures Modernization Act attached to the Omnibus appropriations bill. In fact, Enron spent close to $2 million lobbying to make sure we deregulated the energy market. I can't tell my colleagues—besides what has happened with the electronic trading of electricity—how much this has impacted the rest of our energy markets that some of my colleagues may not understand.

What this CFMA bill did is it substantially deregulated the energy futures market. It did that because it allowed energy futures trading on dark, opaque markets, it substantially relaxed existing regulation of energy trading, and it wholly excluded volatile financial derivatives which are at the center of today's credit crisis—credit default swaps.

At that point in time, there were many who were arguing that the CFTC should have had an aggressive role in regulating credit swaps, and that bill that was passed, again, on December 15, 2000, at 7 p.m. at night, on an 11,000-page omnibus bill, basically prevented any regulation whatsoever of credit default swaps. I think many understand now exactly how detrimental it has been not to have more insight into credit default swaps and the impact they have had on the credit crisis.

We had good consumer protection tools in place before deregulation. I wish to make sure my colleagues understand that. We had good consumer protection tools in place prior to this deregulation. On all energy futures exchanges, we required records be kept for all trades. Large trades on all exchanges had to be reported to the CFTC, which means that if somebody had a large position in a particular futures or derivative contract, they had to report that to the CFTC. There were speculation and position limits required on all exchanges. The CFTC had to review all trading for fraud and manipulation and for excessive speculation. That was one of their responsibilities. Also, traders had licensing and registration requirements.

So all those things were a part of the regulatory framework the Commodities Futures Trading Commission used to make sure that all energy markets were not being manipulated and to make sure that particularly on large trades, people weren't using large positions in the marketplace to affect prices. In fact, it led the chairman of the CFTC at the time to say:

> . . . Large Trader information system is one of the cornerstones of the CFTC surveillance program and enables detection of concentrated and coordinated positions that might be used . . . to attempt manipulation.

So here is the chair of the CFTC basically saying that large trader information is most critical to policing the futures market. Yet that is exactly what we gave up on certain exchanges when we deregulated the futures markets. We ended up deregulating large trades reporting to the CFTC.

So that is what the chairman said about the key tool one uses as a cornerstone. Basically, we threw it out and said you don't have to do this anymore—a big mistake and part of the reason we don't have more insight into why oil company executives are saying oil should be $50 to $60 a barrel. Yet we are seeing $127 a barrel, and no one can justify, based on supply and demand, why we are here. What we need to ask ourselves is why we deregulated these markets and are not putting more teeth into protecting consumers.

So what has happened since deregulation? Well, we created dark markets with no transparency. That means that trading happens without insight, without those rules I mentioned before. There is no U.S. requirement to keep records. There is no large trader reporting. There are no speculation limits. There is a high risk for manipulation and excessive speculation.

I ask my colleagues to consider what would happen if we did something similar to other areas of our financial markets and organizations. Many people think of the stock market today and they say: Well, the stock market must have some oversight. We hear stories all the time about people who have violated SEC rules.

Well, that is right. The Securities and Exchange Commission oversees the stock market and uses some of those same tools I mentioned to make sure there is oversight. Yes, there is oversight of the stock market.

Many people have heard of NYMEX—the New York Mercantile Exchange—and wonder whether it meets certain rules such as whether you have to register to be a trader there, whether somebody looks at large trading positions, and whether there is excessive speculation. The answer is yes, in this case we do have a Federal agency that oversees those things and we do have oversight. The Chicago Mercantile Exchange is another trading platform that is instrumental particularly in agricultural commodities and agricultural futures. The CFTC oversees the Chicago Mercantile Exchange for those same things: trading positions; large traders maybe doing untoward things; people have to register; speculation limit; all those things.

But now all of a sudden we have a new trading platform called the InterContinental Exchange, or ICE, that is largely unregulated. Back in 2000, Enron helped promulgate this idea that they don't have to meet those same requirements. So here we are. The stock market, including NYMEX and Chicago Mercantile Exchange and others, are all subject to CFTC oversight requirements. But then a trading platform where energy futures are traded without proper oversight gains a huge market share because we deregulated that type of over-the-counter exchange in 2000.

I can tell my colleagues we need to go back to policing this area of energy futures markets. We are not going to give the consumer the confidence they need to make sure these markets aren't being manipulated or that the price of oil isn't being driven up by hedge fund investors and others who happen to have no oversight as our other financial trading platforms do.

So to be clear, ICE is a dark market. That means it doesn't have the transparency. There is no direct CFTC review of trading for fraud, manipulation or excessive speculation. They don't do any of that. They also failed to stop Amaranth, which was a big hedge fund trading in natural gas futures.

The PRESIDING OFFICER (Mr. CARDIN). The Senator's time has expired.

Ms. CANTWELL. Mr. President, I ask unanimous consent to use such time as I might consume.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Reserving the right to object, I was thinking I was supposed to speak at 4 o'clock and the Senator was to speak after me. I don't know how long it might be if she continues. I have a conflict coming on my schedule too. I need about 10 minutes. So my inquiry, before I object, might be how long the Senator might expect to proceed.

Ms. CANTWELL. I expect to go for probably about another 5 minutes.

Mr. SESSIONS. I don't object to that, Mr. President.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Thank you, Mr. President.

So to continue on this point, Amaranth actually tried to make some of these energy futures trades on the NYMEX exchange. What happened is NYMEX said: No, you can't hold such large positions on this exchange. NYMEX wouldn't allow Amaranth to do it. Instead, they just went to the ICE exchange—again, without the transparency—and promulgated some of these things which ended up costing consumers billions of dollars.

Another product is traded on the ICE, but on an exchange they own in London, the West Texas Intermediate crude oil contract, which is a benchmark for crude oil prices. It is interesting because West Texas Oil does give us some indication about what oil futures are going to be and what the price of oil is going to be. Since it started trading on ICE in February of 2006, the price of crude oil has doubled. So we can see it has had a big impact.

I wish to make sure people understand because Amaranth is an example. We had Enron, which had many impacts on the electricity markets in the West. It cost billions of dollars in our State and throughout the west coast. Many of my consumers were greatly impacted by that. Amaranth came along in the natural gas markets and there was similar manipulation. So we saw it in electricity, we saw it in natural gas, and now we want to make sure oil markets are being policed. But Amaranth, as I said, was told to reduce its positions because the NYMEX didn't like the fact it had large trading positions. Instead of doing that, they switched over to this dark market that is unregulated and continued to hold these large positions which caused volatility and again, as I said, cost consumers over $9 billion.

So where are we today? Well, we have in the farm bill taken a good step forward in trying to put some teeth back into the CFTC, but we need to do more. We need to ensure consistent market rules are there for all U.S. oil trading. We need to make sure our U.S. oil-trading platform has the type of transparency and the bright light of day on it. We need to make sure it is subject to U.S. trading exchanges, that those trading exchanges have the oversight of CFTC, and that energy traders can't simply justify any exemption and say the burden of proof is on the CFTC.

So what are we talking about? Some people say because the West Texas oil contract is being traded on ICE's London exchange it is an international exchange. But the crude oil we are talking about being traded is produced in the United States, it is delivered in the United States, it is consumed in the United States, and it is traded in the United States. The only question we have is if it is regulated in the United States, and the answer is no, it is being regulated by the Financial Services Authority in the U.K. It is a big question mark as to what is causing gas prices to be at $127 a barrel, when energy analysts and oil company executives will tell you it should be between $50 and $60 a barrel.

So if somebody wants to tell you this product is not a U.S. product and should be on this exempt ICE exchange, that is buying something they should not be buying. What is important about this is that since this deregulation, we have seen explosive growth in the oil futures market. In fact, this is 2002, where you can see this on the chart. I hope we can get some numbers for 2000. I guess we will probably see something that is a little more parallel.

Look at this futures market, this explosive growth in derivatives now—this huge growth compared to where the stock market is today. So people are investing all this money in what is a dark market—not all of it, but a big portion in what is the dark market. Here, again, is what oil prices were. We created the Enron loophole and then the ICE started changing the West Texas intermediate oil and the price went up. When the dark market—the lack of transparency of trading oil futures—happened, the price shot up.

We need to get back to the basics. One of the CFTC commissioners said:

> I am generally concerned about the lack of transparency and the need for greater oversight and enforcement of the derivatives industry by the [United Kingdom's Financial Services Authority.]

We know that another analyst involved in oil trading said:

> Oil's price records are less due to fundamental changes than the increasing proportion of investor demand driving prices higher. I think we'll achieve a price of $150 in the coming six months.

That was Eugene Weinberg who said that. The people in Washington State cannot afford gas coming from $150 a barrel, and I am sure other consumers across the country cannot either.

One of the analysts who spent a lot of time reporting on this said:

> Where is the CFTC now that we need [speculation] limits? It seems to have deliberately walked away from its mandated oversight responsibilities in the world's most important traded commodity, oil.

I think it is time we get back to the CFTC and their responsibility. I will send a letter this week, along with my colleagues—Senator SNOWE and others—to basically ask the CFTC to reverse its no-action letter that allows trade of crude oil, home heating oil, and gasoline futures contracts on ICE to be exempt from U.S. oversight and ask the CFTC to reinstate the authority it has to look at these dark markets.

One of the law professors who testified before the committee said:

> The ICE [oil trading] loophole could be ended immediately by the CFTC without any legislation.

I hope my colleagues will join in signing a letter that says basically these markets cannot continue to remain dark. We need, as in the stock market, recordkeeping. We need to have large trade reporting so we know who is moving large trading volume and impacting the market. We need speculation limits and we need monitoring for trade and manipulation. These are things we can get the CFTC to do tomorrow.

It is time to pop the oil price bubble. It is not based on market fundamentals of supply and demand. We owe it to our consumers to make sure we are policing energy markets. We are going to do all we can to make sure we restore whatever is the proper oversight to these markets to make sure the deregulation that happened in 2000 is put back into place to give consumers more confidence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

IMMIGRATION

Mr. SESSIONS. Mr. President, I think most of my colleagues may not yet be aware, and would probably be shocked to learn, that late Thursday afternoon during the Appropriations Committee markup, 110 pages of controversial immigration provisions were added to the war supplemental package in the form of four very significant Senate amendments to the House messages. It has been less than a year since the resounding defeat of the Senate immigration bill on June 28 of last year, where cloture failed by a vote of 46 to 53. The proponents of that legislation hoped to get 60 votes, and we walked down there in front of the American people and only 46 voted for it and 53 voted against it.

Yet the amnesty proponents—those who want to enact legislation that legalizes their status and forgives criminal activity, as opposed to creating a lawful system of immigration—are obviously continuing their determined effort to override the will of the American people and legalize the illegal alien population, without Congress acting to fulfill its responsibility to secure the border and create a lawful system of immigration.

That is what it is all about. This is a determined effort to push through the amnesty and the legalization status for people who have entered this country illegally subsequent to our 1986 bill, in which we said we would never have amnesty again, and they continue to seek ways to do that. So now they are seeking to attach their plan to a bill that provides necessary funds for our soldiers in Iraq. The 110 pages of immigration provisions now hidden in the supplemental war bill are offered in the form of several amendments. Together, these amendments would legalize approximately 3 million illegal alien workers and their family members. They called it AgJOBS light. It is very bad policy, bad legislation, and should not become law. I don't think most of the Senators know this, and I ask that you pay attention to this. It would increase by up to fivefold the number of low-skilled temporary workers who will come to the United States over the next 3 years—5 times the current legal rate of 66,000 workers under that H–2B program.

Some way, we have been allowing more in under that program. Yes, when the economy was booming, we did get up to about 120-some-odd-thousand. This was on that basis even to be at least 2½ times the highest amount we have ever admitted under H–2B, at a time when people are being laid off. I understand the experts expect maybe today or tomorrow a higher unemployment rate to be demonstrated in our country. So why are we going to increase 2½ times the immigration under that bill?

It would also increase the number of employment-based green cards that will be given out over the next few years by 218,000. It is called green card recapture. I note that a green card, in effect, gives permanent legal status to a person who has a green card, and a guaranteed path to citizenship, as long as they don't have some felony offense. It would reauthorize the Foreign Investor Visa Program. That program probably deserves consideration for renewal and reauthorization. I just thought we certainly have not discussed it in the Judiciary Committee, where I think it is supposed to be coming forward. No hearings have been held on it. It was stuck in while the appropriators were considering funding our military men and women in Iraq and in other places. It was stuck into that without any real debate.

The merits of each of these provisions, I suggest, are worthy of discussion. I have proposed—and I think Senator SAXBY CHAMBLISS has agreed with me—a genuine temporary AgJOBS worker program that I think could be the foundation for improvement in this area. But that has been flatly rejected by those in the West, who seem to be obsessed with a program that guarantees people a permanent residence in America, and maybe even a pathway to citizenship—those who came here illegally. We have not had hearings on this in the Judiciary Committee, the committee of jurisdiction, of which I am a member.

I guess the question is, why would they do this? I think it is like we have had time and again—and I hate to say it. It is an effort to bury major alterations in our policy of immigration in legislation that is rushed through the floor of the Congress, without full consideration by the Senators and a full evaluation by the American people. That has been the problem. They tried to bring up the bill last summer in 1 week. We were able to demand and have some votes and some amendments and discussion. When the American people found out what was in it, they put an end to it. So many phone calls came in, the entire Senate switchboard shut down. That is when votes started changing from aye to nay.

I think it is distressing, and it is one reason there is a lack of public confidence in the Congress, because we say one thing in public, and we say something else in committee meetings when, apparently, people are not looking so closely.

Last summer, the words were: We got the message, America. We understand now that you do want a legal system of border security first, before we go through an amnesty proposal. That was what we talked about. That was what I think everybody on both sides seemed to agree was the message of that debate. It was the right answer. That is what the American people instinctively favored. The American people were fundamentally correct on that all along. It was Congress that was out of step with morality, law, and propriety. The American people spoke to them last summer, and I thought we had gotten the message. But oh, no, here we come again.

You don't see any amendments slipped into these appropriations bills that would actually help us improve the legal system in America, that would actually help this country establish a system of immigration that is generous and fair and serves the national interests. Those are not introduced. It is always a way to do a backdoor amnesty.

Let me say this. We provide each year over a million green cards to people who want to become American citizens. A green card gives them a guaranteed permanent residence in America. It puts them on a path to citizenship if they avoid any serious difficulties in the next several years and answer a few English and history questions. This is a generous nation. We have temporary worker programs that work pretty well. But why is it we seem to be incapable of going on and closing the loop and creating a lawful system that actually works? It is frustrating to me. This is not acceptable. This is not an acceptable way to do business. We do not need to have the war supplemental tied up in this kind of controversial debate. I hope my colleagues will see what they can do to make sure our troops are funded in a way that does not create an AgJOBS lite legislation that is fundamentally unacceptable.

What does this AgJOBS do? It is 101 pages. It passed by a 17-to-12 vote. It would grant 3 million illegal aliens—1.35 million workers, plus approximately 1.62 million family members—a 5-year amnesty, or if you would rather call it so, a 5-year legalization to live and work in the United States. For almost all legal purposes, the amendment requires that these legalized illegal aliens be treated as lawful permanent residents. They get basically the same status as green card holders do, except they do not have guaranteed permanency.

Illegal aliens who qualify for the 5-year amnesty are those—get this; this is all it takes to qualify, that you perform agricultural employment for 863 hours or 150 days, 3 months' worth of work, have earned $7,000 from agricultural employment over the course of a 4-year period, anytime from January 1, 2004, to December 31, 2007. That is just last year. This is just last December 31.

It is particularly galling to me—just think about this—this Nation says it is serious about controlling illegal entry into America. Every Senator I know has repeatedly said: I am for a legal system; I am not for illegal entry into America, I don't approve of that. But we would propose legislation—get this—that if you came in last July, and you were able to break through the border barriers that have been put up, the fences, or avoided the National Guard and got into our country illegally, you will be given a 5-year legal status in America. See what this is as a matter of consistency and morality? It is an undermining respect of law at its most basic level. It indicates we have not gotten the message from the American people.

There is no requirement in this amendment that the illegal alien prove they paid their taxes on the wages they obtained when they were here. Examples of who would qualify for this legalization includes any illegal alien who arrived as of the end of 2007 and earned $7,000 in agriculture that year. Mr. President, $7,000; what is that, 3 or 4 months?

Also covered are illegal aliens who arrived as recently as July of 2007 and worked 150 days in agriculture before 2008. It covers illegal aliens who arrived years ago and earned a mere $1,750 for a 4-year period in agricultural employment. They will qualify. It covers aliens who arrived illegally years ago and worked a mere 37.5 days in agriculture a year for 4 years. It will not matter that for the other 327 days a year, they were not working at all or they were competing illegally and improperly with American workers for other jobs that might be available in the economy.

I have seen these bills time and time again. We point out these loopholes in the legislation. But I just want to tell you, Mr. President, I am pretty well convinced now, having seen it time and time again, that this is no drafting error. This was a deliberate attempt to provide a huge number of persons the opportunity to obtain legal status, even though they had a most peripheral connection to agricultural labor.

It also allows spouses and children to receive 5-year visas, allowing them to live and work—and work—in the United States. Illegal aliens whose spouses and children are not already illegally present in the United States would be encouraged under this amendment to come to the United States. They would be encouraged to bring them to the United States because the application period does not start for 7 months after enactment.

Spouses and children who are in the United States by the time the illegal alien applies for and receives this amnesty will also qualify. Do you see? So a person makes the application, and he has a powerful incentive to bring in his family.

Astonishingly, if the spouse or child is caught crossing the border illegally—we have to think about this in terms of our commitment to the rule of law. I ask my colleagues to think about it. If a spouse or a child is caught crossing the border trying to come into America illegally in violation of our laws, the bill actually prohibits them from being deported, as long as they make a claim they are eligible for this amnesty also.

Spouses will be given permission to work in the United States in any job, not just AgJOBS, even if they were not previously working. The amendment's flaws are not cured by the fact that the visa sunsets in 5 years. They say: Don't worry, it is only a 5-year amnesty, a 5-year legalization. I can ask seriously, I say to my colleagues and friends in the Senate, what will Congress do 5 years from now when a person has now brought their family here for 5 years, they have had 5 years in the school and it will become far more painful to confront their circumstance than if we had not created this legal status to begin with?

A real temporary worker program, which I think we can establish and is important for America, would allow workers to come for less than a year, but without their families, and to work for a period of time but will return home. That is a temporary worker program, and we could make that feasible. But, no, that is not what this is. It is 5 years with your family, digging and putting down roots, and it is not going to be anything Congress wants to wrestle with to ask them then to leave America. They will have quite a number of arguments why they should stay.

The chairman of the Appropriations Committee, Senator ROBERT BYRD, was correct when he stated in the committee markup: "This amounts to amnesty."

Although the amendment stopped short of giving all illegal aliens who get the 5-year amnesty visa an automatic pathway to citizenship, it specifically—get this. This really must be a great lobbying group. We need to find out who lobbies for these people. It stopped short of getting most of the illegal aliens who get the amnesty visa an automatic pathway to citizenship, but it specifically creates a pathway to citizenship for sheepherders, goat herders, and dairy workers.

Why were they picked out, please tell me? Does this make sense? They would get a 3-year visa which converts to a green card, which is a permanent resident status, and with the right within a few years to apply for citizenship.

It is most distressing, and most distressing to me at the most fundamental level. We have to think about this. This is just another attempt to take action that will eviscerate the rule of law, will eviscerate the respect we have gradually been gaining. And we could have done it a lot more, but we have made some progress in convincing the world that our border is not open, that it is a lawful system, and if they want to come to America, they must come lawfully.

I think this is bad national policy because it undermines respect for law. It says to the rest of the world: Yes, we say we have the National Guard there, we say we are building fences, we say we put more Border Patrol agents down on the border, but we really don't care. If you can just get in and work here a few days, then you are guaranteed to stay with your family, if you can get them in. Even after you apply for this 5-year amnesty, you can bring your family, and then maybe we will talk about what will happen to you 5 years from now.

I note also that one of the key points that ought not to be dismissed by the American people is that there is not one provision—not one provision—in this AgJOBS lite to further enforcement—not one—but everything there is about ignoring and erasing the consequences that naturally flow from violating the laws of America. That is most distressing.

I will take a minute to encourage my colleagues to be aware of the H–2B returning worker provisions that have been made a part of the war supplemental, also that have no business being part of that bill. It allows any person who has worked in the United States as an H–2B worker—that is a low-skilled, nonagricultural foreign worker—in the past 3 years to return for another year without counting against the 66,000 annual numerical cap.

The exemption would last through 2011, which is important, and the result could easily be a very large increase in the number of low-skilled workers who enter the United States over the next 3 years, and these are not agricultural workers. They will be competing for jobs with American workers.

Under the current law, a total of 198,000 workers will enter the United States on H–2B visas over the next 3 years, 66,000 per year. If this amendment becomes law, the number of low-skilled foreign workers invited into the United States will soar. Up to 300,000 H–2B workers will enter the United States in fiscal year 2009 alone, up to 366,000 will enter in 2010, and up to 432,000 will enter in fiscal year 2011, for a total of up to 1 million workers entering over the next 3 years. That is more than a fivefold increase over the number expected under current law. These workers will be competing with American workers in construction, food production, manufacturing industries, and any other industries of that nature in a time when we have a softening economy and job market.

Some say we have expanded those numbers to 66,000 and we have gotten up to 120,000 some-odd workers, so this is not such a huge increase. It is about 2½ times in a time when the unemployment rate is going up in America.

How did this get in? Did we have any hearings on it? Was the American community asked whether they think it is healthy? Did we have any experts talk about what an impact it might have on wages? No, it was just slipped in.

Hopefully, somehow we can move the war supplemental in a way that does not create a debate over immigration in the Senate. I don't think it is the right thing to do. This legislation should not be attached to it. I oppose the AgJOBS lite as vigorously as possible, and I believe the H–2B returning worker number is far larger than it needs to be. I have discussed trying to work out something of a reasonable nature previously, but I was surprised to see this broad piece of legislation be attached to the war supplemental.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

JUDGES

Mr. SPECTER. Mr. President, I have sought recognition to respond to a statement made earlier today by the Senator from Nevada, Mr. REID, on the judge issue. I heard about 25 or 30 minutes ago that Senator REID had spoken. I pulled together some materials and asked my staff to notify Senator REID's staff that I would be coming to the floor to speak on this issue, which is my practice when I am going to mention another Senator by name. Senator REID, in his speech, mentioned me by name, stating that I had delayed the nomination of Judge Helene White, who is a nominee to the Sixth Circuit. My preference would have been to have had notice. I have been in the Senate complex since late morning, and I invited Senator REID to come. And, perhaps he can come to the floor now. I would prefer to have this discussion face to face, but we can do it by long distance, through the record, or really short distance—Senator REID's office is right across the hall from the Chamber.

What is involved here is a very important issue, and that is the constitutional responsibility of the Senate to advise and consent on the nomination of Federal judges. Regrettably, it has been a very sore spot in Senate proceedings for the last 20 years. In the last 2 years of the Reagan administration, when Republicans controlled the White House and Democrats the Senate, nominations were delayed; the same during the last 2 years of the administration of President George H.W. Bush—again, Republicans controlled the White House and the Democrats the Senate. Then, during the last 6 years of President Clinton, the situation was worse—exacerbated. Each step along the way, the situation has gotten worse.

I voted for President Clinton's qualified nominees and said on this floor that the Republican caucus was wrong to delay them, in a variety of ways. But, just as my caucus was wrong then, my caucus is right now. What the Democrats are doing to President Bush's nominees is wrong.

In 2005, this Chamber, this historic Chamber, almost came apart with a challenge on the traditional right of filibuster with the so-called constitutional or nuclear option. And, now we have a situation where there is, again, a great imbalance. I will not go through the statistics again as to how many more nominees President Clinton got in his 8 years contrasted with President Bush in his 8 years. Those numbers have been on the record too often. I hasten to add on the subject that you can take the statistics in many directions, but let me focus on the specific matter we have at hand.

What we have at hand is the nomination of Michigan State Court judge Helene White for the Court of Appeals for the Sixth Circuit. I do not think anybody in the Senate needs to be reminded, but some people watching on C-SPAN2—if there are any—would be well advised to understand the importance of a circuit court nomination.

The Supreme Court of the United States reviews decisions from the circuits, but very few cases are reviewed by the Supreme Court because it is very busy. And so, that panel review by three judges on the circuit court is usually the last word on a matter, unless there is a court en banc. I will not go into details, but that is when all the judges of the circuit sit in unusual circumstances. The other unusual circumstance is when the Supreme Court grants certiorari or takes the case, which again is unusual. So, opinions of far-ranging importance are decided by the courts of appeals. Very frequently, these decisions are 2-to-1 decisions, so one circuit judge has a lot of power to make important law affecting a lot of people. The interests of individuals, companies, corporations, the Government, even international affairs are decided by these judges, and these are lifetime appointments.

There has been considerable concern and debate in this body about the time the Senate has to consider these matters. Ordinarily, many weeks pass after the President submits a nomination before a nominee is voted on here. For example, Peter Keisler had a hearing, and his nomination has been pending for over 690 days. Judge Robert Conrad has waited more than 300 days for a hearing. Steve Matthews—also for the Fourth Circuit, from South Carolina—has waited over 250 days for a hearing.

Contrast that with what has happened with Judge White. Judge White was nominated to the Sixth Circuit on April 15, 2008, and had a hearing on May 7, 22 days later. Her hearing record was held open until May 14 to receive questions. Her responses to the questions are due by May 23, which is the last day of the session. If she were to be confirmed soon, she would probably break all speed records. It would probably be the equivalent of an Olympic record. I can't be sure of that because I have not checked all the records. I have only had a few minutes to prepare to come over here to make this presentation, but, what we do know is what the attitude of the Democrats was when the shoe was on the other foot.

Back in 2001, when Senator LEAHY became chairman of the Judiciary Committee, he said:

> There will be an American Bar Association background check before there is a vote.

Let the record show that there has been no American Bar Association evaluation on Judge White up to the present time, and the projection is that it will not be obtained before the Senate adjourns this week.

I ask unanimous consent to have a letter dated May 6, 2008, to Chairman LEAHY and myself printed in the RECORD following the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. In 2006, when a hearing was scheduled for Peter Keisler, 33 days after the nomination, all of the Democrats on the Judiciary Committee, signed a letter to me in my capacity as chairman asking me to "postpone" the hearing, citing the concern that:

> . . . the ABA has not even completed its evaluation of this nominee.

The lack of an ABA rating did not seem to bother the Democrats this time. They ran roughshod right over that practice and held the hearing 22 days after the nomination was submitted before it was possible for the ABA to complete its rating. We did not have the benefit of the ABA evaluation, which is important before the hearing.

There have been exceptions on district court nominees. I suppose you could go through the record and find exceptions. You can do that on about everything. But, with a circuit court nominee who is controversial, where there are questions about her qualifications, it is obviously a very bad practice.

When the objections were raised to the timing on the Keisler nomination, Senator LEAHY made the point to me as chairman—through the letter from all of the Democrats—that we should not be scheduling hearings for nominees before the committee has received their ABA ratings. I would note that the ABA rating for Keisler was received prior to his hearing. So what is good for the goose is, apparently, not good for the gander—bad practice for Keisler equals good practice for Judge White.

Here is what Senator SCHUMER had to say about scheduling Keisler's hearing within 33 days:

> So, let me reiterate some of the concerns we expressed about proceeding so hastily on this nomination. First, we have barely had time to consider the nominee's record. Mr. Keisler was named to a seat 33 days ago, so we are having this hearing with astonishing and inexplicable speed. The average time from nomination to hearing for the last 7 nominees to that court is several times that long.

A practice decried in very strong terms by Senator SCHUMER seems to be okay for Judge White.

Without going into very great detail, let the record show that Judge White has a very extensive record on the state court—many cases to consider and analyze—contrasted with the record of Mr. Keisler, who had never been on the court. But, the mathematics of the situation is conclusive.

Now Judge White's nomination comes to the floor in the context of an agreement having been reached by the leaders of the Republican and Democratic Parties, breaking a stalemate which existed for a long time.

Mr. President, I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. The agreement, as accurately stated by Senator REID earlier today, was in this form:

> I cannot guarantee three confirmations because that outcome would depend on factors beyond my control. Still, Senator LEAHY and I have worked hard to move three appellate nominees this month. Judge Agee is one of the three. The next two nominees in line are Sixth Circuit nominees, Raymond Kethledge and Helene White of Michigan.

Well, if Judge White and Raymond Kethledge and even Judge Agee were the only circuit court nominees available, that comment would have some relevance, but there are others who have been waiting a long time. Peter Keisler, as I noted before, had a hearing but has been waiting on the committee docket for over 690 days. He could be confirmed easily in the time allotted. When the arrangement was made on April 15, Judge Robert Conrad, who had been waiting for a hearing for over 300 days, could have been processed and confirmed. Steve Matthews, who had been waiting for over 250 days, could have been processed and confirmed.

So, Senator REID had plenty of alternatives to deal with. He did not have to move to Judge White and force this phenomenal effort on a rush to judgment. Senator REID sought to rebut that fact in his statement saying:

> No one presumed to instruct Senator Specter about the sequence of nominations during the years he served as Chairman of the Judiciary Committee.

Well, let me point out that no one had to instruct Senator SPECTER on comity, on courtesy, on consultation with the Democrats. As Chairman, not only did I never try to ram anything down the Democrats' throat, I went out of my way to see to it that they were consulted, that their views were taken into account, and that they were followed in many important considerations.

The White House wanted to have the Roberts confirmation process start on August 28. I consulted with Senator LEAHY, then ranking member. He thought that was a bad time, and we discussed it. I came to the conclusion—and candidly, would have had it in any event—but consulted with him before going back to the White House and saying: It cannot be done. It is going to be after Labor Day. If you bring back Senators during a recess, before children go back to school after Labor Day, it is a bad practice.

The hearing was scheduled in a way which comported with what Senator LEAHY had to say. Nobody consulted me about the scheduling of Judge White or the other two judges. Next, the White House wanted Justice Alito confirmed before Christmas. He had a big record; he had been on the bench for 15 years. I think Judge White has been on the bench at least comparable time, maybe even longer. It was unrealistic to go through his record in that time frame.

I said to the White House and to the President personally: It can't be done realistically.

I said: Mr. President, you have the great advantage of never having been a Senator.

And, as a result, those hearings were held in January. Again, before the decision was made, I consulted with Senator LEAHY extensively. He thought it was a bad idea to confirm before Christmas, and I listened. Here again, absent Senator LEAHY's view, which I was pretty sure about before I consulted him, I would have had the same conclusion, but he was consulted, and consulted in advance.

So, when Senator REID says: No one presumed to instruct Senator SPECTER about the sequence of nominations when he was chairman, he is right, but then no one had to.

Then we come to the part where Senator REID mentions me, which, as I said, was without advanced notice.

He said:

> Unfortunately Republican Senators on the Judiciary Committee have delayed consideration of Judge White. They badgered her at her confirmation hearing and then followed up by asking a total of 73 separate written questions, including some that will be particularly time consuming.

Well, I am not going to take the time to go through the many hearings that I have sat through on that committee for the last 28 years, but the questioning of Judge White was firm, polite, professional, and much less intense than many hearings—the Alito hearings, for example, or from some of the Democratic Senators who questioned Roberts. She was not badgered. Let anybody take a fair reading or review of the video, and that can be easily confirmed.

Then Senator REID goes on to say:

> Every Senator has this right to ask questions of a nominee, but the number and nature of the questions posed to Judge White suggest that the Republicans intended to delay the nomination.

There is not a scintilla of fact to back that up. The need to have time to consider this nomination in this time sequence is obviously apparent on its face.

Senator REID goes on:

> In addition, Republicans have insisted that the nomination not move forward until Judge White's ABA review is complete.

Well, having an ABA rating is very fundamental and very basic procedure for every judge.

Senator REID goes on to say again:

> That is their right. But in this case, it is ironic they would make that request since she was rated qualified by the ABA 10 years ago when Republicans blocked her nomination from moving forward.

Well, that argument is not so specious that it answers itself. A 10-year-old evaluation obviously has to be updated.

Now, when Senator REID objects to the questions we asked her, I take issue. We asked her the questions because her answers to the questionnaire were incomplete. She was given a questionnaire shortly after nomination on April 15. It was received by the committee on April 25. One of the questions in the questionnaire was to give "copies" of speeches given.

And it further said:

> If you do not have a copy of the speech or a transcript of the tape recording, please give the name and address of the group before whom the speech was given, the date of the speech and the subject matter.

Her response was:

> Over the years, I have participated as a member of various panel discussions at bench, bar or State or local bar association conferences and meetings. None of these have been recorded or transcribed to my knowledge. I have not retained any notes or outlines.

But, she has not answered the question as to whom she spoke to or before. That was the question asked, and it is a relevant question and is the standard question for everyone.

Next, she was asked to provide unpublished opinions when she was reversed. Now, that is a very important question. When a judge is reversed, that is a particular area worthy of inquiry. And, again, she did not answer the question by providing the opinions. She certainly is in the best position to have those opinions and speeches.

Now, how can we confirm a judge where we do not have an opportunity to review all the information requested by the Senate questionnaire? And a good bit of this is not Judge White's fault. A good bit of this is the fault of the scheduling, which was determined by the Democrats.

So here we have a situation where there was a commitment, albeit with limitations, to confirm three circuit judges before Memorial Day, and today Senator REID comes to the floor, with adjournment later this week for the Memorial Day recess, and he is in effect saying: The commitment will not be completed due to circumstances beyond my control, beyond the Democrats' control. It is all the fault of the Republicans.

Well, I ask fair-minded Americans, and Americans are fair-minded, whether this is appropriate. I have sought to avoid any characterizations or any of the vituperative language which has characterized this body in modern times, as we have had so much bickering which the American public is so sick and tired of. I have tried to avoid that with a strict factual analysis as to how the schedule proposed by Senator REID is an unconscionable rush to judgment, is in violation of the standing practices and procedures of the Committee and the Senate, does not give an opportunity for a proper evaluation as to what her record is, and why she should not be nominated for a lifetime position on this state of the record.

There has been a lot of talk about what the consequences will be of the tactics of the Democrats overall. That is going to be a question for the Republican caucus.

At this point, I make only one commitment, and that is, to present it to the Republican caucus tomorrow. I thank my distinguished colleague from Florida for waiting. I would say patiently waiting, but only he can characterize his waiting.

EXHIBIT 1

AMERICAN BAR ASSOCIATION,
Idaho Falls, ID, May 6, 2008.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: On behalf of the American Bar Association Standing Committee on the Federal Judiciary, I write to express our concern that you have decided to proceed with the confirmation hearings of Helene N. White to be U.S. Circuit Judge for the Sixth Circuit and Stephen Joseph Murphy III to be U.S. District Judge for the Eastern District of Michigan, currently scheduled for May 7, before completion of the Standing Committee's evaluation of these nominees. Our evaluations provide a unique window into the nominee's professional strengths and weaknesses, and offer members of the Judiciary Committee and the Senate a unique perspective on the nominees that otherwise would not be available. You and your colleagues have noted at numerous confirmation hearings that the Standing Committee's evaluation is important to what you do.

As you know, barring unusual circumstances, the expectation is that the Standing Committee will complete its evaluation and submit its rating within 35 days of receiving a nominee's personal data questionnaire from the Department of Justice and a waiver from the nominee that allows a review of important records. A supplemental evaluation of a nominee whose nomination has been withdrawn or returned and then subsequently resubmitted by the President may require less time to complete.

The Standing Committee's investigations of these two nominees are under way. Under our normal timetable, it would be reasonable for you to expect to receive our evaluations by the close of this month. It is unfortunate that, during the confirmation hearing, your committee members will not have the benefit of the Standing Committee's comprehensive review.

Despite these developments, I assure you that the Standing Committee will continue its work evaluating both nominees and will make every effort to expedite the process without compromising the thoroughness or quality of its evaluation. This is consistent with our previous practice when, on rare occasions, we have been confronted with a similar situation. Our evaluation of each nominee will be submitted to your committee and to the Administration as soon as reasonably possible. We sincerely hope that the Judiciary Committee will defer further consideration of, and that the Senate will take no action on, these two nominees until our evaluations are submitted and can help inform your critical deliberations.

It is our belief that by evaluating the integrity, professional competence and judicial temperament of each nominee, the ABA helps to ensure confirmation of the best qualified individuals for lifetime appointments to the federal bench. The ABA Standing Committee on the Federal Judiciary looks forward to continuing to work with you in pursuit of that goal.

Sincerely,
C. TIMOTHY HOPKINS
Chair.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Florida.

HEALTH CARE

Mr. NELSON of Florida. Madam President, and, of course, to my distinguished colleague from Pennsylvania, this Senator certainly did not mind waiting because it was a matter of great concern. And it was obvious to this Senator in the elevator that the Senator from Pennsylvania had a matter of great weightiness that was something that he wanted to share with the Senate.

I shall always defer to the eminent scholar of the Senate, and I am glad that the Senator has spoken, and spoken his mind. This Senator would like to speak his mind on a subject that is heavy on the hearts of the American people; that is, what is the future of their health care.

It is clear people are concerned because health care has become something that dominates someone's thinking, if they do not have the assurance of having that health care. The number of insured has reached 47 million people. It looks like that number is going to increase, particularly as we are going into an economic downturn that plagues us and seems it will continue to do so. In the meantime, the American people also know health care costs are increasing at a rate much higher than their average paycheck. So that worries the American people.

It is a fact that Americans spend more money on health care than any other country in the world. Sometimes we don't have as good results. For example, one recent study says life expectancy among certain groups of women in the United States is actually going down due to the prevalence of growing chronic disease.

In Florida, the problems are no less severe: 19 percent of all children in Florida are uninsured, one of the highest rates in the country; 25 percent of all nonelderly Floridians are uninsured, a quarter of the nonelderly Floridians, those not covered on Medicare. Of course, the people are getting concerned because we in Washington are unable, between the executive and the legislative branches, to strike a solution.

The long and short of it is, there are some solutions that are starting to percolate to the top. There is one that has 7 Democrats and 7 Republicans, 14 of us, bipartisan cosponsors. What it does is, it insures everybody universal coverage, the 47 million people who now do not have health insurance who, by the way, get health care because they get it at the most expensive place when they get sick, which is the emergency room, and they get it at the most expensive time, because they haven't had preventive care, when the sniffles turn into pneumonia so the treatment is all the more expensive, so the most expensive place at the most expensive time. Guess who all is paying for it. The rest of us are paying for it because they do not pay and do not have the health insurance that goes into the overall absorption of those costs.

The rest of us, who are fortunate to have health insurance, pay in the rates we pay for the care we get. That is one important principle of what this group of 14 bipartisan Senators, led by Senator WYDEN and Senator BENNETT, have come out with.

The next important principle of this proposal for completely revamping and reforming the health insurance delivery system is that you let the principle of insurance work for you. That is, to get the largest possible group—in other words, millions of people—over which to spread the health risk. So if you spread that health risk over millions of people who are representative of the whole population, young and old, sick and well, you are going to bring down the per-unit cost for the premium per policyholder. That is in significant contrast to the fact of a small group, where the actuarial soundness in order to set the premiums for a small group—let's say 5 or 10 people, just a few lives over which to spread that health risk—is extremely high.

That is one of the reasons why in taking that principle of insurance, you have to decouple from saying that insurance should be organized on the basis of an employer. If an employer is large, with 100,000, a couple hundred thousand lives, then, in fact, you have a large population over which to spread the health risk. However, if the employer is a mom-and-pop grocery store, with only a handful of lives, you see the prohibitive cost of that insurance and, therefore, what is happening is, employers are at the point that they are not able to afford it anymore. More and more people of those 47 million in this country who are not insured, in fact, are adding to those rolls.

So what this bipartisan bill, called the Healthy Americans Act, is attempting to do is to say: We are going to bring in all those people out there who are uninsured so we spread the base, and we are going to organize the private marketplace upon which private insurance companies will compete for that business. We are going to organize it ideally around millions of people. The way the bill is structured, it organizes it around the State. But if that State is a small one, there is nothing that would prohibit that State from joining with several other small States to create a sizable population that the health insurance companies would, in fact, compete for.

Then, the next principle in this insurance is that the consumer will have choice. The basic underpinning of the minimal value of a health insurance policy is the same kind we have. We, as Federal employees, have a minimal health benefit package from the Federal Government. We spread our insurance cost over 9 million Federal employees and Federal retirees. Therefore, we can get the economies of scale and let the Federal size work for us. So, too, the reorganization in this bill, the Healthy Americans Act, to allow the greater numbers to bring down that per-unit cost or the cost, in other words, of what the individual policyholder makes.

It is a very complicated system, how you transition out from an employer. There is a certain amount that the employer has to pay into the system, according to the size and the payroll. Individuals would have the responsibility of paying for their health insurance. They would pay for that by deductions from the Federal income tax, just like withholding tax is deducted now. By decoupling from their employer's insurance, if they chose to do that—and if they wanted to stay with the employer, they could, but by decoupling, they would not get less money because there would be the so-called cashing out of the employee, so the employee would get the same financial benefit from the employer they got before, when the employer was paying for their health insurance premiums. It is all very complicated.

The Congressional Budget Office has done a cost analysis and says under this law the Federal Government will break even financially in the year 2014, when it is implemented, if it were to first be implemented starting this year. So it basically requires the responsibility on the individual, the employers, and the Government to come together to make this funding for health care work. You get the efficiencies of competition in the private marketplace. You get the economy of scale. That economy of scale is not only brought in by expanding the pools over which that insurance is applied but expanding those pools even more by bringing in the 47 million uninsured.

The bill emphasizes prevention to improve the health of Americans. It certainly improves their access to care, once they get sick, and also access to care by giving them preventive incentives to go in and do the kind of things with medical advice before they would ever get sick in the first place.

There are things in the bill that, as we continue to discuss it, certainly I wish to see. I wish to make absolutely sure that those currently covered under the Children's Health Insurance Program, which would be folded into this, as well as Medicaid, which would be folded into the program, I wish to make sure they receive affordable insurance of quality comparable to or better than what they currently receive. There are other concerns that will come up from time to time.

There is no one who has filed this legislation who thinks it is going to be enacted or seriously taken up this year, but there has to be a starting point. A great responsibility will rest on the shoulders of the next President because the American people are not only crying out for health care reform, they are demanding it. Because the cost of that health care is extending beyond their reach, it is incumbent upon us to be visionary and creative. It is certainly incumbent upon the next President to be visionary and creative and cooperative, cooperative with the Congress so we can forge a solution to help America solve her health insurance problem.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN ASSOCIATION OF INTELLECTUAL & DEVELOPMENTAL DISABILITIES

Mr. DURBIN. Madam President, I am pleased today to join the Illinois chapter of the American Association of Intellectual & Developmental Disabilities in recognizing recipients of the 2008 Direct Service Professional Award. The recipients are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These awardees have displayed humanity and professionalism in their work. They are an inspiration to the people they work with every day, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than half of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers providing care for people with special needs. They do their work every day with little public recognition, providing assistance that is unknown and unnoticed except to the people they spend their days with.

It is my honor and privilege to recognize the Illinois recipients of AAIDD's 2008 Direct Service Professional Award: Robin Armond, Terry Ber, Vanessa Bradley, Debora Buchanan, Betty Carr, Eleanor Dewhart, Dawn Elliot, Barrett Girad, Jeri Von Holten, Cindy Jennings, Leonard Maniece, Adam Mize, Pat Murphy, Janet Newlin, Melissa Parnell, Hilary Pacha, Rhonda Risley, Sharon Watson, Denise Williams, Kimberly Woosley, and Delia Zavala.

I know my fellow Senators will join me in congratulating the winners of the 2008 Direct Service Professional Award. I commend their dedication and join the AAIDD in thanking them for their service.

SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Madam President, I ask unanimous consent to have printed in the RECORD an explanatory statement approved by the Committee on Appropriations accompanying three amendments to the House amendments to the Senate amendment to H.R. 2642, concerning emergency supplemental appropriations for fiscal years 2008-2009, which the Committee on Appropriations authorized the chairman to offer on behalf of the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR ROBERT C. BYRD, CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS, REGARDING THE 2008 SUPPLEMENTAL APPROPRIATIONS AMENDMENTS TO AMENDMENTS OF THE HOUSE OF REPRESENTATIVES TO THE SENATE AMENDMENT TO H.R. 2642

Following is an explanation of the committee authorized amendments of the Senate to the amendments of the House to the amendment of the Senate to H.R. 2642, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008, including disclosure of congressionally directed spending items as defined in rule XLIV of the Standing Rules of the Senate.

Section 10008 of the Senate amendment specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this Supplemental Appropriations Act as if it were a report by the Committee on Appropriations to accompany a bill reported to the Senate from that Committee.

BACKGROUND

PURPOSE OF THE BILL

The Committee recommendations address the President's requests contained in the 2008 Budget Appendix, transmitted on February 5, 2007 (H. Doc. 110-3), budget estimate No. 5, transmitted on July 31, 2007 (H. Doc. 110-54), and budget estimate No. 6, transmitted on October 23, 2007 (H. Doc. 110-68). The recommendations also address the following estimates submitted this year: the 2009 Budget Appendix, transmitted on February 4, 2008 (H. Doc. 110-84), and budget estimate No. 6, transmitted on May 2, 2008 (H. Doc. 110-108).

The Committee recommends three amendments to be offered in response to the amendments of the House to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. H.R. 2642 is the bill chosen by the House to address the President's supplemental requests for 2008 and to address "bridge" funding for 2009 overseas deployments and other contingencies, including military operations in Afghanistan and Iraq.

AMENDMENT #1

TITLE I

MILITARY CONSTRUCTION, INTERNATIONAL, AND OTHER SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

2008 appropriation to date	$1,210,864,000
Supplemental estimate:	
2008	350,000,000
2009	395,000,000
Committee recommendation:	
2008	850,000,000
2009	395,000,000

The Committee recommends a total of $850,000,000, to remain available until expended for Public Law 480 Title II Grants for fiscal year 2008. The Committee provides $350,000,000, as requested, for the urgent humanitarian needs identified by the administration. Further, the Committee provides an additional $500,000,000 for unanticipated cost increases for food and transportation to be made available immediately.

In addition, because the need for urgent humanitarian food assistance and continuing volatility of food and transportation costs are expected to continue into fiscal year 2009, the Committee provides a total of $395,000,000, as requested, to be made available beginning October 1, 2008.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF THE INSPECTOR GENERAL

2008 appropriation to date	$70,603,000
2008 supplemental estimate	
Committee recommendation	4,000,000

The Committee recommends $4,000,000 for the Inspector General to continue reviewing the Federal Bureau of Investigation's use of National Security Letters [NSL] and section 215 orders for business records.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

2008 appropriation to date	$745,549,000
2008 supplemental estimate	4,093,000
Committee recommendation	1,648,000

The Committee recommends $1,648,000 to provide litigation support services for the Special Inspector General for Iraqi reconstruction to investigate and prosecute corruption in reconstruction efforts.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

2008 appropriation to date	$1,754,822,000
2008 supplemental estimate	5,000,000
Committee recommendation	5,000,000

The Committee recommends $5,000,000 for the U.S. Attorneys for litigation expenses associated with terrorism prosecutions in the United States.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

2008 appropriation to date	$864,219,000
2008 supplemental estimate	14,921,000
Committee recommendation	18,621,000

The Committee recommends $18,621,000 for the United States Marshals Service. Of the funds provided, $7,951,000 is for U.S. Marshals to provide enhanced security at high-threat terrorist trials in the United States: $3,700,000 is to provide increased court and witness security in Afghanistan Court Security and Witness Security programs, protective equipment and training for U.S. Marshals, and assist with the extradition of individuals who finance terrorism through the illegal sale of opium and heroin; and $6,970,000 is for Adam Walsh Act enforcement.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

2008 appropriation to date	$6,493,489,000
Supplemental estimate:	
2008	101,122,000
2009	39,062,000
Committee recommendation:	
2008	164,965,000
2009	82,600,000

The Committee recommends $164,965,000 for the Federal Bureau of Investigation [FBI].

Counterterrorism Operations.—The recommendation includes $139,965,000 to support counterterrorism and counter-proliferation activities and equipment, terrorism intelligence gathering efforts, and law enforcement training in Iraq and Afghanistan. The recommendation also supports the Render Safe Mission to prevent and dismantle Weapons of Mass Destruction [WMD] on U.S. soil; for IED initiatives, including bomb technician equipment and Hazardous Devices School secure training; and National Security Letter audits.

Forensics Backlog.—The recommendation includes $20,000,000 for FBI labs to reduce forensics backlogs caused by the dramatic increase in Improvised Explosive Device [IED] evidence and other forensics evidence from battlefield operations in Iraq and Afghanistan.

Fraud Investigations.—The recommendation includes $5,000,000 to increase the FBI's capacity to investigate contract fraud related to U.S. operations in Iraq and Afghanistan.

Fiscal Year 2009 Bridge.—The recommendation includes $82,600,000 in bridge funding for the FBI to maintain the operations described above for the first 6 months of fiscal year 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

2008 appropriation to date	$1,857,569,000
2008 supplemental estimate	8,468,000
Committee recommendation	22,666,000

The recommendation includes $22,666,000 for the Drug Enforcement Administration to further its narco-terrorism initiative and Operation Breakthrough, to conduct financial investigations and to support intelligence activities, such as signals intelligence, to assist the Government of Afghanistan's counter-narcotics and narco-terrorism programs.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

2008 appropriation to date	$984,097,000
2008 supplemental estimate	4,000,000
Committee recommendation	4,000,000

The Committee recommends $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives to support the ATF's role in the global war on terror in Iraq and Afghanistan, where ATF agents provide technical assistance to the military in identifying and dismantling IEDs.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

2008 appropriation to date	$5,050,440,000
2008 supplemental estimate	9,100,000
Committee recommendation	9,100,000

The Committee recommends $9,100,000 for the Bureau of Prisons to monitor communications of incarcerated terrorists, collect intelligence, and disseminate relevant intelligence to other law enforcement agencies.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

OVERVIEW

The administration's request for fiscal year 2008 emergency supplemental funding for military construction associated with the wars in Iraq and Afghanistan encompasses a wide range of initiatives both in the Central Command [CENTCOM] Area of Responsibility and within the United States. Several of these requests, including additional funding for child development center construction at U.S. military installations and funding for the construction of Counter-Improvised Explosive Devices [CIED] training ranges at U.S. bases, were not included in the President's October 2007 supplemental budget amendment, but were subsequently proposed by the administration. Although not part of the official budget request, and therefore not reflected as such in the tables accompanying this report, the Committee finds merit in many of the proposals and has recommended funding for them.

Iraq and Afghanistan.—The administration's request for military construction funding in Iraq, Afghanistan, and other locations in the Central Command Area of Responsibility totals $1,590,950,000, of which $976,150,000—61 percent—is for construction in Iraq alone.

Given the pressing need for infrastructure investment within the United States, the Committee has closely examined the entire CENTCOM construction request, with particular attention to Iraq. The Committee is mindful of the ongoing operational requirements and continued security concerns facing U.S. military personnel in Iraq, and has recommended funding for projects that reflect these priorities. With the exception of funding for certain items, such as landfills and incinerators, intended to expedite the closure of U.S. bases in Iraq, the Committee has continued to limit military construction funding to those bases in Iraq that are intended to be enduring locations.

The Committee remains strongly opposed to the permanent basing of U.S. military forces in Iraq, and has again included bill language prohibiting the obligation of funds appropriated for military construction in Iraq until the Secretary of Defense certifies to the Committee that none of the funds are to be used to establish permanent military bases in Iraq. The Committee is also concerned with the impact that a future Status of Forces Agreement with Iraq could have on the current strategic plans and associated construction program to consolidate U.S. forces in Iraq into eight enduring locations. In an effort to provide a blueprint on which to establish a basing agreement, the Secretary of Defense is directed to provide to the Committee, no later than 30 days after enactment of this act, an updated Master Plan for U.S. basing in Iraq, including an inventory of installations that have been closed; those that are scheduled to close and the timeline for their closure; and a finite list of enduring locations describing the mission, military construction requirements, and projected U.S. military population of these locations.

Child Development Center Initiative.—Recognizing the importance of quality child care resources for military families, the Committee has been very supportive of accelerating the construction of child development centers on military installations. In the Fiscal Year 2008 Military Construction, Veterans Affairs and Related Agencies Appropriations Act, Congress added more than $100,000,000 over the President's budget request to fund 13 additional child development centers at U.S. military bases. The Committee, therefore, supports the Department's proposal to use emergency supplemental funding to advance the construction of 20 child development centers currently programmed for construction in fiscal years 2010 and 2011. The Committee further recommends that the 11 child development centers included in the President's fiscal year 2009 budget request also be advanced into the supplemental funding bill to ensure that the most urgently needed centers are among the first to be funded.

Army Barracks Improvements.—The Committee is deeply concerned about the deplorable conditions that have been uncovered in some permanent party Army barracks, including those which house soldiers returning from the wars in Iraq and Afghanistan. The Army created a Permanent Party Barracks Modernization Program in 1994 to eliminate inadequate barracks. However, this program is not projected to be completed until 2013. Given this timeline, it is unacceptable that the Army has allowed existing permanent party barracks to fall into such abject disrepair. This is not the way the Committee expects the Army to treat its soldiers returning from combat. While many of the repairs and upgrades to existing barracks can be accomplished with Sustainment, Restoration, and Modernization [SRM] funds, the Committee believes that additional Military Construction funds should be allocated to address urgent major renovations and barracks upgrades. The Committee therefore recommends an appropriation of $200,000,000 for the Army to undertake major improvements to existing barracks and accelerate the construction of new barracks. The funding is provided subject to the development of an expenditure plan to be submitted to the Committees on Appropriations of both Houses of Congress.

MILITARY CONSTRUCTION, ARMY

2008 appropriation to date	$3,927,893,000
2008 supplemental estimate	1,440,750,000
Committee recommendation	1,170,200,000

The Committee recommends $1,170,200,000 for Military Construction, Army, instead of $1,440,750,000 as requested. In addition to funding projects directly in support of the wars in Iraq and Afghanistan, the recommendation includes $137,200,000, to remain available until September 30, 2012, for the construction of 15 child development centers at U.S. Army installations as proposed by the administration. Funds for Military Construction, Army, are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
Alaska: Fort Wainwright	Child Development Center		17,000	Administration
California: Fort Irwin	Child Development Center		11,800	Administration
Colorado: Fort Carson	Soldier Family Assistance Center	8,100	8,100	The President
Colorado: Fort Carson	Child Development Center		8,400	Administration
Georgia: Fort Gordon	Child Development Center		7,800	Administration
Georgia: Fort Stewart	Soldier Family Assistance Center	6,000	6,000	The President
Hawaii: Schofield Barracks	Child Development Center		12,500	Administration
Kansas: Fort Riley	Transitioning Warrior Support Complex	50,000	50,000	The President
Kentucky: Fort Campbell	Soldier Family Assistance Center	7,400	7,400	The President
Kentucky: Fort Campbell	Child Development Center		9,900	Administration
Kentucky: Fort Knox	Child Development Center		7,400	Administration
Louisiana: Fort Polk	Soldier Family Assistance Center	4,900	4,900	The President
New York: Fort Drum	Warrior in Transition Facilities	38,000	38,000	The President
North Carolina: Fort Bragg	Child Development Center		8,500	Administration
Oklahoma: Fort Sill	Child Development Center		9,000	Administration
Texas: Fort Bliss	Child Development Center		5,700	Administration
Texas: Fort Bliss	Child Development Center		5,900	Administration
Texas: Fort Bliss	Child Development Center		5,700	Administration
Texas: Fort Hood	Warrior in Transition Unit Operations Facilities	9,100	9,100	The President
Texas: Fort Hood	Child Development Center		7,200	Administration
Texas: Fort Sam Houston	Child Development Center		7,000	Administration
Virginia: Fort Lee	Child Development Center		7,400	Administration
Afghanistan: Bagram Air Base	New Roads, Bagram Airfield	27,000	27,000	The President
Afghanistan: Bagram Air Base	Ammunition Supply Point	62,000	62,000	The President
Afghanistan: Bagram Air Base	Power Plant	41,000	41,000	The President
Afghanistan: Bagram Air Base	Bulk Fuel Storage & Supply, Ph 3	23,000	23,000	The President
Afghanistan: Bagram Air Base	Bulk Fuel Storage & Supply, Ph 4	21,000	21,000	The President
Afghanistan: Bagram Air Base	CIED Road—Rte Alaska	16,500	16,500	The President
Afghanistan: Bagram Air Base	Aircraft Maintenance Hangar	5,100	5,100	The President
Afghanistan: Ghazni	Rotary Wing Parking	5,000	5,000	The President
Afghanistan: Kabul	Consolidated Compound	36,000	36,000	The President
Afghanistan: Various Locations	CIED Road—Rte Connecticut	54,000	54,000	The President
Iraq: Camp Adder	Power Plant	39,000		The President
Iraq: Camp Adder	Petro Oil & Lubricant Storage	10,000	10,000	The President
Iraq: Camp Adder	Waste Water Treatment & Collection	9,800	9,800	The President
Iraq: Camp Adder	Multi Class Storage Warehouse	17,000		The President
Iraq: Camp Adder	Entry Control Point	4,850		The President
Iraq: Camp Adder	Convoy Support Center Relocation, Ph 2	39,000	39,000	The President
Iraq: Camp Adder	CORP Support Center Phase 3		13,200	Administration
Iraq: Al Asad	Power Plant	40,000		The President
Iraq: Al Asad	Landfill Construction	3,100	3,100	The President
Iraq: Al Asad	Urban Bypass Road	43,000	43,000	The President
Iraq: Al Asad	Hot Cargo Ramp	18,500	18,500	The President
Iraq: Al Asad	South Airfield Apron (India Ramp)	28,000	28,000	The President
Iraq: Camp Anaconda	Landfill Construction	6,200	6,200	The President
Iraq: Camp Anaconda	Power Plant	39,000		The President
Iraq: Camp Anaconda	Urban Bypass Road	43,000		The President
Iraq: Camp Anaconda	Hazardous Waste Incinerator	4,300	4,300	The President
Iraq: Camp Constitution	Juvenile Theater Internment Facility	11,700	11,700	The President
Iraq: Camp Cropper	Brick Factory	9,500	9,500	The President
Iraq: Fallujah	Landfill Construction	880	880	The President
Iraq: Fallujah	Incinerators		5,500	Administration
Iraq: Camp Marez	Landfill Construction	880	880	The President
Iraq: Mosul	Urban Bypass Road	43,000	43,000	The President
Iraq: Q-West	Power Plant	26,000		Administration
Iraq: Q-West	North Entry Control Point	11,400	11,400	The President
Iraq: Q-West	Perimeter Security Upgrade	14,600	14,600	The President
Iraq: Camp Ramadi	Landfill Construction	880	880	The President
Iraq: Camp Ramadi	Incinerator		6,200	Administration
Iraq: Scania	Entry Control Point	5,000	5,000	The President
Iraq: Scania	Water Storage Tanks	9,200	9,200	The President
Iraq: Camp Speicher	Military Control Point	5,800	5,800	The President
Iraq: Camp Speicher	Power Plant	39,000		The President
Iraq: Camp Speicher	Landfill Construction	5,900	5,900	The President
Iraq: Camp Speicher	Waste Water Treatment & Collection	9,800		The President
Iraq: Camp Speicher	Rotary Wing Parking Apron	49,000		The President
Iraq: Camp Speicher	Aviation Navigation Facilities	13,400	13,400	The President
Iraq: Camp Taqqadum	Landfill Construction	880	880	The President
Iraq: Tikrit	Urban Bypass Road	43,000		The President
Iraq: Camp Victory	Landfill Construction	6,200	6,200	The President
Iraq: Camp Victory	Entry Control Point	5,000		The President

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
Iraq: Camp Victory	Level 3 Hospital	13,400	13,400	The President
Iraq: Camp Victory	Waste Water Treatment & Collection	9,800	9,800	The President
Iraq: Camp Victory	Water Supply, Treatment & Storage, Ph 3	13,000	13,000	The President
Iraq: Camp Victory	Water Treatment & Storage, Ph 2	18,000	18,000	The President
Iraq: Camp Warrior	Landfill Construction	880	880	The President
Iraq: Various Locations	Facilities Replacement, Phase I	36,000		The President
Iraq: Various Locations	Facilities Replacement, Phase II	36,000		The President
Iraq: Various Locations	Overhead Cover	30,000	30,000	The President
Iraq: Various Locations	Overhead Cover, Ph 4	105,000	105,000	The President
Kuwait: Camp Arifjan	Communications Center	30,000	30,000	The President
Worldwide: Various Locations	Planning & Design	78,800	78,800	The President
TOTAL		1,440,750	1,170,200	

Various Locations, Iraq.—The Army requested a total of $183,000,000 for construction of five powerplants in Iraq which the congressional defense authorizing committees declined to authorize in Public Law 110–181, the National Defense Authorization Act for Fiscal Year 2008. The Committee endorses the position of the authorizers, that the construction of powerplants at these locations is premature and of primarily long-term benefit, and does not recommend funding for them. The Committee also recommends no funding for several additional Army requests for Iraq, including a warehouse and helicopter parking apron at Camp Speicher, totaling $66,000,000, and $72,000,000 for several projects, including a gym, dining hall, base exchange, and housing units, intended to upgrade Camp Delta in southeastern Iraq to an enduring Contingency Operating Base [COB]. The Committee questions the justification for increasing the number of enduring U.S. military bases in Iraq from eight to nine at a time when the goal of U.S. military and administration officials is to reduce the level of U.S. troops in Iraq as security conditions permit. The Committee also notes that the original description of the request, included in the February 4, 2007, budget submission, was for Facilities Replacements at various existing COBs, and it was not until May 5, 2008, that the Central Command provided Congress with the revised justification data for projects requested to establish a new COB. Based on the process, assumptions, and justification data on which these requests are based, the Committee believes they are premature and do not meet the standard of urgent requirements.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

2008 appropriation to date	$2,187,837,000
2008 supplemental estimate	237,505,000
Committee recommendation	300,084,000

The Committee recommends $300,084,000 for Military Construction, Navy and Marine Corps, instead of $237,505,000 as requested. The recommendation includes $29,299,000, to remain available until September 30, 2012, for the construction of two child development centers at U.S. Navy and Marine Corps installations, as proposed by the administration. Funds for Military Construction, Navy and Marine Corps, are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
California: China Lake	JIEDDO Battle Courses		7,210	Administration
California: Camp Pendleton	Armory—5th Marine Regiment	10,890	10,890	The President
California: Camp Pendleton	Bachelor Quarters & Armory	34,970	34,970	The President
California: Camp Pendleton	Bachelor Quarters & Dining Facility	24,390	24,390	The President
California: Camp Pendleton	Company Headquarters—Military Police	8,240	8,240	The President
California: Camp Pendleton	Explosive Ordinance Detachment—Ops	13,090	13,090	The President
California: Camp Pendleton	Intelligence Surveillance Reconnaissance	1,114	1,114	The President
California: Camp Pendleton	Armory—Regimental & Battalion HQ	5,160	5,160	The President
California: Camp Pendleton	Armory—Intelligence Battalion	4,180	4,180	The President
California: Camp Pendleton	JIEDDO Battle Courses		9,270	Administration
California: Point Mugu	JIEDDO Battle Courses		7,250	Administration
California: San Diego	Child Development Center		12,299	Administration
California: Twentynine Palms	Regimental Headquarters Addition	4,440	4,440	The President
California: Twentynine Palms	JIEDDO Battle Courses		11,250	Administration
Florida: Eglin AFB	JIEDDO Battle Course Additions		780	Administration
Mississippi: Gulfport	JIEDDO Battle Courses		6,570	Administration
North Carolina: Camp Lejeune	Maintenance/Operations Complex 2	43,340	43,340	The President
North Carolina: Camp Lejeune	JIEDDO Battle Courses		11,980	Administration
North Carolina: Camp Lejeune	Child Development Center		16,000	Administration
Virginia: Yorktown	JIEDDO Battle Courses		8,070	Administration
Djibouti: Camp Lemonier	Network Infrastructure Expansion	6,270	6,270	The President
Djibouti: Camp Lemonier	Dining Facility	20,780		The President
Djibouti: Camp Lemonier	Headquarters Facility	29,710		The President
Djibouti: Camp Lemonier	Water Production	19,140	19,140	The President
Djibouti: Camp Lemonier	Full Length Taxiway		15,490	Administration
Djibouti: Camp Lemonier	Fuel Farm		4,000	Administration
Djibouti: Camp Lemonier	Western Taxiway		2,900	Administration
Worldwide: Various Locations	Planning & Design	11,791	11,791	The President
TOTAL		237,505	300,084	

Camp Lemonier, Djibouti.—In accordance with the action of the congressional defense authorizing committees, and in keeping with concerns the Committee has expressed in the past regarding uncertainty over the future role of Camp Lemonier in the Africa Command [AFRICOM], the Committee does not recommend funding two projects at Camp Lemonier requested by the Navy, including a permanent construction dining facility and headquarters building, totaling $50,549,000. However, the Committee recognizes that basic utility and operational ground infrastructure is required to execute the current expeditionary mission at Camp Lemonier, and therefore recommends funding three projects that were authorized but not funded in the regular fiscal year 2008 military construction appropriations act. These projects include two taxiways and a fuel farm totaling $22,290,000.

MILITARY CONSTRUCTION, AIR FORCE

2008 appropriation to date	$1,149,277,000
2008 supplemental estimate	305,000,000
Committee recommendation	361,900,000

The Committee recommends $361,900,000 for Military Construction, Air Force, instead of $305,000,000 as requested. The recommendation includes $37,600,000, to remain available until September 30, 2012, for the construction of three child development centers at U.S. Air Force installations, as proposed by the administration. Funds for Military Construction, Air Force, are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
California: Beale AFB	Child Development Center		17,600	Administration

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
Florida: Eglin AFB	Child Development Center		11,000	Administration
New Jersey: McGuire AFB	JIEDDO Training Facility		6,200	Administration
New Mexico: Cannon AFB	Child Development Center		8,000	Administration
Afghanistan: Bagram Air Base	Strategic Ramp	43,000	43,000	The President
Afghanistan: Bagram Air Base	Parallel Taxiway, Phase II	21,400	21,400	The President
Afghanistan: Bagram Air Base	East Side Helo Ramp	44,400	44,400	The President
Afghanistan: Kandahar	ISR Ramp	26,300	26,300	The President
Iraq: Balad Air Base	Helicopter Maintenance Facilities	34,600	34,600	The President
Iraq: Balad Air Base	Foxtrot Taxiway	12,700	12,700	The President
Iraq: Balad Air Base	Fighter Ramp	11,000	11,000	The President
Kyrgyzstan: Manas Air Base	Strategic Ramp	30,300	30,300	The President
Oman: Masirah Air Base	Expeditionary Beddown Site	6,300		The President
Qatar: Al Udeid	Facilities Replacement	40,000		The President
Qatar: Al Udeid	Close Air Support Parking Apron		60,400	Administration
Worldwide: Various Locations	Planning & Design	35,000	35,000	The President
TOTAL		305,000	361,900	

Masirah Air Base, Oman, and Al Udeid, Qatar.—The Committee does not recommend funding for two projects requested by the Air Force, including $6,300,000 for an expeditionary beddown site at Masirah Air Base and $40,000,000 for facilities replacement at Al Udeid. These were among the projects that the congressional defense authorizing committees did not authorize in the 2008 National Defense Authorization Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE

2008 appropriation to date	$1,599,404,000
2008 supplemental estimate	27,600,000
Committee recommendation	27,600,000

The Committee recommends $27,600,000 for Military Construction, Defense-Wide, as requested. The funds are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
Qatar: Al Udeid	Special Operations Forces Logistics Storage Warehouse	6,600	6,600	The President
Texas: Fort Sam Houston	TRICARE Management Activity, Burn Rehab Unit	21,000	21,000	The President
TOTAL		27,600	27,600	

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

2008 appropriation to date	$293,129,000
2008 supplemental estimate	11,766,000
Committee recommendation	11,766,000

The Committee recommends $11,766,000 for Family Housing Construction, Navy and Marine Corps, as requested. The funds are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
California: Camp Pendleton	Family Housing Improvements	10,692	10,692	The President
California: Twentynine Palms	Family Housing Improvements	1,074	1,074	The President
TOTAL		11,766	11,766	

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

2008 appropriation to date	$7,235,591,000
2008 supplemental estimate	415,910,000
Committee recommendation	1,202,886,000

The Committee recommends $1,202,886,000 for the Department of Defense Base Closure Account 2005, instead of $415,910,000 as requested. The funds include $415,910,000 to expedite construction of the Walter Reed National Military Medical Center at Bethesda Naval Hospital, Maryland. The Committee recommends an additional $786,976,000 for the Base Closure Account 2005. This amount, along with the $7,235,591,000 appropriated in Public Law 110–161, fully funds the construction requirements included in the administration's base closure request for fiscal year 2008.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

2008 appropriation to date	$1,605,000,000
2008 supplemental estimate	
Committee recommendation	100,000,000

The Committee recommendation includes $100,000,000 for the Education Service at the Veterans Benefits Administration for new administrative costs associated with the Post-9/11 Veterans' Educational Assistance Act of 2008.

INFORMATION TECHNOLOGY SYSTEMS

2008 appropriation to date	$1,966,465,000
2008 supplemental estimate	
Committee recommendation	20,000,000

The Committee recommendation includes $20,000,000 for modernization and enhancements of information technology systems related to the administration of the Post-9/11 Veterans' Educational Assistance Act of 2008.

CONSTRUCTION, MAJOR PROJECTS

2008 appropriation to date	$1,069,100,000
2008 supplemental estimate	
Committee recommendation	437,100,000

The Committee recommendation includes $437,100,000 for Construction, Major Projects, for the Department of Veterans Affairs [VA].

Polytrauma Center Initiative.—The nature of combat in Iraq and Afghanistan has resulted in new patterns of polytraumatic injuries and disabilities requiring specialized intensive rehabilitation and high coordination of care. The VA health care system, through its polytrauma network, continues to provide significant expertise in the treatment and rehabilitation of both active duty and separated Operation Enduring Freedom and Operation Iraqi Freedom veterans suffering from polytraumatic injuries. Operating under a national memorandum of agreement with the Department of Defense [DOD], VA polytrauma rehabilitation centers have provided treatment and rehabilitation care to severely injured combat personnel requiring polytrauma inpatient rehabilitation.

The Department of Veterans Affairs currently operates four Level 1 polytrauma rehabilitation centers within existing VA hospital facilities. In fiscal year 2007, Congress provided emergency funding for the VA to establish a fifth Level 1 polytrauma rehabilitation center. The care that the VA is providing military personnel wounded in combat is exceptional. However, space in the existing facilities is generally inadequate, with cramped quarters and treatment facilities scattered throughout hospital campuses. These inefficiencies are particularly difficult for patients with mobility issues, compromised immune systems, and those suffering from psychological wounds. In an effort to accelerate the VA's planned expansion and consolidation of polytrauma rehabilitation centers on existing hospital campuses as outlined in the department's February 2008 Five Year Capital Plan, the Committee recommends providing $437,100,000 to fully fund the design and construction of these crucial projects.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Provides an additional appropriation to Military Construction, Army, for the acceleration and completion of child development center construction.

SEC. 1302. Provides an additional appropriation to Military Construction, Navy and Marine Corps, for the acceleration and completion of child development center construction.

SEC. 1303. Provides an additional appropriation to Military Construction, Air Force, for the acceleration and completion of child development center construction.

SEC. 1304. Provides an additional appropriation to Military Construction, Army, for the acceleration of barracks improvements at Department of the Army installations.

SEC. 1305. Prohibits the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone.

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

INTRODUCTION

The budget request totals $6,547,408,000 in emergency supplemental funds for fiscal year 2008, and the State, Foreign Operations Appropriations Act, 2008 (Public Law 110-161) provided $1,473,800,000 for immediate requirements. The Committee recommendation for Department of State and Foreign Operations totals $5,254,608,000, which is $181,000,000 above the pending budget request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

2008 appropriation to date	$5,322,719,000
2008 supplemental estimate	1,708,008,000
Committee recommendation	1,413,700,000

The budget request included $2,283,008,000 for Diplomatic and Consular Programs, of which $575,000,000 was appropriated in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110-161) for operations and security at the United States Embassy in Iraq.

The Committee recommends an additional $1,413,700,000 for Diplomatic and Consular Programs, which is $294,308,000 below the pending request. Within the amount provided, $212,400,000 is for worldwide security protection. Funds for diplomatic and consular programs are to be allocated as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

[In thousands of dollars]

Activitiy	Pending request	Committee recommendation	Change from request
Iraq Diplomatic Operations	1,545,608	1,095,000	−450,608
Afghanistan—Operations and Worldwide Security Protection	162,400	195,200	+32,800
Pakistan—Operations		7,500	+7,500
Tibet		5,000	+5,000
Western Hemisphere Travel Initiative		1,000	+1,000
Worldwide Security Protection		50,000	+50,000
Civilian Workforce Initiative		60,000	+60,000
Public Diplomacy		5,000	+5,000
Total, Diplomatic and Consular Programs	1,708,008	1,413,700	−294,308

Afghanistan.—The Committee recommends $195,200,000, which is $32,800,000 above the request, for necessary expenses for diplomatic and security operations in Afghanistan. Of this amount, $162,400,000 is for enhanced security operations, including additional high threat protection teams, increased overhead cover and physical security measures, replacement of armored vehicles, and local guard service. In addition, $14,000,000 is for the establishment of a Department of State-managed air transport capability in Afghanistan for Department of State and United States Agency for International Development [USAID] personnel, primarily for medical evacuation and other security-related operations. Finally, $18,800,000 is for support of operations and personnel for Provincial Reconstruction Teams [PRTs] in Afghanistan.

Iraq.—The Committee recommends $1,095,000,000 for the diplomatic and security operations of the United States Embassy in Iraq, which is $450,608,000 below the pending request. The cost of operations of the United States Embassy in Iraq totals $2,086,000,000 for fiscal year 2008 including $1,095,000,000 provided in this act, $575,000,000 provided as bridge funding in Public Law 110-161 and $416,000,000 in funds carried over from prior year appropriations. Of this amount, nearly $900,000,000 is for supporting security requirements for diplomatic and development personnel in Iraq.

The Committee provides funding for Embassy operations, security, logistics support, information technology and operations of PRTs. Congress has provided an additional $196,543,000 since fiscal year 2006 for additional facilities requirements identified by the Department of State, as follows: extend the perimeter wall; construct a dining facility; construct additional housing; construct a tactical operations center for Diplomatic Security; construct a static guard camp; and construct overhead cover. The actual cost of building the New Embassy Compound [NEC] has reached a total of $788,543,000 to date.

The number of permanent and temporary personnel assigned to Iraq, with the exception of USAID, should be decreased to accommodate all personnel within the NEC and any improvements which can be made with previously appropriated funds. USAID will play a critical role in assisting the Government of Iraq in effectively allocating its budgetary resources.

The additional $43,804,000 requested for follow-on projects for the NEC in Baghdad is not included. At least $77,027,000 in prior year funding programmed for follow-on projects is available for obligation and these funds should be used to provide secure housing for a smaller number of personnel.

None of the funds provided under this heading in this act shall be made available for follow-on projects, other than the proposed funding for overhead cover. The Department should include a detailed plan for the use of funds for follow-on projects as part of the spending plan required by this act.

Due to an extended accreditation and verification process and the addition of follow-on projects, occupancy of the NEC offices and housing has been delayed. This rigorous process to address and validate whether the NEC was constructed to code and contract specifications was supported. Now that the process is complete, occupancy of the offices and housing should proceed without delay in order to provide the maximum protection to United States personnel.

The benefits of co-location of the Departments of State and Defense in the NEC is recognized. However, the proposed New Office Building and the Interim Office Building reconfigurations are projected to delay occupancy of NEC offices by up to 1 year. Given the difficult security environment in Baghdad, this lengthy delay is not acceptable. The Departments of State and Defense are expected to consult with the Committees on Appropriations on options for moving forward with limited co-location plans in the most accelerated, secure, and cost effective manner. Any future construction in Iraq shall be subject to the Capital Security Cost Sharing Program, in the same manner as all other embassy construction projects worldwide.

There is a concern that private security contractors have been utilized without the necessary authority, oversight, or accountability. The Department of State is directed to provide a report to the Committees on Appropriations not later than 45 days after enactment of this act on the implementation status of each of the recommendations of the October 2007 report of the Secretary of State's Panel on Personal Protective Services. The Department of State is encouraged to aggressively review security procedures and seek the necessary authority to ensure that increased security is achieved with effective oversight and accountability.

Pakistan.—The Committee recommends $7,500,000 for operations, security, and personnel engaged in diplomatic and economic development activities in the Federally Administered Tribal Areas along the Pakistan and Afghanistan border.

Sudan.—The Committee provides resources to support the diplomatic mission in Sudan including the United States Special Envoy for Sudan.

Tibet.—The Committee recommends up to $5,000,000 for the establishment of a U.S. Consulate in Lhasa, Tibet, and directs that the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as such United States Consulate is established.

The Committee directs that not later than 90 days after enactment of this act, the Secretary of State shall submit a report to the Committees on Appropriations detailing efforts taken by the Department of State to establish a U.S. Consulate in Lhasa, Tibet and a description of actions by the Government of the Peoples Republic of China to undermine support for Tibet in the United States, including in the media, academia, and political arenas.

Local Guard Forces—Worldwide Security Protection.—The Committee recommends $50,000,000 above the request for worldwide security protection. The amount provided is available to restore 100 positions in the global diplomatic security guard force that were redirected to Iraq to address urgent security requirements for United States personnel elsewhere in the world.

Civilian Workforce Initiative.—The Committee recommends $60,000,000 to increase the civilian diplomatic capacity of the Department of State to meet the increasing and complex demands of diplomacy in the 21st century. Within the total, $30,000,000 is for the initial development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction challenges and $30,000,000 is to strengthen capabilities of the United States diplomatic corps and promote broader engagement with the rest of the world, including expanding training and enhanced interagency collaboration.

The Committee provides funds to replace Foreign Service positions worldwide which were previously moved to Iraq and to increase the number of positions participating in critical needs foreign language training. The Department of State has transferred approximately 300 Foreign Service positions from embassies around the world to Iraq and to associated language training, leaving key posts understaffed. These funds are to be used to support United States foreign policy in priority, understaffed regions, particularly South and East Asia, the Western Hemisphere, and Africa.

Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and to enhance operations of the Office of the Coordinator for Reconstruction and Stabilization. In addition to the funds provided to the Department of State, $25,000,000 is appropriated in this act under the heading, "Operating Expenses of the United States Agency for International Development" to implement the USAID portion of the civilian stabilization initiative. The funding request for the Civilian Response Corps will be considered as part of the fiscal year 2009 appropriations process and none of the funds provided in this act are to be used to implement the Civilian Response Corps portion of the initiative.

Western Hemisphere Travel Initiative.—The Committee recommends not less than $1,000,000 to expand public outreach efforts related to implementation of the Western Hemisphere Travel Initiative [WHTI]. With WHTI implementation occurring as early as June 2009, there is concern with the lack of a comprehensive, coordinated plan between the Department of State, the Department of Homeland Security, and the United States Postal Service to broadly disseminate information to the traveling public concerning the final WHTI implementation requirements at the Nation's land and seaports. The Department of State is encouraged to provide significantly increased outreach to border communities, including through radio, print media, and additional passport fairs.

Buying Power Maintenance Account.—The Committee provides authority to transfer funds available in this act, and in a prior act, to the Buying Power Maintenance Account in accordance with section 24 of the State Department Basic Authorities Act, to manage exchange rate losses in fiscal year 2008.

Public Diplomacy.—The Committee recommends $5,000,000 for the Office of Public Diplomacy and Public Affairs to expand new media for targeted Arabic language television programs for the purpose of fostering cultural, educational, and professional dialogues through indigenous Arabic language satellite media.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

2008 appropriation to date	$33,733,000
2008 supplemental estimate	....
Committee recommendation	12,500,000

The Committee recommends an additional $12,500,000 for Office of Inspector General at the Department of State, which is $12,500,000 above the pending request. Of the total, $5,000,000 is to enhance the Department of State Inspector General's oversight of programs in Iraq and Afghanistan, $2,500,000 is for operations of the Special Inspector General for Iraq Reconstruction [SIGIR], and $5,000,000 is for operations of the Special Inspector General for Afghanistan Reconstruction [SIGAR].

The Inspectors General of USAID, the Department of State, the Department of Defense, the Government Accountability Office, SIGIR, and SIGAR, to the maximum extent practicable, should coordinate and deconflict all activities related to oversight of assistance provided for Iraq and for Afghanistan security, stability, and reconstruction. Oversight of funding provided in this act and prior acts for assistance for Iraq through the foreign operations accounts shall be primarily the responsibility of the SIGIR. The Department of State OIG shall have responsibility for oversight of funding provided for diplomatic operations and facilities. The Department of State or the USAID Office of Inspector General should be designated as the lead for any investigations or audits of worldwide programs as they relate to the specific programs in Iraq or Afghanistan.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

2008 appropriation to date	$501,347,000
2008 supplemental estimate	....
Committee recommendation	10,000,000

The Committee recommends an additional $10,000,000 for Educational and Cultural Exchange Programs. These funds shall be used to expand educational and cultural exchange opportunities through youth programs, especially to learn English, and undergraduate and graduate academic exchange programs, including with community colleges, in order to reach a greater number of underserved, disadvantaged young people in Africa and the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

2008 appropriation to date	$1,425,574,000
2008 supplemental estimate	160,000,000
Committee recommendation	76,700,000

The Committee recommends an additional $76,700,000 for urgent Embassy security, construction, and maintenance costs, which is $83,300,000 below the request. The funds are to construct 300 secure apartments and a secure office building, including the necessary perimeter security, utility, and dining facilities, for United States Mission staff in Afghanistan. Currently, there are a small number of permanent construction apartments and the majority of diplomatic and Mission personnel live in structures with limited protection. Additional funds for this purpose are provided in subchapter B.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

2008 appropriation to date	$1,343,429,000
2008 supplemental estimate	53,000,000
Committee recommendation	66,000,000

The Committee recommends an additional $66,000,000 for Contributions to International Organizations, of which, $53,000,000 is for United States contributions to the U.N. Assistance Mission in Afghanistan and the U.N. Assistance Mission in Iraq, as requested. Funding is also provided to meet fiscal year 2008 assessed dues to organizations whose missions are critical to protecting United States national security interests, including the North Atlantic Treaty Organization, the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

2008 appropriation to date	$1,690,517,000
2008 supplemental estimate	333,600,000
Committee recommendation	383,600,000

The budget request included $723,600,000 for contributions for International Peacekeeping Activities, of which $390,000,000 of funds designated as an emergency was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for the United States contribution to the United Nations-African Union hybrid peacekeeping mission to Darfur [UNAMID].

The Committee recommends an additional $383,600,000 for assessed costs to U.N. peacekeeping operations. Within the total under this heading, not less than $333,600,000 is provided for UNAMID, equal to the request. The Committee recommends $50,000,000 to meet fiscal year 2008 assessed dues for the international peacekeeping missions to the Democratic Republic of the Congo, Côte d'Ivoire, Haiti, Lebanon, Liberia, and southern Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The Committee recommends an additional $3,000,000 for International Broadcasting Operations to continue increased broadcasting to Tibet.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

2008 appropriation to date	$429,739,000
2008 supplemental estimate	....
Committee recommendation	240,000,000

The budget request included $80,000,000 for International Disaster Assistance. The State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) provided $110,000,000 for emergency humanitarian requirements.

The Committee recommends $240,000,000 for International Disaster Assistance, which is $240,000,000 above the pending request. These funds should be used to respond to urgent humanitarian requirements worldwide, including in Burma, Bangladesh, China and countries severely affected by the international food crisis.

The Committee directs USAID to urgently and substantially increase food assistance for Haiti to address critical food shortages and malnutrition. Preventing hunger and combating poverty in Haiti should be a USAID priority.

The Committee also includes funds under the heading "Development Assistance" in subchapter B to help address the international food crisis. Programs should address both rural and urban food requirements.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

2008 appropriation to date	$650,656,000
2008 supplemental estimate	41,000,000
Committee recommendation	149,500,000

The budget request included $61,800,000 for Operating Expenses of the United States Agency for International Development, of which $20,800,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for operations in Iraq.

The Committee recommends an additional $149,500,000 for Operating Expenses of the United States Agency for International Development.

Of the funds provided under this heading, the Committee recommends $41,000,000 to continue support for security needs in Iraq and Afghanistan, which is the same as the request. In addition, $29,000,000 is included to increase support for staffing, security, and operating needs in Afghanistan and Sudan, and $19,500,000 in Pakistan.

The Committee also recommends $25,000,000 to support the development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction needs. Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and none of the funds provided in this act may be used to develop the Civilian Response Corps. Additional funding for this initiative is provided in the "Diplomatic and Consular Programs" account for the Department of State portion of the initiative.

In addition, the Committee recommends $35,000,000 to enable USAID to hire above attrition in fiscal year 2008. The administration's request for fiscal year 2009 includes $92,000,000 for hiring 300 USAID foreign service officers as part of a 3-year initiative. Funding provided in this act is intended to support the hiring of at least 100 additional Foreign Service officers in fiscal year 2008 in order to begin rebuilding the capacity of the Agency to carry out its mission. USAID is directed to consult with the Committees on Appropriations on the use of these funds and to recruit mid-career personnel. As USAID seeks to strengthen its workforce, USAID is encouraged to consult with the Department of Defense on ways to benefit from the experience of retiring officers, including establishment of a transition program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF THE INSPECTOR GENERAL

2008 appropriation to date	$37,692,000
2008 supplemental estimate	
Committee recommendation	4,000,000

The Committee recommends an additional $4,000,000 for the United States Agency for International Development Office of Inspector General to support increased oversight of programs in Iraq and Afghanistan.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

2008 appropriation to date	$2,974,959,000
2008 supplemental estimate	2,009,000,000
Committee recommendation	1,962,500,000

The budget request included $2,217,000,000 for Economic Support Fund [ESF], of which $208,000,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for emergency requirements in the West Bank and in North Korea, as requested.

The Committee recommends an additional $1,962,500,000 for ESF, which is $46,500,000 less than the request. Of the funds requested under ESF, $75,000,000 is provided under the heading Democracy Fund for political development programs for Iraq. Funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[In thousands of dollars]

Country and Region	Committee recommendation
Afghanistan	899,000
Bangladesh	25,000
Central African Republic	2,000
Central America	40,000
Chad	4,000
Democratic Republic of the Congo	15,000
Iraq	398,000
Jordan	150,000
Kenya	12,000
Nepal	7,000
North Korea	53,000
Pakistan	60,000
Philippines	15,000
Sri Lanka	6,000
Sudan	45,000
Thailand	2,500
Uganda	22,000
Vietnam	2,000
West Bank	200,000
Zimbabwe	5,000
Total	1,962,500

Iraq.—The Committee recommends $398,000,000 for Iraq, which is $399,000,000 below the request. The sums provided should enable the Department of State and USAID to continue programs in Iraq through the end of fiscal year 2008 and into the first two quarters of fiscal year 2009.

After providing more than $45,000,000,000 to help rebuild Iraq, the United States should seek to reduce bilateral assistance levels, and correspondingly to reduce the number of Department of State personnel involved in the reconstruction effort who are located in Iraq.

Funds provided for Iraq are to be allocated as follows:

IRAQ PROGRAMS

[In thousands of dollars]

Activity	Pending fiscal year 2008 request	Committee recommendation	Change from request
Provincial Reconstruction Teams (PRTs)	165,000	138,000	−27,000
Provincial Reconstruction Development Councils	100,000	85,000	−15,000
Local Governance Program	65,000	53,000	−12,000
Community Stabilization Program (CSP)	155,000	100,000	−55,000
Community Action Program (CAP)		75,000	+75,000
Infrastructure Security Protection for Oil, Water and Electricity	70,000		−70,000
Operations and Maintenance of Key USG-Funded Infrastructure	134,000	10,000	−124,000
Iraqi-American Enterprise Fund	25,000		−25,000
National Capacity Development	248,000	70,000	−178,000
Marla Fund		5,000	+5,000
Total	797,000	398,000	−399,000

- *Community Action Program [CAP].*—The Committee recommends $75,000,000 for continued support for the Community Action Program.
- *Community Stabilization Program [CSP].*—The Committee recommends $100,000,000 for the CSP, which is $55,000,000 below the request. Recent findings of a March 18, 2008 USAID Inspector General audit (E-267-08-001-P) of possible fraud and misuse of some CSP funds are of concern. Therefore the Committee withholds funding until the Secretary of State certifies and reports that USAID is implementing recommendations contained in the audit to ensure proper use of funds.
- *Enterprise Fund.*—The Committee recommends no funding for an enterprise fund for Iraq.
- *Infrastructure Security Protection for Oil, Water, and Electricity.*—The Committee does not include funding for these functions which should be supported by the Government of Iraq.
- *Marla Ruzicka Iraqi War Victims Fund.*—The Committee recommends $5,000,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.
- *National Capacity Development [NCD].*—The Committee provides $70,000,000 for NCD, which is $178,000,000 below the request. The Government of Iraq should assume increasing responsibility for the cost of these activities.
- *Operations and Maintenance of Key United States Government-funded Infrastructure.*—The Committee recommends $10,000,000 for Operations and Maintenance of key United States Government-funded infrastructure, which is $124,000,000 below the request. These functions should be funded by the Government of Iraq and this act includes funding to allow the United States to provide technical assistance and training. In addition, the Committee recommendation conditions the funds on the signing and implementation of an asset transfer agreement between the United States and Iraq.

Afghanistan.—The Committee recommends an additional $899,000,000 for Afghanistan, which is $65,000,000 above the request.

USAID is directed to review its reconstruction efforts in Afghanistan; focus its assistance, including capacity building, through local Afghan entities; give greater attention to accountability and monitoring to minimize corruption; and emphasize programs which directly improve the economic, social, and political status of Afghan women and girls. Funds provided for Afghanistan are to be allocated as follows:

AFGHANISTAN PROGRAMS

[In thousands of dollars]

Activity	Pending fiscal year 2008 request	Committee recommendation	Change from request
Roads	329,000	200,000	– 129,000
Power	175,000	150,000	– 25,000
Trade and Investment	5,000	7,000	+ 2,000
Rural Development/Alternative Livelihoods		65,000	+ 65,000
Governance and Capacity Building	275,000	165,000	– 110,000
National Solidarity Program		85,000	+ 85,000
2009 Elections	100,000	70,000	– 30,000
Provincial Reconstruction Teams [PRTs]/Provincial Governance		50,000	+ 50,000
Health and Education	50,000	95,000	+ 45,000
Civilian Assistance Program		10,000	+ 10,000
NATO/ISAF Post-Operations Humanitarian Relief Fund		2,000	+ 2,000
Total	834,000	899,000	+ 65,000

—*Civilian Assistance.*—The Committee recommends $10,000,000 for USAID's Afghan Civilian Assistance Program to continue assistance for civilians who have suffered losses as a result of the military operations, and $2,000,000 for the NATO/ISAF Post-Operations Humanitarian Relief Fund.

—*Power.*—The Committee recommends $150,000,000 for power, which is $25,000,000 below the request. The request includes funding for gas and diesel power projects and there is a concern that diesel generators are costly to maintain and will exacerbate Kabul's already heavily polluted air. The completion of the north-south transmission line to enable Afghanistan to purchase electricity from its northern neighbors for distribution to other areas of the country is supported. Funding for the Northern Electrical Power System or the Shebergan Gas-Fired Plant is not included. The World Bank should play a larger role in financing such infrastructure projects. It is noted that Afghanistan has considerable potential for small hydro and solar power development to service Afghanistan's many remote communities that have no other access to electricity. The Committee directs that not less than $15,000,000 of the funds be used for renewable energy projects in rural areas.

—*Roads.*—The Committee recommends $200,000,000 for roads, which is $129,000,000 below the request.

Bangladesh.—The Committee recommends $25,000,000 for assistance for Bangladesh for cyclone recovery and reconstruction assistance.

Central America.—The Committee recommends $40,000,000 for Central America in fiscal year 2008, in addition to funds otherwise made available for assistance for countries in Central America for a program to be called the "Economic and Social Development Fund for Central America", to be administered by USAID in consultation with the Department of State. The purpose of the program is to promote economic and social development and good governance in low-income areas, including rural communities, that are vulnerable to drug trafficking and related violence and organized crime. These funds should support programs that emphasize community initiatives and public-private partnerships. United States funds should be matched with contributions from other public and private sources to the maximum extent practicable. USAID is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

Democratic Republic of the Congo.—The Committee recommends $15,000,000 for assistance for eastern Democratic Republic of the Congo for urgent conflict mitigation and recovery programs and for programs relating to sexual violence against women and girls. Of this amount, $1,000,000 is to establish and support a training center for health workers who provide care and treatment for victims of sexual violence, and $2,000,000 is for training military and civilian investigators, prosecutors, and judges to bring the perpetrators of such crimes to justice.

Jordan.—The Committee recommends $150,000,000 for economic assistance to Jordan, which is $150,000,000 above the request. The Government of Jordan remains a key ally and has played a leading role in supporting peace initiatives in the Middle East. Programming of these funds should be done in consultation with the Government of Jordan and refugee relief organizations and should be used to meet the needs of Iraqi refugees. The Committee directs the Secretary of State, after consultation with the Government of Jordan, the United Nations, and international organizations and non-governmental organizations with a presence in Iraq, to submit a report to the Committees on Appropriations not later than 45 days after enactment detailing (1) short and medium term options the United States and other countries and organizations could pursue to assist Iraqis in Jordan maintain their educational and vocational skills and earn income; and (2) longer-term options that the United States and the Government of Jordan can take to address the economic, social, and health needs of refugees from Iraq, including the feasibility of extending temporary residence status for Iraqis registered with the United Nations High Commissioner for Refugees.

Kenya.—The Committee recommends $12,000,000 for assistance for Kenya for political, ethnic and tribal reconciliation activities.

Nepal.—The Committee recommends $7,000,000 for assistance for Nepal to strengthen democracy and support the peace process, including the demobilization and reintegration of ex-combatants, and for economic development programs in rural communities affected by conflict.

North Korea.—The Committee recommends up to $53,000,000 for energy-related assistance for North Korea in support of the goals of the Six-Party talks, which is the same as the request. This is in addition to the $53,000,000 appropriated in division J of Public Law 110-161.

Pakistan.—The Committee recommends $60,000,000 for assistance for Pakistan, which is the same as the request.

The Philippines.—The Committee recommends $15,000,000 for assistance for the Philippines for programs to further peace and reconciliation in the southern Philippines, and recognizes the shared interest between the United States and the Philippines in ending terrorism in this region.

Sri Lanka.—The Committee recommends $6,000,000 for assistance for Sri Lanka to be provided through USAID to support economic development programs in the eastern region of Sri Lanka to solidify recent gains against the Liberation Tigers of Tamil Eelam. These funds should be used to assist Tamil and Muslim minorities in Sri Lanka.

Sudan.—The Committee recommends $45,000,000 for assistance for Sudan to support election-related activities.

Thailand.—The Committee recommends $2,500,000 for assistance for Thailand to address economic and social development needs in southern Thailand. The Department of State is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

Uganda.—The Committee recommends $22,000,000 for assistance for northern Uganda. These funds should be used to support economic development, governance, assistance for war victims, and reintegration of ex-combatants.

Vietnam.—The Committee recommends $2,000,000 for assistance for Vietnam to continue environmental remediation and health activities at former United States military sites in Vietnam that are contaminated by dangerously high levels of dioxin. The Department of State is directed to consult with the Committees on Appropriations on the uses of these funds.

West Bank.—The Committee recommends not more than $200,000,000 for economic assistance for the West Bank, which is the same as the request. The Department of State is directed to provide a report to the Committees on Appropriations not later than 90 days after the enactment of this act on how United States economic assistance for the West Bank supports the larger Palestinian Reform and Development Plan as well as a description of other donor support of this plan. The report should describe how assistance from the United States and other donors will improve conditions in the West Bank, including through job creation and housing programs.

Zimbabwe.—The Committee recommends $5,000,000 for assistance for Zimbabwe to support political reconciliation activities.

DEPARTMENT OF STATE

DEMOCRACY FUND

2008 appropriation to date	$162,672,000
2008 supplemental estimate	
Committee recommendation	76,000,000

The Committee recommends an additional $76,000,000 for Democracy Fund programs, requested under the heading "Economic Support Fund", to be made available as follows:

Chad.—The Committee recommends $1,000,000 for democracy activities in Chad.

Iraq.—The Committee recommends $75,000,000 for democracy activities in Iraq.

These funds are intended to be made available through nongovernmental organizations, including the National Endowment for Democracy and the United States Institute for Peace.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

2008 appropriation to date	$553,926,000
2008 supplemental estimate	734,000,000
Committee recommendation	470,000,000

The Committee recommends an additional $470,000,000 for International Narcotics Control and Law Enforcement activities in Afghanistan, Iraq, Mexico, Central America, Haiti, the Dominican Republic, and the West Bank, which is $264,000,000 below the request.

Iraq.—The Committee recommends $85,000,000 for Iraq for justice and rule of law programs, which is $74,000,000 below the request. Funding for prison construction is not included.

Central America.—The Committee recommends $50,000,000 for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and an additional $10,000,000 for Haiti and the Dominican Republic under the Merida Initiative. Impunity within the military and police forces of several of these countries is of concern, and their justice systems are corrupt and ineffective. The Secretary of State is directed to submit a report, prior to the obligation of funds, on mechanisms to ensure adequate monitoring of these funds.

The Committee directs the Secretary of State to submit a report not more than 90 days after enactment of this act detailing efforts by the Guatemalan Government to propose and promote legislation to raise the necessary revenues in Guatemala to fund comprehensive judicial and law enforcement reform.

The omission of Haiti and the Dominican Republic from the request for the Merida Initiative makes it more likely that these vulnerable countries would become increasingly favored transit routes for drug traffickers. The Committee recommends $5,000,000 for Haiti and $5,000,000 for the Dominican Republic to support counternarcotics, border security, anti-corruption and rule of law programs.

Mexico.—The Committee recognizes there is a shared responsibility between the United States and Mexico to combat drug trafficking and related violence and organized crime. The Committee provides $350,000,000 to support programs to enable the Government of Mexico to respond to these threats in accordance with the rule of law, a portion of which is funded with unobligated balances from the Iraq Relief and Reconstruction Fund.

The Committee also recognizes that corruption and impunity within Mexico's military and police forces are pervasive. Additionally, Mexican law enforcement and intelligence agencies have frequently persecuted legitimate groups for engaging in peaceful dissent. Recommendations of the National Human Rights Commission are often ignored and investigations of violations of human rights by Mexican military and police forces rarely result in convictions. The recommendation requires the Secretary of State to report to the Committees on Appropriations prior to the obligation of funds that mechanisms are in place to ensure proper vetting of recipients of United States assistance. Additionally, the Committee provides that a comprehensive database for vetting military and police forces shall be established by the United States Embassy in Mexico City and continually updated.

There is concern with the failure to investigate and prosecute the police officers responsible for human rights violations, including rape and sexual violence against women, at San Salvador Atenco on May 3–4, 2006, and in Oaxaca between June and December 2006. These and other such violations by members of the Mexican military and police forces have been documented and require thorough, credible and transparent investigation and prosecution by the Mexican Attorney General. The State and Federal investigations into the October 27, 2007, killing in Oaxaca of American citizen Bradley Will have been flawed and the Secretary of State is directed, not later than 45 days after enactment of this act and 120 days thereafter, to submit a report to the Committees on Appropriations detailing progress in conducting a thorough, credible, and transparent investigation to identify the perpetrators of this crime and bring them to justice.

One of the benefits of the Merida initiative is that the wireless radio equipment and identification systems being provided will enable the Government of Mexico to more closely collaborate with United States agencies like the Drug Enforcement Administration, Customs and Border Protection, and Immigration and Customs Enforcement. To maximize the potential for collaboration, the Committee recommends that any equipment and technology purchases should be interoperable based on open standards with the equipment and technology being used by their United States Government counterparts.

West Bank.—The Committee provides $25,000,000 for ongoing training of vetted units of the Palestinian National Security Forces, which is the same as the request.

MIGRATION AND REFUGEE ASSISTANCE

2008 appropriation to date	$1,023,178,000
2008 supplemental estimate	30,000,000
Committee recommendation	330,500,000

The budget request included $230,000,000 for Migration and Refugee Assistance, of which $200,000,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for emergency refugee requirements in Iraq and the West Bank.

The Committee recommends an additional $330,500,000 for Migration and Refugee Assistance, which is $300,500,000 above the pending request. Funds should be made available to meet unmet global refugee needs, including to assist Iraqi refugees in Jordan, Syria, Lebanon, Turkey, Egypt, and the surrounding region, as well as internally displaced persons in Iraq. Funds may also be used, if necessary, for the admissions costs of Iraqis granted special immigrant status under the Special Immigrant Visa program authorized by the National Defense Authorization Act of 2008. In addition, funds may be used to offset administrative costs associated with the expanded requirements of the Iraqi refugee program, in consultation with the Committees on Appropriations.

The humanitarian crisis involving Iraqi refugees and internally displaced persons is of concern and the Government of Iraq has dedicated insufficient resources to assist this most vulnerable segment of the Iraqi population. The Department of State is directed to urge the Government of Iraq to provide a substantial increase in funding for humanitarian assistance to the Iraqi refugee population residing in the region and within the country. In addition, the Secretary of State should ensure that the Senior Coordinator for Iraqi Refugee Issues gives particular attention to the needs of vulnerable minority groups.

The welfare and security of the 7,900 Lao Hmong in the Thai military camp in Petchaboon, northern Thailand is of concern and the Government of Thailand is urged to support a transparent screening process to identify those who have a legitimate fear of return to Laos. Any attempt to force the return of Hmong refugees to Laos is strongly opposed.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

2008 appropriation to date	$44,635,000
2008 supplemental estimate	....
Committee recommendation	36,608,000

The Committee recommends an additional $36,608,000 for the United States Emergency Refugee and Migration Assistance Fund to prevent depletion of this emergency fund.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

2008 appropriation to date	$483,055,000
2008 supplemental estimate	5,000,000
Committee recommendation	10,000,000

The Committee recommends an additional $10,000,000 for Nonproliferation, Anti-Terrorism, Demining and Related Programs, which is $5,000,000 above the request.

Of these funds, $5,000,000 is for presidential protective service support in Afghanistan, which is the same as the request, and $5,000,000 is for a United States contribution to the Comprehensive Test Ban Treaty International Monitoring System.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

2008 appropriation to date	$261,381,000
2008 supplemental estimate	....
Committee recommendation	10,000,000

The Committee recommends an additional $10,000,000 for Peacekeeping Operations in the Democratic Republic of the Congo [DRC]. These funds are made available to support infantry battalions of the DRC armed forces, to protect vulnerable civilians in the eastern region of the country, and should be made available in accordance with thorough vetting procedures. The Department of State should ensure that trained units are being provided professional leadership, appropriate training in human rights, and adequate pay.

SUBCHAPTER B—BRIDGE FUND

APPROPRIATIONS FOR FISCAL YEAR 2009

The budget request totals $3,605,000,000 in emergency supplemental funds for fiscal year 2009. The Committee recommendation is $3,600,000,000 for the Department of State, Foreign Operations, and related programs for fiscal year 2009 emergency supplemental requirements, which is $181,000,000 below the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The Committee recommends $652,400,000 for Diplomatic and Consular Programs. Within this amount, $78,400,000 is available for worldwide security protection and not more than $500,000,000 is available as a bridge fund for Iraq operations.

To meet increased security and personnel requirements, the Committee provides

$87,400,000 for Afghanistan, $7,000,000 for Pakistan, $3,000,000 for Somalia, and $15,000,000 for Sudan. In addition, the Committee provides $40,000,000 to continue support of new positions to develop language and other critical skills of the diplomatic corps and for civilian post-conflict stabilization initiatives.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends $57,000,000 for the Office of the Inspector General at the Department of State, of which, $15,500,000 is to continue oversight of programs in Iraq, Afghanistan, and the Middle East.

Special Inspector General for Iraq Reconstruction [SIGIR].—The Committee recommends $36,500,000 for the SIGIR for continued oversight of United States reconstruction programs in Iraq, as authorized by section 3001 of Public Law 108–106.

Special Inspector General for Afghanistan Reconstruction [SIGAR].—The Committee recommends $5,000,000 for the SIGAR, for which no funds were requested, and which is authorized by section 1229 of Public Law 110–181. Such funds shall be used for oversight of United States reconstruction programs in Afghanistan. None of the funds shall be used to duplicate investigations that have been conducted or to support offices or systems of inspectors general at the Department of State or USAID. The SIGAR should co-locate staff and "back office" support systems with other inspectors general to the extent feasible.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The Committee recommends $41,300,000 for urgent Embassy security, construction and maintenance costs. Funds should be used to construct safe and secure office space for the increasing number of diplomatic and development personnel living and working in Kabul, Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The Committee recommends $75,000,000 for Contributions to International Organizations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The Committee recommends $150,500,000 for Contributions for International Peacekeeping Activities to fund the administration's revised estimate of the United States-assessed contribution to international peacekeeping.

RELATED AGENCIES

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The Committee recommends $6,000,000 for International Broadcasting Operations.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

GLOBAL HEALTH AND CHILD SURVIVAL

The Committee recommends $75,000,000 for Global Health and Child Survival to continue programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

Food Security Initiative.—The Committee recommends $200,000,000 for Development Assistance, which is for a new Food Security Initiative to promote food security in countries affected by significant food shortages, including programs to assist farmers to increase crop yields. Of this amount, up to $50,000,000 should be used for local and regional purchase. The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this act, and prior to the initial obligation of funds, on the proposed uses of funds to alleviate starvation, hunger, and malnutrition overseas, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

The Committee recommends $200,000,000 for International Disaster Assistance to meet urgent humanitarian requirements worldwide, including support for critical needs in Bangladesh, Burma and China. A portion of these funds should be used for assistance for internally displaced persons in Iraq and Afghanistan. In addition, funds are available under this heading to assist in the response to the international food crisis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The Committee recommends $93,000,000 for Operating Expenses of the United States Agency for International Development to address staffing, security, and operating needs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The Committee recommends $1,000,000 for Operating Expenses of the United States Agency for International Development Office of Inspector General.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The Committee recommends $1,132,300,000 for Economic Support Fund. The agreement includes funding to address critical health, economic, and security needs. These funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[In thousands of dollars]

Country and Region	Committee recommendation
Afghanistan	455,000
Bangladesh	50,000
Burma	5,300
Central African Republic	2,000
Chad	5,000
Democratic Republic of the Congo	10,000
Iraq	110,000
Jordan	100,000
Kenya	25,000
North Korea	15,000
Pakistan	150,000
Sudan	25,000
Uganda	15,000
West Bank	150,000
Zimbabwe	15,000
Total	1,132,300

The Committee intends that funds made available for Burma should be used for humanitarian programs along the Thai-Burma border.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The Committee recommends $151,000,000 for International Narcotics Control and Law Enforcement activities in Iraq, Afghanistan, the West Bank, and Africa.

MIGRATION AND REFUGEE ASSISTANCE

The Committee recommends $350,000,000 for Migration and Refugee Assistance. Funds are available to respond to urgent humanitarian and refugee admissions requirements, including those involving refugees from Iraq, Afghanistan, and central Africa.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The Committee recommends $4,500,000 for Nonproliferation, Anti-Terrorism, Demining and Related Programs, for humanitarian demining in Iraq.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The Committee recommends $145,000,000 for the Foreign Military Financing Program, of which $100,000,000 is for assistance for Jordan and $45,000,000 is for assistance for Lebanon.

PEACEKEEPING OPERATIONS

The Committee recommends $85,000,000 for Peacekeeping Operations for programs in Africa to address needs beyond those projected in the fiscal year 2009 budget request, including for Darfur.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

The recommended bill includes the following general provisions for this chapter:

EXTENSION OF AUTHORITIES

SEC. 1401. Extends certain authorities necessary to expend Department of State and foreign assistance funds.

IRAQ

SEC. 1402. Imposes certain conditions and limitations on assistance for Iraq and requires reports.

AFGHANISTAN

SEC. 1403. Imposes certain conditions and limitations on assistance for Afghanistan and requires a report.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. Grants limited waiver authority to the President with respect to certain assistance to North Korea and the "Glenn Amendment," which established automatic sanctions in the Arms Export Control Act on non-nuclear weapon states that detonate a nuclear device. The waiver authority would allow the following activities that materially and directly assist in the implementation of the Joint Statement of September 19, 2005:

—Financial assistance to the extent that such assistance materially assists disablement and disarmament (restrictions on credit and credit guarantees would remain in place);

—Sales of non-lethal articles on the United States Munitions List that may be necessary for disablement/dismantlement; and

—Controlled, dual-use equipment or goods that may be necessary to assist in disablement/disarmament activities.

In addition, dismantlement and disablement activities shall include removal of nuclear materials from the Korean peninsula and activities to verify that North Korea is fulfilling its denuclearization commitments.

MEXICO

SEC. 1405. Sets a ceiling on funding for Mexico at $350,000,000 and prohibits the use of funding for budget support or cash payments. The provision restricts obligation of 25 percent of the funding for the military and police forces until the Secretary of State determines and reports certain requirements have been met.

CENTRAL AMERICA

SEC. 1406. Sets a ceiling of $100,000,000 on funding for the countries of Central America, Haiti and the Dominican Republic and prohibits the use of funding for budget support or cash payments. The provision restricts obligation of 25 percent of the funding for the military and police forces until certain requirements have been met.

TECHNICAL PROVISIONS

SEC. 1407. Extends certain authorities in existing law. Paragraph (a) provides authority for previously appropriated funds to be used for administrative expenses in the Andean region of South America. Paragraph (b) provides authority for previously appropriated funds for the Department of Energy's National Nuclear Security Administration to support initiatives relating to the Six-Party Talks. Paragraph (c) clarifies authority for transferred funds previously appropriated. Paragraph (d) ensures USAID is fully reimbursed for the costs of administering and managing programs for other agencies and administration initiatives, such as the Millennium Challenge Corporation and the President's Emergency Plan for AIDS Relief. Paragraph (e) provides an exception for this section from the emergency designation of this act.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. Provides $26,000,000 from Diplomatic and Consular Programs and authority to transfer up to an additional $74,000,000 of the funds made available by this act to the Buying Power Maintenance Account to manage exchange rate losses in fiscal year 2008. The Department of State shall consult on any proposed transfers resulting from this authority. The Department of State estimates the impact of currency fluctuations to be at least $260,000,000 on United States diplomatic operations worldwide.

In addition, the provision recommends authority to transfer unobligated and expired balances after fiscal year 2008 into the Buying Power Maintenance Account to address future exchange rate losses. The Secretary of State shall submit a report to the Committees on Appropriations not later than October 15, 2008 on the amount transferred pursuant to this authority in this or any fiscal year, the total amount of exchange rate losses in fiscal year 2008, and the accumulated impact of losses from prior years.

SERBIA

SEC. 1409. Transfers program assistance for Serbia to funds under the heading "Embassy Security, Construction, and Maintenance" to cover the costs of damage to the United States Embassy in Belgrade resulting from the February 21, 2008 attack.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. Rescinds prior year funds and makes them available for a contribution to the World Food Program and for programs in the INCLE account.

DARFUR PEACEKEEPING

SEC. 1411. Authorizes the President to utilize prior year Foreign Military Financing Program and Peacekeeping Operations funds for transfer or lease of helicopters necessary for operations of the AU/UN hybrid peacekeeping mission in Darfur.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSIONS)

SEC. 1412. Provides an additional $225,000,000 for International Disaster Assistance to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis, and offset by a $225,000,000 rescission from the Millennium Challenge Corporation.

SOUTH AFRICA

SEC. 1413. Provides the Secretary of State authority regarding visa issuance relating to activities undertaken in opposition to apartheid rule.

JORDAN

(INCLUDING RESCISSIONS)

SEC. 1414. Provides an additional $300,000,000 for assistance for Jordan for border security, refugee, and reform programs.

ALLOCATIONS

SEC. 1415. Requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this explanatory statement. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

REPROGRAMMING AUTHORITY

SEC. 1416. Allows for reprogramming of funds made available in prior years to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1417. Requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in subchapters A and B. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

TERMS AND CONDITIONS

SEC. 1418. Establishes that unless explicitly designated in this chapter, the terms and conditions contained within the State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) shall apply to funds appropriated by this chapter.

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends $265,000,000 for Food and Drug Administration, Salaries and Expenses to remain available until September 30, 2009. The Committee directs FDA to provide quarterly reports through December 31, 2009, on the status of the funding, including, but not limited to, expenditures and hiring by program, and significant accomplishments, including operations in foreign countries, enhanced inspection activities, scientific advances, and information technology improvements.

Of the amount recommended, $125,000,000 shall be used for activities related to food protection. The funding shall be used to open additional FDA offices overseas and improve FDA's capacity to identify risk factors and more rapidly mitigate any food safety problems. This includes more rapid detection of contamination and more rapid trace back abilities to determine the source of any outbreak of food borne illness. Further, this funding will be used to hire additional foreign and domestic inspectors to increase the number of import food exams, the number of foreign food facility inspections and the number of domestic food safety inspections; and to create a new communication system to more rapidly inform the public of any outbreak of food borne illness.

Of the amount recommended, $100,000,000 shall be used for activities related to drug, device, and biologics safety. The funding shall be used to increase foreign and domestic facility inspections, improve laboratory infrastructure and rapid analysis tools, implement the safety requirements outlined in the Food and Drug Administration Amendments Act, and upgrade the agency's information technology to enable data sharing and enhanced analysis of adverse events.

Of the amount recommended, $40,000,000 will be used to enhance science programs across the agency, with specific focus on areas of emerging science where the FDA currently lacks the expertise necessary to regulate complex products under development. This will include funding for research, science training and professional development for current FDA staff, and efforts to recruit additional scientific staff to the agency.

BUILDINGS AND FACILITIES

The Committee recommends $10,000,000 for FDA to bring agency laboratories outside of the Washington region in line with public health safety standards.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

2008 appropriation to date	$1,027,406,000
2008 supplemental estimate	....
Committee recommendation	210,000,000

The bill includes $210,000,000 for increased costs associated with the poor management of the 2010 decennial census. Within the funds provided, not less than $50,300,000 shall be used to restore funding associated with the approved March 26, 2008 reprogramming within the Bureau of Census. Funds transferred pursuant to the reprogramming to address immediate shortfalls within the Field Data Collection Automation contract from the American Community Survey, Census Coverage Measurement activities, and other census activities may result in increased risk and other unintended consequences to other parts of the census. The $50,300,000 shall be available solely to complete previously planned activities and address vacancies in the aforementioned areas in order to reduce risk and ensure a successful 2010 decennial census.

The Census Bureau shall submit to the Committees on Appropriations of the Senate and the House of Representatives, within 30 days of enactment of this act, a detailed plan showing a timeline of milestones and expenditures for the 2010 decennial census, and shall include a quantitative assessment of the associated risk to the program as it is currently constituted. In addition, the inspector general shall submit quarterly reports to the Committees on Appropriations, until the conclusion of the 2010 decennial census, detailing the progress of the revised plan for the execution of the 2010 decennial census and any unanticipated slippages from the revised 2010 milestones, as well as reassessing the associated risk to the program. The Census Bureau is directed to provide the inspector general with any required information so that the quarterly reports can begin 60 days after submission of the plan.

Because rising costs associated with the 2010 decennial census and the Department's and the Bureau's lack of contract oversight are cause for particular concern, the recommendation includes not less than $3,000,000 for the Department's Office of the Inspector General for census contract oversight activities and not less than $1,000,000 solely for a reimbursable agreement with the Defense Contract Management Agency to review and improve Census contract management.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

2008 appropriation to date	$866,523,000
2008 supplemental estimate	
Committee recommendation	50,000,000

In order to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109-248), the United States Marshals Service requires funding to hire and equip at least 200 Deputy Marshals and at least 25 associated administrative personnel each year for the next 5 years. This funding is critical and necessary to establish the National Sex Offender Targeting Center, improve the information technology backbone, and reinforce the agency's infrastructure so that Deputy Marshals have timely, accurate investigative information to track down and arrest those who prey on our Nation's children. The Committee is deeply concerned that no additional resources have been requested or provided by the Department of Justice to undertake this mission as required under the Adam Walsh Child Protection and Safety Act.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

2008 appropriation to date	$5,050,440,000
2008 supplemental estimate	
Committee recommendation	178,000,000

The Committee recommends $178,000,000 for additional costs of the Bureau of Prisons [BOP] related to the custody and care of inmates and the maintenance and operation of correctional and penal institutions. The BOP has been chronically underfunded in recent budget requests, due to consistently underestimated growth in inmate populations and inadequate funding requests for medical expenses. As a result, BOP facilities face rising staff-to-inmate ratios, placing corrections officers and inmates at unacceptable risk of violence. The bill includes funding for FCI Pollock activation costs and for inmate drug abuse treatment required by law. The administration is urged to re-estimate BOP fixed costs and prisoner population for fiscal year 2009 and to provide the House and Senate Committees on Appropriations with those estimates no later than May 31, 2008. Further, the BOP is directed to notify the Committees of current staff-to-inmate ratios at all Federal prisons on a monthly basis.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

2008 appropriation to date	$170,433,000
2008 supplemental estimate	
Committee recommendation	590,000,000

The Committee recommends $490,000,000 for Edward Byrne Memorial Justice Assistance Grants. Byrne grant funding is the single most important Federal resource for cops-on-the-beat in our States and local communities. This funding goes by formula to State and local police forces to help them prevent, fight, and prosecute crime.

The Committee notes that the President's annual budget requests have repeatedly proposed to cut drastically and eliminate Byrne grant funding. Each time, the Committee has rejected the President's proposals. In fiscal year 2008, the Senate-passed Commerce, Justice, Science [CJS] bill provided $660,000,000 for Byrne grants. But because of the President's veto threats, Byrne funding was reduced to just $170,000,000 in the final 2008 omnibus bill, $350,000,000 below the 2007 level, and $490,000,000 below the level included in the Senate-passed CJS bill for 2008. The Committee has heard from State and local police around the country that the consequences of these funding cuts will be fewer cops on our streets fighting gangs, drugs, and child predators and fewer prosecutions of criminals. This is unacceptable given that communities around the country—from suburbs and small towns to large cities—have faced rising crime rates. The Committee therefore recommends $490,000,000 in Byrne grant funding, and directs the Department of Justice to obligate these funds by formula no later than 30 days after enactment of this act.

In addition, the Committee recommends $100,000,000 for competitive grants for programs that provide assistance and equipment to local law enforcement along the Southern border or in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the Bureau of Alcohol, Tobacco, Firearms and Explosives Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

2008 appropriation to date	
2008 supplemental estimate	
Committee recommendation	$200,000,000

The Committee recommends $200,000,000 to address costs associated with the return to flight of the space shuttle. As a result of the loss of the space shuttle *Columbia*, NASA has experienced significant costs associated with the repair of the remaining shuttle fleet. This has caused serious budget and programmatic disruption to NASA's core programs. The Committee has provided transfer authority to the Administrator to fund programs that were cut as a result of shifting budget priorities related to the return to flight. The Administrator shall submit a spending plan to the Committee for this funding within 30 days of enactment of this act.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

2008 appropriation to date	$4,821,474,000
2008 supplemental estimate	
Committee recommendation	150,000,000

The Committee recommends $150,000,000 for research and related activities at the National Science Foundation [NSF]. The Committee strongly supports the need to increase funding for all research disciplines at NSF and believes that it will maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life. Within the recommendation the Committee provides $10,000,000 for the National Academic Research Fleet which is experiencing reduced research capacity due to rising fuel costs.

EDUCATION AND HUMAN RESOURCES

2008 appropriation to date	$725,600,000
2008 supplemental estimate	
Committee recommendation	50,000,000

The Committee recommends $50,000,000 for science, technology, engineering, and mathematics [STEM] scholarship programs at the National Science Foundation [NSF]. STEM education is critical to our future economic prosperity. The National Academy of Sciences' report "Rising Above the Gathering Storm" recommended increasing the number of students earning degrees in the physical sciences in order to energize America for a brighter economic future. The recommendation includes an additional: $20,000,000 for the Robert Noyce Scholarship program to expand the program as authorized by the America COMPETES Act (Public Law 110-69); and $24,000,000 for Graduate Research Fellowships; $5,000,000 for Graduate Teaching Fellowships; and $1,000,000 for Federal Scholarship for Service.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. The Committee includes bill language providing the National Telecommunications and Information Administration with added flexibility to conduct consumer education programs related to the digital television transition.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

2008 appropriations to date	$182,263,000
2008 supplemental estimate	
Committee recommendation	5,000,000

The Committee recommends $5,000,000 for Non-Defense Environmental Cleanup. The Committee has been informed that legal obligations contained in compliance agreements and consent orders will not be met simply because of a lack of funding in fiscal year 2008. Additionally, the Committee has learned that the cleanup workforce will be reduced due to funding shortfalls. This increase provides a stimulus to support the workforce around the complex as well as meets milestones in existing compliance agreements.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

2008 appropriations to date	$622,162,000
2008 supplemental estimate	
Committee recommendation	52,000,000

The Committee recommends an additional $52,000,000 for Uranium Enrichment Decontamination and Decommissioning Fund. The committee has been informed that legal obligations contained in compliance agreements and consent orders will not be met simply because of a lack of funding in fiscal year 2008. Additionally, the Committee has learned that the cleanup workforce will be reduced due to funding shortfalls. This increase provides a stimulus to support the workforce around the complex as well as meets milestones in existing compliance agreements.

SCIENCE

2008 appropriations to date	$4,017,711,000
2008 supplemental estimate	
Committee recommendation	100,000,000

The Committee recommends an additional $100,000,000 for Science. The Committee is aware that the final fiscal year 2008 appropriation was essentially flat with fiscal year 2007 in many areas of the Science budget. The result of flat funding shows up in reduced hours of operation of equipment and facilities, reduced service to users, staff layoffs, reductions to education and training programs, and other negative impacts. This increase to fiscal year 2008 funding will restore the jobs of 10 to 30 people who were terminated and prevent the reduction of 200 additional employees.

Specifically, $55,000,000 is for Fusion Energy Sciences and $45,000,000 is for High Energy Physics.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

2008 appropriations to date	$5,349,378,000
2008 supplemental estimate	
Committee recommendation	243,000,000

The Committee recommends an additional $243,000,000 for Defense Environmental Cleanup. The Committee has been informed that legal obligations contained in compliance agreements and consent orders will not be met simply because of a lack of funding in fiscal year 2008. Additionally, the Committee has learned that the cleanup workforce will be reduced due to funding shortfalls. This increase provides a stimulus to support the workforce around the complex as well as meets milestones in existing compliance agreements.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. Language is included that extends the Department of Energy's cooperative agreement with the FutureGen Alliance to March 30, 2009.

SEC. 2302. Language is included to require continued down-blending Russian highly enriched uranium stockpiles.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Committee recommends $600,000 for the Small Business Administration to fund grants to veterans business resource centers.

SEC. 2402. The Committee recommends a provision to permit payment of premium rate increases in the costs of Federal Employees' Group Life Insurance for eligible bankruptcy judges and territorial district court judges.

SEC. 2403. The Committee recommends a provision to permit the U.S. Tax Court to pay premium rate increases in the costs of Federal Employees' Group Life Insurance for eligible judges.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. The Committee recommends an amendment to the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393) that will provide an additional $400,000,000 for payments to States under the act.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

2008 appropriation to date	$3,265,883,000
2008 supplemental estimate	
Committee recommendation	110,000,000

The Committee recommendation includes $110,000,000 for State unemployment insurance and employment service operations. These funds reimburse States for the costs of administering the unemployment insurance program. These funds are available for obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

2008 appropriation to date	$6,049,973,000
2008 supplemental estimate	
Committee recommendation	26,000,000

The Committee recommendation includes $26,000,000 for the prevention of and response to medical errors. Funds should be used for research, education and outreach activities. Of the funds provided, no less than $5,000,000 is designated for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, which may be used to reimburse local testing facilities and local health departments who are responsible for disease investigation and response. The Committee is particularly supportive of the Centers for Disease Control and Prevention's unique ability to provide genetic sequencing of such an outbreak, allowing for better epidemiologic investigations into the sources of exposure.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

2008 appropriation to date	$1,109,099,000
2008 supplemental estimate	
Committee recommendation	400,000,000

The Committee recommends $400,000,000 for the National Institutes of Health. This appropriation is directed to the Office of the Director and will be transferred to the NIH Institutes and Centers on a pro-rata basis.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. The recommendation provides an additional $1,000,000,000 for the Low-Income Home Energy Assistance Program, split evenly between formula grants and contingency funds.

SEC. 2602. The Committee recommendation includes a provision requiring the Government Accountability Office to conduct studies of past and future minimum wage increases in American Samoa and the Commonwealth of the Northern Mariana Islands.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

2008 appropriation to date	$11,000,000
2008 supplemental estimate	
Committee recommendation	10,000,000

The Committee recommendation includes $10,000,000 for the American Battle Monuments Commission [ABMC] Foreign Currency Fluctuations Account. The Commission operates and maintains 24 permanent American burial grounds on foreign soil, where 131,000 U.S. war dead are interred. Since the summer of 2006, the U.S. dollar has fallen steadily against the European euro, causing a shortfall within the Commission's Foreign Currency Fluctuations Account, which affects the funding of salaries and expenses. The Committee recommends replenishing this account to ensure that the Commission can meet payroll obligations and fund cemetery maintenance.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Allows aircraft operating turnaround service in Hawaii under an existing statutory exemption to continue to operate the same service under the exemption after being purchased or leased by another air carrier after April 1, 2008. The section also extends an existing statutory exemption to allow such purchased or leased aircraft to be transported between Hawaii and the 48 contiguous States.

SEC. 2802. Extends for 1 year the current terms and conditions of the aviation insurance program, commonly known as "war risk insurance," and the limitation on air carrier liability for third party claims arising out of acts of terrorism.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

2008 appropriation to date	
2008 supplemental estimate	
Committee recommendation	$49,413,000

The Committee recommends $49,413,000 for the Emergency Conservation Program for recovery from floods, storms, and other natural disasters.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

2008 appropriation to date	$29,790,000
2008 supplemental estimate	
Committee recommendation	130,464,000

The Committee recommends $130,464,000 for the Emergency Watershed Protection Program for recovery from floods, storms, and other natural disasters.

GENERAL PROVISION—THIS CHAPTER

SEC. 3101. This section makes $1,000,000 of funds previously provided to the Rural Electrification and Telecommunications Program Account to address hurricane damage available for electric loan modifications needed subsequent to any weather related damage occurring after Hurricane Katrina. A corresponding $1,000,000 of available funds are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

2008 appropriation to date	$249,100,000
2008 supplemental estimate	
Committee recommendation	75,000,000

The Committee recommends $75,000,000 for Economic Development Assistance Programs [EDAP] to assist in the relocation of public facilities of the Port of New Orleans as a result of the closure of the deep draft channel of the Mississippi River Gulf Outlet [MRGO]. This funding is provided in accordance with section 3082(a) of the Water Resource Development Act of 2007 (Public Law 110-114). No funds are provided to relocate private facilities.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

2007 appropriation to date	$2,859,277,000
2007 supplemental estimate	
Committee recommendation	75,000,000

The Committee recommends $75,000,000 to help alleviate the economic impacts associated with commercial fishery failures, fishery resource disasters, and State and Federal regulations. The Committee is aware of multiple requests for fishery assistance. Specifically, the Committee is aware of costs associated with reductions in fishing capacity in the Northeast, costs associated with gear modifications to protect endangered species, as well as declared and pending disasters for west coast salmon, Chesapeake Bay blue crab, and gulf coast oysters. The Committee directs the Secretary of Commerce to provide the Committee with a spend plan for the allocation of these funds no later than 45 days after enactment.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

2008 appropriation to date	$187,513,000
2008 supplemental estimate	
Committee recommendation	75,000,000

The Committee recommends $75,000,000 for Edward Byrne Discretionary Grants to assist State and local law enforcement in Louisiana, Mississippi, and Alabama to continue to rebuild capacity and fight rising crime in the aftermath of Hurricane Katrina. Increased crime in the gulf region threatens the region's long-term recovery and immediate assistance is crucial. Funding is provided to combat juvenile crime and delinquency, assist in basic operational costs, and restore criminal and civil justice recordkeeping systems. Of the funds provided, $50,000,000 is for Louisiana, $12,500,000 is for Alabama, and $12,500,000 is for Mississippi.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. The Committee includes bill language requiring certain designations in the Gulf of Mexico to comply with the National Marine Sanctuaries Act.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

2008 appropriations to date	$2,294,029,000
2008 supplemental estimate (2009 budget request)	(4,362,000,000)
Committee recommendation	5,033,345,000

The Committee has not recommended the Lake Pontchartrain and Vicinity, West Bank and Vicinity and Southeast Louisiana projects be combined into a single project to be cost shared 65 percent Federal and 35 percent non-Federal as proposed by the administration with a resulting Federal cost of $2,835,000,000 and a non-Federal cost of $1,527,000,000. The Committee believes that the three authorized projects can be constructed as a coherent hurricane protection system without modifying the individual project authorizations or cost shares resulting in a Federal share of $3,047,000,000 and a non-Federal share of $1,315,000,000 that will be initially federally funded. This $4,362,000,000 shall not be available until October 1, 2008. The Committee has recommended $1,657,000,000 for the Lake Ponchartrain and Vicinity project;. $1,415,000,000 for the West Bank and Vicinity Project; and $1,290,000,000 for the Southeast Louisiana projects. These three projects are to be initially federally funded with non-Federal shares estimated to be $497,000,000; $495,000,000; and $323,000,000 respectively. The non-Federal shares are to be repaid in accordance with section 103(k) of the Water Resources Development Act of 1986 (Public Law 99-662) over a period of 30 years. While the Committee has recommended specific statutory dollar amounts for the three projects, statutory language has been included that would allow the administration to request a reprogramming of funds, if required. However, the Committee believes that the Corps should use this reprogramming ability sparingly.

The Committee has recommended $604,745,000 hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the gulf coast of Mississippi. This $604,745,000 shall not be available until October 1, 2008. The Committee recommendation includes $173,615,000 for the Turkey Creek, Bayou Cumbest, Dantzler, Admiral Island, Franklin Creek, and Deer Island Environmental Restoration projects; $4,550,000 for the Moss Point Municipal Relocation project; $5,000,000 for the Waveland Floodproofing project; $150,000 for the Mississippi Sound Sub Aquatic Vegetation Project; $15,430,000 for the Coast-Wide Dune Restoration Project; $397,000,000 for the Homeowners Assistance and Relocation Project; and $9,000,000 for the Forrest Heights Hurricane and Storm Damage Reduction project. These projects are generally described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report. The non-Federal share of $211,661,000 is to be repaid in accordance with section 103(k) of the Water Resources Development Act of 1986 (Public Law 99-662) over a period of 30 years. While the Committee has recommended specific statutory dollar amounts for the listed projects, statutory language has been included that would allow the administration to request a reprogramming of funds, if required. However, the Committee believes that the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that are currently under construction that have been damaged by storm and flood events. The Committee has recommended $66,600,000 for the Corps to repair and rehabilitate these construction projects that were affected by natural disasters.

MISSISSIPPI RIVER AND TRIBUTARIES

2008 appropriations to date	$387,402,000
2008 supplemental estimate	
Committee recommendation	17,700,000

Due to recent natural disasters, the Corps of Engineers has identified a number of Federally maintained construction and maintenance projects that have been damaged or otherwise impacted by storm and flood events. The Committee has recommended $17,700,000 for the Corps to repair and rehabilitate these projects that were affected by natural disasters.

OPERATION AND MAINTENANCE

2008 appropriations to date	$2,243,637,000
2008 supplemental estimate	
Committee recommendation	338,800,000

Due to recent natural disasters, the Corps of Engineers has identified a number of navigation and flood damage reduction projects that have been impacted by storm and flood events. The Committee has recommended $338,800,000 for the Corps to restore navigation channels and harbors to pre-storm conditions; to repair eligible flood damage reduction and other projects in States affected by natural disasters; and to continue to inventory and assess levees and floodwalls nationwide.

FLOOD CONTROL AND COASTAL EMERGENCIES

2008 appropriations to date	
2008 supplemental estimate (2009 budget request)	($2,926,000,000)
Committee recommendation	3,368,400,000

The Committee has recommended the full administration request of $2,926,000,000 for the work related to Hurricanes Katrina and Rita. However, for consistency, the funding has been recommended in the same elements as requested by the administration and appropriated in Public Law 109-234 rather than as a lump sum as proposed by the administration for this request. This $2,926,000,000 shall not be available until October 1, 2008. The Committee has recommended $704,000,000 to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 to improve protection at the Inner Harbor Navigation Canal; $456,000,000 to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 for repair and restoration of authorized protections and floodwalls; and $359,000,000 to complete the authorized protection for the Lake Pontchartrain and Vicinity Project and for the West Bank and Vicinity Project. While the Committee has recommended specific statutory dollar amounts for the three projects, statutory language has been included that would allow the administration to request a reprogramming of funds, if required. However, the Committee believes that the Corps should use this reprogramming ability sparingly.

The Committee remains concerned that plans under development for permanent pumping of storm water in the New Orleans metropolitan area do not fully account for the operational challenges that arise during major storm events and are not, therefore, fully protective of public safety.

After reviewing the report furnished in response to section 4303 of Public Law 110-28, the Committee has concluded that Option 1, as presented therein, presents unacceptable risks given that it relies on old equipment and technology that is less reliable, it requires synchronized operation of multiple pump stations by both local and Federal agencies during high flood flow or storm events creating operational complexity and requires operation and maintenance of more systems that would be true in Option 2.

In the report the Corps states that "Option 2 is generally more technically advantageous and may be more effective operationally over Option 1 because it would have greater reliability and further reduces the risk of flooding." The Corps further states that "Discharge of storm water directly to the Mississippi River (Option 2a) would reduce the size of the new pump station required at the lake and would reduce the magnitude of the canal modifications required to accommodate gravity flow in the 17th Street system."

Given these conclusions and the severe consequences of a failure relating to loss of life and property, the Corps is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1 and 2 and 2a and within 90 days of enactment of this act provide the House and Senate Appropriation Committees cost estimates to implement Options 1, 2 and 2a of the above cited report.

The Committee recommendation includes $348,000,000 for barrier island restoration and ecosystem restoration along the Mississippi gulf coast. This $348,000,000 shall not be available until October 1, 2008. This restoration will help to restore the historic levels of storm damage reduction to the Mississippi gulf coast that these islands once provided. These funds are provided at full Federal expense as these islands are a part of the Gulf Islands National Seashore and are publicly owned and managed by the Department of the Interior.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that have been damaged by storm and flood events. The Committee has recommended $94,400,000 for the Corps to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; to repair and rehabilitate eligible projects that were affected by natural disasters; and to fund claims processing and discovery costs associated with Hurricane Katrina lawsuits.

GENERAL EXPENSES

2008 appropriations to date	$175,046,000
2008 supplemental estimate	....
Committee recommendation	1,500,000

Funds totaling $1,500,000 are recommended for additional oversight and management costs associated with Hurricanes Katrina and Rita.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 3401. The Committee includes a provision to extend eligibility under the Small Business Administration's 8(a) program for 2 additional years beyond the current participation limit of 9 years for small businesses located in Katrina-impacted areas in Alabama, Mississippi, and Louisiana. The Committee is concerned that access to Federal recovery contracts for small businesses in the gulf region is inadequate. The Committee also urges SBA District Offices and regional SBA Procurement Center Representatives to heighten their focus on improving small business utilization efforts in the gulf region, including attention to small businesses associated with the Michoud Assembly Facility in New Orleans, Louisiana.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. A provision is included regarding Federal Emergency Management Agency assistance to police stations, fire stations, and criminal justice facilities damaged by Hurricanes Katrina and Rita of 2005.

SEC. 3502. A provision is included regarding flood insurance in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

2008 appropriation to date	$1,057,072,000
2008 supplemental estimate	....
Committee recommendation	125,000,000

The Committee recommends $125,000,000 for wildland fire management activities. Of this amount, $100,000,000 is for urgent wildland fire suppression, and $25,000,000 is for burned area rehabilitation.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

2008 appropriation to date	$70,385,000
2008 supplemental estimate	....
Committee recommendation	15,000,000

The Committee recommends $15,000,000 for the Historic Preservation Fund for expenses related to Hurricane Katrina. These funds will be directed by the National Park Service to the Louisiana State Historic Preservation Officer for grants for the restoration and rehabilitation at Jackson Barracks.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

2008 appropriation to date	$2,921,051,000
2008 supplemental estimate	....
Committee recommendation	5,000,000

The Committee recommends an additional $5,000,000 for the State and tribal assistance grant account for expenses related to Hurricanes Katrina and Rita. These funds will be used by Cameron Parish, Louisiana for sewer system improvements for the community of Holly Beach.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

2008 appropriation to date	$2,494,477,000
2008 supplemental estimate	....
Committee recommendation	325,000,000

The Committee recommends an additional $325,000,000 for the wildland fire management account to fund wildland fire suppression and rehabilitation and restoration of burned-over forest lands. Of the funds provided, $250,000,000 shall be for emergency fire suppression activities and for repayment of other program funds borrowed to fund suppression activities. The Committee has also provided $75,000,000 for urgently needed fire rehabilitation and restoration projects on national forest lands and directs the Forest Service to allocate these funds to areas that face the greatest stabilization and watershed protection needs based on values at risk. The Committee notes that it has provided language, to transfer these funds into other agency accounts as necessary.

GENERAL PROVISION—THIS CHAPTER

SEC. 3601. This section clarifies that the use of funds previously provided in Public Law 110–161 for the purpose of acquiring lands shall not be subject to certain internal policies of the Department of the Interior.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

2008 appropriation to date	....
2008 supplemental estimate	....
Committee recommendation	$350,000,000

The Committee recommendation includes $350,000,000 for grants to hospitals in the gulf coast region affected by Hurricane Katrina to stabilize the workforce for patient care. Funds shall remain available until September 30, 2010.

CHAPTER 8

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

2008 appropriation to date	$536,656,000
2008 supplemental estimate	....
Committee recommendation	11,503,000

The Committee recommends $11,503,000 for Military Construction, Army National Guard. The funds are provided to reconstruct a Battalion Supply building and billeting areas at Camp Shelby, Mississippi, that were destroyed as a result of tornado damage on March 4, 2008.

The Committee also recommends rescinding $7,000,000 in funds previously appropriated to this account due to savings. The rescissions are as follows:

[In thousands of dollars]

Public Law	Location	Project title	Committee recommendation
Public Law 109–234 (fiscal year 2006)	Louisiana: Hammond	Army Aviation Support Facility	−2,600
	Louisiana: Jackson Barracks	Readiness Center	−1,750
	Louisiana Various Locations	Projects provided in Public Law 109–148	−2,650
TOTAL			−7,000

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Allows certain funds available in the Department of Defense Family Housing Improvement Fund to be used for a family housing privatization project.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

2008 appropriation to date	$100,000,000
2008 supplemental estimate	....
Committee recommendation	451,126,383

The Committee recommends an additional $451,126,383 to carry out emergency relief [ER] projects for which a formal request has been submitted to the Federal Highway Administration [FHWA] for disasters occuring in fiscal year 2005 to the present. The amount provided will be sufficient to cover an estimated backlog of 41 separate applications from 21 States for roads and bridges that were damaged or destroyed in declared disaster areas.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

2008 appropriation to date	....
2008 supplemental estimate	....
Committee recommendation	$73,000,000

The Committee recommends $76,000,000 to fund permanent supportive housing in Louisiana. The State of Louisiana developed plans to create 3,000 units of permanent supportive housing for elderly, disabled and other homeless individuals most at risk. The recommended funding will provide the necessary rent subsidies to make these units affordable and get tenants into safe and stable housing. Of the funding recommended, at least $20,000,000 will support project-based vouchers, and at least $50,000,000 will support units under the Shelter Plus Care program. The Committee has also included not more than $3,000,000 to cover reasonable administrative expenses of the State of Louisiana related to administering this funding.

PROJECT-BASED RENTAL ASSISTANCE

2008 appropriation	$6,381,810,000
2008 supplemental estimate	
House allowance	
Committee recommendation	20,000,000

The Committee recommends $20,000,000 to fund vouchers for project-based rental assistance in the State of Mississippi to assist low-income individuals and families that were impacted by Hurricane Katrina. The recommended funding will provide necessary housing support for citizens in economic distress including homeless individuals in the impacted region.

HOUSING TRANSITION ASSISTANCE

2008 appropriation to date	
2008 supplemental estimate	
Committee recommendation	$3,000,000

The Committee has provided $3,000,000 to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005.

COMMUNITY DEVELOPMENT FUND

2008 appropriation to date	$6,865,800,000
2008 supplemental estimate	
Committee recommendation	50,000,000

The Committee recommends an additional $50,000,000 in Community Development Block Grant [CDBG] funds for the State of Alabama for disaster relief efforts to cover uncompensated housing damage that has resulted from Hurricane Katrina. Consistent with the requirements of prior CDBG appropriations to the hurricane-impacted region, the Committee requires the State to submit a plan to the Secretary of Housing and Urban Development outlining the proposed use of such funds. The Committee provides that the State may use up to 5 percent of the total funds made available under this section for administrative costs. Consistent with previous appropriations to the gulf States for hurricane recovery activities, the Secretary may waive or require additional requirements to facilitate the use of such funds.

(RESCISSION)

The Committee recommends a rescission of $200,000,000 from unobligated supplemental funds previously made available in Public Law 110–116 through the CDBG program for the "Road Home" recovery program in Louisiana. These funds were made available solely to cover uncompensated but eligible claims under that program. Updated data indicate that $200,000,000 will be available for rescission once all eligible claims are paid.

TITLE IV

VETERANS EDUCATIONAL ASSISTANCE

The Committee recommendation includes provisions establishing a new program of educational assistance for servicemembers who have served on active duty since September 11, 2001.

TITLE V

EMERGENCY UNEMPLOYMENT COMPENSATION

The Committee recommendation includes provisions related to a program of emergency unemployment compensation.

TITLE VI

OTHER HEALTH MATTERS

The Committee recommendation includes a number of provisions that extend or impose a moratorium on a number of Medicaid regulations. Those provisions relate to payments to public providers, payments for graduate medical education, payments for targeted case management activities, payments for school-based and rehabilitation services, payments for outpatient services, and provider taxes.

The Committee recommendation also includes a provision making a technical correction to a DRA provision related to Medicaid drug pricing.

The Committee recommendation includes a provision expanding the existing web-based asset verification demonstration program in the Supplemental Security Income program to the Medicaid program.

The Committee recommendation includes a provision preventing new physician-owned hospitals from joining the Medicare program.

The Committee recommendation includes a provision to deposit excess savings from the two offsets in an account available for future improvements to the Medicare program.

The Committee recommendation also includes a prohibition against the Secretary of Health and Human Services taking any action related to an August 17, 2007 CMS directive under the State Children's Health Insurance Program. The recommendation also includes an adjustment to the physician assistance and quality initiative fund.

TITLE VII

ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1

CLOSE THE CONTRACTOR FRAUD LOOPHOLE

Chapter 1 of title VII is identical to the language of H.R. 5712, "Close the Contractor Fraud Loophole Act," passed by the House on April 23, 2008. It closes a loophole in a proposed rule so that mandatory fraud reporting requirements would apply to U.S. contractors working overseas as well as to contractors working here at home.

CHAPTER 2

GOVERNMENT FUNDING TRANSPARENCY

Chapter 2 of title VII is identical to the language of H.R. 3928, "Government Funding Transparency Act of 2007," passed by the House on April 23, 2008. It requires any company or organization receiving at least $25,000,000 and 80 percent or more of their revenue from Federal payments to disclose the salaries of their most highly compensated officers.

TITLE VIII

EMERGENCY AGRICULTURE RELIEF

The Committee recommends a provision regarding farm workers and modifying the H–2A visa program.

TITLE IX

TELEWORK ENHANCEMENT ACT OF 2008

The Committee includes provisions to define "telework" and to require executive agencies to establish telework policies.

TITLE X

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 10001. The Committee recommends a provision that limits the availability of the funds provided in this title to the current fiscal year unless expressly provided otherwise.

EMERGENCY DESIGNATION

SEC. 10002. The Committee recommends a provision designating the funds in this Act as emergency requirements.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

Sec. 10003. The Committee recommends a provision to prohibit the use of funds to contract with U.S. corporations which hire U.S. employees through foreign offshore subsidiaries to avoid U.S. payroll tax contributions.

EXTENSION OF EB–5 REGIONAL CENTER PILOT PROGRAM

SEC. 10004. The recommendation includes a provision extending the EB–5 Regional Centers pilot program for 5 years.

INTERIM RELIEF FOR SKILLED IMMIGRANT WORKERS

SEC. 10005. The recommendation includes a provision recapturing unused employment based visas.

NURSING SHORTAGE RELIEF

SEC. 10006. The recommendation includes a provision regarding nursing shortage relief.

NURSE TRAINING AND RETENTION DEMONSTRATION GRANTS

SEC. 10007. The recommendation includes a provision regarding nurse training and retention demonstration grants.

EXPLANATORY STATEMENT

SEC. 10008. The Committee recommends language that would have the effect of treating this explanatory statement when printed in the Congressional Record as if it were a report to the Senate.

SHORT TITLE

SEC. 10009. The Committee recommends a short title for this act.

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (S. Con. Res. 21) agreed to by Congress for fiscal year 2007 includes provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions contained in the bill meet the criteria for emergency spending as identified in the budget resolution.

The Committee recommends emergency funding for fiscal year 2008 for overseas deployments and other activities, for hurricane recovery in the gulf coast region, and other natural disasters, and for other needs. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the global war on terror and the hurricanes of 2005 and other natural disasters. The recommendation also funds the costs of ongoing military deployments and other requirements through the beginning months of the next fiscal year. These needs meet the criteria for emergencies.

AMENDMENT #2

TITLE XI

DEFENSE MATTERS

CHAPTER 1

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

OVERVIEW

RECOMMENDATION

In title XI, chapter 1, total new appropriations of $99,505,877,000 are recommended. A detailed review of the recommendations for programs funded in this chapter is provided in the following pages.

The recommended supplemental appropriations for the Department of Defense are intended for ongoing military and intelligence operations in support of Operation Iraqi Freedom [OIF], Operation Enduring Freedom [OEF], and the larger global war on terror [GWOT]. The recommendations in this chapter are based on the initial budget request, an update to that request, formal hearings, and numerous briefings and are intended to address emergency, high-priority needs of the United States military and intelligence community. In some cases, funding has been reduced or eliminated for certain activities that are either not emergency in nature; that cannot be obligated and/or executed in a timely fashion; or which involve new policy and program decisions that should be addressed in the regular authorization and appropriations bills for fiscal year 2009.

The following table summarizes by appropriation account or general provision, the recommendation:

[In thousands of dollars]

	Committee recommendation
CHAPTER 1	
DEPARTMENT OF DEFENSE—MILITARY	
Military Personnel	
Military Personnel, Army (emergency)	12,216,715
Military Personnel, Navy (emergency)	894,185
Military Personnel, Marine Corps (emergency)	1,826,688
Military Personnel, Air Force (emergency)	1,355,544
Reserve Personnel, Army (emergency)	304,200
Reserve Personnel, Navy (emergency)	72,800
Reserve Personnel, Marine Corps (emergency)	16,720
Reserve Personnel, Air Force (emergency)	5,000
National Guard Personnel, Army (emergency)	1,369,747
National Guard Personnel, Air Force (emergency)	4,000
Total, Military Personnel	18,065,599
Operation and Maintenance	
Operation & Maintenance, Army (emergency)	17,223,512
Operation & Maintenance, Navy (emergency)	2,977,864
(Transfer out) (emergency)	(−112,607)
Operation & Maintenance, Marine Corps (emergency)	159,900
Operation & Maintenance, Air Force (emergency)	5,972,520
Operation & Maintenance, Defense-Wide (emergency)	3,657,562
Operation & Maintenance, Army Reserve (emergency)	164,839
Operation & Maintenance, Navy Reserve (emergency)	109,876
Operation & Maintenance, Marine Corps Reserve (emergency)	70,256
Operation & Maintenance, Air Force Reserve (emergency)	165,994
Operation & Maintenance, Army National Guard (emergency)	685,644
Operation & Maintenance, Air National Guard (emergency)	287,369
Subtotal, Operation and Maintenance	31,475,336
Iraq Freedom Fund (emergency)	50,000
Afghanistan Security Forces Fund (emergency)	1,400,000
Iraq Security Forces Fund (emergency)	1,500,000
Subtotal, Other	2,950,000
Total, Operation and Maintenance	34,425,336
Procurement	
Aircraft Procurement, Army (emergency)	954,111
Missile Procurement, Army (emergency)	561,656
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	5,463,471
Procurement of Ammunition, Army (emergency)	344,900
Other Procurement, Army (emergency)	16,337,340
Aircraft Procurement, Navy (emergency)	3,563,254
Weapons Procurement, Navy (emergency)	317,456
Procurement of Ammunition, Navy and Marine Corps (emergency)	304,945
Other Procurement, Navy (emergency)	1,399,135
Procurement, Marine Corps (emergency)	2,197,390
Aircraft Procurement, Air Force (emergency)	7,103,923
Missile Procurement, Air Force (emergency)	66,943
Procurement of Ammunition, Air Force (emergency)	205,455
Other Procurement, Air Force (emergency)	1,953,167
Procurement, Defense-Wide (emergency)	408,209
National Guard and Reserve Equipment (emergency)	825,000
Rapid Acquisition Fund	
Total, Procurement	42,006,355
Research, Development, Test and Evaluation	
Research, Development, Test & Evaluation, Army (emergency)	162,958
Research, Development, Test & Evaluation, Navy (emergency)	366,110
Research, Development, Test & Evaluation, Air Force (emergency)	399,817
Research, Development, Test and Evaluation, Defense-Wide (emergency)	816,598
Total, Research, Development, Test and Evaluation	1,745,483
Revolving and Management Funds	
Defense Working Capital Funds (emergency)	1,837,450
National Defense Sealift Fund (emergency)	5,110
Total, Revolving and Management Funds	1,842,560
Other Department of Defense Programs	
Defense Health Program (emergency)	1,413,864
Operation and maintenance (emergency)	(957,064)
Procurement (emergency)	(91,900)
Research Development and Testing (emergency)	(364,900)
Psychological health and traumatic brain injury (emergency)	75,000
Drug Interdiction and Counter–Drug Activities, Defense (emergency)	65,317
Office of the Inspector General (emergency)	6,394
Total, Other Department of Defense Programs	1,560,575
General Provisions	
Sec. xxxx Additional transfer authority (emergency)	(2,500,000)
Defense Cooperation Account: Sec. xxxx (transfer authority) (emergency)	6,500
Rescission (emergency)	−146,531
Total, General Provisions	−140,031
Total, Chapter 1	99,505,877

Additionally, a number of needs were identified that were not adequately addressed by the Department of Defense. Major initiatives in the recommendation include:

—*Facilities Sustainment, Restoration and Modernization [FSRM].*—The recommendation includes an additional $500,000,000 for FSRM at Army and Marine Corps facilities;

—*Department of Defense Identified Operation & Maintenance Shortfalls.*—The recommendation includes $3,617,308,000 to address the increasing price of fuel and other petroleum products;

—*Yellow Ribbon Reintegration Program.*—The recommendation includes $65,400,000 to support the Yellow Ribbon Reintegration program to help members of the National Guard and Reserve transition from combat to civilian life. The recommendation is summarized as follows:

[In thousands of dollars]

	Fiscal Year 2008 Yellow Ribbon
Military Personnel:	
Reserve Personnel, Army	5,000
Reserve Personnel, Navy	2,800
Reserve Personnel, Marine Corps	1,300
Reserve Personnel, Air Force	2,000
National Guard Personnel, Army	15,000
National Guard Personnel, Air Force	4,000
Total, Military Personnel	30,100
Operation and Maintenance:	
Operation and Maintenance, Army Reserve	8,300
Operation and Maintenance, Navy Reserve	2,200
Operation and Maintenance, Marine Corps Reserve	1,300
Operation and Maintenance, Air Force Reserve	3,500
Operation and Maintenance, Army National Guard	18,000
Operation and Maintenance, Air National Guard	2,000
Total, Operation and Maintenance	35,300

—*Contract Management.*—The recommendation includes $52,000,000 for the Defense Contract Management Agency to hire more than 200 additional contract managers to prevent waste, fraud and abuse in Department of Defense contracting in Iraq and Afghanistan;

—*Land Warrior.*—The recommendation includes $102,000,000 to outfit one "next to deploy" brigade combat team with Land Warrior equipment sets;

—*C–17 Procurement.*—The recommendation includes $3,604,500,000 to procure 15 C–17 aircraft;

—*C–130 Procurement.*—The recommendation includes $2,469,700,000 for the procurement of 34 C–130 aircraft including Air Force, Marine Corps and Special Operations variants; and

—*Department of Defense Identified Acquisition Shortfalls.*—The recommendation includes over $1,200,000,000 for a variety of military service Joint Urgent Operational Needs identified by the Department of Defense.

Overall, the recommendations total $99,505,877,000 and are structured to maximize support to our men and women in uniform. They meet important force protection, equipment and personnel needs, while fully funding the operational requirements to conduct the global war on terror.

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and direction in the classified annex accompanying this act.

REPORTING REQUIREMENTS

The Secretary of Defense is directed to provide a report to the congressional defense committees within 30 days of enactment of this act on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The Secretary is directed that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and subactivity group for the continuation of military operations in Iraq and Afghanistan and a listing of equipment procured using funds provided in this chapter. It is expected that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriation accounts for purposes other than those specified in this statement. The Department of Defense is directed to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

Additionally, the Department of Defense is directed to submit monthly supplemental execution reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

CIVIL SUPPORT RESPONSIBILITIES REPORT

The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide a report on the progress of the Department of Defense efforts to plan for and provide support to civil authorities during incidents of national significance as required by sections 1814 and 1815 of Public Law 110–181. The report shall be provided to the Committees on Appropriations and other congressional defense committees no later than 60 days after enactment of this act.

Specifically the report shall provide a projected timeframe for completing the determination of requirements requested in sections 1814 and 1815, milestones for implementation of planning and readiness improvements, and any available information on the Department of Defense's current state of readiness and gaps in readiness for each of the National Planning Scenarios. In addition, the Secretary of Defense shall include in the report an explanation on how the Department's civil support and homeland defense responsibilities are incorporated into the validation and prioritization of the services' equipment requirements.

CONTRACTING

There is concern over the numerous instances of waste, fraud, and abuse that have occurred in Department of Defense contracting activities in support of contingency operations. The Department and the military services did not properly address the necessary personnel, training, and technology requirements over the years, but are now taking steps to improve their capabilities. This recommendation includes additional funds to further many of the initiatives and increased personnel requirements identified by the Department of Defense and outside reviews such as the Gansler report. The recommendation also calls for enhanced reporting requirements to ensure improved oversight over the Iraq and Afghanistan Security Forces Funds, and the Commander's Emergency Response Program. Finally, it provides funding for the Department of Defense Inspector General to improve its antiquated tracking system for the Criminal Investigation Service.

OPERATION ENDURING FREEDOM

The recommendation provides additional resources to aid U.S. military operations in Afghanistan and to strengthen the Afghanistan Security Forces. Afghanistan Security Forces are critical to the stability of Afghanistan and essential to our fight against al Qaeda and other terrorist organizations. To increase our efforts to train and equip these forces, the recommendation funds additional trainers for the Afghan National Army and the Afghan National Police. It also doubles the Commander's Emergency Response Program [CERP] in Afghanistan from fiscal year 2007 levels to address critical small scale humanitarian efforts. Included in this amount are the necessary resources to support the CERP program for the additional marines in Afghanistan. These and other efforts related to Afghanistan are discussed elsewhere in this report and in the classified annex.

CASE MANAGEMENT AND DISABILITY EVALUATION FOR WOUNDED WARRIORS

The recommendation includes $94,900,000 in the Operation and Maintenance, Defense-Wide; Procurement, Defense-Wide; Research, Development, Test and Evaluation, Defense-Wide; and the Defense Health Program appropriation accounts to address gaps identified by the President's Commission on Care for America's Returning Wounded Warriors. The funding will enable improvements in case management, data sharing, and the disability evaluation system [DES]. Additionally, the funding will support the ongoing DES Pilot program, information technology development, support for case management, and improvement of Department of Defense and Department of Veterans Affairs data sharing gateways, and distribution of wounded warrior care and benefits informational handbooks.

DEFENSE HEALTH PROGRAM OVERVIEW

The recommendation includes a total appropriation of $1,488,864,000 for the Defense Health Program. This funding will provide medical and dental services to active forces and mobilized Reserve Components, as they support Operation Iraqi Freedom and Operation Enduring Freedom, and their family members. The funding also provides for costs associated with the treatment of combat-related injuries.

The recommendation also provides $293,023,000 for facilities sustainment, restoration and maintenance; $1,000,000 for the Center of Excellence for Eye Injuries; $70,000,000 for the Center for Neuroscience and Regenerative Medicine and $47,100,000 in various budget activities for disability evaluation system and case management.

FUNDING FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation has historically not been funded in large amounts in emergency supplemental appropriations. Generally, funding has been provided for items that have been funded in prior supplemental appropriations, or that can be developed and fielded in a timely manner to impact the global war on terror.

MILITARY PERSONNEL

An appropriation of $18,065,599,000 is recommended for Military Personnel.

The recommendations for each military personnel account are shown below:

[In thousands of dollars]

Account	Committee recommendation
MILITARY PERSONNEL, ARMY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	1,142,768
RETIRED PAY ACCRUAL	230,280
BASIC ALLOWANCE FOR HOUSING	286,673
BASIC ALLOWANCE FOR SUBSISTENCE	38,324
SPECIAL PAYS	535,246
SOCIAL SECURITY TAX	87,416
TOTAL, BUDGET ACTIVITY 1	2,320,707
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	2,747,209
RETIRED PAY ACCRUAL	598,216
BASIC ALLOWANCE FOR HOUSING	902,271
SPECIAL PAYS	2,578,946
SOCIAL SECURITY TAX	210,161
TOTAL, BUDGET ACTIVITY 2	7,036,803
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL:	
BASIC ALLOWANCE FOR SUBSISTENCE	300,904
SUBSISTENCE-IN-KIND	1,365,832
TOTAL, BUDGET ACTIVITY 4	1,666,736
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL:	
ACCESSION TRAVEL	11,472
TRAINING TRAVEL	9,537
OPERATIONAL TRAVEL	101,482
ROTATIONAL TRAVEL	126,759
SEPARATION TRAVEL	14,826
TRAVEL OF ORGANIZED UNITS	1,344
TOTAL, BUDGET ACTIVITY 5	265,420
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
INTEREST ON SOLDIERS DEPOSITS	21,780
RESERVE INCOME REPLACEMENT PROGRAM	8,200
UNEMPLOYMENT COMPENSATION	142,364
DEATH GRATUITIES	72,900
SGLI EXTRA HAZARD PAYMENTS	116,805
TOTAL, BUDGET ACTIVITY 6	362,049
UNDISTRIBUTED ADJUSTMENTS:	
ACCELERATION OF GROW THE FORCE	420,000
CHANGE IN RESERVE AND GUARD MOBILIZATION LEVELS	−101,000
YEAR OF EXECUTION/RATE CHANGES	246,000

[In thousands of dollars]

Account	Committee recommendation
TOTAL, UNDISTRIBUTED ADJUSTMENTS	565,000
TOTAL, MILITARY PERSONNEL, ARMY	12,216,715
MILITARY PERSONNEL, NAVY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	119,911
RETIRED PAY ACCRUAL	22,902
BASIC ALLOWANCE FOR HOUSING	32,930
BASIC ALLOWANCE FOR SUBSISTENCE	3,663
SPECIAL PAYS	35,433
SOCIAL SECURITY TAX	9,173
TOTAL, BUDGET ACTIVITY 1	224,012
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	139,495
RETIRED PAY ACCRUAL	26,643
BASIC ALLOWANCE FOR HOUSING	60,550
SPECIAL PAYS	156,124
SOCIAL SECURITY TAX	10,671
TOTAL, BUDGET ACTIVITY 2	393,483
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL:	
BASIC ALLOWANCE FOR SUBSISTENCE	14,855
SUBSISTENCE-IN-KIND	14,727
TOTAL, BUDGET ACTIVITY 4	29,582
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL:	
ACCESSION TRAVEL	7,291
OPERATIONAL TRAVEL	12,660
ROTATIONAL TRAVEL	14,073
SEPARATION TRAVEL	5,724
TOTAL, BUDGET ACTIVITY 5	39,748
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
RESERVE INCOME REPLACEMENT PROGRAM	3,000
UNEMPLOYMENT COMPENSATION	28,200
DEATH GRATUITIES	1,500
SGLI EXTRA HAZARD PAYMENTS	10,060
TOTAL, BUDGET ACTIVITY 6	42,760
UNDISTRIBUTED ADJUSTMENTS:	
CHANGE IN RESERVE MOBILIZATION LEVELS	21,600
YEAR OF EXECUTION/RATE CHANGES	143,000
TOTAL, UNDISTRIBUTED ADJUSTMENTS	164,600
TOTAL, MILITARY PERSONNEL, NAVY	894,185
MILITARY PERSONNEL, MARINE CORPS	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	197,261
RETIRED PAY ACCRUAL	45,947
BASIC ALLOWANCE FOR HOUSING	64,464
BASIC ALLOWANCE FOR SUBSISTENCE	7,260
SPECIAL PAYS	36,371
SOCIAL SECURITY TAX	15,089
TOTAL, BUDGET ACTIVITY 1	366,392
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	487,327
RETIRED PAY ACCRUAL	116,280
BASIC ALLOWANCE FOR HOUSING	121,093
SPECIAL PAYS	555,673
SOCIAL SECURITY TAX	37,281
TOTAL, BUDGET ACTIVITY 2	1,317,654
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL: BASIC ALLOWANCE FOR SUBSISTENCE	53,848
TOTAL, BUDGET ACTIVITY 4	53,848
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL:	
ACCESSION TRAVEL	3,583
OPERATIONAL TRAVEL	50,195
TOTAL, BUDGET ACTIVITY 5	53,778
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
UNEMPLOYMENT COMPENSATION	500
DEATH GRATUITIES	23,700
SGLI EXTRA HAZARD PAYMENTS	20,616
TOTAL, BUDGET ACTIVITY 6	44,816
UNDISTRIBUTED ADJUSTMENTS:	
ACCELERATION OF GROW THE FORCE	93,600
CHANGE IN RESERVE MOBILIZATION LEVELS	– 103,400
TOTAL, UNDISTRIBUTED ADJUSTMENTS	– 9,800
TOTAL, MILITARY PERSONNEL, MARINE CORPS	1,826,688
MILITARY PERSONNEL, AIR FORCE	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	187,704

[In thousands of dollars]

Account	Committee recommendation
RETIRED PAY ACCRUAL	35,851
BASIC ALLOWANCE FOR HOUSING	56,600
BASIC ALLOWANCE FOR SUBSISTENCE	6,416
SPECIAL PAYS	39,793
SOCIAL SECURITY TAX	14,359
TOTAL, BUDGET ACTIVITY 1	340,723
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	468,692
RETIRED PAY ACCRUAL	89,520
BASIC ALLOWANCE FOR HOUSING	127,850
SPECIAL PAYS	143,149
SOCIAL SECURITY TAX	35,855
TOTAL, BUDGET ACTIVITY 2	865,066
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL:	
BASIC ALLOWANCE FOR SUBSISTENCE	35,749
SUBSISTENCE-IN-KIND	68,793
TOTAL, BUDGET ACTIVITY 4	104,542
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL:	
OPERATIONAL TRAVEL	5,621
TOTAL, BUDGET ACTIVITY 5	5,621
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
UNEMPLOYMENT COMPENSATION	16,200
DEATH GRATUITIES	2,200
SGLI EXTRA HAZARD PAYMENTS	21,192
TOTAL, BUDGET ACTIVITY 6	39,592
TOTAL, MILITARY PERSONNEL, AIR FORCE	1,355,544
RESERVE PERSONNEL, ARMY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
SCHOOL TRAINING	56,100
SPECIAL TRAINING	56,400
RECRUITING AND RETENTION	186,700
YELLOW RIBBON REINTEGRATION PROGRAM	5,000
TOTAL, BUDGET ACTIVITY 1	304,200
TOTAL, RESERVE PERSONNEL, ARMY	304,200
RESERVE PERSONNEL, NAVY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	35,000
SPECIAL TRAINING	22,000
SCHOOL TRAINING	13,000
YELLOW RIBBON REINTEGRATION PROGRAM	2,800
TOTAL, BUDGET ACTIVITY 1	72,800
TOTAL, RESERVE PERSONNEL, NAVY	72,800
RESERVE PERSONNEL, MARINE CORPS	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
SCHOOL TRAINING	15,420
YELLOW RIBBON REINTEGRATION PROGRAM	1,300
TOTAL, BUDGET ACTIVITY 1	16,720
TOTAL, RESERVE PERSONNEL, MARINE CORPS	16,720
RESERVE PERSONNEL, AIR FORCE	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
SPECIAL TRAINING	3,000
YELLOW RIBBON REINTEGRATION PROGRAM	2,000
TOTAL, BUDGET ACTIVITY 1	5,000
TOTAL, RESERVE PERSONNEL, AIR FORCE	5,000
NATIONAL GUARD PERSONNEL, ARMY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	124,400
SPECIAL TRAINING	190,298
SCHOOL TRAINING	441,663
ADMINISTRATION AND SUPPORT	380,386
RECRUITING EFFORTS	75,000
RETENTION EFFORTS	143,000
YELLOW RIBBON REINTEGRATION PROGRAM	15,000
TOTAL, BUDGET ACTIVITY 1	1,369,747
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	1,369,747
NATIONAL GUARD PERSONNEL, AIR FORCE	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT: YELLOW RIBBON REINTEGRATION PROGRAM	4,000
TOTAL, BUDGET ACTIVITY 1	4,000
TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	4,000

GROW THE FORCE

The recommendation includes funding to support the Army and Marine Corps plans to grow their end strength in an effort to better sustain operational tempo and relieve strain on current units.

WOUNDED WARRIOR PROGRAMS

The recommendation fully funds the identified requirements for enhanced Traumatic Servicemembers' Group Life Insurance [TSGLI] benefits and wounded service members' separation pay, and provides additional funding for health care professional bonuses to support the recruitment of additional medical personnel.

COST AND RATE INCREASES

The recommendation includes funding for recent increases for Basic Allowance for Housing, Basic Allowance for Subsistence, Permanent Change of Station, Unemployment Compensation, and Cost of Living Adjustments.

OPERATION AND MAINTENANCE

An appropriation of $34,425,336,000 is recommended for Operation and Maintenance.

The recommendations for each operation and maintenance account are shown below:

[In thousands of dollars]

Account	Committee recommendation
OPERATION & MAINTENANCE, ARMY:	
MANEUVER UNITS	28,089
MODULAR SUPPORT BRIGADES	1,315
ECHELONS ABOVE BRIGADE	29,670
THEATER LEVEL ASSETS	24,466
LAND FORCES OPERATIONS SUPPORT	916
AVIATION ASSETS	59,466
FORCE READINESS OPERATIONS SUPPORT	16,257
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	408,000
BASE OPERATIONS SUPPORT	41,282
ADDITIONAL ACTIVITIES	14,551,866
COMMANDER'S EMERGENCY RESPONSE PROGRAM	1,226,841
FLIGHT TRAINING	33,214
SUBTOTAL BA-1	16,421,382
SECURITY PROGRAMS	102,130
SERVICEWIDE TRANSPORTATION	700,000
SUBTOTAL BA-4	802,130
TOTAL, OPERATION AND MAINTENANCE, ARMY	17,223,512
OPERATION & MAINTENANCE, NAVY:	
MISSION AND OTHER FLIGHT OPERATIONS	753,193
FLEET AIR TRAINING	81,238
AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,221
AIR OPERATIONS AND SAFETY SUPPORT	26,586
AIR SYSTEMS SUPPORT	11,279
AIRCRAFT DEPOT MAINTENANCE	118,287
MISSION AND OTHER SHIP OPERATIONS	568,841
SHIP OPERATIONS SUPPORT & TRAINING	4,134
SHIP DEPOT MAINTENANCE	219,268
SHIP DEPOT OPERATIONS SUPPORT	11,618
COMBAT COMMUNICATIONS	4,839
ELECTRONIC WARFARE	4,262
SPACE SYSTEMS AND SURVEILLANCE	12
WARFARE TACTICS	5,657
OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	774
COMBAT SUPPORT FORCES	573,811
EQUIPMENT MAINTENANCE	23,470
IN-SERVICE WEAPONS SYSTEMS SUPPORT	13,500
WEAPONS MAINTENANCE	28,162
OTHER WEAPON SYSTEMS SUPPORT	1,058
SUSTAINMENT, RESTORATION AND MODERNIZATION	2,912
BASE OPERATING SUPPORT	193,072
SUBTOTAL BA-1	2,647,194
SHIP PREPOSITIONING AND SURGE	94,140
FLEET HOSPITAL PROGRAM	7
SUBTOTAL BA-2	94,147
OFFICER ACQUISITION	136
SPECIALIZED SKILL TRAINING	35,340
FLIGHT TRAINING	24,003
RECRUITING AND ADVERTISING	3,887
SUBTOTAL BA-3	63,366
ADMINISTRATION	1,422
EXTERNAL RELATIONS	139
MILITARY MANPOWER AND PERSONNEL MANAGEMENT	523
OTHER PERSONNEL SUPPORT	2,544
SERVICEWIDE COMMUNICATIONS	11,566
SERVICEWIDE TRANSPORTATION	6,985
ACQUISITION AND PROGRAM MANAGEMENT	540
COMBAT/WEAPONS SYSTEMS	155
NAVAL INVESTIGATIVE SERVICE	4,081
SUBTOTAL BA-4	27,955
OTHER PROGRAMS	32,595
COAST GUARD SUPPORT	112,607
TOTAL, OPERATIONS & MAINTENANCE, NAVY	2,977,864
OPERATION & MAINTENANCE, MARINE CORPS:	
OPERATIONAL FORCES	104,772
MARITIME PREPOSITIONING	2
SUSTAINMENT, RESTORATION, & MODERNIZATION	46,040
BASE OPERATING SUPPORT	6,787
SUBTOTAL BA-1	157,601
RECRUIT TRAINING	333
OFFICER ACQUISITION	7
SPECIALIZED SKILL TRAINING	88
TRAINING SUPPORT	1,293
RECRUITING AND ADVERTISING	
BASE OPERATING SUPPORT	578

[In thousands of dollars]

Account	Committee recommendation
SUBTOTAL BA–3	2,299
TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	159,900
OPERATION & MAINTENANCE, AIR FORCE:	
PRIMARY COMBAT FORCES	1,620,673
PRIMARY COMBAT WEAPONS	9,309
COMBAT ENHANCEMENT FORCES	72,599
AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	10,992
COMBAT COMMUNICATIONS	576,665
DEPOT MAINTENANCE	190,117
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	72,424
BASE SUPPORT	860,101
NAVIGATION/WEATHER SUPPORT	2,160
OTHER COMBAT OPS SPT PROGRAMS	64,297
MANAGEMENT/OPERATIONAL HQ	66,518
TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	666
LAUNCH VEHICLES	8
BASE SUPPORT	2,583
SUBTOTAL BA–1	3,549,108
AIRLIFT OPERATIONS	1,843,258
DEPOT MAINTENANCE	63,772
BASE SUPPORT	67,530
SUBTOTAL BA–2	1,974,560
BASE SUPPORT	1,229
SPECIALIZED SKILL TRAINING	98,851
FLIGHT TRAINING	60,135
PROFESSIONAL DEVELOPMENT EDUCATION	174
TRAINING SUPPORT	966
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,414
BASE SUPPORT	6,767
RECRUITING AND ADVERTISING	50
SUBTOTAL BA–3	170,586
LOGISTICS OPERATIONS	72,179
BASE SUPPORT	5,027
OTHER SERVICEWIDE ACTIVITIES	8,129
OTHER PERSONNEL SUPPORT	1,455
SECURITY PROGRAMS	170,431
INTERNATIONAL SUPPORT	21,045
SUBTOTAL BA–4	278,266
TOTAL, OPERATION & MAINTENANCE, AIR FORCE	5,972,520
OPERATION & MAINTENANCE, DEFENSE-WIDE:	
JOINT CHIEFS OF STAFF	26,216
SPECIAL OPERATIONS COMMAND	760,811
SUBTOTAL BA–1	787,027
AMERICAN FORCES INFORMATION SERVICE	7,109
DEFENSE CONTRACT AUDIT AGENCY	8,245
DEFENSE INFORMATION SYSTEMS AGENCY	106,078
DEFENSE LOGISTICS AGENCY	105,815
DEFENSE THREAT REDUCTION AGENCY	2,636
DEPARTMENT OF DEFENSE EDUCATION AGENCY	196,927
DOD HUMAN RESOURCES ACTIVITY	36,670
DEFENSE CONTRACT MANAGEMENT AGENCY	52,000
DEFENSE LEGAL SERVICES AGENCY (DLSA)	12,962
DEFENSE SECURITY COOPERATION AGENCY (DSCA)	1,150,000
OFFICE OF THE SECRETARY OF DEFENSE	27,322
WASHINGTON HEADQUARTERS SERVICES (WHS)	7,210
OTHER PROGRAMS	1,157,561
SUBTOTAL BA–4	2,870,535
TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	3,657,562
OPERATION & MAINTENANCE, ARMY RESERVE:	
AVIATION ASSETS	37,581
ADDITIONAL ACTIVITIES	127,258
TOTAL, OPERATION & MAINTENANCE, ARMY RESERVE	164,839
OPERATION & MAINTENANCE, NAVY RESERVE:	
MISSION AND OTHER FLIGHT OPERATIONS	91,495
INTERMEDIATE MAINTENANCE	48
MISSION AND OTHER SHIP OPERATIONS	6,388
COMBAT COMMUNICATIONS	3,354
COMBAT SUPPORT FORCES	8,372
BASE OPERATING SUPPORT (BOS)	219
TOTAL, OPERATION & MAINTENANCE, NAVY RESERVE	109,876
OPERATION & MAINTENANCE, MARINE CORPS RESERVE:	
OPERATING FORCES	23,149
TRAINING SUPPORT	950
BASE OPERATING SUPPORT	157
FACILITIES, SUSTAINMENT, RESTORATION & MODERNIZATION	46,000
TOTAL, OPERATION & MAINTENANCE, MARINE CORPS RESERVE	70,256
OPERATION & MAINTENANCE, AIR FORCE RESERVE: PRIMARY COMBAT FORCES	165,994
TOTAL, OPERATION & MAINTENANCE, AIR FORCE RESERVE	165,994
OPERATION & MAINTENANCE, ARMY NATIONAL GUARD:	
AVIATION ASSETS	102,394
ADDITIONAL ACTIVITIES	583,250

[In thousands of dollars]

Account	Committee recommendation
TOTAL, OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	685,544
OPERATION & MAINTENANCE, AIR NATIONAL GUARD:	
AIRCRAFT OPERATIONS	
MISSION SUPPORT OPERATIONS	287,369
TOTAL, OPERATION & MAINTENANCE, AIR NATIONAL GUARD	287,369
IRAQ FREEDOM FUND	50,000
AFGHANISTAN SECURITY FORCES FUND:	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	54,326
MOD TRAINING	71,182
MOD SUSTAINMENT	513,515
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	67,328
MOI TRAINING	422,509
MOI SUSTAINMENT	271,140
TOTAL, AFGHANISTAN SECURITY FORCES FUND	1,400,000
IRAQ SECURITY FORCES FUND:	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	522,500
MOD TRAINING	66,400
MOD SUSTAINMENT	154,700
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	332,000
MOI TRAINING	185,000
MOI SUSTAINMENT	86,000
RELATED ACTIVITIES	153,400
TOTAL, IRAQ SECURITY FORCES FUND	1,500,000

COMMANDER'S EMERGENCY RESPONSE PROGRAM

The recommendation includes $1,226,841,000 for the Commander's Emergency Response Program [CERP]. Included in this amount is $479,900,000 for CERP in Afghanistan and $2,000,000 to support our ongoing efforts in the global war on terror in the Philippines. Small scale, humanitarian projects led by the Joint Interagency Task Force—Philippines should have a tremendous impact on combating the spread of terrorist cells in the Philippines. However, the provision of these funds does not represent an invitation to expand CERP beyond its current mission and application.

CERP projects are also currently benefiting the 2.7 million internally displaced Iraqis. The Iraqi Government should devote more of its own resources to returning them to their homes, or resettling them permanently in functioning communities. However, recognizing that CERP is an effective tool for meeting urgent humanitarian needs, the Secretary of Defense is urged to encourage commanders to give priority to humanitarian and reconstruction projects that respond to the needs of internally displaced Iraqis who have settled in their area of responsibility.

CERP has proven beneficial to both U.S. commanders and the Iraqi people, but there is concern over the Department's growing requests for these funds. Since its inception in 2004, this program has grown exponentially, from $180,000,000 in fiscal year 2004 to $956,400,000 in fiscal year 2007. The total fiscal year 2008 level of $1,726,841,000 as recommended, represents an 80 percent increase for the program. Congress provided $500,000,000 in the fiscal year 2008 supplemental bridge appropriation but the Department is obligating funds for this program at a rate that would exceed the authorized level of $977,441,000 before the end of the fiscal year.

While there is a need to maintain commanders' flexibility and control in administering CERP funds, there is concern that, in the absence of any minimum standards for project monitoring or specific performance indicators, commanders exercise varying levels of oversight and typically compile only anecdotal evidence on the impact of projects. Furthermore, CERP funds are administered at the battalion level, often by troops whose Military Operational Specialty has little or no connection to program or acquisition management. The limited information provided to Congress about CERP projects makes it difficult to conduct thorough oversight over how this program is administered, what its actual impact is on the Iraqi people, and how it fits into our overall strategy for Iraq.

To provide Congress sufficient visibility over the use of funding provided for CERP, the Department is directed to: (1) establish minimum guidelines for commanders to follow in monitoring project status and performance indicators to assess the impact of CERP projects, (2) provide more complete information in its quarterly reports to Congress, including: listings of projects by province; project status, such as completed and being used, completed but not sustained, destroyed, vandalized, or not found; the source of each individual initiative, whether it was generated by a local national or the command; the name of the authority or organization who serves as the primary local partner for each project; and the number of local citizens who will benefit from the project, including the number who will be employed in implementing it, and if it directly benefits internally displaced Iraqis. In addition, the report should include information on the nature of the Government of Iraq's commitment to sustain projects requiring government support, and on the impact of CERP projects, individually and collectively, in assisting the United States to carry out its strategy in Iraq.

So Congress may better understand how troops are trained to administer CERP funds, the Secretary of Defense is directed to submit to the congressional defense committees, within 45 days of enactment of this act, a detailed report on the training provided to troops authorized to manage or disperse CERP funds. The report should include the duration of the training, its primary objectives, and a syllabus of the training course.

For greater clarity on how commanders incorporate the use of CERP funds into their operational planning, the Secretary of Defense is directed to provide a report to the congressional defense committees, no later than September 4, 2008, on operational planning for the use of CERP. The report should include plans from each of the current Multinational Division [MND] commands in Iraq and each of the current Task Force commands in Afghanistan, to include information on the criteria used for prioritizing individual CERP projects and how the use of CERP funds is intended to advance the tactical and strategic objectives.

CONTRACT SERVICES

The continued lack of transparency and accountability with regard to contracts and contractors serving in both theaters of operation (Iraq and Afghanistan) is concerning. The Department of Defense has indicated a need for approximately $40,000,000,000 of operation and maintenance funding for contracted services in this supplemental appropriation. This includes $6,000,000,000 for the Army-managed Logistics Civil Augmentation Program [LOGCAP], which provides for a spectrum of services to include power generation, management of facilities, dining operations, latrines, water systems, fire protection and laundry services. Approximately $5,400,000,000 was expended by the Army on LOGCAP contracts in 2007.

Within 90 days of enactment of this act, the Secretary of Defense is directed to submit a comprehensive report to the House and the Senate Committees on Appropriations that provides the following information for each existing operations and maintenance contract in excess of $1,000,000: contractor name; amount; purpose; start and end date; type of contract; and amount of awards per fiscal year, if applicable.

This report should also identify the Department of Defense organization responsible for oversight of the contracts and should reflect the type of services provided, such as vehicle maintenance, food service, security, information technology support, reconstruction, analysis, and other relevant information.

This report should also include a discussion of the roles and responsibilities of the following organizations and how they work collaboratively to ensure appropriate contract oversight in theaters of operation for Iraq and Afghanistan: LOGCAP; AFCAP; Defense Reconstruction Support Office; Joint Contracting Command Iraq/Afghanistan; Deputy Assistant Secretary—Army (Policy and Procurement)—Iraq and Afghanistan; and Project and Contracting Office, Washington.

Further, the report should include the number of Department of Defense military and Federal civilian personnel assigned to each of these offices, the number of contractors assigned to each office and the roles the contractors perform.

As part of this report, should the Department of Defense determine that it has insufficient in-house capability to effectively monitor these contracts, it should then develop a robust staffing proposal and submit it to the House and the Senate Committees on Appropriations for consideration in the fiscal year 2009 Defense Appropriations Act. The report shall be submitted in unclassified form, but may contain a classified annex.

SUBSISTENCE CONTRACTS

The Army requested $987,000,000 to fund purchases of subsistence items in support of Department of Defense civilian employees and contractors deployed to the Iraq and Afghanistan areas of operations. This also includes subsistence that is provided to these individuals within the Department of Defense dining facilities.

The Army estimates that 5,000 Department of Defense civilians and 73,000 contractor personnel constitute the population of "Department of Defense authorized personnel". This is an average cost for subsistence of nearly $13,000 per individual per year.

There are significant unanswered questions regarding the management of this overall process, as well as the absence of appropriate internal control procedures. For example, how the Department manages access to the dining facilities; the number of civilian employees and contractors who dine in Department of Defense dining facilities; why the cost per person is so high; and the number of contractors and subcontractors who provide subsistence to the Department of Defense in this theater of operations.

Based on these unresolved issues, the recommendation includes a 10 percent reduction to the nearly $1,000,000,000 request for this program to encourage better management and accountability of subsistence funds. Currently the Department's Cost of War Report does not account for obligation of funds for subsistence. The Secretary of Defense is directed to, within 90 days of enactment of this act, submit a comprehensive report to the Committees on Appropriations of the House and the Senate which: (1) Identifies the number of contractors dining in the Department of Defense facilities in and around the Iraq and Afghanistan theaters of operations and a description of the method for charging the subsistence cost back to the contractor; (2) Lists the total cost and the cost elements in the prior and current years for subsistence for Department of Defense civilians and contractors deployed to the Iraq and Afghanistan areas of operations and dining in DOD facilities; (3) Cites the Department's policy on the movement of freight in general and subsistence items specifically in and around the Iraq and Afghanistan theaters of operation; the method for ensuring the best value subsistence contracts are awarded; and describes the method for ensuring the most fuel efficient and effective mode of transportation is used; (4) Identifies the number of contractors and subcontractors supplying subsistence items to contractors and civilians deployed to the Iraq and Afghanistan areas of operations (by location); the number and types of subsistence contracts from local vendors in Iraq and Afghanistan, and the method and factors used to determine local vs. non local purchase of these items in and around the Iraq and Afghanistan theaters of operation; and (5) Provides the Department's policy on access to dining facilities in the theaters of operations and associated internal control procedures.

DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS

The Office of Management and Budget's [OMB] influence over the Department of Defense's public-private competitions is concerning. Section 325 of the 2008 National Defense Authorization Act (Public Law 110–181) prohibits OMB from directing or requiring any initiation, continuation, or completion of a public-private competition or the Department taking action based on such an OMB direction or requirement. Questions have been raised as to whether this provision is being implemented. If OMB continues to influence public-private competitions and contracting out of Federal employees at the Department of Defense stronger provisions may be warranted.

SUPPORT TO GLOBAL REPOSITIONING OF GROUND FORCES

The impact to the Army and Marine Corps of rebasing activities, particularly as large numbers of service members return from overseas bases to the continental United States [CONUS], must be addressed. The recommendation provides $408,000,000 to the Army's Facilities Sustainment, Restoration, and Modernization program and $92,000,000 to the Marine Corps' Facilities Sustainment, Restoration, and Modernization program to offset the growing infrastructure costs associated with the global repositioning of forces. These funds will be used to repair barracks, improve child care facilities, and enhance community services at Army and Marine Corps bases throughout the United States.

OPERATING TEMPO

The supplemental funding requested in the operation and maintenance accounts is largely a function of anticipating operating tempo for continuation of military operations in Afghanistan and Iraq through September 2008. The actual operating tempo in fiscal years 2007 and 2008 has differed from the estimated levels. Therefore, the recommendation provides operation and maintenance funding to account for the actual operating tempo.

THE JOINT STAFF

The recommendation includes no funding for the Combating Terrorism Readiness Fund because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

SPECIAL OPERATIONS COMMAND INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE [ISR] ACCELERATION

The recommendation includes an additional $76,450,000 in Operation and Maintenance, Defense-Wide to accelerate the fielding of ISR capabilities to Special Operations Command for use in missions pertaining to high value targets. The Secretary of Defense is urged to include sustainment costs for these items in future budget requests.

DEFENSE LOGISTICS AGENCY: LITHIUM BATTERIES SUPPLIES

Primary lithium batteries have been and remain a critical consumable warfighting asset for our military. A reliable and sustainable U.S. manufacturing source for these supplies is critical to maintaining the full warfighting capability of our military forces. The Defense Logistics Agency is encouraged to take the necessary actions to ensure that at least one supplier of $LiSO_2$ batteries and one supplier of $LiMnO_2$ batteries continue manufacturing in the United States with a reasonable sustaining rate of production.

DEFENSE THREAT REDUCTION AGENCY

The recommendation includes no funding for NIMBLE ELDER because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

FAMILY ADVOCACY PROGRAM

The recommendation includes $50,000,000 for family advocacy programs to provide counseling and family assistance including child psychologists, Parents as Teachers and other intervention efforts. This funding will enhance the activities of the Family Advocacy Program [FAP] and provide for children and families managing the difficult challenges of military service. There is concern about the growing need for family members to have access to professional counseling to help alleviate the mental stresses associated with deployments. These activities provide programs, products and services to help mitigate the disruption and stress in the military family when a service member is deployed, killed or seriously wounded.

DEFENSE HUMAN RESOURCES ACTIVITY

The recommendation includes no funding for Homeland Security Presidential Directive 12 because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

DEFENSE SECURITY COOPERATION AGENCY

The recommendation includes $800,000,000 for coalition support funds and $200,000,000 for lift and sustainment in Iraq and Afghanistan. It also includes an additional $150,000,000 for the Global Train and Equip Program. The Department of State is tasked to train and equip allied nations for counterterrorism operations, yet the Department of Defense continues to request funds to augment these efforts due to the global war on terror. Training allied nations is primarily the responsibility of the Department of State. As such, the administration is urged to request the appropriate level of funding for the Global Train and Equip Program entirely within the Department of State in the next fiscal year.

OFFICE OF THE SECRETARY OF DEFENSE

There is deep concern over the waste, fraud, and abuse that has occurred in the Department's contracting activities that support contingency operations overseas. The Office of the Under Secretary of Defense for Acquisition, Technology and Logistics [USD(AT&L)] is tasked with contractor oversight in forward areas of operations. In an effort to further many of the initiatives developed by USD(AT&L), the recommendation includes additional resources to fully fund these requirements, including: $8,000,000 for the Synchronized Predeployment and Operational Tracker [SPOT], $2,500,000 for the Joint Contingency Contract Support Office [JCCSO], $2,000,000 for Military Non Contracting Officer Training, and $400,000 for the Materiel Readiness Board [MRB]. The recommendation also includes $3,000,000 for the Wartime Contracting Commission, established by the National Defense Authorization Act for fiscal year 2008 (Public Law 110–181), and $1,200,000 for the WMD Commission.

IRAQ FREEDOM FUND

The recommendation includes $50,000,000 for the Iraq Freedom Fund only for the Task Force to Improve Business and Stability Operations—Iraq to execute the Factory Restart Program.

AFGHANISTAN AND IRAQ SECURITY FORCES

Reprogramming.—The Department of Defense has been provided significant flexibility in executing this program in the past but new reprogramming procedures are required at this juncture. With respect to the Iraq Security Forces Fund and the Afghanistan Security Forces Fund, the Department is directed to submit prior approval reprogramming requests to the congressional defense committees for proposed transfers of funds in excess of $20,000,000, to the Infrastructure subactivity groups or other construction related projects.

Infrastructure.—The Department of Defense is directed to provide the congressional defense committees with a detailed report by August 1, 2008 on current and future infrastructure requirements for the Iraq and Afghanistan Security Forces. The report shall detail all infrastructure projects that have been previously funded, projects that are planned, and projects that require future funding from either the United States or the Governments of Iraq and Afghanistan. The projects shall be broken out by Ministry of Defense and Ministry of Interior requirements, year or projected year of funding, source of funding, and current status of project.

Logistics.—The Iraq Security forces will not be able to operate independent of coalition support unless they have an organic logistics capability of their own. The Department of Defense is directed to provide the congressional defense committees with a report no later than 30 days after enactment of this act, on the plan for an independent logistics capability within the Iraq Security Forces. The plan should address required support facilities at the national, regional, and base levels, motor transport capabilities, life support self sufficiency, logistics training, mechanics training, ammunition re-supply (decentralization, distribution, and security), fuel (decentralization, distribution, and security), medical supply and services, and depot warehousing, maintenance, and capacity. The report should also include a resource plan to reach these goals.

Trainers.—There is deep concern that the Department of Defense has only been able to resource 44 percent of the required trainers for the Afghan National Army and only 39 percent for the Afghan National Police. While progress is being made on training and equipping these forces, the shortfall of capable trainers severely hampers our ability to further this momentum. There are enormous demands for this low density skill to support this mission, and the recommendation provides the Department $50,000,000 for additional contract personnel to address this shortfall, including: $25,000,000 for the training of the Afghanistan National Army for mentors at the corps and brigade levels for intelligence, communications, operations, and force protection, for contract mobile training teams, and for contract Counter Insurgency Academy instructors; and $25,000,000 for the training of the Afghanistan National Police to include contract logistics system mentors, and contractors for the Afghanistan National Police National Training Center.

PISTOLS FOR AFGHAN ARMY AND AFGHAN NATIONAL POLICE

Poor quality pistols were provided to the Afghan National Police and the Afghan National Army in 2005 and 2006. While they have no record of manufacturing defects in service, the 5,000 pistols purchased for the Afghan National Army, and the 51,175 purchased for the Afghan National Police, under the U.S. Foreign Military Sales program, through the U.S. Army Security Assistance Command, lack important features desired in a quality service pistol. A key missing feature is a positive external safety mechanism, although the pistol does have a trigger safety. It appears that there were two prominent motivations for selection of the current 9mm pistol. The first was cost, and for the Afghan National police, the second key consideration was the fact that the pistol already was in service with the Afghan National Army. Based on concerns expressed by U.S. trainers, ongoing procurements of pistols under 2007 and 2008 contracts are delivering a pistol manufactured with the desired features that were lacking in the pistols procured in 2005 and 2006. Future purchases will be made by competitive bid and the requirements will specify features consistent with the U.S. M9 service pistol. The government agencies of the United States and Afghanistan are commended for having made these appropriate adjustments in the acquisition of pistols for the Afghan National Army and Afghan National Police. They are cautioned that haste and incomplete definition of requirements, and inadequate testing, can lead to acquisition of military equipment that once in use by the military may prove to be inadequate in performance, reliability and safety. Finally, the Department of Defense and the Department of State are urged to work cooperatively to ensure that programs for the provision of equipment to the Afghan National Army and Afghan National Police employ rigorous requirements definition and disciplined contracting procedures, and that the Secretary of Defense initiate a review of the utility of pistols provided to the Afghan National Army and Afghan National Police under U.S. Foreign Military Sales transactions and assist where necessary in the replacement and demilitarization of inferior pistols.

PROCUREMENT

An appropriation of $42,006,355,000 is recommended for Procurement.

The recommendations for each procurement account are shown below:

[In thousands of dollars]

Account	Committee recommendation
AIRCRAFT PROCUREMENT, ARMY:	
UTILITY FIXED WING CARGO AIRCRAFT	7,500
GUARDRAIL MODS (TIARA)	33,000
ARL MODS (TIARA) (Note: Includes $3,000,000 for Airborne ISR Sensor Reset)	28,000
AH-64 MODS	70,000
CH-47 CARGO HELICOPTER MODS	311,107
UH-60 MODS (Note: Includes $30,000,000 for A to L Initiative, and $14,650,000 for Aircraft Safety Enhancements)	44,650
KIOWA WARRIOR	38,000
ASE INFRARED CM	403,535
COMMON GROUND EQUIPMENT	356
AIRCREW INTEGRATED SYSTEMS	10,200
AIR TRAFFIC CONTROL	7,763
TOTAL, AIRCRAFT PROCUREMENT, ARMY	954,111
MISSILE PROCUREMENT, ARMY:	
HELLFIRE MSL (BASIC/IHW/HFII)	228,426
JAVELIN	121,210
GUIDED MLRS ROCKET (GMLRS)	67,200
ARMY TACTICAL MISSILE SYSTEM (ATACMS) BLK IA (Note: Funds 84 unitary missiles)	92,000
PATRIOT MODS	25,000
ITAS/TOW MODIFICATIONS	27,820
TOTAL, MISSILE PROCUREMENT, ARMY	561,656
PROCUREMENT OF W&TCV, ARMY:	
BRADLEY BASE SUSTAINMENT	921,000
STRYKER VEHICLE	1,989,581
FIST VEHICLE (MOD)	65,000
BRADLEY FIGHTING VEHICLE SYSTEMS SERIES (MOD)	84,900
HOWITZER, MED SP FT 155MM M109A6 (MOD)	41,211
M1 ABRAMS TANK (MOD)	388,585
HOWITZER, LIGHT, TOWED, 105MM, M119	17,600
IMPROVED RECOVERY VEHICLE (M88 MOD)	25,000
ABRAMS UPGRADE PROGRAM (M1A2 SEP)	1,100,000
M240 MEDIUM MACHINE GUN (7.62mm)	61,541
MACHINE GUN, CAL .50 M2 ROLL	27,327
M249 SAW MACHINE GUN, 5.56MM (SAW)	1,784
MK-19 GRENADE MACHINE GUN (40mm)	30,614
MORTAR SYSTEMS (Note: Includes $15,000,000 for Expanded Organic Mortar Capability)	48,459
M107, CAL 50, SNIPER RIFLE	402
XM320 GRENADE LAUNCHER MODULE (GLM)	3,500
M4 CARBINE	79,469
SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	2,400
COMMON REMOTELY OPERATED WEAPONS STATION (CROWS)	210,000
HOWITZER, LT WT 155MM	52,000

[In thousands of dollars]

Account	Committee recommendation
M4 CARBINE MODS	125,115
M2 50 CAL MACHINE GUN MODS	5,000
M249 SAW MACHINE GUN MODS	7,056
M240 SAW MACHINE GUN MODS	3,271
PHALANX MODS	150,000
MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	14,454
SMALL ARMS EQUIPMENT (SOLDIER ENHANCEMENT PROGRAM)	8,202
TOTAL, PROCUREMENT OF W&TCV, ARMY	5,463,471
PROCUREMENT OF AMMUNITION, ARMY:	
7.62MM ALL TYPES	10,000
CTG, .50 CAL, ALL TYPES	13,500
40MM ALL TYPES	9,300
MODULAR ARTILLERY CHARGE SYSTEM, ALL TYPES	2,000
SHOULDER FIRED ROCKETS ALL TYPES	20,000
ROCKET, HYDRA 70, ALL TYPES	8,000
DEMOLITION MUNITIONS ALL TYPES	8,000
GRENADES ALL TYPES	10,000
SIMULATORS ALL TYPES	8,000
NON-LETHAL AMMUNITION ALL TYPES	54,000
ITEMS LESS THAN $5M	1,500
PROVISION OF INDUSTRIAL FACILITIES	200,600
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	344,900
OTHER PROCUREMENT, ARMY:	
TACTICAL TRAILERS/DOLLY SETS	232,316
SEMITRAILERS, FLATBED	37,840
SEMITRAILERS, TANKERS	67,318
HI MOB MULTI-PURP WHEELED VEHICLE (HMMWV) (Note: Includes $23,500,000 for Roll Over Trainers for Home Station, Mob Station, and Theater)	1,621,530
FAMILY OF MEDIUM TACTICAL VEH (FMTV)	793,600
FIRE TRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT	45,524
FAMILY OF HEAVY TACTICAL VEH (FHTV) (Note: Includes $185,000,000 for HEMTT Wrecker)	2,324,519
ARMORED SECURITY VEHICLES (ASV)	309,354
MINE PROTECTION VEHICLE FAMILY	179,440
TRUCK, TRACTOR, LINE HAUL, M915/M916	520,302
HEAVY EXPANDED MOBILE TACTICAL TRUCK EXTENDED SERVICE	273,148
HMMWV RECAPITALIZATION PROGRAM	325,000
MODIFICATION OF IN-SERVICE EQUIPMENT (Note: Includes $13,000,000 for Kevlar Overhead Protective Gunners Kits, and $7,000,000 for Spark Mine Rollers)	959,599
HEAVY ARMORED SEDAN	3,500
PASSENGER CARRYING VEHICLES	5,000
NONTACTICAL VEHICLES, OTHER	600
SHF TERM	22,822
SAT TERM, EMUT (SPACE)	9,800
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	28,000
SMART-T (SPACE)	2,041
MOD OF IN-SVC EQUIP (TAC SAT) (Note: Funds additional communications links (SIPR/NIPR))	38,100
ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,510
ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	23,540
SINCGARS FAMILY	500,347
BRIDGE TO FUTURE NETWORKS	1,748,371
COMMS-ELEC EQUIP FIELDING	4,000
COMBAT SURVIVOR EVADER LOCATOR (CSEL) (Note: Includes $35,000,000 for CSEL Radios for ARNG and SOF)	120,000
RADIO, IMPROVED HF (COTS) FAMILY	455,000
MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	74,655
CI AUTOMATION ARCHITECTURE	7,410
TSEC—ARMY KEY MGT SYS (AKMS)	75,600
INFORMATION SYSTEM SECURITY PROGRAM-ISSP (Note: Includes $10,500,000 for Biometric Automated Tool Sets)	143,891
INFORMATION SYSTEMS	9,546
ALL SOURCE ANALYSIS SYS (ASAS) (MIP)	103,500
PROPHET GROUND (MIP)	23,000
TACTICAL UNMANNED AERIAL SYS (TUAS) MIP	233,245
SMALL UNMANNED AERIAL SYSTEM (SUAS)	24,174
DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	3,800
TACTICAL EXPLOITATION SYSTEM (MIP)	19,500
DCGS–A (MIP)	62,331
ITEMS LESS THAN $5.0M (MIP)	15,300
LIGHTWEIGHT COUNTER MORTAR RADAR	10,470
COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	149,937
NIGHT VISION DEVICES (Note: Includes $30,000,000 for Mini-Thermal Binoculars)	435,394
NIGHT VISION, THERMAL WEAPON SIGHT	50,000
RADIATION MONITORING SYSTEMS	1,554
COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	245,000
ARTILLERY ACCURACY EQUIP	2,800
ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SETTER	87
PROFILER	75,483
MOD OF IN-SVC EQUIP (Firefinder Radars)	21,500
FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	425,110
LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDR)	57,000
COMPUTER BALLISTICS: LHMBC XM32	10,550
MORTAR FIRE CONTROL SYSTEM	6,192
COUNTERFIRE RADARS	174,000
INTEGRATED MET SYS SENSORS (IMETS)—MIP	1,400
TACTICAL OPERATIONS CENTERS	263,709
FIRE SUPPORT CMD & CONTROL C2 FAMILY	19,248
FAAD C2	21,500
AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD PCS)	45,200
KNIGHT FAMILY	18,077
AUTOMATIC IDENTIFICATION TECHNOLOGY	71,030
TC AIMS II	56,290
TACTICAL INTERNET MANAGER	12,400
MANEUVER CONTROL SYSTEM (MCS)	57,905
SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	77,681
AUTOMATED DATA PROCESSING EQUIPMENT	9,949
CSS COMMUNICATIONS	227,879
SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	12,813
RECONNAISSANCE SYSTEMS, NUCLEAR BIOLOGICAL	72,000
CBRN SOLDIER PROTECTION	83,065
SMOKE & OBSCURANT FAMILY: SOF	1,098
TACTICAL BRIDGING	60,000
TACTICAL BRIDGE, FLOAT-RIBBON	42,500
GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS) (Note: Funds Explosive Detection Equipment—FLIR)	19,500
EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,650
HEATERS AND ENVIRONMENTAL CONTROL UNITS	13,512
LAUNDRIES, SHOWERS, AND LATRINES	5,200
SOLDIER ENHANCEMENT (Note: Includes $102,000,000 for Land Warrior)	110,757

[In thousands of dollars]

Account	Committee recommendation
FORCE PROVIDER	9,000
FIELD FEEDING EQUIPMENT	12,060
CARGO AERIAL DELIVERY PROGRAM	49,150
QUALITY SURVEILLANCE EQUIPMENT	65,364
DISTRIBUTION SYSTEMS, PETROLEUM & WATER	64,549
WATER PURIFICATION SYSTEMS	8,135
COMBAT SUPPORT MEDICAL	8,078
MOBILE MAINTENANCE	265,625
GRADER, MTZD, HVY	788
SCRAPERS, EARTHMOVING	1,438
LOADERS	9,502
HYDRAULIC EXCAVATOR	400
CRANES	30,000
HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	14,609
CONST EQUIP ESP	9,500
GENERATORS AND ASSOCIATED EQUIPMENT	152,258
ROUGH TERRAIN CONTAINER HANDLER	109,414
ALL TERRAIN LIFTING ARMY SYSTEM	33,381
TRAINING DEVICES, NONSYSTEM	342
CALIBRATION SETS EQUIPMENT	57,307
INTEGRATED FAMILY OF TEST EQUIPMENT	133,918
TEST EQUIPMENT MODERNIZATION (TEMOD)	10,840
RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	50,592
PHYSICAL SECURITY SYSTEMS (OPA3) (Note: Funds Unattended Sensors for Situational Awareness)	2,791
MODIFICATION OF IN-SVC EQUIP (OPA3)	23,007
BUILDING PRE-FAB RELOCATABLE	134,469
CLASSIFIED PROGRAMS	570
AMC CRITICAL ITEMS	131,740
WARLOCKS	34,000
BASE EXPEDITIONARY TARGETING SURVEILLANCE SYSTEMS—COMBINED (BETSS–C)	490,000
TOTAL, OTHER PROCUREMENT, ARMY	16,337,340
AIRCRAFT PROCUREMENT, NAVY:	
EA–18G (Note: Provides 3 aircraft)	225,000
F/A–18E/F (FIGHTER) HORNET (MYP) (Note: Provides 13 aircraft)	768,040
V–22 (MEDIUM LIFT) (Note: Provides 2 aircraft)	140,500
MH–60S (MYP) (Note: Provides 2 aircraft)	68,200
MH–60R (Note: Provides 2 aircraft)	70,400
KC–130J (Note: Provides 9 aircraft)	602,400
EA–6 SERIES	192,500
AV–8 SERIES (Note: Funding for Litening Pods)	3,200
F–18 SERIES	60,264
H–46 SERIES	18,200
AH–1W SERIES	33,974
H–53 SERIES (Note: No funding for AMARC or IMDS)	63,700
SH–60 SERIES	6,696
H–1 SERIES	42,134
P–3 SERIES	313,900
C–130 SERIES	28,100
EA–6 SERIES	1,000
EXECUTIVE HELICOPTERS SERIES	3,360
SPECIAL PROJECT AIRCRAFT	5,610
POWER PLANT CHANGES	6,300
COMMON ECM EQUIPMENT	136,000
COMMON DEFENSIVE WEAPON SYSTEM (Note: Funds Marine Corps Helicopter Defensive Weapons)	3,500
V–22 (TILT/ROTOR ACFT) OSPREY SERIES (Note: Includes funding for Defensive Weapon System)	45,992
SPARES AND REPAIR PARTS (Note: Includes funding for UH–1Y first deployment)	412,412
COMMON GROUND EQUIPMENT	9,800
WAR CONSUMABLES	16,072
SPECIAL SUPPORT EQUIPMENT	286,000
TOTAL, AIRCRAFT PROCUREMENT, NAVY	3,563,254
WEAPONS PROCUREMENT, NAVY:	
TOMAHAWK (Note: Provides 123 missiles)	103,460
SLAM-ER (Note: Provides 9 missile kits)	13,500
HELLFIRE (Note: Provides 525 missiles)	44,000
SMALL ARMS AND WEAPONS	22,196
CIWS MODS	67,000
MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM	67,300
TOTAL, WEAPONS PROCUREMENT, NAVY	317,456
PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS:	
JOINT DIRECT ATTACK MUNITION (JDAM)	5,000
AIR EXPENDABLE COUNTERMEASURES	6,625
OTHER SHIP GUN AMMUNITION	42
SMALL ARMS AND LANDING PARTY AMMUNITION	32,928
PYROTECHNIC AND DEMOLITION	63
SMALL ARMS AMMUNITION	27,644
LINEAR CHARGES, ALL TYPES	3,874
40 MM, ALL TYPES	23,096
60 MM, ALL TYPES	30,252
81 MM, ALL TYPES	35,002
120 MM, ALL TYPES	59,021
CTG 25 MM, ALL TYPES	671
GRENADES, ALL TYPES	9,384
ROCKETS, ALL TYPES	8,273
ARTILLERY, ALL TYPES	51,033
DEMOLITION MUNITIONS, ALL TYPES	3,538
FUZE, ALL TYPES	881
NON LETHALS	5,615
AMMO MODERNIZATION	2,002
ITEMS LESS THAN $5 MILLION	1
TOTAL, PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS	304,945
OTHER PROCUREMENT, NAVY:	
POLLUTION CONTROL EQUIPMENT	11,000
STANDARD BOATS	19,396
TACTICAL SUPPORT CENTER	3,060
SHIPBOARD IW EXPLOIT (Note: No funding for DDG–51 equipment)	28,000
SUBMARINE SUPPORT EQUIPMENT PROGRAM (Note: No funding for antenna upgrades)	17,100
GCCS–M EQUIPMENT	920
MATCALS	26,890

[In thousands of dollars]

Account	Committee recommendation
COMMON IMAGERY GROUND SURFACE SYSTEM	38,000
SHIP COMMUNICATIONS AUTOMATION	12,021
EXPEDITIONARY AIRFIELDS	29,750
METEOROLOGICAL EQUIPMENT (Note: No funding for NITES upgrades)	5,300
EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	73,400
PASSENGER CARRYING VEHICLES	4,530
CONSTRUCTION & MAINTENANCE EQUIPMENT	111,100
TACTICAL VEHICLES	104,615
AMPHIBIOUS EQUIPMENT	350
ITEMS UNDER $5 MILLION (Note: Includes $3,600,000 for Rugged Deployable Satellite Communications)	126,331
MATERIALS HANDLING EQUIPMENT	832
SPECIAL PURPOSE SUPPLY SYSTEMS	695,000
COMMAND SUPPORT EQUIPMENT	40,109
C4ISR EQUIPMENT	16,900
PHYSICAL SECURITY EQUIPMENT	34,306
SPARES AND REPAIR PARTS	225
TOTAL, OTHER PROCUREMENT, NAVY	1,399,135
PROCUREMENT, MARINE CORPS:	
AAV7A1 PRODUCT IMPROVEMENT PROGRAM (PIP)	26,567
LIGHT ARMORED VEHICLE (LAV) PIP	43,901
IMPROVED RECOVERY VEHICLE (IRV)	8,247
M1A1 FIREPOWER ENHANCEMENTS	90
155MM LIGHTWEIGHT TOWED HOWITZER	62,400
WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	16,695
MODULAR WEAPON SYSTEM	17,098
MODIFICATION KITS (BA2)	14,706
WEAPONS ENHANCEMENT PROGRAM	34,223
JAVELIN	10,000
MODIFICATION KITS (BA3)	949
UNIT OPERATIONS CENTER (Note: Includes one year logistics support)	84,700
REPAIR AND TEST EQUIPMENT	7,638
COMBAT SUPPORT SYSTEM	8,435
MODIFICATION KITS (BA4)	15,584
ITEMS UNDER $5M (COMM & ELEC INFRASTRUCTURE SUPPORT)	2,409
AIR OPERATIONS C2 SYSTEMS	78,593
RADAR SYSTEMS	22,900
FIRE SUPPORT SYSTEM	18,075
INTELLIGENCE SUPPORT EQUIPMENT	26,348
NIGHT VISION EQUIPMENT	153,631
COMMON COMPUTER RESOURCES	87,410
COMMAND POST SYSTEMS	43,416
RADIO SYSTEMS (Note: No funding for Enhanced Land Mobile Radios)	359,765
COMMUNICATIONS SWITCHING & CONTROL SYSTEMS	22,913
5/4T TRUCK HMMWV (MYP)	197,683
MOTOR TRANSPORT MODIFICATIONS	377,962
MEDIUM TACTICAL VEH REPLACEMENT	13,676
TRAILERS	43,000
FAMILY OF TACTICAL TRAILERS	4,402
ITEMS LESS THAN $5 MILLION (BA5)	8,048
ENVIRONMENTAL CONTROL EQUIPMENT ASSORTED	2,829
BULK LIQUID EQUIPMENT	13,189
TACTICAL FUEL SYSTEMS	21,702
POWER EQUIPMENT ASSORTED	76,080
AMPHIBIOUS SUPPORT EQUIPMENT	6,343
EOD SYSTEMS	124,563
MATERIAL HANDLING EQUIPMENT	17,242
TRAINING DEVICES	30,300
CONTAINER FAMILY	18,032
FAMILY OF CONSTRUCTION EQUIPMENT	37,383
FAMILY OF INTERNALLY TRANSPORTED VEHICLE (ITV)	18,000
BRIDGE BOATS	13,195
RAPID DEPLOYABLE KITCHEN	68
ITEMS LESS THAN $5 MILLION (BA6)	4,007
SPARES AND REPAIR PARTS	2,993
TOTAL, PROCUREMENT, MARINE CORPS	2,197,390
AIRCRAFT PROCUREMENT, AIR FORCE:	
C–17 (Note: Includes funding for 15 C–17 aircraft)	3,604,500
C–130J (Note: Includes funding for 18 C–130J aircraft and 7 MC–130J aircraft)	1,802,300
CV–22 OSPREY (Note: deletes funding for initial spares)	375,900
REAPER UAV (Note: Includes funding for 18 Reaper systems)	340,700
B–1 (Note: No funding included for Digital Mission Recorder)	40,100
B–52	10,395
F–15 (Note: Funding not included for BLOS, Tactical Targeting Network and 56 JHMCS)	139,158
F–16 (Note: Includes no less than $50,000,000 for the Air National Guard SLOS/BLOS radios and targeting pods upgrades)	72,900
C–5 (Note: Fully funds aft crown skin project)	27,400
C–17	72,000
C–32	43,000
C–37	11,000
C–40	39,000
C–130 (Note: Includes radar upgrades for LC–130 aircraft)	152,640
COMPASS CALL	6,500
DARP	40,000
E–3	25,000
HH–60	6,900
INITIAL SPARES/REPAIR PARTS	36,900
AIRCRAFT REPLACEMENT SUPPORT EQUIPMENT	100,000
OTHER WAR CONSUMABLES	68,900
OTHER PRODUCTION CHARGES	88,730
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	7,103,923
MISSILE PROCUREMENT, AIR FORCE:	
PREDATOR HELLFIRE MISSILE	65,143
ADVANCED CRUISE MISSILE MODS	600
INITIAL SPARES/REPAIR PARTS	1,200
TOTAL, MISSILE PROCUREMENT, AIR FORCE	66,943
PROCUREMENT OF AMMUNITION, AIR FORCE:	
SMALL ARMS	25,400
CARTRIDGES	33,954
GENERAL PURPOSE BOMBS	7,887

[In thousands of dollars]

Account	Committee recommendation
JOINT DIRECT ATTACK MUNITIONS	13,094
ITEMS LESS THAN $5 MILLION	12,100
FLARES	112,545
FUZES	475
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	205,455
OTHER PROCUREMENT, AIR FORCE:	
PASSENGER CARRYING VEHICLES	23,396
MEDIUM TACTICAL VEHICLE	34,939
SECURITY AND TACTICAL VEHICLES (Note: Includes MRAP adjustment)	66,124
FIRE FIGHTING/CRASH RESCUE VEHICLES	15,200
HALVORSEN LOADER	19,500
RUNWAY SNOW REMOVAL AND CLEANING EQUIPMENT	6,987
ITEMS LESS THAN $5 MILLION (VEHICLES)	12,500
NATIONAL AIRSPACE SYSTEM	4,200
GENERAL INFORMATION TECHNOLOGY (Note: No funds for POM–X)	7,776
AIR FORCE PHYSICAL SECURITY SYSTEM (Note: Funding not included for C-RAM and CROWS)	4,500
GLOBAL COMBAT SUPPORT SYSTEM—AF FAMILY OF SYSTEMS	7,500
DEFENSE MESSAGE SYSTEM	400
BASE INFORMATION INFRASTRUCTURE (Note: only for ANG installations)	52,000
SPACELIFT RANGE SYSTEM SPACE	10,000
CONTINGENCY OPERATIONS	9,200
ITEMS LESS THAN $5 MILLION (BASE SUPPORT) (Note: Includes $12,000,000 for Intelligence Communications Equipment and no funding for Senior Leader in Transit Conference Capsules)	61,000
DISTRIBUTED GROUND SYSTEMS	56,000
CLASSIFIED PROGRAMS	1,561,945
TOTAL, OTHER PROCUREMENT, AIR FORCE	1,953,167
PROCUREMENT, DEFENSE-WIDE:	
MAJOR EQUIPMENT, DHRA	7,800
CV–22	173,800
C–130 MODS	65,000
SMALL ARMS AND WEAPONS	1,365
UNMANNED VEHICLES	14,550
SOF OPERATIONAL ENHANCEMENTS	59,000
CLASSIFIED PROGRAMS	86,694
TOTAL, PROCUREMENT, DEFENSE-WIDE	408,209
NATIONAL GUARD AND RESERVE EQUIPMENT:	
ARMY RESERVE	150,000
ARMY NATIONAL GUARD	675,000
TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	825,000

ARMY AVIATION

Urgent needs have been identified in certain Army aviation programs. Accordingly, the recommendation provides additional funding as follows: $30,000,000 for UH–60A to UH–60L modifications, to remanufacture 30 aircraft; $14,650,000 for UH–60 aircraft safety enhancements; $38,000,000 for Kiowa Warrior Safety Enhancement program; and $196,100,000 for Army fixed and rotary wing aircraft survivability enhancements in infrared countermeasures.

There is strong support for the Army plan to replace the aging Kiowa Warrior fleet with Armed Reconnaissance Helicopters [ARH] as soon as possible. However, the funding provided in the Department of Defense Appropriations Act, 2008 fully funded the ARH production capacity for fiscal year 2008. Accordingly, the recommendation includes no additional funding for the Armed Reconnaissance Helicopter program.

M4 CARBINE

Numerous concerns have been raised about continued procurement of the M4 carbine. These concerns range from performance issues (such as jamming in dusty environments) to the current sole source contract. The Army recently conducted tests on the M4 and similar weapons in the same class to assess its performance. The Army is also evaluating the capability of the M4 and other weapons to determine if a new performance requirement is needed. To allay the concerns regarding performance and competition in contracting, the Secretary of the Army is directed to provide a report to the congressional defense committees no later than June 15, 2008, on the findings of the recent comparative capability assessment and with a determination as to whether a change in the acquisition strategy is needed.

FAMILY OF MEDIUM TACTICAL VEHICLES

The recommendation includes $793,600,000 for the Family of Medium Tactical Vehicles program. This funding level includes $94,000,000 to reimburse the program for funds that were used under rapid acquisition authority to procure Sky Warrior intelligence, surveillance and reconnaissance assets.

SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM [SINCGARS]

The recommendation includes $500,347,000 for the procurement of SINCGARS radios, which will fully fund Army SINCGARS radio requirements for fiscal year 2008. However, the Army has yet to fully address certain issues including concerns of the Army Science Board regarding SINCGARS compatibility with the Joint Tactical Radio System [JTRS], encryption modernization, and compatibility with local first responder radios. The Army is urged to move forward with a plan that addresses these and other urgent tactical radio issues.

The Army has recently updated the acquisition strategy for the SINCGARS family of radios and has released a market survey seeking sources of supply that are compliant with the operational requirements. The Army is encouraged to implement "best value" selection criteria in any upcoming competition where the operational requirements are stated as the minimum needed and advanced capabilities and features would be evaluated according to the value they bring above that minimum functionality level. Not more than 60 days after enactment of this act, the Secretary of the Army shall provide a report and briefing to the Committees on Appropriations of the House of Representatives and the Senate addressing the acquisition objective; encryption modernization and capability enhancement; alignment with the JTRS program; and a procurement plan that includes a strategy for full, fair and open competition.

MARITIME PATROL AIRCRAFT

The Navy has recently grounded 39 P–3 Orion Maritime Patrol Aircraft due to wing cracking discovered during inspections. These aircraft have logged significant hours flying in support of the Global War on Terror. To keep these aircraft flying until the replacement Multi-Mission Aircraft (P–8A Poseidon) is fielded, $313,900,000 is provided for the procurement and installation of wing repair kits.

MARINE CORPS AIRCRAFT DEFENSIVE WEAPONS

Marine Corps aircraft deployed in theater should have a capable self defense system. Some of the deployed Marine Corps aircraft have less than capable or outdated defensive systems. To improve the capability of deployed Marine Corps aircraft, $15,000,000 is provided for the procurement of defensive weapons for V–22 aircraft and $3,500,000 is provided for the procurement of defensive weapons for CH–46 aircraft.

GROW THE FORCE—MARINE CORPS

The recommendation provides funds identified by the Marine Corps associated with growing the size of its force, to include $26,400,000 for lightweight 155mm howitzers, $12,000,000 for weapons, $43,000,000 for trailers and $144,000,000 for armored vehicle sets.

MARINE CORPS GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM [G–BOSS]

The fiscal year 2008 supplemental request included $640,000,000 for G–BOSS, a capability that will provide updated base security for the Marine Corps. Public Law 110–161 provided $340,000,000 of that total program requirement. Briefings with the Marine Corps and the Joint Improvised Explosive Device Defeat Organization [JIEDDO] indicate that JIEDDO will fund the remaining G–BOSS requirement of $300,000,000.

C–17 GLOBEMASTER

In light of increases to both the Army and Marine Corps end-strength and the emerging lift needs of the Future Combat System, the Department of Defense has not adequately assessed strategic lift requirements. The need for an accurate assessment is critical because the C–17 aircraft production line is facing shut-down in the very near-term. As a prudent course of action to avoid plant shutdown before the requirement is fully assessed, the recommendation provides $3,604,500,000 to procure 15 C–17 aircraft.

C/KC/MC–130J PROCUREMENT

An appropriation of $2,469,700,000 is recommended for the procurement of 34 C/KC/MC–130J aircraft. Given the age and usage of the C–130, KC–130 and MC–130 fleets, it is justifiable to acquire replacement aircraft faster and in higher quantities in order to drive down unit acquisition costs and operating costs. Therefore, the recommendation fully funds 18 C–130J aircraft, seven MC–130J aircraft and nine KC–130J aircraft. These funds are provided with the expectation that the Department of Defense will proceed expeditiously with negotiations to enter into a follow-on joint multi-year procurement contract in order to lock in lower acquisition prices. It is anticipated that the savings achieved with a multi-year procurement contract will be applied to the associated economic order quantity requirement.

LARGE AIRCRAFT INFRARED COUNTERMEASURES [LAIRCM]

The fiscal year 2007 supplemental provided $112,400,000 to install LAIRCM on C–37 aircraft at an estimated cost of $11,200,000 per aircraft. Due to discounts offered by the vendor and installer for subsequent aircraft, each additional aircraft modification was approximately 50 percent of the original estimate, resulting in a savings of $55,000,000. The Secretary of the Air Force is directed to use the savings to fund the LAIRCM modification for C–20B and C–20H aircraft. These aircraft are not currently tasked for missions into areas where man-portable, shoulder-fired, infrared seeking anti-aircraft missile countermeasures are required. Passengers are transferred to combat aircraft such as the C–130 and C–17 that are equipped with countermeasure equipment. These modifications will allow the C–20B/H aircraft to be tasked for missions directly into areas where countermeasures are required and, thus, negate the need for combat aircraft to be diverted for these missions.

HANDGUN REPLACEMENT

The recommendation includes no funding for the Air Force to replace its handgun. $5,000,000 was provided in fiscal year 2007 to perform a study on replacing the handgun that was not executed because there was no validated requirement for a new handgun. This remains an unsubstantiated need for fiscal year 2008 supplemental funds and the Air Force is urged to request funds in the baseline account if it intends to pursue this program in the future.

NATIONAL GUARD AND RESERVE EQUIPMENT

The recommendation for the National Guard and Reserve Equipment Account is $825,000,000. Of this amount, $675,000,000 is for the Army National Guard and $150,000,000 is for the U.S. Army Reserve to meet urgent equipment needs that may arise this fiscal year. This funding will allow the Army Guard and Army Reserve to procure high priority items such as: AH–64 helicopter modifications from A model to D model for the Army Guard; HH–60 Blackhawk medical evacuation helicopters for the Army Reserve; UH–60 helicopter model A to L conversions; HMMWV utility vehicles; Heavy Expanded Mobile Tactical Trucks; Liquid Logistics Storage and Distribution Systems; sniper detection devices; MILSATCOM, NAVSTAR GPS, and other communications equipment; Night Vision equipment; psychological operations equipment; Water Purification Systems; Air Traffic Control Simulator Systems; Light Medium and Medium Tactical Vehicles; trucks, tractors, and line haul equipment; Armored Security Vehicles; Joint Service Transportable Decontamination Systems -Small Scale [JSTDS–SS]; Logistics Automation Systems [SAMS–E, CAISI, and VSAT]; and tactical bridging and power generating equipment.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

An appropriation of $1,745,483,000 is recommended for Research, Development, Test and Evaluation.

The recommendations for each research, development, test and evaluation account are shown below:

[In thousands of dollars]

Account	Committee recommendation
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY:	
MILITARY ENGINEERING ADVANCED TECHNOLOGY (Note: Includes development of surveillance technology)	5,000
SOLDIER SUPPORT AND SURVIVABILITY	10,000
INFANTRY SUPPORT WEAPONS	8,158
FAMILY OF HEAVY TACTICAL WHEELS (Note: Adapt SPARK Mine Rollers to OEF)	3,400
LIGHT TACTICAL WHEELED VEHICLES	10,000
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE	38,900
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	2,000
INFORMATION TECHNOLOGY DEVELOPMENT (Note: Includes $16,000,000 for Enhanced DIHMRS Capability)	21,000
INFORMATION SYSTEMS SECURITY PROGRAM	23,300
WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	3,800
JOINT COMMAND AND CONTROL PROGRAM	6,200
DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,000
BASE EXPEDITIONARY TARGETING SURVEILLANCE SYSTEMS—COMBINED (BETSS–C)	10,000
FUEL PRICE INCREASE—KWAJALEIN	6,000
LIGHT WEIGHT MISSILE LAUNCHER	9,200
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY	162,958
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY:	
USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) (Note: Includes funding for IED Detection Program)	17,000
RETRACT LARCH	18,800
RETRACT MAPLE	3,400
LINK EVERGREEN	47,200
NON-LETHAL WEAPONS (Note: Funds only for ADS and Silent Guardian)	7,000
OTHER HELICOPTER DEVELOPMENT (Note: Includes funding for CH–53 VDE)	5,000
AV–8B AIRCRAFT—ENGINE DEVELOPMENT	6,406
V–22A (Note: Funding for Defensive Weapons System)	14,000
ELECTRONIC WARFARE (EW) DEVELOPMENT	8,676
MEDICAL DEVELOPMENT (Note: Includes funding for wound care research)	10,000
INFORMATION TECHNOLOGY DEVELOPMENT	800
SHIP AND AIRCRAFT SUPPORT	8,952
MARINE CORPS COMMS SYSTEMS (Note: Funds only for GBOSS, CREW, CESAS, and TPS–59)	55,500
MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS (Note: No funds for PERM)	10,600
MARINE CORPS CMBT SERVICES SUPT (Note: Funds only for M1A1 Crew Weapon and Test Equipment)	1,075
AIRBORNE RECONNAISSANCE SYSTEMS	11,000
MANNED RECONNAISSANCE SYSTEMS	32,000
CLASSIFIED PROGRAMS	108,701
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	366,110
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE:	
MATERIALS	3,700
ADVANCED MATERIALS FOR WEAPON SYSTEMS	5,900
AEROSPACE TECHNOLOGY DEV/DEMO	300
B–1B	40,000
SMALL DIAMETER BOMB	7,900
ARMAMENT/ORDNANCE DEVELOPMENT	4,200
TEST AND EVALUATION SUPPORT (Note: Includes $300,000 for deployed civilians and $18,818,000 for fuel cost increase)	19,118
FACILITY RESTORATION AND MODERNIZATION-T&E	1,610
CLASSIFIED PROGRAMS	7,700
NIGHT FIST USSTRATCOM	1,640
F–16 SQUADRONS (Note: Only for BLOS for SINCGARS)	7,700
COMPASS CALL	5,600
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROG (CIP)	16,000
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYS (JSTARS)	185,499

[In thousands of dollars]

Account	Committee recommendation
DRAGON U-2 (JMIP)	660
AIRBORNE RECONNAISSANCE SYSTEMS	1,520
GLOBAL HAWK UAV (Note: Only for fixing imagery and shading issues)	800
CLASSIFIED PROGRAMS	89,970
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	399,817
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE:	
AEGIS BALLISTIC MISSILE DEFENSE (Note: Only for activities associated with the February 2008 satellite intercept)	112,360
GENERAL SUPPORT TO USD	26,374
CLASSIFIED PROGRAMS USD (P)	15,000
DHRA—WOUNDED WARRIOR	20,300
CRITICAL INFRASTRUCTURE PROGRAM (CIP)	4,500
DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,170
SOF OPERATIONAL ENHANCEMENTS	2,270
MANAGEMENT HEADQUARTERS (JCS)	1,028
UNMANNED VEHICLES (Note: Only for Global Observer)	38,000
CLASSIFIED PROGRAMS	593,596
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	816,598

JOINT STARS

An appropriation of $185,499,000 is recommended for the JOINT STARS aircraft program. $58,600,000 is for the Primary Mission Equipment and Diminishing Manufacturing Source [PME/DMS] development program, $1,409,000 is for the Surface Warfare Joint Capability Technology Demonstration, $36,000,000 is for increased bandwidth and beyond line of site capability for the aircraft, $4,100,000 is for Single Channel Ground to Air Radio System [SINCGARS] voice initial capability insertion, and $85,390,000 is for the Radar Technology Insertion Program for Joint STARS.

C-17 HEADS-UP DISPLAY

Beginning in fiscal year 2012 the current C-17 Heads-Up Display [HUD] will no longer be supportable due to problems associated with parts obsolescence. Given this timeline, the Air Force may use C-17 research, development, test and evaluation funds already appropriated in fiscal year 2008 to start a replacement program for the HUD.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

An appropriation of $1,837,450,000 is recommended for the Defense Working Capital Funds.

The recommendations for each Defense Working Capital Fund account are shown below:

[In thousands of dollars]

Account	Committee recommendation
DEFENSE WORKING CAPITAL FUND, ARMY:	
PREPOSITIONED WAR RESERVE STOCKS	511,100
SPARES AUGMENTATION—COMBAT LOSSES	62,000
SPARES AUGMENTATION—OIF DEMANDS	70,000
FUEL COSTS	7,471
TOTAL, DEFENSE WORKING CAPITAL FUND, ARMY	650,571
DEFENSE WORKING CAPITAL FUND, NAVY: FUEL COSTS	272,020
TOTAL, DEFENSE WORKING CAPITAL FUND, NAVY	272,020
DEFENSE WORKING CAPITAL FUND, AIR FORCE: FUEL COSTS	594,784
TOTAL, DEFENSE WORKING CAPITAL FUND, AIR FORCE	594,784
DEFENSE WORKING CAPITAL FUND, DEFENSE-WIDE:	
THEATER DISTRIBUTION CENTER, KUWAIT	13,000
COMBAT FUEL LOSSES	43,400
FUEL TRANSPORTATION	96,100
DEFENSE REUTILIZATION AND MARKETING OPTIONS	5,275
DLA FUEL TERMINAL OPERATIONS	16,100
FUEL COSTS	146,200
TOTAL, DEFENSE WORKING CAPITAL FUND, DEFENSE-WIDE	320,075

NATIONAL DEFENSE SEALIFT FUND

An appropriation of $5,110,000 is recommended for the National Defense Sealift Fund.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

An appropriation of $1,488,864,000 is recommended for the Defense Health Program.

The recommendations for operation and maintenance, procurement and research, development, test and evaluation are shown below:

[In thousands of dollars]

Account	Committee recommendation
OPERATION AND MAINTENANCE	957,064
IN-HOUSE CARE	38,700
Navy Personnel Backfill	37,700
Medical Care of Former Members w/Severe Injuries	1,000
PRIVATE SECTOR CARE	541,164
Respite Care for Active Duty Members	10,000
Medical Care for Families of Seriously Injured Members	1,000
CONSOLIDATED HEALTH CARE SUPPORT	43,311
Notification of Combat Wounded	2,000
Center of Excellence for Eye Injuries	1,000
Establish Office for Interoperable Electronic Health Record	2,500
Disability Evaluation System & Case Management	7,600
INFORMATION MANAGEMENT	19,393
Joint Medical Communications Infrastructure	5,000
Navy Civilian Hires	300
Disability Evaluation System & Case Management	13,500
MANAGEMENT ACTIVITIES	773
EDUCATION AND TRAINING	20,700
Enhanced Recruiting/Retention of HC Professionals	18,500
Navy Civilian Hires	2,200
BASE OPERATIONS/COMMUNICATIONS	293,023
Army FSRM	140,200
Navy FSRM	93,211
Air Force FSRM	59,612
PROCUREMENT	91,900
Disability Evaluation System & Case Management	4,900
Joint Medical Communications Infrastructure	25,000
Army Medical Procurement	35,000
Navy Medical Procurement	27,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION	364,900
Disability Evaluation System & Case-Management	21,100
Battle Casualty and Psychological Health Research	273,800
Center for Neuroscience and Regenerative Medicine	70,000
PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY	75,000
TOTAL, DEFENSE HEALTH PROGRAM	1,488,864

FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION

The recommendation includes an additional $293,023,000 for sustainment, restoration and modernization of military medical projects for the Army, Navy and Air Force. The average "recapitalization rate" (aggregate investment in infrastructure) for civilian hospitals is 21 years and the current Department of Defense medical facility recapitalization rate exceeds 75 years. This funding is only a temporary band-aid for certain facilities and the Department is urged to request the necessary military construction funds.

JOINT MEDICAL COMMUNICATIONS INFRASTRUCTURE

The recommendation includes $5,000,000 in the Information Management budget activity group within operation and maintenance and $25,000,000 in procurement for the advancement of real time interoperability of medical images and data. This project enables real-time interoperability for the Theater Medical Information Program [TMIP] and other Department of Defense, Department of Veterans Affairs, and civilian medical systems to provide life saving capabilities to our service men and women. TMIP applications are currently deployed all the way down to our field medics to record patient encounter data, usually at the point of injury. Department of Defense medical application data is not currently in a common data format; Veterans Affairs data is entered as text, preventing the data from being computable. Integration and processing of data is not done in real-time; utilizing data in this manner can require days, even weeks. This project enables real time interoperability for life saving data to Emergency Operations Centers for the Army, Air Force and Navy Combatant Commands, eliminating life threatening situations where medical assets are potentially not available to those that need them. Without those medical assets being available, the lives, health and safety of our forces are at stake.

UNFUNDED FISCAL YEAR 2008 PROCUREMENT REQUIREMENTS

The recommendation includes an additional $62,000,000 for unfunded procurement requirements for the Army and Navy. The Air Force does not have any unfunded procurement requirements for fiscal year 2008. Providing the most advanced medical equipment is essential for the care of our service members and their families and the Services have a limited ability to procure critical medical technology because of the exponential cost growth for medical equipment and the restrictions on the service medical accounts. Additional procurement resources have been provided to the Services for the past 2 years and the Department must make a concerted effort to reflect these requirements in future budget submissions for the Defense Health Program.

BATTLE CASUALTY AND PSYCHOLOGICAL HEALTH RESEARCH

The recommendation includes an additional $273,800,000 to address prevention, diagnosis, treatment, and mitigation of deployment-related injuries and psychological health concerns. These funds are targeted to accelerate ongoing programs and are for peer reviewed research into emergent approaches and technologies. These funds are directed toward the following research areas: final development of medical devices for use in theater (including portable suction machines and EKGs for theater hospitals); blood safety and blood products; burns (including tissue viability and fluid resuscitation); orthopedic and other trauma treatment and rehabilitation (including face, visual/ocular and nerve damage, dental, and auditory systems); suicide prevention and counseling (including reducing nurse stress and fatigue at military treatment facilities); traumatic brain injury and psychological health (including Post Traumatic Stress Disorder); injury prevention; wound infection and healing; treatment for severe cutaneous leishmaniasis; and wound infection vaccines. These funds shall be executed through the Army's Medical Research and Materiel Command. The Army is directed to work in conjunction with the Navy and the Air Force to augment all Department of Defense research efforts in these areas. The Department is directed to provide a report with a detailed plan for the use of these funds and timeline for execution by August 1, 2008.

CENTER FOR NEUROSCIENCE AND REGENERATIVE MEDICINE

The recommendation includes an additional $70,000,000 to increase investigators and research capabilities in Traumatic Brain Injury and regenerative medicine across the Armed Forces. The focus of this initiative is an intramural start-up for the study of blast injury to the brain and post traumatic stress by studying actual combat casualties cared for at Walter Reed Army Medical Center and the National Naval Medical Center and using sophisticated neuroimaging technology at the National Institute of Health's Clinical Center.

POST TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY

In addition to amounts otherwise available to the Defense Health Program, $75,000,000 is available to continue work for traumatic brain injury and psychological health.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

An appropriation of $65,317,000 is recommended for Drug Interdiction and Counter-Drug Activities, Defense for operations in Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Thailand and Turkmenistan.

OFFICE OF THE INSPECTOR GENERAL

An appropriation of $6,394,000 is recommended for the Office of the Inspector General. This is an increase of $2,000,000 in research, development, test and evaluation funding for the development of an Investigative Data System for the Defense Criminal Investigative Service.

GENERAL PROVISIONS—THIS CHAPTER

The recommended bill includes the following general provisions for this chapter:

Section 11101 establishes the period of availability for obligation for appropriations provided in this chapter.

Section 11102 provides that funds made available in this chapter are in addition to amounts provided elsewhere for the Department of Defense for fiscal year 2008.

Section 11103 provides for special transfer authority of up to $2,500,000,000 of funds in this chapter, subject to the terms and conditions in section 8005 of the Department of Defense Appropriations Act, 2008.

Section 11104 provides that of the funds made available for the Department of Defense, $1,226,841,000 may be used to execute programs under the Commander's Emergency Response Program for Iraq, Afghanistan, and the Philippines.

Section 11105 provides for transfer of funds to the Defense Cooperation Account to appropriations or funds as determined by the Secretary of Defense.

Section 11106 provides that not to exceed $20,000,000 of funds made available under "Drug Interdiction and Counter-Drug Activities, Defense" may be used to support counter-drug activities of certain governments, and that such support is in addition to support provided under any other provision of law.

Section 11107 provides for up to 20 heavy and light armored vehicles for force protection purposes in Iraq and Afghanistan and up to 21 vehicles from funds previously appropriated.

Section 11108 provides for the transfer of funds to the Mine Resistant Ambush Protected Vehicle Fund.

Section 11109 provides up to $150,000,000 to support the development of foreign national counterterrorism capabilities.

CHAPTER 2

BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

OVERVIEW

RECOMMENDATION

On May 2, the administration presented a request of $65,960,936,000 for supplemental appropriations for the Department of Defense, not including military construction. The recommendation in title XI, chapter 2, is $65,921,157,000.

The following table summarizes by appropriation account or general provision, the recommendation:

[In thousands of dollars]

	Committee recommendation
Chapter 2	
DEPARTMENT OF DEFENSE—MILITARY	
Military Personnel	
Military Personnel, Army (emergency)	839,000
Military Personnel, Navy (emergency)	75,000
Military Personnel, Marine Corps (emergency)	55,000
Military Personnel, Air Force (emergency)	75,000
National Guard Personnel, Army (emergency)	150,000
Total, Military Personnel	1,194,000
Operation and Maintenance	
Operation & Maintenance, Army (emergency)	37,300,000
Operation & Maintenance, Navy (emergency)	3,500,000
(Transfer out) (emergency)	(−112,000)
Operation & Maintenance, Marine Corps (emergency)	2,900,000
Operation & Maintenance, Air Force (emergency)	5,000,000
Operation & Maintenance, Defense-Wide (emergency)	2,648,569
Operation & Maintenance, Army Reserve (emergency)	79,291
Operation & Maintenance, Navy Reserve (emergency)	42,490
Operation & Maintenance, Marine Corps Reserve (emergency)	47,076
Operation & Maintenance, Air Force Reserve (emergency)	12,376
Operation & Maintenance, Army National Guard (emergency)	333,540
Operation & Maintenance, Air National Guard (emergency)	52,667
Subtotal, Operation and Maintenance	51,916,009
Afghanistan Security Forces Fund (emergency)	2,000,000
Iraq Security Forces Fund (emergency)	1,000,000
Total, Operation and Maintenance	54,916,009
Procurement	
Aircraft Procurement, Army (emergency)	84,000
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	822,674
Procurement of Ammunition, Army (emergency)	46,500
Other Procurement, Army (emergency)	1,009,050
Other Procurement, Navy (emergency)	27,948
Procurement, Marine Corps (emergency)	565,425
Aircraft Procurement, Air Force (emergency)	201,842
Other Procurement, Air Force (emergency)	1,500,644
Procurement, Defense-Wide (emergency)	177,237
Total, Procurement	4,435,320
Research, Development, Test and Evaluation	
Research, Development, Test & Evaluation, Navy (emergency)	113,228
Research, Development, Test & Evaluation, Air Force (emergency)	72,041
Research, Development, Test and Evaluation, Defense-Wide (emergency)	202,559
Total, Research, Development, Test and Evaluation	387,828
Other Department of Defense Programs	
Defense Health Program (emergency)	1,100,000
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	188,000
Joint Improvised Explosive Device Defeat fund (emergency)	2,000,000
Total, Other Department of Defenses Programs	3,288,000
General Provisions	
Sec. xxx Transfer authority	(4,000,000)
Sec. xxx Mine Resistant Ambush Protected Vehicle fund (emergency)	1,700,000
Total, General Provisions	1,700,000
Total, Chapter 2	65,921,157

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and direction in the classified annex accompanying this act.

REPORTING REQUIREMENTS

The Secretary of Defense is directed to provide a report to the congressional defense committees within 30 days of enactment of this act on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The Secretary is directed that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and subactivity group for the continuation of military operations in Iraq and Afghanistan and a listing of equipment procured using funds provided in this chapter. It is expected that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriation accounts for purposes other than those specified in this report. The Department of Defense is directed to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

Additionally, the Department of Defense is directed to submit monthly supplemental execution reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

MINE RESISTANT AMBUSH PROTECTED VEHICLES

The recommendation includes $1,700,000,000 for the Mine Resistant Ambush Protected Vehicle Fund. This funds requirements for ballistic testing, sustainment and transportation of Mine Resistant Ambush Protected Vehicles, as identified by the Department. The Department shall continue to adhere to the execution and reporting requirements contained in section 8122 of Public Law 110–116. Additionally, the Secretary of Defense is directed to include future requests for Mine Resistant Ambush Protected Vehicle sustainment in the base budget starting with the fiscal year 2010 President's budget request submission.

MILITARY PERSONNEL

An appropriation of $1,194,000,000 is recommended for Military Personnel.

The recommendations for each military personnel account are shown below:

[In thousands of dollars]

Account	Committee recommendation
MILITARY PERSONNEL, ARMY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	85,298
RETIRED PAY ACCRUAL	24,906
BASIC ALLOWANCE FOR HOUSING	25,374
BASIC ALLOWANCE FOR SUBSISTENCE	3,322
SOCIAL SECURITY TAX	6,516
TOTAL, BUDGET ACTIVITY 1	145,416
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	190,920
RETIRED PAY ACCRUAL	55,748
BASIC ALLOWANCE FOR HOUSING	58,173
SOCIAL SECURITY TAX	14,605
TOTAL, BUDGET ACTIVITY 2	319,446
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL:	
BASIC ALLOWANCE FOR SUBSISTENCE	17,563
SUBSISTENCE-IN-KIND	251,700
TOTAL, BUDGET ACTIVITY 3	269,263
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
DEATH GRATUITIES	10,488
SGLI AND TSGLI PAYMENTS	94,387
TOTAL, BUDGET ACTIVITY 6	104,875
TOTAL, MILITARY PERSONNEL, ARMY	839,000
MILITARY PERSONNEL, NAVY	
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
DEATH GRATUITIES	13,000
SGLI AND TSGLI PAYMENTS	62,000
TOTAL, BUDGET ACTIVITY 6	75,000
TOTAL, MILITARY PERSONNEL, NAVY	75,000
MILITARY PERSONNEL, MARINE CORPS	
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
DEATH GRATUITIES	22,000
SGLI AND TSGLI PAYMENTS	33,000
TOTAL, BUDGET ACTIVITY 6	55,000
TOTAL, MILITARY PERSONNEL, MARINE CORPS	55,000
MILITARY PERSONNEL, AIR FORCE	
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
DEATH GRATUITIES	12,000
SGLI AND TSGLI PAYMENTS	63,000
TOTAL, BUDGET ACTIVITY 6	75,000
TOTAL, MILITARY PERSONNEL, AIR FORCE	75,000
NATIONAL GUARD PERSONNEL, ARMY	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	16,500
SCHOOL TRAINING	58,500
SPECIAL TRAINING	24,000
ADMINISTRATION AND SUPPORT	51,000
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	150,000

OPERATION AND MAINTENANCE

An appropriation of $54,916,009,000 is recommended for Operation and Maintenance.

The recommendations for each operation and maintenance account are shown below:

[In thousands of dollars]

Account	Committee recommendation
OPERATION AND MAINTENANCE, ARMY:	
INCREMENTAL WARTIME OPERATING COSTS	23,343,665
DEPOT MAINTENANCE/RESET	7,886,730
FACILITIES/BASE SUPPORT	5,205,036
TRANSPORTATION	778,198
CLASSIFIED PROGRAMS	86,371
TOTAL, OPERATION AND MAINTENANCE, ARMY	37,300,000
OPERATION AND MAINTENANCE, NAVY:	
INCREMENTAL WARTIME OPERATING COSTS	2,517,826
DEPOT MAINTENANCE/RESET	236,829
TRANSPORTATION	594,906
COAST GUARD SUPPORT	112,000

[In thousands of dollars]

Account	Committee recommendation
CLASSIFIED PROGRAMS	38,439
TOTAL, OPERATION AND MAINTENANCE, NAVY	3,500,000
OPERATION AND MAINTENANCE, MARINE CORPS:	
INCREMENTAL WARTIME OPERATING COSTS	2,109,788
DEPOT MAINTENANCE/RESET	430,660
TRANSPORTATION	359,552
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	2,900,000
OPERATION AND MAINTENANCE, AIR FORCE:	
INCREMENTAL WARTIME OPERATING COSTS	2,689,203
DEPOT MAINTENANCE/RESET	238,347
AIRLIFT OPERATIONS	2,031,723
CLASSIFIED PROGRAMS	40,727
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	5,000,000
OPERATION AND MAINTENANCE, DEFENSE-WIDE:	
THE JOINT STAFF	22,500
SPECIAL OPERATIONS COMMAND:	
OPERATING EXPENSES	901,550
ISR SUSTAINMENT	123,450
AMERICAN FORCES INFORMATION SERVICE	6,500
DEFENSE CONTRACT AUDIT AGENCY (DCAA)	5,000
DEFENSE CONTRACT MANAGEMENT AGENCY (DCMA)	2,100
DEFENSE HUMAN RESOURCE ACTIVITY (DHRA)	2,900
DEFENSE INFORMATION SYSTEMS AGENCY (DISA)	31,100
DEFENSE LOGISTICS AGENCY	34,000
DEFENSE LEGAL SERVICES AGENCY (DLSA)	7,000
DEPARTMENT OF DEFENSE EDUCATION ACTIVITY (DODEA)	102,460
DEFENSE SECURITY COOPERATION AGENCY (DSCA)	300,000
DEFENSE THREAT REDUCTION AGENCY (DTRA)	1,440
OFFICE OF THE SECRETARY OF DEFENSE	30,000
WASHINGTON HEADQUARTERS SERVICES	5,000
CLASSIFIED PROGRAMS	1,073,569
TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	2,648,569
OPERATION AND MAINTENANCE, ARMY RESERVE: OPERATING EXPENSES	79,291
TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	79,291
OPERATION AND MAINTENANCE, NAVY RESERVE: OPERATING EXPENSES	42,490
TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	42,490
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE: OPERATING EXPENSES	47,076
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	47,076
OPERATION AND MAINTENANCE, AIR FORCE RESERVE: OPERATING EXPENSES	12,376
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	12,376
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD: OPERATING EXPENSES	333,540
TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	333,540
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD: OPERATING EXPENSES	52,667
TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	52,667
AFGHANISTAN SECURITY FORCES FUND:	
MINISTRY OF DEFENSE (MOD) INFRASTRUCTURE	300,510
MOD EQUIPMENT AND TRANSPORTATION	234,558
MOD TRAINING	138,271
MOD SUSTAINMENT	480,340
MINSTRY OF INTERIOR (MOI) INFRASTRUCTURE	210,276
MOI EQUIPMENT AND TRANSPORTATION	42,727
MOI TRAINING	313,803
MOI SUSTAINMENT	275,515
RELATED ACTIVITIES:	
DETAINEE OPERATIONS—TRAINING	1,000
DETAINEE OPERATIONS—SUSTAINMENT	3,000
TOTAL, AFGHANISTAN SECURITY FORCES FUND	2,000,000
IRAQ SECURITY FORCES FUND:	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	300,000
MOD TRAINING	60,000
MOD SUSTAINMENT	100,000
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	200,000
MOI TRAINING	300,000
MOI SUSTAINMENT	40,000
TOTAL, IRAQ SECURITY FORCES FUND	1,000,000

DEFENSE SECURITY COOPERATION AGENCY

The recommendation includes $200,000,000 for coalition support funds and $100,000,000 for lift and sustainment of coalition partners in Iraq and Afghanistan.

AFGHANISTAN AND IRAQ SECURITY FORCES

Reprogramming.—The Department of Defense has been provided significant flexibility in executing this program in the past but new reprogramming procedures are required at this juncture. With respect to the Iraq Security Forces Fund and the Afghanistan Security Forces Fund, the Department is directed to submit prior approval reprogramming requests to the congressional defense committees for proposed transfers of funds in excess of $20,000,000, to the Infrastructure subactivity groups or other construction related projects.

PROCUREMENT

An appropriation of $4,435,320,000 is recommended for Procurement.

The recommendations for each procurement account are shown below:

[In thousands of dollars]

Account	Committee recommendation
AIRCRAFT PROCUREMENT, ARMY:	
COMMON GROUND EQUIPMENT	5,000
AIRCRAFT SURVIVABILITY INFRARED COUNTERMEASURES	20,000
KIOWA WARRIOR	59,000
TOTAL, AIRCRAFT PROCUREMENT, ARMY	84,000
PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY:	
BRADLEY BASE SUSTAINMENT	394,800
M1 ABRAMS TANK MOD	47,900
ABRAMS UPGRADE PROGRAM	130,400
STRYKER VEHICLE	248,053
MORTAR WEAPON SYSTEM	1,521
TOTAL, PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY	822,674
PROCUREMENT OF AMMUNITION, ARMY: NON-LETHAL AMMUNITION, ALL TYPES	46,500
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	46,500
OTHER PROCUREMENT, ARMY:	
HMMWV RECAP PROGRAM	390,219
HEMTT EXTENDED SERVICE PROGRAM	15,000
SEMI TRAILER, FLATBED	58,014
SEMI TRAILER, TANKER	26,941
TACTICAL BRIDGING, FLOAT-RIBBON	14,000
DRY SUPPORT BRIDGE	76,000
FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	90,000
TACTICAL TRAILER/DOLLY SETS	40,000
TACTICAL RADIOS	4,855
GROUND STANDOFF MINE DETECTION SYSTEM	5,000
MEDICAL COMMUNICATIONS FOR COMBAT CASUALTY CARE	12,109
NIGHT VISION DEVICES	20,000
NIGHT VISION THERMAL WEAPONS SIGHT	20,000
ALL TERRAIN LIFTING ARMY SYSTEM	5,000
LOADERS	15,000
TRACTORS	20,000
GENERATORS AND ASSOCIATED EQUIPMENT	20,000
DIGITAL TOPOGRAPHIC SUPPORT SYSTEM	9,000
TRUCK, TRACTOR, LINE HAUL, M915/M921	110,000
PROPHET GROUND	2,500
TACTICAL UNMANNED AERIAL SYSTEMS	9,876
MODIFICATION OF IN-SERVICE EQUIPMENT	15,000
ROUGH TERRAIN CONTAINER HANDLER (RTCH)	30,000
CLASSIFIED PROGRAMS	536
TOTAL, OTHER PROCUREMENT, ARMY	1,009,050
OTHER PROCUREMENT, NAVY:	
CONSTRUCTION AND MAINTENANCE EQUIPMENT	3,142
TACTICAL VEHICLES	5,554
ITEMS UNDER $5 MILLION	5,687
PHYSICAL SECURITY EQUIPMENT	13,565
TOTAL, OTHER PROCUREMENT, NAVY	27,948
PROCUREMENT, MARINE CORPS:	
LIGHT ARMORED VEHICLE (LAV)-PRODUCT IMPROVEMENT PROGRAM (PIP)	30,000
WEAPONS & COMBAT SYSTEMS UNDER $5M	8,000
MODULAR WEAPONS SYSTEM (Note: Includes FK4 Underbody Armor, M1114 Frag Kits, M1A1 IED Survivability Enhancements)	101,500
UNIT OPERATIONS CENTER	16,000
REPAIR AND TEST EQUIPMENT (Note: Includes Blue Force Tracking Support, Platform Devices, Spares and Vehicles)	105,175
RADAR SYSTEMS	8,000
INTELLIGENCE SUPPORT EQUIPMENT	21,500
COMMON COMPUTER RESOURCES	5,000
5/4T TRUCK HMMWV (RESET)	25,000
EOD SYSTEMS (Note: Including CREW Upgrades)	211,750
PHYSICAL SECURITY EQUIPMENT (Note: Includes Electronic Security Systems and G–BOSS)	9,000
FIELD MEDICAL EQUIPMENT	8,000
COUNTER RC IED WARFARE	1,500
FAMILY OF CONSTRUCTION EQUIPMENT	15,000
TOTAL, PROCUREMENT, MARINE CORPS	565,425
AIRCRAFT PROCUREMENT, AIR FORCE:	
LAIRCM (Note: Includes funds for EC130/C–17 LAIRCM)	26,000
F–16 MODIFICATIONS (Note: Only for the National Guard $34,200,000 for F–16 Advanced Identification Friend/Foe (AIFF))	34,200
F–15 MODIFICATIONS (Note: $34,000,000 only for National Guard AESA Systems)	34,000
MQ–9 REAPER (Note: Includes 5 UAVs)	87,642
PREDATOR/REAPER GCS RETROFIT	20,000
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	201,842
OTHER PROCUREMENT, AIR FORCE:	
HALVORSEN	13,500
CLASSIFIED PROGRAMS	1,487,144
TOTAL, OTHER PROCUREMENT, AIR FORCE	1,500,644
PROCUREMENT, DEFENSE-WIDE:	
C–130 MODIFICATIONS (Note: Funds are provided for the Special Operations Command Gunship Multispectral Sensor 2 Readiness Spares)	17,000
SOF ORDNANCE REPLENISHMENT	43,640
SOF OPERATIONAL ENHANCEMENT (Note: $20,750,000 is for Special Operations Command ISR Mission Equipment Package and $13,000,000 for Sensors for Additional Leased ISR Aircraft)	33,750
SMALL ARMS AND WEAPONS (Note: For SOF Soldier Protection and Survival System)	16,250
CLASSIFIED PROGRAMS	66,597
TOTAL, PROCUREMENT, DEFENSE-WIDE	177,237

FORCE PROTECTION AND RESET

The recommendation provides funding for critical force protection and reset initiatives identified by the Marine Corps, to include $30,000,000 for Light Armored Vehicle survivability upgrades; $97,500,000 for Frag Kit 4 underbody armor and M1114 Frag Kits; $105,175,000 for Blue Force Tracker platform devices; and $201,750,000 for jammer upgrades.

SPECIAL OPERATIONS PSYCHOLOGICAL OPERATIONS

Special Operations Command is encouraged to use funds provided in fiscal year 2009 for the Department of Defense to fund psychological operations equipment for C–130J aircraft.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

An appropriation of $387,828,000 is recommended for Research, Development, Test and Evaluation only for classified programs.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

An appropriation of $1,100,000,000 is recommended for the Defense Health Program.

The recommendations for the Defense Health Program are shown below:

[In thousands of dollars]

Account	Committee recommendation
OPERATION AND MAINTENANCE	1,100,000
IN-HOUSE CARE	740,052
CONSOLIDATED HEALTH CARE SUPPORT	220,147
INFORMATION MANAGEMENT	78,219
MANAGEMENT ACTIVITIES	1,159
EDUCATION AND TRAINING	51,157
BASE OPERATIONS/COMMUNICATIONS	9,266
TOTAL, DEFENSE HEALTH PROGRAM	1,100,000

TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH

The recommendation includes $300,000,000 to support programs and activities relating to the treatment, care, rehabilitation, recovery and support of the Armed Forces for traumatic brain injury and psychological health issues. Of the funds provided, $200,000,000 is in In-House Care, $75,000,000 is in Consolidated Health, and $25,000,000 is in Education and Training. The Assistant Secretary of Defense for Health Affairs, in coordination with the Service Surgeons General and the Deputy Assistant Secretary of Defense for Force Health Protection and Readiness, is directed to provide a report to the congressional defense committees no later than August 1, 2008 with a detailed spend plan including funding requirements, sources of funding, and a break out of initiatives.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

An appropriation of $188,000,000 is recommended for Drug Interdiction and Counter-Drug Activities, Defense for operations in Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

An appropriation of $2,000,000,000 is recommended for the Joint Improvised Explosive Device Defeat Fund.

[In thousands of dollars]

Account	Committee recommendation
ATTACK THE NETWORK	725,000
DEFEAT THE DEVICE	950,000
TRAIN THE FORCE	250,000
STAFF AND INFRASTRUCTURE	75,000
TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	2,000,000

GENERAL PROVISIONS—THIS CHAPTER

The recommended bill includes the following general provisions for this chapter:

Section 11201 establishes that the funds made available in this chapter are not available until October 1, 2008.

Section 11202 establishes the period of availability for obligation for appropriations provided in this chapter.

Section 11203 provides for special transfer authority up to $4,000,000,000 of funds in this chapter.

Section 11204 provides that the Secretary of Defense continue to provide quarterly reports to Congress on a comprehensive set of indicators and measures for progress towards military and political stability in Iraq.

Section 11205 provides that the Director of the Office of Management and Budget, (in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command-Iraq; and the Commander, Combined Security Transition Command-Afghanistan), shall submit a report detailing, among other assessments, the total cost of training and equipping the Iraq and Afghanistan security forces.

Section 11206 provides that funds available to the Department of Defense for operation and maintenance may be used to provide supplies, services and transportation to coalition forces in Iraq and Afghanistan.

Section 11207 provides that supervision and administrative costs associated with a construction project funded through operation and maintenance, Afghanistan Security Forces Fund, or Iraq Security Forces Fund may be obligated at the time a construction contract is awarded.

Section 11208 provides $1,700,000,000 in emergency funding for the Mine Resistant Ambush Protected Vehicle Fund.

Section 11209 defines the Congressional Defense Committees as being the Armed Services Committees and the Subcommittees on Defense of the Committees on Appropriations of the House and the Senate.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

DEPARTMENT OF DEFENSE—MILITARY

RECOMMENDATION

In title XI, chapter 3, the following is recommended.

RECONSTRUCTION

The United States and the Government of Iraq are increasing their reliance on U.S. funds for reconstruction efforts in Iraq, and the Department of Defense is financing a large number of long-term and costly projects. Many of these efforts are urgently needed, but the Government of Iraq should bear the majority of these costs. Therefore, the Secretary of Defense is directed to immediately begin to develop the processes and procedures necessary to institute an equal cost sharing between the United States and Iraq for all reconstruction projects funded in this title greater than $750,000. Implementation of this new cost sharing arrangement shall begin no later than October 1, 2008. This is the necessary first step in decreasing the Government of Iraq's heavy reliance on U.S. funding for reconstruction efforts.

GENERAL PROVISIONS—THIS CHAPTER

The recommended bill includes the following general provisions for this chapter:

Section 11301 provides that the amounts recommended under this title are designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

Section 11302 provides for the obligation and expenditure of funds related to activities pursuant to section 504(a)(1) of the National Security Act of 1947.

Section 11303 prohibits the use of funds to contravene laws or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Section 11304 requires a report on the United States global strategy to combat and defeat al Qaeda and its affiliates.

Section 11305 provides that none of the funds appropriated in this chapter may be obligated and expended to finance programs or activities denied by Congress in fiscal year 2007 or 2008 appropriations for the Department of Defense or to initiate a new start without prior approval.

Section 11306 provides for an increase in the amount authorized for the United States contribution to NATO to $435,259,000.

Section 11307 prohibits award fees to any defense contractor in contravention to provisions of section 814 of the National Defense Authorization Act, 2007.

Section 11308 provides that: (a) of the funds made available for "Defense Health Program" in Public Law 110–28, $75,000,000 are rescinded and, (b) of the funds made available for "Joint Improvised Explosive Device Defeat Fund" in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

Section 11309 provides that of the funding provided in the Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007 that remains available for obligation under the Iraq Freedom Fund 2007/2008, $150,000,000 is only for the Joint Rapid Acquisition Cell program and $10,000,000 is only for the transportation of fallen service members.

Section 11310 restricts funds available to the Department of Defense on joint basing initiatives until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

Section 11311 allows Combatant Commanders to use funds available in this title in operation and maintenance to purchase an investment item of not more than $500,000 to meet operational requirements.

Section 11312 includes a provision addressing a returning worker exemption.

AMENDMENT #3

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

The Committee recommendation includes policy provisions related to Operation Iraqi Freedom.

TITLE XIII

MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

The Committee recommendation includes provisions relating to the MEJA Expansion and Enforcement Act of 2008.

DISCLOSURE OF EARMARKS AND CONGRESSIONAL DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in rule XLIV of the Standing Rules of the Senate) included in the Senate Committee-authorized amendment. discussed in this explanatory statement, along with the name of each Senator who submitted a request to the Committee of jurisdiction for each item so identified. Neither the Committee-authorized amendment nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in rule XLIV.

EARMARKS

Account	Project	Funding	Member
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES			
Department of Commerce: Economic Devel. Asst. Programs.	In the aftermath of Hurricane Katrina, relocation of Port of New Orleans public facilities to Mississippi River, New Orleans, LA.	$75,000,000	Senator Landrieu
Department of Justice: Byrne	Rebuilding capacity and to fight rising crimes in the aftermath of Hurricane Katrina in Alabama	$12,500,000	Senator Shelby
Department of Justice: Byrne	Rebuilding capacity and to fight rising crimes in the aftermath of Hurricane Katrina in Louisiana	$50,000,000	Senator Landrieu
Department of Justice: Byrne	Rebuilding capacity and to fight rising crimes in the aftermath of Hurricane Katrina in Mississippi	$12,500,000	Senator Cochran
SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT			
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Lake Ponchartrain and Vicinity, LA	$1,657,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, West Bank and Vicinity, LA	$1,415,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Southeast Louisiana, LA	$1,290,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Turkey Creek; Bayou Cumbest; Dantzler; Admiral Island; Franklin Creek; and Deer Island Environmental Restoration Projects, Mississippi.	$173,615,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Moss Point, Mississippi, Municipal Relocation Project	$4,550,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Waveland, MS, Floodproofing project	$5,000,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Mississippi Sound, Sub Aquatic Vegetation Project	$150,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Mississippi Coast-wide Dune Restoration Project	$15,430,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Mississippi Homeowners Assistance Relocation Project	$397,000,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Forrest Heights, Mississippi, Hurricane and Storm Damage Reduction Project	$9,000,000	Senator Cochran, Senator Wicker
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, 17th Street, Orleans, and London Avenue Canal pumps and closures, LA	$704,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Stormproofing interior pump stations, LA	$90,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Levee and critical element armoring, LA	$459,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Navigable closure at the Inner Harbor Navigation Canal, LA	$53,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Incorporation of Plaquemines Parish, Louisiana, Non-Federal levee	$456,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, reinforcing or Replacing Floodwalls in the existing Lake Ponchartrain and Vicinity, and West Bank and Vicinity Projects in New Orleans, LA.	$412,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, repair and restoration of authorized protections and floodwalls in New Orleans, LA.	$393,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, complete authorized Lake Ponchartrain and Vicinity and West Bank and Vicinity projects in New Orleans, LA.	$359,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Barrier Island Restoration, MS	$348,000,000	Senator Cochran, Senator Wicker
Department of Energy	Extend a certain cooperative agreement to carry out the FutureGen program	$0	Senator Durbin, Senator Bond
SUBCOMMITTEE ON DEPARTMENT OF HOMELAND SECURITY			
Federal Emergency Management Agency	Gulf Coast Rebuilding assistance for police stations, fire stations, and criminal justice facilities		Senator Landrieu
Federal Emergency Management Agency	Flood map authority for the St. Louis District of the Mississippi Valley Division of the Corps of Engineers		Senator Durbin
SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT			
Small Business Administration: Salaries and expenses	Extension of 8(a) program for participants affected by Hurricane Katrina		Senator Landrieu
Small Business Administration, Salaries and Expenses	Veterans Business Resource Centers	$600,000	Senator Bond, Senator Kerry, Senator Snowe, Senator Levin, Senator Stabenow
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES			
Department of the Interior: National Park Service, Historic Preservation Fund.	In the aftermath of Hurricane Katrina, rehabilatation and restoration of historic Jackson Barracks	$15,000,000	Senator Landrieu
Environmental Protection Agency, State and Tribal Assistance Grants.	In the aftermath of Hurricane Katrina, wastewater and storm water infrastructure grant	$5,000,000	Senator Landrieu
Department of the Interior: National Park Service: Land and Water Conservation Fund.	Clarification of prior year acquisition, for barrier island disaster mitigation	$0	Senator Cochran
SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES			
Department of Health and Human Services: Centers for Medicare and Medicaid Services.	Provider stabilization grants for Medicare participating general acute hospitals in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana.	$350,000,000	Senator Cochran, Senator Landrieu
SUBCOMMITTEE ON MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES			
Army	Child Development Center, Fort Wainwright, AK	$17,000,000	The Administration
Army	Child Development Center, Fort Irwin, CA	$11,800,000	The Administration
Army	Soldier Family Assistance Center, Fort Carson, CO	$8,100,000	The President
Army	Child Development Center, Fort Carson, CO	$8,400,000	The Administration
Army	Child Development Center, Fort Gordon, GA	$7,800,000	The Administration
Army	Soldier Family Assistance Center, Fort Stewart, GA	$6,000,000	The President
Army	Child Development Center, Schofield Barracks, HI	$12,500,000	The Administration
Army	Transitioning Warrior Support Complex, Fort Riley, KS	$50,000,000	The President
Army	Soldier Family Assistance Center, Fort Campbell, KY	$7,400,000	The President
Army	Child Development Center, Fort Campbell, KY	$9,900,000	The Administration
Army	Child Development Center, Fort Knox KY	$7,400,000	The Administration
Army	Soldier Family Assistance Center, Fort Polk, LA	$4,900,000	The President
Army	Warrior in Transition Facilities, Fort Drum, NY	$38,000,000	The President
Army	Child Development Center, Fort Bragg, NC	$8,500,000	The Administration
Army	Child Development Center, Fort Sill, OK	$9,000,000	The Administration
Army	Child Development Center, Fort Bliss, TX	$5,700,000	The Administration
Army	Child Development Center, Fort Bliss, TX	$5,900,000	The Administration
Army	Child Development Center, Fort Bliss, TX	$5,700,000	The Administration
Army	Warrior In Transition Unit Operations Facilities, Fort Hood, TX	$9,100,000	The President
Army	Child Development Center, Fort Hood, TX	$7,200,000	The Administration
Army	Child Development Center, Fort Sam Houston, TX	$7,000,000	The Administration
Army	Child Development Center, Fort Lee, VA	$7,400,000	The Administration
Army	New Roads, Bagram, Afghanistan	$27,000,000	The President
Army	Ammunition Supply Point, Bagram, Afghanistan	$62,000,000	The President
Army	Power Plant, Bagram, Afghanistan	$41,000,000	The President
Army	Bulk Fuel Storage & Supply, Phase 3, Bagram, Afghanistan	$23,000,000	The President
Army	Bulk Fuel Storage & Supply, Phase 4, Bagram, Afghanistan	$21,000,000	The President
Army	CIED Road—Rte Alaska, Bagram, Afghanistan	$16,500,000	The President
Army	Aircraft Maintenance Hangar, Bagram, Afghanistan	$5,100,000	The President
Army	Rotary Wing Parking, Ghazni, Afghanistan	$5,000,000	The President
Army	Consolidated Compound, Kabul, Afghanistan	$36,000,000	The President
Army	CIED Road—Rte Connecticut, Afghanistan	$54,000,000	The President
Army	Petro Oil & Lubricant Storage, Camp Adder, Iraq	$10,000,000	The President
Army	Waste Water Treatment & Collection, Camp Adder, Iraq	$9,800,000	The President
Army	Convoy Support Center Relocation, Phase 2, Camp Adder, Iraq	$39,000,000	The President
Army	Corps Support Center Phase 3, Camp Adder, Iraq	$13,200,000	The Administration

EARMARKS—Continued

Account	Project	Funding	Member
Army	Landfill Construction, Al Asad, Iraq	$3,100,000	The President
Army	Urban Bypass Road, Al Asad, Iraq	$43,000,000	The President
Army	Hot Cargo Ramp, Al Asad, Iraq	$18,500,000	The President
Army	South Airfield Apron (India Ramp), Al Asad, Iraq	$28,000,000	The President
Army	Landfill Construction, Camp Anaconda, Iraq	$6,200,000	The President
Army	Hazardous Waste Incinerator, Camp Anaconda, Iraq	$4,300,000	The President
Army	Juvenile TIFRIC, Camp Constitution, Iraq	$11,700,000	The President
Army	Brick Factory, Camp Cropper, Iraq	$9,500,000	The President
Army	Landfill Construction, Fallujah, Iraq	$880,000	The President
Army	Incinerators, Fallujah, Iraq	$5,500,000	The Administration
Army	Landfill Construction, Camp Marez, Iraq	$880,000	The President
Army	Urban Bypass Road, Mosul, Iraq	$43,000,000	The President
Army	North Entry Control Point, Q-West, Iraq	$11,400,000	The President
Army	Perimiter Security Upgrade, Q-West, Iraq	$14,600,000	The President
Army	Landfill Construction, Camp Ramadi, Iraq	$880,000	The President
Army	Incinerator, Camp Ramadi, Iraq	$6,200,000	The Administration
Army	Entry Control Point, Scania, Iraq	$5,000,000	The President
Army	Water Storage Tanks, Scania, Iraq	$9,200,000	The President
Army	Military Control Point, Camp Speicher, Iraq	$5,800,000	The President
Army	Landfill Construction, Camp Speicher, Iraq	$5,900,000	The President
Army	Aviation Navigation Facilities, Camp Speicher, Iraq	$13,400,000	The President
Army	Landfill Construction, Camp Taqqadum, Iraq	$880,000	The President
Army	Landfill Construction, Camp Victory, Iraq	$6,200,000	The President
Army	Level 3 Hospital, Camp Victory, Iraq	$13,400,000	The President
Army	Waste Water Treatment & Collection, Camp Victory, Iraq	$9,800,000	The President
Army	Water Supply, Treatment & Storage, Phase 3, Camp Victory, Iraq	$13,000,000	The President
Army	Water Treatment & Storage, Phase 2, Camp Victory, Iraq	$18,000,000	The President
Army	Landfill Construction, Camp Warrior, Iraq	$880,000	The President
Army	Overhead Cover—eGlass, Various Locations, Iraq	$30,000,000	The President
Army	Overhead Cover—eGlass, Phase 4, Various Locations, Iraq	$105,000,000	The President
Army	Communications Center, Camp Arifjan, Kuwait	$30,000,000	The President
Army	Planning & Design, Various Locations, Worldwide	$78,800,000	The President
Navy	JIEDDO Battle Courses, China Lake, CA	$7,210,000	The Administration
Navy	Armory—5th Marine Regiment, Camp Pendleton, CA	$10,890,000	The President
Navy	Bachelor Quarters & Armory, Camp Pendleton, CA	$34,970,000	The President
Navy	Bachelor Quarters & Dining Facility, Camp Pendleton, CA	$24,390,000	The President
Navy	Company Headquarters—Military Police, Camp Pendleton, CA	$8,240,000	The President
Navy	Explosive Ordinance Detachment-Ops, Camp Pendleton, CA	$13,090,000	The President
Navy	Intelligence Surveillance Reconnaissance, Camp Pendleton, CA	$1,114,000	The President
Navy	Armory—Regimental & Battalion HQ, Camp Pendleton, CA	$5,160,000	The President
Navy	Armory—Intelligence Battalion, Camp Pendleton, CA	$4,180,000	The President
Navy	JIEDDO Battle Courses, Camp Pendleton, CA	$9,270,000	The Administration
Navy	JIEDDO Battle Courses, Point Mugu, CA	$7,250,000	The Administration
Navy	Child Development Center, San Diego, CA	$12,299,000	The Administration
Navy	Regimental Headquarters Addition, Twentynine Palms, CA	$4,440,000	The President
Navy	JIEDDO Battle Courses, Twentynine Palms, CA	$11,250,000	The Administration
Navy	JIEDDO Battle Course Additions, Eglin AFB, FL	$780,000	The Administration
Navy	JIEDDO Battle Courses, Gulfport, MS	$6,570,000	The Administration
Navy	Maintenance/Operations Complex, Camp LeJeune, NC	$43,340,000	The President
Navy	JIEDDO Battle Courses, Camp LeJeune, NC	$11,980,000	The Administration
Navy	Child Development Center, Camp LeJeune, NC	$16,000,000	The Administration
Navy	JIEDDO Battle Courses, Yorktown, VA	$8,070,000	The Administration
Navy	Network Infrastructure Expansion, Camp Lemonier, Djibouti	$6,270,000	The President
Navy	Water Production, Camp Lemonier, Djibouti	$19,140,000	The President
Navy	Full Length Taxiway, Camp Lemonier, Djibouti	$15,490,000	The Administration
Navy	Fuel Farm, Camp Lemonier, Djibouti	$4,000,000	The Administration
Navy	Western Taxiway, Camp Lemonier, Djibouti	$2,900,000	The Administration
Navy	Planning & Design, Various Locations, Worldwide	$11,791,000	The President
Air Force	Child Development Center, Beale AFB, CA	$17,600,000	The Administration
Air Force	Child Development Center, Eglin AFB, FL	$11,000,000	The Administration
Air Force	JIEDDO Training Facility, McGuire AFB, NJ	$6,200,000	The Administration
Air Force	Child Development Center, Cannon AFB, NM	$8,000,000	The Administration
Air Force	Strategic Ramp, Bagram, Afghanistan	$43,000,000	The President
Air Force	Parallel Taxiway, Phase 2, Bagram, Afghanistan	$21,400,000	The President
Air Force	East Side Helo Ramp, Bagram, Afghanistan	$44,400,000	The President
Air Force	ISR Ramp, Kandahar, Afghanistan	$26,300,000	The President
Air Force	Helicopter Maintenance Facilities, Balad AB, Iraq	$34,600,000	The President
Air Force	Foxtrot Taxiway, Balad AB, Iraq	$12,700,000	The President
Air Force	Fighter Ramp, Balad AB, Iraq	$11,000,000	The President
Air Force	Strategic Ramp, Manas AB, Kyrgyzstan	$30,300,000	The President
Air Force	Close Air Support Parking Apron, Al Udeid, Qatar	$60,400,000	The Administration
Air Force	Planning & Design, Various Locations, Worldwide	$35,000,000	The President
Defense-Wide	Special Operations Forces Warehouse, Al Udeid, Qatar	$6,600,000	The President
Defense-Wide	Burn Rehab Unit, Fort Sam Houston, TX	$21,000,000	The President
Family Housing, Navy & Marine Corps	Family Housing Improvements, Camp Pendleton, CA	$10,692,000	The President
Family Housing, Navy & Marine Corps	Family Housing Improvements, Twentynine Palms, CA	$1,074,000	The President
BRAC 2005	Walter Reed National Military Medical Center, MD	$415,910,000	The President
Army National Guard–	In the aftermath of Hurricane Katrina, Barracks Repair, Camp Shelby, MS	11,503	Senator Cochran
Family Housing Improvement Fund	In the aftermath of Hurricane Katrina, Family Housing Privatization, Gulfport, MS	10,500	Senator Cochran
SUBCOMMITTEE ON TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES			
Department of Housing and Urban Development: Permanent Supportive Housing.	Permanent Supportive Housing vouchers for the State of Louisiana for elderly, disabled and other at-risk homeless individuals directly impacted by Hurricane Katrina.	$76,000,000	Senator Landrieu
Department of Housing and Urban Development: Housing Transition Assistance.	Funding for the State of Louisiana for case management in housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005.	$3,000,000	Senator Landrieu
Department of Housing and Urban Development: Project-based Rental Assistance.	Project-based vouchers for the State of Mississippi to assist low-income and homeless individuals directly impacted by Hurricane Katrina.	$20,000,000	Senator Cochran
Department of Housing and Urban Development: Community Development Fund.	Funding for uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama.	$50,000,000	Senator Shelby

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports accompanying general appropriations bills identify each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The Committee is filing an original bill, which is not covered under this rule, but reports this information in the spirit of full disclosure.

The Committee recommends funding for the following programs which currently lack authorization for fiscal year 2008:

American Battle Monuments Commission
Department of Commerce:
Economic Development Administration
National Oceanic and Atmospheric Administration

Department of Defense—Military:
Fiscal year 2008:
National Guard Personnel, Air Force
National Guard and Reserve Equipment
Defense Cooperation Account (GP)
Fiscal year 2009:
Military Personnel, Army

Military Personnel, Navy
Military Personnel, Marine Corps
Military Personnel, Air Force
National Guard Personnel, Army
Operation and Maintenance, Army
Operation and Maintenance, Navy
Operation and Maintenance, Marine Corps
Operation and Maintenance, Air Force
Operation and Maintenance, Defense-wide
Operation and Maintenance, Army Reserve
Operation and Maintenance, Navy Reserve
Operation and Maintenance, Marine Corps Reserve Operation and Maintenance, Air Force Reserve Operation and Maintenance, Army National Guard Operation and Maintenance, Air National Guard Afghanistan Security Forces Fund Iraq Security Forces Fund
Aircraft Procurement, Army
Procurement of WTCV, Army
Procurement of Ammunition, Army
Other Procurement, Army
Other Procurement, Navy
Procurement, Marine Corps
Aircraft Procurement, Air Force
Other Procurement, Air Force
Procurement, Defense-wide
Research, Development, Test and Evaluation, Navy Research, Development, Test and Evaluation, Air Force Research, Development, Test and Evaluation, Defense-wide
Defense Health Program
Drug Interdiction and Counter-Drug Activities Joint Improvised Explosive Device Defeat Fund
Mine Resistant Ambush Protected Vehicle Fund (GP)
Department of Defense—Military Construction:
Military Construction, Army
Military Construction, Navy and Marine Corps
Military Construction, Air Force
Military Construction, Defense-Wide
Military Construction, Army National Guard
Family Housing Construction, Navy and Marine Corps
Base Realignment and Closure Account, 2005
Department of Justice:
Byrne Justice Assistance Grant Program [JAG]
Byrne Discretionary Grants
Department of the Army: Corps of Engineers:
Construction and Flood Control and Coastal Emergencies
Department of the Interior:
Secure Rural Schools
Department of Veterans Affairs:
Departmental Administration, General Operating Expenses
Departmental Administration, Information Technology Systems
Departmental Administration, Construction, Major Projects
Foreign Currency Fluctuations Account

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of the rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the Committee."

In compliance with this rule, the following changes in existing law proposed to be made by this bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

* * * * *

CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

§5710. Authority for travel expenses test programs

(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official [for a period not to exceed 24 months] any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

* * * * *

(e) The authority to conduct test programs under this section shall expire [7 years] *16 years* after the date of the enactment of the Travel and Transportation Reform Act of 1998.

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TITLE 8—ALIENS AND NATIONALITY

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CHAPTER 12—IMMIGRATION AND NATIONALITY

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

* * * * *

Sec. 218. H–2A employer applications.
Sec. 218A. H–2A worker employment requirements.
Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
Sec. 218C. Worker protections and labor standards enforcement.
Sec. 218D. Definitions.

* * * * *

§1101. Definitions

(a) * * *

(1) * * *

* * * * *

(13)(A) * * *

* * * * *

(C) * * *

(i) * * *

(ii) has been absent from the United States for a continuous period in excess of 180 days, *except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,*

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SUBCHAPTER II—IMMIGRATION

PART I—SELECTION SYSTEM

§1151. Worldwide level of immigration

* * * * *

[SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

[(a) CONDITIONS FOR APPROVAL OF H–2A PETITIONS.—

[(1) A petition to import an alien as an H–2A worker (as defined in subsection (i)(2)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

[(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and

[(B) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

[(2) The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

[(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor may not issue a certification under subsection (a) with respect to an employer if the conditions described in that subsection are not met or if any of the following conditions are met:

[(1) There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

[(2)(A) The employer during the previous two-year period employed H–2A workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers.

[(B) No employer may be denied certification under subparagraph (A) for more than three years for any violation described in such subparagraph.

[(3) The employer has not provided the Secretary with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

[(4) The Secretary determines that the employer has not made positive recruitment efforts within a multi-state region of traditional or expected labor supply where the Secretary finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed. Positive recruitment under this paragraph is in addition to, and shall be conducted within the same time period as, the circulation through the interstate employment service system of the employer's job offer. The obligation to engage in positive recruitment under this paragraph shall terminate on the date the H–2A workers depart for the employer's place of employment.

[(c) SPECIAL RULES FOR CONSIDERATION OF APPLICATIONS.—The following rules shall apply in the case of the filing and consideration of an application for a labor certification under this section:

[(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary of Labor may not require that the application be filed more than 45 days before the first date the employer requires the labor or services of the H–2A worker.

[(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—

[(A) The employer shall be notified in writing within seven days of the date of filing if the application does not meet the standards (other than that described in subsection (a)(1)(A)) for approval.

[(B) If the application does not meet such standards, the notice shall include the reasons therefor and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

[(3) ISSUANCE OF CERTIFICATION.—

[(A) The Secretary of Labor shall make, not later than 30 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1) if—

[(i) the employer has complied with the criteria for certification (including criteria for the recruitment of eligible individuals as prescribed by the Secretary), and

[(ii) the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary. In considering the question of whether a specific qualification is appropriate in a job offer, the Secretary shall apply the normal and accepted qualifications required by non-H–2A-employers in the same or comparable occupations and crops.

[(B)(i) For a period of 3 years subsequent to the effective date of this section, labor certifications shall remain effective only if, from the time the foreign worker departs for the employer's place of employment, the employer will provide employment to any qualified United States worker who applies to the employer until 50 percent of the period of the work contract, under which the foreign worker who is in the job was hired, has elapsed. In addition, the employer will offer to provide benefits, wages and working conditions required pursuant to this section and regulations.

[(ii) The requirement of clause (i) shall not apply to any employer who—

[(I) did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural labor, as defined in section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (u)),

[(II) is not a member of an association which has petitioned for certification under this section for its members, and

[(III) has not otherwise associated with other employers who are petitioning for temporary foreign workers under this section.

[(iii) Six months before the end of the 3-year period described in clause (i), the Secretary of Labor shall consider the findings of the report mandated by section 403(a)(4)(D) of the Immigration Reform and Control Act of 1986 as well as other relevant materials, including evidence of benefits to United States workers and costs to employers, addressing the advisability of continuing a policy which requires an employer, as a condition for certification under this section, to continue to accept qualified, eligible United States workers for employment after the date the H–2A workers depart for work with the employer. The Secretary's review of such findings and materials shall lead to the issuance of findings in furtherance of the Congressional policy that aliens not be admitted under this section unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or service needed and that the employment of the aliens in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed. In the absence of the enactment of Federal legislation prior to three months before the end of the 3-year period described in clause (i) which addresses the subject matter of this subparagraph, the Secretary shall immediately publish the findings required by this clause, and shall promulgate, on an interim or final basis, regulations based on his findings which shall be effective no later than three years from the effective date of this section.

[(iv) In complying with clause (i) of this subparagraph, an association shall be allowed to refer or transfer workers among its members: *Provided*, That for purposes of this section an association acting as an agent for its members shall not be considered a joint employer merely because of such referral or transfer.

[(v) United States workers referred or transferred pursuant to clause (iv) of this subparagraph shall not be treated disparately.

[(vi) An employer shall not be liable for payments under section 655.202(b)(6) of title 20, Code of Federal Regulations (or any successor regulation) with respect to an H–2A worker who is displaced due to compliance with the requirement of this subparagraph, if the Secretary of Labor certifies that the H–2A worker was displaced because of the employer's compliance with clause (i) of this subparagraph.

[(vii)(I) No person or entity shall willfully and knowingly withhold domestic workers prior to the arrival of H–2A workers in order to force the hiring of domestic workers under clause (i).

[(II) Upon the receipt of a complaint by an employer that a violation of subclause (I) has occurred the Secretary shall immediately investigate. He shall within 36 hours of the receipt of the complaint issue findings concerning the alleged violation. Where the Secretary finds that a violation has occurred, he shall immediately suspend the application of clause (i) of this subparagraph with respect to that certification for that date of need.

[(4) HOUSING.—Employers shall furnish housing in accordance with regulations. The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: *Provided*, That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: *Provided further*, That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply: *Provided further*, That the Secretary of Labor shall issue regulations which address the specific requirements of housing for employees principally engaged in the range production of livestock: *Provided further*, That when it is the prevailing practice in the area and occupation of intended employment to provide family housing, family housing shall be provided to workers with families who request it: And *Provided further*, That nothing in this paragraph shall require an employer to provide or secure housing for workers who are not entitled to it under the temporary labor certification regulations in effect on June 1, 1986. The determination as to whether the housing furnished by an employer for an H–2A worker meets the requirements imposed by this paragraph must be made prior to the date specified in paragraph (3)(A) by which the Secretary of Labor is required to make a certification described in subsection (a)(1) with respect to a petition for the importation of such worker.

[(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

[(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a temporary agricultural worker, and an application for a labor certification with respect to such a worker, may be filed by an association of agricultural producers which use agricultural services.

[(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, the certifications granted under this section to the association may be used for the certified job opportunities of any of its producer members and such workers may be transferred among its producer members to perform agricultural services of a temporary or seasonal nature for which the certifications were granted.

[(3) TREATMENT OF VIOLATIONS.—

[(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the member, the denial shall apply only to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

[(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—

[(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary determines that the member participated in, had knowledge of, or reason to know of, the violation.

[(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, no individual producer member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the commodity and occupation in which such aliens were employed by the association which was denied certification during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member:

[(e) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—

[(1) Regulations shall provide for an expedited procedure for the review of a denial of certification under subsection (a)(1) or a revocation of such a certification or, at the applicant's request, for a de novo administrative hearing respecting the denial or revocation.

[(2) The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of an H-2A worker if able, willing, and qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified workers. If the employer asserts that any eligible individual who has been referred is not able, willing, or qualified, the burden of proof is on the employer to establish that the individual referred is not able, willing, or qualified because of employmentrelated reasons.

[(f) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a temporary agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

[(g) AUTHORIZATIONS OF APPROPRIATIONS.—

[(1) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, $10,000,000 for the purposes—

[(A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii)(a), and

[(B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

[(2) The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

[(3) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(5)(A)(i).

[(4) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under this section.

[(h) MISCELLANEOUS PROVISIONS.—

[(1) The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A.

[(2) The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

[(i) DEFINITIONS.—For purposes of this section:

[(1) The term "eligible individual" means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(h)(3) with respect to that employment.

[(2) The term "H-2A worker" means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).]

SEC. 218. H-2A EMPLOYER APPLICATIONS.

(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

(A) the assurances described in subsection (b);

(B) a description of the nature and location of the work to be performed;

(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

(D) the number of job opportunities in which the employer seeks to employ the workers.

(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

(iii)' the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

(H) EMPLOYMENT OF UNITED STATES WORKERS.—

(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on "America's Job Bank" or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication

in the local labor market that is likely to be patronized by potential farm workers.

(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

(d) WITHDRAWAL OF APPLICATIONS.—

(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

(e) REVIEW AND APPROVAL OF APPLICATIONS.—

(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

SEC. 218A. H–2A WORKER EMPLOYMENT REQUIREMENTS.

(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

(F) CHARGES FOR HOUSING.—

(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(iii) AMOUNT OF ALLOWANCE.—

(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing

allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(2) REIMBURSEMENT OF TRANSPORTATION.—

(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

(C) LIMITATION.—

(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

(3) REQUIRED WAGES.—

(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

(B) LIMITATION.—Effective on the date of the enactment of the Emergency Agriculture Relief Act of 2008 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2008, as established by section 655.107 of title 20, Code of Federal Regulations.

(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—If Congress does not set a new wage standard applicable to this section before March 1, 2012, the adverse effect wage rate for each State beginning on March 1, 2012 shall be the wage rate that would have resulted under the methodology in effect on January 1, 2008.

(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

(i) the worker's total earnings for the pay period;

(ii) the worker's hourly rate of pay, piece rate of pay, or both;

(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

(iv) the hours actually worked by the worker;

(v) an itemization of the deductions made from the worker's wages; and

(vi) if piece rates of pay are used, the units produced daily.

(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2010, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

(v) recommendations for future wage protection under this section.

(H) COMMISSION ON WAGE STANDARDS.—

(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the "Commission").

(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

(II) Four representatives of agricultural workers and 1 representative of the Department of Labor,, each appointed by the Secretary of Labor.

(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

(V) recommendations for future wage protection under this section.

(iv) FINAL REPORT.—Not later than December 31, 2010, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

(4) GUARANTEE OF EMPLOYMENT.—

(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the "¾ guarantee" described in subparagraph (A).

(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified

in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

(5) MOTOR VEHICLE SAFETY.—

(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

(ii) DEFINED TERM.—In this paragraph, the term "uses or causes to be used"—

(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

(II) does not apply to—

(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

(c) CRITERIA FOR ADMISSIBILITY.—

(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

(d) PERIOD OF ADMISSION.—

(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

(B) the total period of employment, including such 14-day period, may not exceed 10 months.

(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

(e) ABANDONMENT OF EMPLOYMENT.—

(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

(f) REPLACEMENT OF ALIEN.—

(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit

into the United States, an eligible alien designated by the employer to replace an H–2A worker—

(A) who abandons or prematurely terminates employment; or

(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

(g) IDENTIFICATION DOCUMENT.—

(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

(A) The document shall be capable of reliably determining whether—

(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

(C) The document shall—

(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

(A) for a period of more than 10 months; or

(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

(B) DEFINITION.—For purposes of subparagraph (A), the term "file" means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least 1/5 the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—Notwithstanding any provision of the Emergency Agriculture Relief Act of 2008, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, dairy worker, or horse worker—

(1) may be admitted for an initial period of 12 months;

(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—

(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term "eligible alien" means an alien—

(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, dairy worker, or horse worker;

(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

(A) the alien's employer on behalf of the eligible alien; or

(B) the eligible alien.

(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—

(1) INVESTIGATION OF COMPLAINTS.—

(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

(2) The reimbursement of transportation as required under section 218A(b)(2).

(3) The payment of wages required under section 218A(b)(3) when due.

(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

(5) The guarantee of employment required under section 218A(b)(4).

(6) The motor vehicle safety requirements under section 218A(b)(5).

(7) The prohibition of discrimination under subsection (d)(2).

(c) PRIVATE RIGHT OF ACTION.—

(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

(C) AUTHORIZATION.—

(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

(i) a recovery under a State workers' compensation law; or

(ii) rights conferred under a State workers' compensation law.

(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

(d) DISCRIMINATION PROHIBITED.—

(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in

any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

(f) ROLE OF ASSOCIATIONS.—

(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

SEC. 218D. DEFINITIONS.

For purposes of this section and section 218, 218A, 218B, and 218C:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

(2) BONA FIDE UNION.—The term "bona fide union" means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

(3) DISPLACE.—The term "displace", in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

(4) ELIGIBLE.—The term "eligible", when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

(5) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(6) H–2A EMPLOYER.—The term "H–2A employer" means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

(7) H–2A WORKER.—The term "H–2A worker" means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

(8) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

(9) LAYING OFF.—

(A) IN GENERAL.—The term "laying off", with respect to a worker—

(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

(10) REGULATORY DROUGHT.—The term "regulatory drought" means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

(11) SEASONAL.—Labor is performed on a "seasonal" basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

(B) from its nature, it may not be continuous or carried on throughout the year.

(12) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(13) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(14) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).

* * * * *

§1153. Allocation of immigrant visas

NOTE

PILOT IMMIGRATION PROGRAM

Pub. L. 102–395, title VI, Sec. 610, Oct. 6, 1992, 106 Stat. 1874, as amended by Pub. L. 105–119, title I, Sec. 116(a), Nov. 26, 1997, 111 Stat. 2467; Pub. L. 106–396, Sec. 402, Oct. 30, 2000, 114 Stat. 1647; Pub. L. 107–273, div. C, title I, Sec. 11037(a), Nov. 2, 2002, 116 Stat. 1847; Pub. L. 108–156, Sec. 4, Dec. 3, 2003, 117 Stat. 1945, provided that:

"(a) * * *

"(b) For purposes of the pilot program established in subsection (a), beginning on October 1, 1992, but no later than October 1, 1993, the Secretary of State, together with the Secretary of Homeland Security, shall set aside 3,000 visas annually [for 15 years] *for 20 years* to include such aliens as are eligible for admission under section 203(b)(5) of the Immigration and Nationality Act [8 U.S.C. 1153(b)(5)] and this section, as well as spouses or children which are eligible, under the terms of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], to accompany or follow to join such aliens.

* * * * *

PART II—ADMISSION QUALIFICATIONS FOR ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

* * * * *

§1181. Admission of immigrants into the United States

(a) * * *

(b) READMISSION WITHOUT REQUIRED DOCUMENTS; ATTORNEY GENERAL'S DISCRETION.—Notwithstanding the provisions of section 1182(a)(7)(A) of this title in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, returning resident immigrants, defined in section 1101(a)(27)(A), *including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate*, of this title, who are otherwise admissible may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation.

* * * * *

§1182. Inadmissible aliens

(a) * * *

(1) * * *

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(5) * * *

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(D) * * *

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(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

(ii) OBLIGATION DEFINED.—In this subparagraph, the term "obligation" means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

(I) the obligation was incurred by coercion or other improper means;

(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.

* * * * *

(7) * * *

(A) * * *

(i) * * *

(I) who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this chapter, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality if such document is required under the regulations issued by the Attorney General under section 1181(a) of this Act *other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate*, or

* * * * *

§1184. Admission of nonimmigrants

(a) * * *

* * * * *

(g) * * *–

(1) * * *

* * * * *

(9)(A) Subject to subparagraphs (B) and (C), [an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.] *an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved*. Such an alien shall be considered a returning worker.

* * * * *

PART V—ADJUSTMENT AND CHANGE OF STATUS

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§1255. Adjustment of status of nonimmigrant to that of person admitted for permanent residence

(a) * * *

* * * * *

(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) ELIGIBILITY.—The Secretary of Homeland Security shall provide for the filing of an adjustment application by an alien (and any eligible dependents of such alien) who has an approved or pending petition under subparagraph (E) or (F) of section 204(a)(1), regardless of whether an immigrant visa is immediately available at the time the application is filed.

(2) VISA AVAILABILITY.—An application filed pursuant to paragraph (1) shall not be approved until an immigrant visa becomes available.

(3) FEES.—If an application is filed pursuant to paragraph (1) at a time at which a visa is not immediately available, a fee, known as the Supplemental Adjustment of Status Application Fee, in the amount of $1500 shall be paid on behalf of the beneficiary of such petition. Such Fee may not be charged for a dependent accompanying or following to join such beneficiary.

SUBCHAPTER III—NATIONALITY AND NATURALIZATION

PART I—NATIONALITY AT BIRTH AND COLLECTIVE NATURALIZATION

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§1401. Nationals and citizens of United States at birth

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SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

(2) to meet the continuous residency requirements under section 316(b).

(b) DEFINITIONS.—In this section:

(1) CANDIDATE COUNTRY.—The term "candidate country" means a country that the Secretary of State determines to be—

(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

(2) ELIGIBLE ALIEN.—The term "eligible alien" means an alien who—

(A) has been lawfully admitted to the United States for permanent residence; and

(B) is a physician or other healthcare worker.

(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

(d) PUBLICATION.—The Secretary of State shall publish—

(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

(2) an updated version of the list required by paragraph (1) not less often than once each year; and

(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).

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TITLE 10—ARMED FORCES

* * * * *

Subtitle E—Reserve Components

* * * * *

PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

* * * * *

CHAPTER 1607—EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

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§16163. Eligibility for educational assistance

* * * * *

(a) * * *

* * * * *

(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—

(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 1606 of this title, chapter 30, 31, 32, *33*, or 35 of title 38, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) under which program the member elects to receive educational assistance.

* * * * *

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

PART I—CRIMES

CHAPTER 1—GENERAL PROVISIONS

* * * * *

§7. Special maritime and territorial jurisdiction of the United States defined

* * * * *

(9) With respect to offenses committed by or against a national of the United States as that term is used in section 101 of the Immigration and Nationality Act—

(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in [section 3261(a)] *section 3261(a)(1) or section 3261(a)(2)* of this title.

* * * * *

CHAPTER 46—FORFEITURE

* * * * *

§982. Criminal forfeiture

(a) * * *

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(2) The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate—

(A) * * *

(B) section 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 842, 844, 1028, 1029, [or 1030] *1030, or 1041* of this title,

shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.

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CHAPTER 47—FRAUD AND FALSE STATEMENTS

*   *   *   *   *

Sec.

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1040. * * *

1041. War profiteering and fraud.

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§1040. * * *

§1041. War profiteering and fraud

(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

(2) in connection with the contract or the provision of those goods or services—

(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(B) makes any materially false, fictitious, or fraudulent statements or representations; or

(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

(c) VENUE.—A prosecution for an offense under this section may be brought—

(1) as authorized by chapter 211 of this title;

(2) in any district where any act in furtherance of the offense took place; or

(3) in any district where any party to the contract or provider of goods or services is located.

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CHAPTER 95—RACKETEERING

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§1956. Laundering of monetary instruments

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(c) As used in this section—

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(7) the term "specified unlawful activity" means—

*   *   *   *   *

(D) an offense under section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section 152 (relating to concealment of assets; false oaths and claims; bribery), section 175c (relating to the variola virus), section 215 (relating to commissions or gifts for procuring loans), section 351 (relating to congressional or Cabinet officer assassination), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 513 (relating to securities of States and private entities), section 541 (relating to goods falsely classified), section 542 (relating to entry of goods by means of false statements), section 545 (relating to smuggling goods into the United States), section 549 (relating to removing goods from Customs custody), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce), section 875 (relating to interstate communications), section 922(*l*) (relating to the unlawful importation of firearms), section 924(n) (relating to firearms trafficking), section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), section 1005 (relating to fraudulent bank entries), 1006[2] (relating to fraudulent Federal credit institution entries), 1007[2] (relating to Federal Deposit Insurance transactions), 1014[2] (relating to fraudulent loan or credit applications), section 1030 (relating to computer fraud and abuse), 1032[2] (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution), *section 1041 (relating to war profiteering and fraud)*, section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1201 (relating to kidnapping), section 1203 (relating to hostage taking), section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction), section 1708 (theft from the mail), section 1751 (relating to Presidential assassination), section 2113 or 2114 (relating to bank and postal robbery and theft), section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms), section 2319 (relating to copyright infringement), section 2320 (relating to trafficking in counterfeit goods and services), section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2332g (relating to missile systems designed to destroy aircraft), section 2332h (relating to radiological dispersal devices), or section 2339A or 2339B (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code, a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, section 16 (relating to offenses and punishment) of the Trading with the Enemy Act, any felony violation of section 15 of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less than $5,000, any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming), any felony violation of the Foreign Agents Registration Act of 1938, any felony violation of the Foreign Corrupt Practices Act, or section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) (relating to prohibitions governing atomic weapons)[3]

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CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

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§1961. Definitions

As used in this chapter—

(1) "racketeering activity" means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), *section 1041 (relating to war profiteering and fraud)*, section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461–1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581–1592 (relating to peonage, slavery, and trafficking in

persons),[1] section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341–2346 (relating to trafficking in contraband cigarettes), sections 2421–24 (relating to white slave traffic), sections 175–178 (relating to biological weapons), sections 229–229F (relating to chemical weapons), section 831 (relating to nuclear materials), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B);

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PART II—CRIMINAL PROCEDURE

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CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

* * * * *

§3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

(a) * * *

(1) while employed by or accompanying the Armed Forces outside the United States; [or]

(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice)[,];

(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,

shall be punished as provided for that offense.

* * * * *

§ 3262. Arrest and commitment

(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in [section 3261(a)] *section 3261(a)(1) or 3261(a)(2)* if there is probable cause to believe that such person violated section 3261(a).

(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

[(b)] *(c)* Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

* * * * *

§ 3263. Delivery to authorities of foreign countries

(a) Any person designated and authorized under section 3262(a) may deliver a person described in [section 3261(a)] *section 3261(a)(1) or 3261(a)(2)* to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

* * * * *

§ 3264. Limitation on removal

(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person *described in section 3261(a)(1) or 3261(a)(2)* arrested for or charged with a violation of section 3261(a) shall not be removed—

* * * * *

§ 3265. Initial proceedings

(a)(1) In the case of any person *described in section 3261(a)(1) or 3261(a)(2)* arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

* * * * *

§ 3266. Regulations

(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons [under this chapter] *described in section 3261(a)(1) or 3261(a)(2)* and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

* * * * *

(c) * * *

(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.

* * * * *

§ 3267. Definitions

As used in this chapter:

(1) The term "employed by the Armed Forces outside the United States" means—

[(A) employed as—

[(i) a civilian employee of—

[(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

[(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

[(ii) a contractor (including a subcontractor at any tier) of—

[(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

[(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

[(iii) an employee of a contractor (or subcontractor at any tier) of—

[(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

[(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;]

(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

(ii) a contractor (including a subcontractor at any tier); or

(iii) an employee of a contractor (including a subcontractor at any tier);

* * * * *

(4) The terms "Judge Advocate General" and "judge advocate" have the meanings given such terms in section 801 of title 10.

(5) The term "employed by any Department or agency of the United States other than the Armed Forces" means—

(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

(i) a civilian employee;

(ii) a contractor (including a subcontractor at any tier); or

(iii) an employee of a contractor (including a subcontractor at any tier);

(B) present or residing outside the United States in connection with such employment; and

(C) not a national of or ordinarily a resident in the host nation.

(6) The term "employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces" means—

(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

(i) a civilian employee;

(ii) a contractor (including a subcontractor at any tier); or

(iii) an employee of a contractor (including a subcontractor at any tier);

(B) authorized in the course of such employment—

(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

(iii) to use force against another; or

(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

(C) present or residing outside the United States in connection with such employment; and

(D) not a national of or ordinarily resident in the host nation.

(7) The term "qualifying military operation" means—

(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

(B) a contingency operation (as defined in section 101 of title 10); or

(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.

* * * * *

CHAPTER 213—LIMITATIONS

* * * * *

§ 3287. Wartime suspension of limitations

When the United States is at war *or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))*, the running of any statute of limitations applicable to any offense—

(1) involving fraud or attempted fraud against the United States or any agency thereof in any manner, whether by conspiracy or not, or

(2) committed in connection with the acquisition, care, handling, custody, control or disposition of any real or personal property of the United States, or

(3) committed in connection with the negotiation, procurement, award, performance, payment for, interim financing, cancelation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war *or directly connected with or related to the authorized use of the Armed Forces*, or with any disposition of termination inventory by any war contractor or Government agency, shall be suspended until [three years] *5 years* after the termination of hostilities as [proclaimed by the President] *proclaimed by a Presidential proclamation, with notice to Congress*, or by a concurrent resolution of Congress.

Definitions of terms in section 103 of title 41 shall apply to similar terms used in this section.

For purposes of applying such definitions in this section, the term "war" includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

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TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

* * * * *

CHAPTER 38—DEPARTMENT OF STATE

* * * * *

§ 2696. Nondiscretionary personnel costs, currency fluctuations, and other contingencies

(a) * * *

* * * * *

(b) * * *

* * * * *

(1) * * *

* * * * *

(7)(A) * * *

* * * * *

[(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.]

(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.

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TITLE 26—INTERNAL REVENUE CODE

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SUBTITLE F—PROCEDURE AND ADMINISTRATION

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CHAPTER 76—JUDICIAL PROCEEDINGS

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SUBCHAPTER C—THE TAX COURT

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PART III—MISCELLANEOUS PROVISIONS

* * * * *

§ 7472. Expenditures

The Tax Court is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary efficiently to execute the functions vested in the Tax Court. Notwithstanding any other provision of law, the Tax Court is authorized to pay on behalf of its judges, age 65 or over, any increase in the cost of Federal Employees' Group Life Insurance imposed *after April 24, 1999, that is incurred* after the date of the enactment of the Pension Protection Act of 2006, including any expenses generated by such payments, as authorized by the chief judge in a manner consistent with such payments authorized by the Judicial Conference of the United States pursuant to section 604(a)(5) of title 28, United States Code. Except as provided in section 7475, all expenditures of the Tax Court shall be allowed and paid, out of any moneys appropriated for purposes of the Tax Court, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the chief judge.

* * * * *

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

* * * * *

PART III—COURT OFFICERS AND EMPLOYEES

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CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

* * * * *

§ 604. Duties of Director generally

(a) * * *

(1) * * *

* * * * *

(5) Fix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law, and, notwithstanding any other provision of law, pay on behalf of Justices and judges of the United States appointed to hold office during good behavior, *bankruptcy judges appointed under chapter 6 of title 28; territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)); bankruptcy judges retired under section 377 of title 28; and judges retired under section 373 of title 28*, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States;

* * * * *

TITLE 38—VETERANS' BENEFITS

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

Chap. Sec.

* * * * *

32. * * *

33. Post-9/11 Educational Assistance 3301

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM

* * * * *

SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE

* * * * *

§ 3015. Amount of basic educational assistance

(a) * * *

(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

[(A) for months beginning on or after January 1, 2002, $800;

[(B) for months occurring during fiscal year 2003, $900;

[(C) for months occurring during fiscal year 2004, $985; and]

(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and

[(D)] *(B)* for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or

* * * * *

(b) * * *

(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

[(A) for months beginning on or after January 1, 2002, $650;

[(B) for months occurring during fiscal year 2003, $732;

[(C) for months occurring during fiscal year 2004, $800; and]

(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and

[(D)] *(B)* for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or

* * * * *

(h)(1) With respect to any fiscal year, the Secretary shall provide a percentage increase in the rates payable under subsections (a)(1) and (b)(1) equal to the percentage by which—

[(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

[(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).]

(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).

* * * * *

SUBCHAPTER IV—TIME LIMITATION FOR USE OF ELIGIBILITY AND ENTITLEMENT; GENERAL AND ADMINISTRATIVE PROVISIONS

* * * * *

§3033. Bar to duplication of educational assistance benefits

(a)(1) An individual entitled to educational assistance under a program established by this chapter who is also eligible for educational assistance under a program under chapter 31, 32, *33*, or 35 of this title, under chapter 106 or 107 of title 10, or under the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more of such programs concurrently but shall elect (in such form and manner as the Secretary may prescribe) under which program to receive educational assistance.

* * * * *

(c) An individual who serves in the Selected Reserve may not receive credit for such service under [both the program established by this chapter and the program established by chapter 106 of title 10] *two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10* but shall elect (in such form and manner as the Secretary may prescribe) the program to which such service is to be credited.

* * * * *

CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

SUBCHAPTER I—DEFINITIONS

Sec.

3301. Definitions.

SUBCHAPTER II—EDUCATIONAL ASSISTANCE

3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.

3312. Educational assistance: duration.

3313. Educational assistance: amount; payment.

3314. Tutorial assistance.

3315. Licensure and certification tests.

3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.

3317. Public-private contributions for additional educational assistance.

3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

3321. Time limitation for use of and eligibility for entitlement.

3322. Bar to duplication of educational assistance benefits.

3323. Administration.

3324. Allocation of administration and costs.

SUBCHAPTER I—DEFINITIONS

§3301. Definitions

In this chapter:

(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

(2) The term 'entry level and skill training' means the following:

(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

(E) In the case of members of the Coast Guard, Basic Training.

(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

SUBCHAPTER II—EDUCATIONAL ASSISTANCE

§3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

(1) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty; or

(ii) is discharged or released from active duty as described in subsection (c).

(2) An individual who—

(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

(3) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 36 months; or

(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

(4) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 30 months; or

(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

(5) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 24 months; or

(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

(6) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 18 months; or

(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

(7) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 12 months; or

(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

(8) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 6 months; or

(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

(c) Covered Discharges and Releases.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

(1) A discharge from active duty in the Armed Forces with an honorable discharge.

(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

(4) A discharge or release from active duty in the Armed Forces for—

(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

(B) hardship; or

(C) a physical or mental condition that was not characterized as a disability and did not result from the .individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

(d) Prohibition on Treatment of Certain Service as Period of Active Duty.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

(3) A period of service that is terminated because of a defective enlistment and induction based on—

(A) the individual's being a minor for purposes of service in the Armed Forces;

(B) an erroneous enlistment or induction; or

(C) a defective enlistment agreement.

(e) Treatment of Individuals Entitled Under Multiple Provisions.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

§3312. Educational assistance: duration

(a) In General.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

(b) Continuing Receipt.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

(c) Discontinuation of Education for Active Duty.—(1) Any payment of educational assistance described in paragraph (2) shall not—

(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

§3313. Educational assistance: amount; payment

(a) Payment.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

(b) Approved Programs of Education.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

(c) Amount of Educational Assistance.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

(B) A monthly stipend in an amount as follows:

(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

(I) $1,000, multiplied by

(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(d) Frequency of Payment.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts

payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

(A) The amount equal to the lesser of—

(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

(B) the number of course hours for full-time pursuit of such program of education.

(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

(2) Established charges shall be determined for purposes of this subsection on the following basis:

(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

§3314. Tutorial assistance

(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

(A) such benefits are essential to correct a deficiency of the individual in such course; and

(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

§3315. Licensure and certification tests

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

(1) $2,000; or

(2) the fee charged for the test.

(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

§3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

§3317. Public-private contributions for additional educational assistance

(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

§3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

(2) who—

(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

(1) DD Form 214, Certification of Release or Discharge from Active Duty.

(2) The most recent Federal income tax return.

(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.

* * * * *

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

§3321. Time limitation for use of and eligibility for entitlement

(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

§3322. Bar to duplication of educational assistance benefits

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

§3323. Administration

(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

§3324. Allocation of administration and costs

(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.

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CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

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SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

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§3485. Work-study allowance

(a)(1) * * *

* * * * *

(b) Notwithstanding any other provision of law, the Secretary shall, subject to the provisions of subsection (e) of this section, utilize, in connection with the activities specified in subsection (a)(1) of this section, the service of individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, *33*, or 34 of this title or chapter 106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student. In carrying out this section, the Secretary, wherever feasible, shall give priority to veterans with disabilities rated at 30 percent or more for purposes of chapter 11 of this title. In the event an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual may, with the approval of the Secretary, be permitted to complete such agreement.

* * * * *

(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of law, enter into an agreement with an individual under this section, or a modification of such an agreement, whereby the individual agrees to perform services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section and agrees that the Secretary shall, in lieu of paying the work-study allowance payable for such services, as provided in subsection (a) of this section, deduct the amount of the allowance from the amount which the individual has been determined to be indebted to the United States by virtue of such individual's participation in a benefits program under this chapter, chapter 30, 31, 32, *33*, 35, or 36 of this title, or chapter 106 of title 10 (other than an indebtedness arising from a refund penalty imposed under section 2135 of such title).

* * * * *

CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

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SUBCHAPTER I—STATE APPROVING AGENCIES

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§3674. Reimbursement of expenses

(a)(1) * * *

* * * * *

(4) The total amount made available under this section for any fiscal year [may not exceed $13,000,000 or, for each of fiscal years 2001 and 2002, $14,000,000, for fiscal year 2003, $14,000,000, for fiscal year 2004, $18,000,000, for fiscal year 2005, $18,000,000, for fiscal year 2006, $19,000,000, and for fiscal year 2007, $19,000,000. For any fiscal year in which the total amount that would be made available under this section would exceed the amount applicable to that fiscal year under the preceding sentence except for the provisions of this paragraph, the Secretary shall provide that each agency shall receive the same percentage of the amount applicable to that fiscal year under the preceding sentence as the agency would have received of the total amount that would have been made available without the limitation of this paragraph] *shall be $19,000,000.*

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SUBCHAPTER II—MISCELLANEOUS PROVISIONS

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§3688. Measurement of courses

(a) For the purposes of this chapter and chapters 34 and 35 of this title—

* * * * *

(b) The Secretary shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter, chapter 30, 32, *33*, or 35 of this title, or chapter 106 of title 10.

* * * * *

§3689. Approval requirements for licensing and certification testing

(a) IN GENERAL.—

(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the provisions of this chapter and chapters 30, 32, *33*, 34, and 35 of this title and with regulations prescribed by the Secretary to carry out this section.

* * * * *

(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—

(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapter 30, 32, *33*, 34, or 35 of this title and that meets the following requirements, shall be approved by the Secretary to offer such test:

(A) * * *

* * * * *

(G) The organization or entity furnishes to the Secretary such information with respect to the test as the Secretary requires to determine whether payment may be made for the test under chapter 30, 32, *33*, 34, or 35 of this title, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

* * * * *

(d) ADMINISTRATION.—Except as otherwise specifically provided in this section or chapter 30, 32, *33*, 34, or 35 of this title, in implementing this section and making payment under any such chapter for a licensing or certification test, the test is deemed to be a "course" and the organization or entity that offers such test is deemed to be an "institution" or "educational institution", respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—

(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the "Committee").

(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, *33*, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

* * * * *

§3690. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

OVERCHARGES BY EDUCATIONAL INSTITUTIONS

(a) If the Secretary finds that an educational institution has—

* * * * *

(b)(1) * * *

* * * * *

(3)(A) The Secretary may suspend educational assistance to eligible veterans and eligible persons already enrolled, and may disapprove the enrollment or reenrollment of any eligible veteran or eligible person, in any course as to which the Secretary has evidence showing a substantial pattern of eligible veterans or eligible persons, or both, who are receiving such assistance by virtue of their enrollment in such course but who are not entitled to such assistance because (i) the course approval requirements of this chapter are not being met, or (ii) the educational institution offering such course has violated one or more of the recordkeeping or reporting requirements of this chapter or chapter 30, 32, *33*, 34, or 35 of this title.

* * * * *

§3692. Advisory committee

(a) There shall be a Veterans' Advisory Committee on Education formed by the Secretary which shall be composed of persons who are eminent in their respective fields of education, labor, and management and of representatives of institutions and establishments furnishing education to eligible veterans or persons enrolled under chapter 30, 32, *33*, or 35 of this title and chapter 1606 of title 10. The committee shall also, to the maximum extent practicable, include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, the post-Vietnam era, and the Persian Gulf War. The Assistant Secretary of Education for Postsecondary Education (or such other comparable official of the Department of Education as the Secretary of Education may designate) and the Assistant Secretary of Labor for Veterans' Employment and Training shall be ex officio members of the advisory committee.

(b) The Secretary shall consult with and seek the advice of the committee from time to time with respect to the administration of this chapter, chapters 30, 32, *33*, and 35 of this title, and chapter 1606 of title 10. The committee may make such reports and recommendations as it considers desirable to the Secretary and the Congress.

(c) The committee shall remain in existence until December 31, 2009.

* * * * *

§3695. Limitation on period of assistance under two or more programs

(a) * * *

(1) * * *

* * * * *

[(4) Chapters 30, 32, 34, 35, and 36 of this title, and the former chapter 33.]

(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.

* * * * *

§3697. Funding of contract educational and vocational counseling

(a) Subject to subsection (b) of this section, educational or vocational counseling services obtained by the Department of Veterans Affairs by contract and provided to an individual under section 3697A of this title or to an individual applying for or receiving benefits under section 1524 or chapter 30, 32, *33*, 34, or 35 of this title, or chapter 106 of title 10, shall be paid for out of funds appropriated, or otherwise available, to the Department of Veterans Affairs for payment of readjustment benefits.

* * * * *

§3697A. Educational and vocational counseling

(a) * * *

* * * * *

(b) For the purposes of this section, the term "individual" means an individual who—

(1) is eligible for educational assistance under chapter 30, 31, [or 32] *32, or 33* of this title or chapter 106 or 107 of title 10;

* * * * *

PART IV—GENERAL ADMINISTRATIVE PROVISIONS

* * * * *

CHAPTER 53—SPECIAL PROVISIONS RELATING TO BENEFITS

Sec.

5301. Nonassignability and exempt status of benefits.
5302. Waiver of recovery of claims by the United States
5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.

* * * * *

§ 5302. * * *

* * * * *

§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.

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TITLE 42—THE PUBLIC HEALTH AND WELFARE

* * * * *

CHAPTER 6A—PUBLIC HEALTH SERVICE

* * * * *

SUBCHAPTER VI—NURSING WORKFORCE DEVELOPMENT

* * * * *

PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

* * * * *

§ 296p. Nurse education, practice, and retention grants

(a) * * *

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SEC. 832. CAPITATION GRANTS.

(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined. in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

(c) GRANT COMPUTATION.—

(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

(B) $1,405 for each full-time or part-time student who—

(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

(ii) has not more than 3 years of academic credits remaining in the program.

(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

(i) the physical facilities at the school involved limit the school from enrolling additional students; or

(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

(F) Increasing enrollment of minority and diverse student populations.

(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

(I) Increasing integration of geriatric content into the core curriculum.

(J) Partnering with economically disadvantaged communities to provide nursing education.

(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

(2) not later than September 30, 2010, a final report on such results.

(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under

section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the "Domestic Nursing Enhancement Account." Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

(b) USE OF FUNDS.—Amounts collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.

* * * * *

CHAPTER 7—SOCIAL SECURITY

SUBCHAPTER II—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

§408. Penalties

(a) In general

* * * * *

(1) * * *

* * * * *

(e) Application of subsection (a)(6) and (7) to certain aliens—

(1) Except as provided in paragraph (2), an alien—

(A) whose status is adjusted to that of lawful temporary resident under section 1160 or 1255a of title 8 or under section 902 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989,

(B) whose status is adjusted to that of permanent resident—

(i) under section 202 of the Immigration Reform and Control Act of 1986, or

(ii) pursuant to section 1259 of title 8, [or]

(C) who is granted special immigrant status under section 1101(a)(27)(I) of title 8, *or*

(D) who is granted emergency agricultural worker status under the Emergency Agriculture Relief Act of 2008,

shall not be subject to prosecution for any alleged conduct described in paragraph (6) or (7) of subsection (a) of this section if such conduct is alleged to have occurred prior to 60 days after November 5, [1990.] *1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted emergency agricultural worker status.*

* * * * *

§414. Insured status for purposes of old-age and survivors insurance benefits

For the purposes of this subchapter—

(a) * * *

(1) * * *

* * * * *

(d)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual granted emergency agricultural worker status under section 8011 of the Emergency Agriculture Relief Act of 2008, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

(e) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (d).

§415. Computation of primary insurance amount

For the purposes of this subchapter—

(a) * * *

* * * * *

(e) CERTAIN WAGES AND SELF-EMPLOYMENT INCOME NOT TO BE COUNTED.—For the purposes of subsections (b) and (d) of this section—

(1) in computing an individual's average indexed monthly earnings or, in the case of an individual whose primary insurance amount is computed under subsection (a) of this section as in effect prior to January 1979, average monthly wage, there shall not be counted the excess over $3,600 in the case of any calendar year after 1950 and before 1955, the excess over $4,200 in the case of any calendar year after 1954 and before 1959, the excess over $4,800 in the case of any calendar year after 1958 and before 1966, the excess over $6,600 in the case of any calendar year after 1965 and before 1968, the excess over $7,800 in the case of any calendar year after 1967 and before 1972, the excess over $9,000 in the case of any calendar year after 1971 and before 1973, the excess over $10,800 in the case of any calendar year after 1972 and before 1974, the excess over $13,200 in the case of any calendar year after 1973 and before 1975, and the excess over an amount equal to the contribution and benefit base (as determined under section 430 of this title) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective, (before the application, in the case of average indexed monthly earnings, of subsection (b)(3)(A) of this section) of (A) the wages paid to him in such year, plus (B) the self-employment income credited to such year (as determined under section 412 of this title); [and]

(2) if an individual's average indexed monthly earnings or, in the case of an individual whose primary insurance amount is computed under subsection (a) of this section as in effect prior to January 1979, average monthly wage, computed under subsection (b) of this section or for the purposes of subsection (d) of this section is not a multiple of $1, it shall be reduced to the next lower multiple of $1[.]; *and*

(3) in computing the average indexed monthly earnings of an individual, wages or self-employment income shall not be counted for any year for which no quarter of coverage may be credited to such individual pursuant to section 214(d).

* * * * *

TITLE 49—TRANSPORTATION

* * * * *

SUBTITLE VII—AVIATION PROGRAMS

PART A—AIR COMMERCE AND SAFETY

* * * * *

SUBPART III—SAFETY

* * * * *

CHAPTER 443—INSURANCE

* * * * *

§44302. General authority

(a) * * *

* * * * *

(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

* * * * *

(f) EXTENSION OF POLICIES.—

(1) In general.—The Secretary shall extend through [August 31, 2008,] *August 31, 2009,* and may extend through [December 31, 2008,] *December 31, 2009,* the termination date of any insurance policy that the Department of Transportation issued to an air carrier under subsection (a) and that is in effect on the date of enactment of this subsection on no less favorable terms to the air carrier than existed on June 19, 2002; except that the Secretary shall amend the insurance policy, subject to such terms and conditions as the Secretary may prescribe, to add coverage for losses or injuries to aircraft hulls, passengers, and crew at the limits carried by air carriers for such losses and injuries as of such date of enactment and at an additional premium comparable to the premium charged for third-party casualty coverage under such policy.

* * * * *

§44303. Coverage

(a) * * *

* * * * *

(b) AIR CARRIER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—For acts of terrorism committed on or to an air carrier during the period beginning on September 22, 2001, and ending on [December 31, 2008,] *December 31, 2009,* the Secretary may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on the Secretary's analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed $100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds $100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this subsection) under a cause of action arising out of such act. The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.

* * * * *

SOCIAL SECURITY ACT

* * * * *

TITLE XVIII—HEALTH INSURANCE FOR THE AGED AND DISABLED

* * * * *

§1848. * * *

(1) * * *

* * * * *

(1) * * *

* * * * *

(2) FUNDING.—

(A) AMOUNT AVAILABLE.—

(i) * * *

* * * * *

(III) For expenditures during 2013, an amount equal to [$4,960,000,000] *$3,940,000,000.*

(IV) For expenditures during 2014, an amount equal to $3,750,000,000.

(ii) LIMITATIONS ON EXPENDITURES.—

(I) * * *

* * * * *

(III) 2013.—The amount available for expenditures during 2013 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.

(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''

(B) TIMELY OBLIGATION OF ALL AVAILABLE FUNDS FOR SERVICES.—The Secretary shall provide for expenditures from the Fund in a manner designed to provide (to the maximum extent feasible) for the obligation of the entire amount available for expenditures, after application of subparagraph (A)(ii), during—

(i) * * *

(ii) 2009 for payment with respect to physicians' services furnished during 2009; [and]

(iii) 2013 for payment with respect to physicians' services furnished during 2013[.]; *and*

(iv) 2014 for payment with respect to physicians' services furnished during 2014.

* * * * *

PART E—MISCELLANEOUS PROVISIONS

* * * * *

HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM

* * * * *

SEC. 1897. * * *

* * * * *

(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.

MEDICARE IMPROVEMENT FUND

SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the "Fund") which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

(b) FUNDING.—

(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.

* * * * *

LIMITATION ON CERTAIN PHYSICIAN REFERRALS

SEC. 1877. (a) PROHIBITION OF CERTAIN REFERRALS.—

* * * * *

(d) ADDITIONAL EXCEPTIONS RELATED ONLY TO OWNERSHIP OR INVESTMENT PROHIBITION.—The following, if not otherwise excepted under subsection (b), shall not be considered to be an ownership or investment interest described in subsection (a)(2)(A):

(1) HOSPITALS IN PUERTO RICO.—In the case of designated health services provided by a hospital located in Puerto Rico.

(2) RURAL PROVIDERS.—In the case of designated health services furnished in a rural area (as defined in section 1395ww(d)(2)(D) of this title) by an entity, if—

(A) substantially all of the designated health services furnished by the entity are furnished to individuals residing in such a rural area; [and]

(B) effective for the 18-month period beginning on December 8, 2003, the entity is not a specialty hospital (as defined in subsection (h)(7) of this section)[.]; *and*

(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).

(3) HOSPITAL OWNERSHIP.—In the case of designated health services provided by a hospital (other than a hospital described in paragraph (1)) if—

(A) the referring physician is authorized to perform services at the hospital;

(B) effective for the 18-month period beginning on December 8, 2003, the hospital is not a specialty hospital (as defined in subsection (h)(7) of this section); [and]

(C) the ownership or investment interest is in the hospital itself (and not merely in a subdivision of the hospital)[.]; *and*

(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.

* * * * *

(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

(A) PROVIDER AGREEMENT.—The hospital had—

(i) physician ownership on September 1, 2008; and

(ii) a provider agreement under section 1866 in effect on such date.

(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

(C) PREVENTING CONFLICTS OF INTEREST.—

(i) The hospital submits to the Secretary an annual report containing a detailed description of—

(I) the identity of each physician owner and any other owners of the hospital; and

(II) the nature and extent of all ownership interests in the hospital.

(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

(I) the ownership interest of such referring physician in the hospital; and

(II) if applicable, any such ownership interest of the treating physician.

(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

(I) on any public website for the hospital; and

(II) in any public advertising for the hospital.

(D) ENSURING BONA FIDE INVESTMENT.—

(i) Physician owners in the aggregate do not own more than the greater of—

(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

(II) the percentage of such total value determined on the date of enactment of this subsection.

(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

(E) PATIENT SAFETY.—

(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

(I) the hospital discloses such fact to a patient; and

(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

(ii) The hospital has the capacity to—

(I) provide assessment and initial treatment for patients; and

(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

(A) PROCESS.—

(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

(C) PERMITTED INCREASE.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

(E) APPLICABLE HOSPITAL.—In this paragraph, the term "applicable hospital" means a hospital—

(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.

* * * * *

TITLE XIX—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

* * * * *

STATE PLANS FOR MEDICAL ASSISTANCE

SEC. 1902. (a) A State plan for medical assistance must—* * *

* * * * *

(69) provide that the State must comply with any requirements determined by the Secretary to be necessary for carrying out the Medicaid Integrity Program established under section 1936; [and]

(70) at the option of the State and notwithstanding paragraphs (1), (10)(B), and (23), provide for the establishment of a non-emergency medical transportation brokerage program in order to more cost-effectively provide transportation for individuals eligible for medical assistance under the State plan who need access to medical care or services and have no other means of transportation which—

(A) may include a wheelchair van, taxi, stretcher car, bus passes and tickets, secured transportation, and such other transportation as the Secretary determines appropriate; and

(B) may be conducted under contract with a broker who—

(i) is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs;

(ii) has oversight procedures to monitor beneficiary access and complaints and ensure that transport personnel are licensed, qualified, competent, and courteous;

(iii) is subject to regular auditing and oversight by the State in order to ensure the quality of the transportation services provided and the adequacy of beneficiary access to medical care and services; and

(iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on the prohibitions on physician referrals under section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate)[.]*; and*

(71) provide that the State will implement an asset verification program as required under section 1940.

* * * * *

PAYMENT TO STATES

SEC. 1903. (a) From the sums appropriated therefor, the Secretary (except as otherwise provided in this section) shall pay to each State which has a plan approved under this title, for each quarter, beginning with the quarter commencing January 1, 1966—

* * * * *

(i) Payment under the preceding provisions of this section shall not be made—

* * * * *

(1) * * *

* * * * *

(22) with respect to amounts expended for medical assistance for an individual who declares under section 1137(d)(1)(A) to be a citizen or national of the United States for purposes of establishing eligibility for benefits under this title, unless the requirement of subsection (x) is met; [or]

(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad[.]*; or*

(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.

* * * * *

SEC. 1927. (a) REQUIREMENT FOR REBATE AGREEMENT.

* * * * *

(c) DETERMINATION OF AMOUNT OF REBATE.—

(1) BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amount of the rebate specified in this subsection for a rebate period (as defined in subsection (k)(8)) with respect to each dosage form and strength of a single source drug or an innovator multiple source drug shall be equal to the product of—

* * * * *

(D) LIMITATION ON SALES AT A NOMINAL PRICE.—

(i) IN GENERAL.—For purposes of subparagraph (C)(ii)(III) and subsection (b)(3)(A)(iii)(III), only sales by a manufacturer of covered outpatient drugs at nominal prices to the following shall be considered to be sales at a nominal price or merely nominal in amount:

(I) A covered entity described in section 340B(a)(4) of the Public Health Service Act.

(II) An intermediate care facility for the mentally retarded.

(III) A State-owned or operated nursing facility.

(IV) An entity that—

(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.

[(IV)] *(VI)* Any other facility or entity that the Secretary determines is a safety net provider to which sales of such drugs at a nominal price would be appropriate based on the factors described in clause (ii).

* * * * *

(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.

* * * * *

HEALTH OPPORTUNITY ACCOUNTS

REFERENCES TO LAWS DIRECTLY AFFECTING MEDICAID PROGRAM

SEC. 1939. (a) AUTHORITY OR REQUIREMENTS TO COVER ADDITIONAL INDIVIDUALS.—For provisions of law which make additional individuals eligible for medical assistance under this title, see the following:

ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

SEC. 1940. (a) IMPLEMENTATION.—

(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

(3) PHASE-IN.—

(A) IN GENERAL.—

(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

(I) 12.5 percent by the end of fiscal year 2009.

(II) 25 percent by the end of fiscal year 2010.

(III) 50 percent by the end of fiscal year 2011.

(IV) 75 percent by the end of fiscal year 2012.

(V) 100 percent by the end of fiscal year 2013.

(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

(b) ASSET VERIFICATION PROGRAM.—

(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

(2) the cessation of the recipient's eligibility for such medical assistance; or

(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.

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OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996, PUBLIC LAW 104–134

* * * * *

SUPPLEMENTAL APPROPRIATIONS ACT OF 1996

* * * * *

TITLE III

RESCISSIONS AND OFFSETS

CHAPTER 1

ENERGY AND WATER DEVELOPMENT

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

* * * * *

SEC. 3102. DEFINITIONS.

[For purposes] *Except as provided in section 3112A, for purposes* of this subchapter:

* * * * *

SEC. 3112. URANIUM TRANSFERS AND SALES.

(a) TRANSFERS AND SALES BY THE SECRETARY.—[The Secretary] *Except as provided in section 3112A(d), the Secretary* shall not provide enrichment services or transfer or sell any uranium (including natural uranium concentrates, natural uranium hexafluoride, or enriched uranium in any form) to any person except as consistent with this section.

* * * * *

(f) SAVINGS PROVISION.—Nothing in this subchapter shall be read to modify the terms of the Russian HEU Agreement.

SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

(a) DEFINITIONS.—In this section:

(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term "completion of the Russian HEU Agreement" means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

(2) DOWNBLENDING.—The term "downblending" means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

(3) HIGHLY ENRICHED URANIUM.—The term "highly enriched uranium" has the meaning given that term in section 3102(4).

(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term "highly enriched uranium of weapons origin" means highly enriched uranium that—

(A) contains 90 percent or more uranium-235; and

(B) is verified by the Secretary of Energy to be of weapons origin.

(5) LOW-ENRICHED URANIUM.—The term "low-enriched uranium" means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

(6) RUSSIAN HEU AGREEMENT.—The term "Russian HEU Agreement" has the meaning given that term in section 3102(11).

(7) URANIUM-235.—The term "uranium-235" means the isotope ${}^{235}U$.

(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

(B) ADDITIONAL IMPORTS.—

(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

(4) ANNUAL ADJUSTMENT.—

(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

(A) December 31, 2020; or

(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

(12) EFFECT ON OTHER AGREEMENTS.—

(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

(1) in the event of a disruption in the nuclear fuel supply in the United States; or

(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

* * * * *

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000, PUBLIC LAW 106–313

* * * * *

TITLE I—AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY

SEC. 101. * * *

* * * * *

SEC. 106. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) * * *

* * * * *

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year *1994, 1996, 1997, 1998,* 2001, 2002, 2003, [or 2004] *2004, or 2006* and the number of such visas that were actually used in such fiscal year [shall be available only to employment-based immigrants (and their family members accompanying or following to join under section 203(d) of such Act (8 U.S.C. 1153(d))) whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor.] *shall be available only to—*

(A) an employment-based immigrant under paragraph (1), (2), (3)(A)(i), or (3)(A)(ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), except for employment-based immigrants whose petitions are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations; or

(B) a spouse or child accompanying or following to join such an employment-based immigrant under section 203(d) of such Act (8 U.S.C. 1153(d)).

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal [years 1999 through 2004] *year 1994 and each subsequent fiscal year* and the number of such visas that were actually used in such fiscal years.

(B)[(i)] REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

[(ii) MAXIMUM.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 2001 through 2004 may not exceed 50,000.]

* * * * *

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term "employment-based visa" means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

(4) EMPLOYMENT-BASED VISA RECAPTURE FEE.—A fee shall be paid in connection with any petition seeking an employment-based immigrant visa number recaptured under paragraph (1), known as the Employment-Based Visa Recapture Fee, in the amount of $1500. Such Fee may not be charged for a dependent accompanying or following to join such employment-based immigrant.

(e) VISA SHORTAGE RELIEF FOR NURSES AND PHYSICAL THERAPISTS.—

(1) IN GENERAL.—Subject to paragraph (2), for petitions filed during the period beginning on the date of the enactment of the Emergency Nursing Supply Relief Act and ending on September 30, 2011, for employment-based immigrants (and their family members accompanying or following to join under section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)), which are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, the numerical limitations set forth in sections 201(d) and 202(a) of such Act (8 U.S.C. 1151(d) and 1152(a)) shall not apply.

(2) LIMITATION ON NUMBER OF VISAS.—The Secretary of State may not issue more than 20,000 immigrant visa numbers in any one fiscal year (plus any available visa numbers under this paragraph not used during the preceding fiscal year) to principal beneficiaries of petitions pursuant to paragraph (1).

(3) EXPEDITED REVIEW.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in paragraph (1) not later than 30 days after the date on which a completed petition has been filed.

(f) FEE FOR USE OF VISAS UNDER SUBSECTION (a).—

(1) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa provided under subsection (e) to provide employment for an alien as a professional nurse, except that—

(A) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

(B) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

(i) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

(ii) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

(2) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to paragraph (1) shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.

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SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000, PUBLIC LAW 106–393

* * * * *

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

* * * * *

SEC. 208. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, [2007] *2008*. Any project funds not obligated by September 30, [2008] *2009*, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

* * * * *

SEC. 303. TERMINATION OF AUTHORITY.

* * * * *

The authority to initiate projects under this title shall terminate on September 30, [2007] *2008*. Any county funds not obligated by September 30, [2008] *2009* shall be available to be expended by the county for the uses identified in section 302(b).

* * * * *

DEFICIT REDUCTION ACT, 2005, PUBLIC LAW 109–171

TITLE III—DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY

* * * * *

§ 3008. LOW-POWER TELEVISION AND TRANSLATOR DIGITAL-TO-ANALOG CONVERSION.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The Assistant Scretary shall make payments of not to exceed $10,000,000, in the aggregate, during the fiscal year 2008 and 2009 period from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each eligible low-power television station may receive compensation toward the cost of the purchase of a digital-to-analog conversion device that enables it to convert the incoming digital signal of its corresponding full-power television station to analog format for transmission on the low-power television station's analog channel. An eligible low-power television station may receive such compensation only if it submits a request for such compensation on or before February 17, 2009. Priority compensation shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.

(2) USE OF FUNDS.—As soon as practicable after the date of enactment of this Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary

may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.

* * * * *

§3009. LOW-POWER TELEVISION AND TRANSLATOR UPGRADE PROGRAM.

(a) ESTABLISHMENT.—The Assistant Secretary shall make payments of not to exceed $65,000,000, in the aggregate, during [fiscal year 2009] *fiscal years 2009 through 2012* from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each licensee of an eligible low-power television station may receive reimbursement for equipment to upgrade low-power television stations from analog to digital in eligible rural communities, as that term is defined in section 610(b)(2) of the Rural Electrification Act of 1937 (7 U.S.C. 950bb(b)(2)). Such reimbursements shall be issued to eligible stations [no earlier than October 1, 2010] *on or after February 18, 2009*. Priority reimbursements shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.

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CONSOLIDATED APPROPRIATIONS ACT, 2004, PUBLIC LAW 108–199

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DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2004

* * * * *

TITLE VI—GENERAL PROVISIONS

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SEC. 627. The Departments of Commerce, Justice, State, the Judiciary, and the Small Business Administration shall each establish a policy under which eligible employees may participate in telecommuting to the maximum extent possible without diminished employee performance: *Provided*, That, not later than 6 months after the date of the enactment of this Act, each of the aforementioned entities shall provide that the requirements of this section are applied to 100 percent of the workforce: *Provided further*, That, of the funds appropriated in this Act for the Departments of Commerce, Justice, and State, the Judiciary, and the Small Business Administration, $200,000 shall be available to each Department or agency only to implement telecommuting programs: *Provided further*, That, every 6 months, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs, and uses of funds designated under this section: *Provided further*, That each Department or agency shall [designate a "Telework Coordinator" to be] *appoint a Telework Managing Officer to be* responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.

* * * * *

CONSOLIDATED APPROPRIATIONS ACT, 2005, PUBLIC LAW 108–447

* * * * *

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

* * * * *

TITLE VI—GENERAL PROVISIONS

* * * * *

SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided*, That, of the total amounts appropriated to the Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available only upon such certification: *Provided further*, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall [designate a "Telework Coordinator" to be] *appoint a Telework Managing Officer to be* responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

* * * * *

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006, PUBLIC LAW 109–282

* * * * *

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Funding Accountability and Transparency Act of 2006".

SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) * * *

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(b) IN GENERAL.—

(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section, section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

(A) * * *

* * * * *

(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; [and]

(F) the names and total compensation of the five most highly compensated officers of the entity if—

(i) the entity in the preceding fiscal year received—

(I) 80 percent or more of its annual gross revenues in Federal awards; and

(II) $25,000,000 or more in annual gross revenues from Federal awards; and

(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

[(F)] *(G)* any other relevant information specified by the Office of Management and Budget.

* * * * *

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007, PUBLIC LAW 110–28

* * * * *

TITLE VII—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS

* * * * *

SEC. 7002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, [prior to the date that is 1 year after the date of enactment of this Act] *prior to April 1, 2009*, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) *or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)*;

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program, *including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)*.

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TITLE VIII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 8101. * * *

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[SEC. 8104. STUDY ON PROJECTED IMPACT.

[(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

[(1) assess the impact of the wage increases required by this Act through such date; and

[(2) project the impact of any further wage increase, [on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

[(b) REPORT.—Not later than the date that is 8 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).]

SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey, with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.

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TMA, ABSTINENCE EDUCATION, AND QI PROGRAMS EXTENSION ACT OF 2007, PUBLIC LAW 110–90

* * * * *

[SEC. 4. EXTENSION OF SSI WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM.

[(a) IN GENERAL.—Beginning on October 1, 2007, and ending on September 30, 2012, the Secretary of Health and Human Services shall provide for the application to asset eligibility determinations under the Medicaid program under title XIX of the Social Security Act of the automated, secure, web-based asset verification request and response process being applied for determining eligibility for benefits under the Supplemental Security Income (SSI) program under title XVI of such Act under a demonstration project conducted under the authority of section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)).

[(b) LIMITATION.—Such application shall only extend to those States in which such demonstration project is operating and only for the period in which such project is otherwise provided.

[(c) RULES OF APPLICATION.—For purposes of carrying out subsection (a), notwithstanding any other provision of law, information obtained from a financial institution that is used for purposes of eligibility determinations under such demonstration project with respect to the Secretary of Health and Human Services under the SSI program may also be shared and used by States for purposes of eligibility determinations under the Medicaid program. In applying section 1631(e)(1)(B)(ii) of the Social Security Act under this subsection, references to the Commissioner of Social Security and benefits under title XVI of such Act shall be treated as including a reference to a State described in subsection (b) and medical assistance under title XIX of such Act provided by such a State.]

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DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008, PUBLIC LAW 110–116

DIVISION A—DEPARTMENT OF DEFENSE, 2008

* * * * *

TITLE VIII

GENERAL PROVISIONS

* * * * *

SEC. 8122. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $11,630,000,000 for the "Mine Resistant Ambush Protected Vehicle Fund", to remain available until September 30, 2008.

* * * * *

(c)(1) * * *

* * * * *

(3) * * *

(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the "Mine Resistant Ambush Protected Vehicle Fund".

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MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007, PUBLIC LAW 110–173

* * * * *

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to [June 30, 2008] *April 1, 2009*, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services, *including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)*, or school-based administration and school-based transportation, *including the final regulation published on December 28, 2007 (72 Federal Register 73635)*, if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008, PUBLIC LAW 110–181

* * * * *

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

* * * * *

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) * * *

* * * * *

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), [$362,159,000] *$435,259,000* for the Military Budget.

* * * * *

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	TITLE I			
	OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS			
	CHAPTER 1			
	DEPARTMENT OF AGRICULTURE			
	Foreign Agricultural Service			
110–68	Public Law 480 Title II Grants (emergency)	350,000	850,000	+500,000
110–108	Advance appropriation, fiscal year 2009 (emergency	395,000	395,000	
	Total, Chapter 1	745,000	1,245,000	+500,000
	Emergency appropriations, fiscal year 2008	(350,000)	(850,000)	(+500,000)
	Advance appropriation, fiscal year 2009 (emergency)	(395,000)	(395,000)	
	CHAPTER 2			
	DEPARTMENT OF JUSTICE			
	General Administration			
	Office of Inspector General (emergency)		4,000	+4,000
	Legal Activities			
	General Legal Activities			
110–3	Salaries and expenses (emergency)	4,093	1,648	−2,445
	United States Attorneys			
110–3	Salaries and expenses (emergency)	5,000	5,000	
	United States Marshals Service			
110–3	Salaries and expenses (emergency)	14,921	18,621	+3,700
	Total, Legal activities	24,014	25,269	+1,255
	Federal Bureau of Investigation			
110–3	Salaries and expenses (emergency)	101,122	164,965	+63,843
110–108	Advance appropriation, fiscal year 2009 (emergency)	39,062	82,600	+43,538
	Total, Federal Bureau of Investigation	140,184	247,565	+107,381
	Drug Enforcement Administration			
110–3	Salaries and expenses (emergency)	8,468	22,666	+14,198
	Bureau of Alcohol, Tobacco, Firearms and Explosives			
110–3	Salaries and expenses (emergency)	4,000	4,000	
	Federal Prison System			
110–3	Salaries and expenses (emergency)	9,100	9,100	
	Total, Chapter 2	185,766	312,600	+126,834
	(Emergency appropriations)	146,704	230,000	+83,296
	(Advance appropriation, fiscal year 2009)	39,062	82,600	+43,538
	CHAPTER 3			
	DEPARTMENT OF DEFENSE			
110–3, 110–68	Military construction, Army (emergency)	1,440,750	1,170,200	−270,550
110–3, 110–68	Military construction, Navy and Marine Corps (emergency)	237,505	300,084	+62,579
110–68	Military construction, Air Force (emergency)	305,000	361,900	+56,900
110–68	Military construction, Defense-Wide (emergency)	27,600	27,600	
	Total, Active components	2,010,855	1,859,784	−151,071
	Family Housing			
110–3	Family housing construction, Navy and Marine Corps (emergency)	11,766	11,766	
110–68	Base realignment and closure account, 2005 (emergency)	415,910	1,202,886	+786,976
	Total, Department of Defense	2,438,531	3,074,436	+635,905
	DEPARTMENT OF VETERANS AFFAIRS			
	Departmental Administration			
	General Operating Expenses (emergency)		100,000	+100,000
	Information Technology Systems (emergency)		20,000	+20,000
	Construction, major (emergency)		437,100	+437,100
	Total, Departmental Administration		557,100	+557,100
	General Provisions			
	Sec. 1301 Child development centers, Army (emergency)		70,600	+70,600
	Sec 1302 Child development centers, Navy (emergency)		89,820	+89,820
	Sec. 1303 Child development centers, Air Force (emergency)		8,100	+8,100
	Sec. 1304 Barracks improvements (emergency)		200,000	+200,000
	Total, General Provisions		368,520	+368,520
	Total, Chapter 3	2,438,531	4,000,056	+1,561,525
	CHAPTER 4			
	SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
110–68	Diplomatic and consular programs (emergency)	1,708,008	1,413,700	−294,308

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Office of Inspector General (emergency)		12,500	+12,500
	Educational and cultural exchange program (emergency)		10,000	+10,000
110–3	Embassy security, construction, and maintenance (emergency)	160,000	76,700	−83,300
	Total, Administration of Foreign Affairs	1,868,008	1,512,900	−355,108
	International Organizations			
110–3	Contributions to international organizations (emergency)	53,000	66,000	+13,000
110–3	Contributions for international peacekeeping activities, current year (emergency)	333,600	383,600	+50,000
	Total, International Organizations	386,600	449,600	+63,000
	RELATED AGENCY			
	Broadcasting Board of Governors			
	International Broadcasting Operations (emergency)		3,000	+3,000
	Total, Department of State	2,254,608	1,965,500	−289,108
	BILATERAL ECONOMIC ASSISTANCE			
	Funds Appropriated to the President			
	International disaster assistance (emergency)		240,000	+240,000
110–3	Operating expenses of the U.S. Agency for International Development (emergency)	41,000	149,500	+108,500
	Operating expenses of the U.S. Agency for International Development Office of Inspector General (emergency)		4,000	+4,000
	Total, Funds Appropriated to the President	41,000	393,500	+352,500
	Other Bilateral Economic Assistance			
110–3	Economic support fund (emergency)	2,009,000	1,962,500	−46,500
	Department of State			
	Democracy fund (emergency)		76,000	+76,000
110–3, 110–68	International narcotics control and law enforcement (emergency)	734,000	520,000	−214,000
110–3	Migration and refugee assistance (emergency)	30,000	330,500	+300,500
	Emergency migration and refugee assistance (emergency)		36,608	+36,608
110–68	Nonproliferation, anti-terrorism, demining and related programs (emergency)	5,000	10,000	+5,000
	Total, Department of State	769,000	973,108	+204,108
	Military Assistance			
	Funds Appropriated to the President			
	Peacekeeping operations (emergency)		10,000	+10,000
	Total, Subchapter A	5,073,608	5,304,608	+231,000
	SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
110–108	Diplomatic and consular programs (emergency)	1,064,500	652,400	−412,100
110–108	Office of Inspector General (emergency)	16,800	57,000	+40,200
	Embassy Security, construction and Maintenance (emergency)		41,300	+41,300
	Total, Administration of Foreign Affairs	1,081,300	750,700	−330,600
	International Organizations			
.110–108	Contributions to international organizations (emergency)	40,000	75,000	+35,000
	Contributions for international peacekeeping activities, current year (emergency)		150,500	+150,500
	Total, International Organizations	40,000	225,500	+185,500
	Total, Department of State	1,121,300	976,200	−145,100
	RELATED AGENCY			
	Broadcasting Board of Governors			
	International Broadcasting Operations (emergency)		6,000	+6,000
	BILATERAL ECONOMIC ASSISTANCE			
	Funds Appropriated to the President			
	Global Health and Child Survival (emergency)		75,000	+75,000
110–108	Development Assistance (emergency)	210,000	200,000	−10,000
110–108	International disaster assistance (emergency)	270,000	200,000	−70,000
110–108	Operating expenses of the U.S. Agency for International Development (emergency)	60,000	93,000	+33,000
	Operating expenses of the U.S. Agency for International Development Office of Inspector General (emergency)		1,000	+1,000
	Total, Funds Appropriated to the President	540,000	569,000	+29,000
	Other Bilateral Economic Assistance			
110–108	Economic support fund (emergency)	1,297,800	1,132,300	−165,500
	Department of State			
110–108	International narcotics control and law enforcement (emergency)	225,000	151,000	−74,000
110–108	Migration and refugee assistance (emergency)	191,000	350,000	+159,000
	Nonproliferation, anti-terrorism, demining and related programs (emergency)		4,500	+4,500
	Total, Department of State	416,000	505,500	+89,500
	Military Assistance			
	Funds Appropriated to the President			
110–108	Foreign Military Financing program grants (emergency)	170,000	145,000	−25,000
110–108	Peacekeeping operations (emergency)	60,000	85,000	+25,000
	Total, Military Assistance	230,000	230,000	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Total, Subchapter B	3,605,100	3,419,000	− 186,100
	SUBCHAPTER C			
	GENERAL PROVISIONS			
	Sec. 1410(a) Contribution to World Food Program		20,000	+ 20,000
	(Rescission)		− 20,000	− 20,000
	Sec. 1410(b) Sudan		10,000	+ 10,000
	(Rescission)		− 10,000	− 10,000
	Sec. 1410(c) Mexico IRRF (rescission of emergency appropriations)		− 50,000	− 50,000
	Sec. 1410(d) Horn of Africa (emergency)		40,000	+ 40,000
	Rescission of emergency appropriations		− 40,000	− 40,000
	Sec. 1412 Food Security and Cyclone relief		225,000	+ 225,000
	(Rescission)		− 225,000	− 225,000
	Sec. 1414 Jordan		300,000	+ 300,000
	(Rescission)		− 300,000	− 300,000
	Total, General Provisions		− 50,000	− 50,000
	Total, Subchapter C		− 50,000	− 50,000
	Appropriations		(555,000)	(+ 555,000)
	Emergency appropriations, fiscal year 2008		(40,000)	(+ 40,000)
	Rescissions		(− 555,000)	(− 555,000)
	Rescission of emergency appropriations		(− 90,000)	(− 90,000)
	Total, Chapter 4	8,678,708	8,673,608	− 5,100
	Appropriations		(555,000)	(+ 555,000)
	Emergency appropriations, fiscal year 2008	(5,073,608)	(5,344,608)	(+ 271,000)
	Advance appropriation, fiscal year 2009 (emergency)	(3,605,100)	(3,419,000)	(− 186,100)
	Rescissions		(− 555,000)	(− 555,000)
	Rescission of emergency appropriations		(− 90,000)	(− 90,000)
	Total, Title I	12,048,005	14,231,264	+ 2,183,259
	Appropriations		(555,000)	(+ 555,000)
	Emergency appropriations, fiscal year 2008	(8,008,843)	(10,424,664)	(+ 2,415,821)
	Advance appropriation, fiscal year 2009 (emergency)	(4,039,162)	(3,896,600)	(− 142,562)
	Rescissions		(− 555,000)	(− 555,000)
	Rescission of emergency appropriations		(− 90,000)	(− 90,000)
	TITLE II			
	DOMESTIC MATTERS			
	CHAPTER 1			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Food and Drug Administration			
	Salaries and expenses (emergency)		265,000	+ 265,000
	Buildings and facilities (emergency)		10,000	+ 10,000
	Total, Chapter 1		275,000	+ 275,000
	Chapter 2			
	DEPARTMENT OF COMMERCE			
	Bureau of the Census			
	Periodic Censuses and programs (emergency)		210,000	+ 210,000
	DEPARTMENT OF JUSTICE			
	United States Marshals Service			
	Salaries and expenses (emergency)		50,000	+ 50,000
	Federal Prison System			
	Salaries and expenses (emergency)		178,000	+ 178,000
	Office of Justice Programs			
	State and Local Law Enforcement Assistance (emergency)		590,000	+ 590,000
	Total, Department of Justice		818,000	+ 818,000
	SCIENCE			
	National Aeronautics and Space Administration			
	Return to Flight (emergency)		200,000	+ 200,000
	National Science Foundation			
	Research and related agencies (emergency)		150,000	+ 150,000
	Education and human resources (emergency)		50,000	+ 50,000
	Total, National Science Foundation		200,000	+ 200,000
	Total, Chapter 2		1,428,000	+ 1,428,000
	Chapter 3			
	DEPARTMENT OF ENERGY			
	Energy Programs			
	Non-defense environmental clean up (emergency)		5,000	+ 5,000
	Uranium enrichment decontamination and decommissioning fund (emergency)		52,000	+ 52,000
	Science (emergency)		100,000	+ 100,000
	Total, Energy Programs		157,000	+ 157,000
	Atomic Energy Defenses Activities			
	Defenses environmental cleanup (emergency)		243,000	+ 243,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Total, Chapter 3		400,000	+400,000
	Chapter 4			
	General Provision			
	Sec. 2401 Small Business Administration (emergency)		600	+600
	Total, Chapter 4		600	+600
	Chapter 5			
	DEPARTMENT OF THE INTERIOR			
	General Provisions			
	Secure Rural Schools (emergency)		400,000	+400,000
	Total, Chapter 5		400,000	+400,000
	Chapter 6			
	DEPARTMENT OF LABOR			
	Employment and Training Administration			
	State Unemployment Insurances and Employment Service Operations (emergency)		110,000	+110,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Centers for Disease Control and Prevention			
	Disease control, research and training (emergency)		26,000	+26,000
	National Institutes of Health			
	Office of the Director (emergency)		400,000	+400,000
	Total, Department of Health and Human Services		426,000	+426,000
	General Provisions			
	Sec. 2601 LIHEAP (emergency)		1,000,000	+1,000,000
	Total, Chapter 6		1,536,000	+1,536,000
	Chapter 7			
	American Battle Monuments Commission			
	Foreign currency fluctuation account (emergency)		10,000	+10,000
	Total, Chapter 7		10,000	+10,000
	Total, Title II		4,049,600	+4,049,600
	TITLE III			
	HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS			
	Chapter 1			
	DEPARMENT OF AGRICULTURE			
	Farm Service Agency			
	Emergency Conservation Program (emergency)		49,413	+49,413
	Natural resources Conservation Service			
	Emergency Watershed Protection Program (emergency)		130,464	+130,464
	General Provisions			
	Sec. 3101 RUS/Rural Electric and Telecommunication Loans (emergency)		1,000	+1,000
	(Rescission of emergency appropriations)		−1,000	−1,000
	Total, General Provisions			
	Total, Chapter 1		179,877	+179,877
	Emergency appropriations, fiscal year 2008		(180,877)	(+180,877)
	Rescission of emergency appropriations		(−1,000)	(−1,000)
	Chapter 2			
	DEPARTMENT OF COMMERCE			
	Economic Development Administration			
	Economic Development Assistance Programs (emergency)		75,000	+75,000
	National Oceanic and Atmospheric Administration			
	Operations, research and facilities (emergency)		75,000	+75,000
	Total, Department of Commerce		150,000	+150,000
	DEPARTMENT OF JUSTICE			
	Office of Justice Programs			
	State and Local Law Enforcement Assistance (emergency)		75,000	+75,000
	Total, Chapter 2		225,000	+225,000
	Chapter 3			
	DEPARTMENT OF DEFENSE—CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers			
	Construction, General (emergency)		66,600	+66,600

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
110–84	Advance appropriation, fiscal year 2009 (emergency)	2,835,000	4,966,745	+2,131,745
	Mississippi river and tributaries (emergency)		17,700	+17,700
	Operations and Maintenance (emergency)		338,800	+338,800
	Flood Control and Coastal Emergencies (emergency)		94,400	+94,400
110–84	Advance appropriation, fiscal year 2009 (emergency)	2,926,000	3,274,000	+348,000
	General expenses (emergency)		1,500	+1,500
	Total, Chapter 3	5,761,000	8,759,745	+2,998,745
	Emergency appropriations, fiscal year 2008		(519,000)	(+519,000)
	Advance appropriation, fiscal year 2009 (emergency)	(5,761,000)	(8,240,745)	(+2,479,745)
	Chapter 6			
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
	Wildland fire management (emergency)		125,000	+125,000
	National Park Service			
	Historic Preservation fund (emergency)		15,000	+15,000
	Total, Department of the Interior		140,000	+140,000
	ENVIRONMENTAL PROTECTION AGENCY			
	State and tribal assistance grants (emergency)		5,000	+5,000
	DEPARMENT OF AGRICULTURE			
	Forest Service			
	Wildland fire management (emergency)		325,000	+325,000
	Total, Chapter 6		470,000	+470,000
	Chapter 7			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Centers for Medicare and Medicaid Services			
	Centers for Medicare and Medicaid Services (emergency)		350,000	+350,000
	Total, Chapter 7		350,000	+350,000
	Chapter 8			
	DEPARTMENT OF DEFENSE			
	Military Construction Army National Guard (emergency)		11,503	+11,503
	(Rescission of emergency appropriations)		−7,000	−7,000
	Total, Military Construction		4,503	+4,503
	General Provision			
	Sec. 3801 Family Housing, Navy (emergency)		10,500	+10,500
	Total, Chapter 8		15,003	+15,003
	Emergency appropriations		(22,003)	(+22,003)
	Rescission of emergency appropriations		(−7,000)	(−7,000)
	Chapter 9			
	DEPARTMENT OF TRANSPORTATION			
	Federal-aid Highways			
	Emergency Highway Relief Program (emergency)		451,126	+451,126
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Permanent Supportive Housing (emergency)		73,000	+73,000
	Housing transition assistance (emergency)		3,000	+3,000
	Project-based rental assistance (emergency)		20,000	+20,000
	Community Development Block Fund (emergency)		50,000	+50,000
	Louisiana Road Home (rescission of emergency funds)		−200,000	−200,000
	Total, Department of Housing and Urban Development		−54,000	−54,000
	Total, Chapter 9		397,126	+397,126
	Emergency appropriations, fiscal year 2008		(597,126)	(+597,126)
	Rescissions of emergency funding		(−200,000)	(−200,000)
	Total, Title III	5,761,000	10,396,751	+4,635,751
	Emergency appropriations, fiscal year 2008		(2,364,006)	(+2,364,006)
	Advance appropriation, fiscal year 2009 (emergency)	(5,761,000)	(8,240,745)	(+2,479,745)
	Rescission of emergency appropriations		(−208,000)	(−208,000)
	TITLE IV			
	VETERANS EDUCATIONAL ASSISTANCE			
	DEPARTMENT OF VETERANS AFFAIRS			
	Veterans Benefits Administration			
	Readjustment benefits (emergency)		40,000	+40,000
	Advance appropriation, fiscal year 2009 (emergency)		677,000	+677,000
	Total, Title IV		717,000	+717,000
	Emergency appropriations, fiscal year 2008		(40,000)	(+40,000)
	Advance appropriation, fiscal year 2009 (emergency)		(677,000)	(+677,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	TITLE V			
	EMERGENCY UNEMPLOYMENT COMPENSATION			
	DEPARTMENT OF LABOR			
	Emergency unemployment compensation (emergency)		6,170,000	+6,170,000
	Advance appropriation, fiscal year 2009 (emergency)		9,440,000	+9,440,000
	Total, Title V		15,610,000	+15,610,000
	Emergency appropriations, fiscal year 2008		(6,170,000)	(+6,170,000)
	Advance appropriation, fiscal year 2009 (emergency)		(9,440,000)	(+9,440,000)
	TITLE VI			
	OTHER HEALTH MATTERS			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Medicaid, Medicare and SCHIP provisions (emergency)		530,000	+530,000
	Advance appropriation, fiscal year 2009 (emergency)		1,225,000	+1,225,000
	Total, Title VI		1,755,000	+1,755,000
	Emergency appropriations, fiscal year 2008		(530,000)	(+530,000)
	Advance appropriation, fiscal year 2009 (emergency)		(1,225,000)	(+1,225,000)
	TITLE XI			
	DEFENSE MATTERS			
	CHAPTER 1			
	DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008			
	DEPARTMENT OF DEFENSE—MILITARY			
	Military Personnel			
110-3, 110-68	Military Personnel, Army (emergency)	11,535,055	12,216,715	+681,660
110-3, 110-68	Military Personnel, Navy (emergency)	696,053	894,185	+198,132
110-3, 110-68	Military Personnel, Marine Corps (emergency)	1,733,971	1,826,688	+92,717
110-3, 110-68	Military Personnel, Air Force (emergency)	1,277,853	1,355,544	+77,691
110-3, 110-68	Reserve Personnel, Army (emergency)	299,200	304,200	+5,000
110-3	Reserve Personnel, Navy (emergency)	70,000	72,800	+2,800
110-3	Reserve Personnel, Marine Corps (emergency)	15,420	16,720	+1,300
110-3	Reserve Personnel, Air Force (emergency)	3,000	5,000	+2,000
110-3, 110-68	National Guard Personnel, Army (emergency)	1,136,747	1,369,747	+233,000
	National Guard Personnel, Air Force (emergency)		4,000	+4,000
	Total, Military Personnel	16,767,299	18,065,599	+1,298,300
	Operation and Maintenance			
110-3 ,110-54, 110-68	Operation & Maintenance, Army (emergency)	18,712,468	17,223,512	−1,488,956
110-3, 110-54, 110-68	Operation & Maintenance, Navy (emergency)	2,498,765	2,977,864	+479,099
	(Transfer out) (emergency)	(−115,400)	(−112,607)	(+2,793)
110-3, 110-54, 110-68	Operation & Maintenance, Marine Corps (emergency)	306,050	159,900	−146,150
110-3, 110-54, 110-68	Operation & Maintenance, Air Force (emergency)	5,924,865	5,972,520	+47,655
110-3, 110-54, 110-68	Operation & Maintenance, Defense-Wide (emergency)	3,152,933	3,657,562	+504,629
110-3, 110-68	Operation & Maintenance, Army Reserve (emergency)	118,958	164,839	+45,881
110-3, 110-68	Operation & Maintenance, Navy Reserve (emergency)	41,750	109,876	+68,126
110-3, 110-68	Operation & Maintenance, Marine Corps Reserve (emergency)	22,040	70,256	+48,216
110-3, 110-68	Operation & Maintenance, Air Force Reserve (emergency)	12,133	165,994	+153,861
110-3, 110-68	Operation & Maintenance, Army National Guard (emergency)	430,008	685,644	+255,636
110-3, 110-68	Operation & Maintenance, Air National Guard (emergency)	51,633	287,369	+235,736
	Subtotal, Operation and Maintenance	31,271,603	31,475,336	+203,733
110-3, 110-68	Iraq Freedom Fund (emergency)	207,500	50,000	−157,500
110-68	Afghanistan Security Forces Fund (emergency)	1,350,000	1,400,000	+50,000
110-3, 110-68	Iraq Security Forces Fund (emergency)	1,500,000	1,500,000	
	Subtotal, Other	3,057,500	2,950,000	−107,500
	Total, Operation and Maintenance	34,329,103	34,425,336	+96,233
	Procurement			
110-3, 110-68	Aircraft Procurement, Army (emergency)	1,181,864	954,111	−227,753
110-3, 110-68	Missile Procurement, Army (emergency)	641,764	561,656	−80,108
110-3, 110-68	Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	5,860,252	5,463,471	−396,781
110-3, 110-68	Procurement of Ammunition, Army (emergency)	359,600	344,900	−14,700
110-3, 110-54, 110-68	Other Procurement, Army (emergency)	21,103,261	16,337,340	−4,765,921
110-3, 110-68	Aircraft Procurement, Navy (emergency)	3,859,958	3,563,254	−296,704
110-3, 110-68	Weapons Procurement, Navy (emergency)	318,281	317,456	−825
110-3, 110-68	Procurement of Ammunition, Navy and Marine Corps (emergency)	304,945	304,945	
110-3, 110-54, 110-68	Other Procurement, Navy (emergency)	1,515,116	1,399,135	−115,981
110-3, 110-54, 110-68	Procurement, Marine Corps (emergency)	2,444,490	2,197,390	−247,100
110-3, 110-68	Aircraft Procurement, Air Force (emergency)	3,894,839	7,103,923	+3,209,084
110-3	Missile Procurement, Air Force (emergency)	1,800	66,943	+65,143
110-3, 110-68	Procurement of Ammunition, Air Force (emergency)	104,405	205,455	+101,050
110-3, 110-54, 110-68	Other Procurement, Air Force (emergency)	2,405,034	1,953,167	−451,867
110-3, 110-54, 110-68	Procurement, Defense-Wide (emergency)	266,237	408,209	+141,972
	National Guard and Reserve Equipment (emergency)		825,000	+825,000
110-68	Rapid Acquisition Fund	150,000		−150,000
	Total, Procurement	44,411,846	42,006,355	−2,405,491
	Research, Development, Test and Evaluation			
110-3, 110-54, 110-68	Research, Development, Test & Evaluation, Army (emergency)	163,299	162,958	−341
110-3, 110-54, 110-68	Research, Development, Test & Evaluation, Navy (emergency)	610,567	366,110	−244,457
110-3, 110-68	Research, Development, Test & Evaluation, Air Force (emergency)	1,487,493	399,817	−1,087,676
110-3, 110-68	Research, Development, Test and Evaluation, Defense-Wide (emergency)	684,389	816,598	+132,209

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Total, Research, Development, Test and Evaluation	2,945,748	1,745,483	−1,200,265
	Revolving and Management Funds			
110-3, 110-68	Defense Working Capital Funds (emergency)	957,675	1,837,450	+879,775
110-3	National Defense Sealift Fund (emergency)	5,110	5,110	
	Total, Revolving and Management Funds	962,785	1,842,560	+879,775
	Other Department of Defense Programs			
110-3, 110-68	Defense Health Program (emergency)	561,741	1,413,864	+852,123
110-3, 110-68	Operation and maintenance (emergency)	(561,741)	(957,064)	(+395,323)
	Procurement (emergency)		(91,900)	(+91,900)
	Research Development and Testing (emergency)		(364,900)	(+364,900)
	Psychological health and traumatic brain injury (emergency)		75,000	+75,000
110-3	Drug Interdiction and Counter-Drug Activities, Defense (emergency)	65,017	65,317	+300
110-3	Office of the Inspector General (emergency)	4,394	6,394	+2,000
	Total, Other Department of Defense Programs	631,152	1,560,575	+929,423
	General Provisions			
	Sec. 11103 Additional transfer authority (emergency)		(2,500,000)	(+2,500,000)
110-3	Sec. 11105 Defense Cooperation Account (transfer authority) (emergency)	6,500	6,500	
	Total, General Provisions	6,500	6,500	
	Total, Chapter 1	100,054,433	99,652,408	−402,025
	(Emergency appropriations)	(100,054,433)	(99,652,408)	(−402,025)
	(Rescission of emergency appropriations)			
	(Additional transfer authority, emergency)		(2,500,000)	(+2,500,000)
	Chapter 2			
	DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009			
	DEPARTMENT OF DEFENSE—MILITARY			
	Military Personnel			
110-108	Military Personnel, Army (emergency)	3,500,000	839,000	−2,661,000
110-108	Military Personnel, Navy (emergency)	95,000	75,000	−20,000
110-108	Military Personnel, Marine Corps (emergency)	85,000	55,000	−30,000
110-108	Military Personnel, Air Force (emergency)	105,000	75,000	−30,000
110-108	National Guard Personnel, Army (emergency)	20,000	150,000	+130,000
	Total, Military Personnel	3,805,000	1,194,000	−2,611,000
	Operation and Maintenance			
110-108	Operation & Maintenance, Army (emergency)	35,560,055	37,300,000	+1,739,945
110-108	Operation & Maintenance, Navy (emergency)	238,437	3,500,000	+3,261,563
110-108	(Transfer out) (emergency)	(−200,000)	(−112,000)	(+88,000)
110-108	Operation & Maintenance, Marine Corps (emergency)	2,200,000	2,900,000	+700,000
110-108	Operation & Maintenance, Air Force (emergency)	3,644,078	5,000,000	+1,355,922
110-108	Operation & Maintenance, Defense-Wide (emergency)	3,193,494	2,648,569	−544,925
	Operation & Maintenance, Army Reserve (emergency)		79,291	+79,291
	Operation & Maintenance, Navy Reserve (emergency)		42,490	+42,490
110-108	Operation & Maintenance, Marine Corps Reserve (emergency)	34,000	47,076	+13,076
	Operation & Maintenance, Air Force Reserve (emergency)		12,376	+12,376
	Operation & Maintenance, Army National Guard (emergency)		333,540	+333,540
	Operation & Maintenance, Air National Guard (emergency)		52,667	+52,667
	Subtotal, Operation and Maintenance	44,870,064	51,916,009	+7,045,945
110-108	Afghanistan Security Forces Fund (emergency)	3,666,259	2,000,000	−1,666,259
110-108	Iraq Security Forces Fund (emergency)	2,000,000	1,000,000	−1,000,000
	Total, Operation and Maintenance	50,536,323	54,916,009	+4,379,686
	Procurement			
	Aircraft Procurement, Army (emergency)		84,000	+84,000
	Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)		822,674	+822,674
	Procurement of Ammunition, Army (emergency)		46,500	+46,500
110-108	Other Procurement, Army (emergency)	80,536	1,009,050	+928,514
	Other Procurement, Navy (emergency)		27,948	+27,948
	Procurement, Marine Corps (emergency)		565,425	+565,425
110-108	Aircraft Procurement, Air Force (emergency)	1,209,300	201,842	−1,007,458
110-108	Other Procurement, Air Force (emergency)	1,467,475	1,500,644	+33,169
110-108	Procurement, Defense-Wide (emergency)	72,733	177,237	+104,504
110-108	Rapid Acquisition fund (emergency)	100,000		−100,000
	Total, Procurement	2,930,044	4,435,320	+1,505,276
	Research, Development, Test and Evaluation			
110-108	Research, Development, Test & Evaluation, Navy (emergency)	113,228	113,228	
110-108	Research, Development, Test & Evaluation, Air Force (emergency)	71,741	72,041	+300
110-108	Research, Development, Test and Evaluation, Defense-Wide (emergency)	194,156	202,559	+8,403
	Total, Research, Development, Test and Evaluation	379,125	387,828	+8,703
	Revolving and Management Funds			
110-108	Defense Working Capital Funds (emergency)	2,200,000		−2,200,000
	Other Department of Defense Programs			
110-108	Defense Health Program (emergency)	400,000	1,100,000	+700,000
110-108	Drug Interdiction and Counter-Drug Activities, Defense (emergency)	130,000	188,000	+58,000
110-108	Joint Improvised Explosive Device Defeat fund (emergency)	2,970,444	2,000,000	−970,444
	Total, Other Department of Defenses Programs	3,500,444	3,288,000	−212,444
	General Provisions			
110-108	Sec. 11203 Transfer authority	(4,000,000)	(4,000,000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
110–108	Sec. 11208 Mine Resistant Ambush Protected Vehicle fund (emergency)	2,610,000	1,700,000	−910,000
	Total, General Provisions	2,610,000	1,700,000	−910,000
	Total, Chapter 2	65,960,936	65,921,157	−39,779
	Chapter 3			
	General Provision			
	Sec. 11308 rescission of emergency appropriations		−146,531	−146,531
	Total, Title XI	166,015,369	165,427,034	−588,335
	Emergency appropriations, fiscal year 2008	(100,054,433)	(99,652,408)	(−402,025)
	Advance appropriation, fiscal year 2009 (emergency)	(65,960,936)	(65,921,157)	(−39,779)
	Rescission of emergency appropriations		(−146,531)	(−146,531)
	(Additional transfer authority, emergency)		(2,500,000)	(+2,500,000)
	Grand total	183,824,374	212,186,649	+28,362,275
	Appropriations, fiscal year 2008		(555,000)	(+555,000)
	Emergency appropriations, fiscal year 2008	(108,063,276)	(123,230,678)	(+15,167,402)
	Advance appropriation, fiscal year 2009 (emergency)	(75,761,098)	(89,400,502)	(+13,639,404)
	Rescissions		(−555,000)	(−555,000)
	Rescission of emergency appropriations		(−444,531)	(−444,531)
	(Additional transfer authority, emergency)		(2,500,000)	(+2,500,000)
	(Transfer out)			
	(Transfer out) (emergency)	(−115,400)	(−112,607)	(+2,793)

BROADCAST MEDIA OWNERSHIP

Mr. KYL. Madam President, the current newspaper-broadcast cross-ownership rule prohibits the coownership of a newspaper and a broadcast station in the same market. This rule is the only local ownership rule that has not been modified by the Federal Communications Commission, FCC, since the ownership rules went into place over 30 years ago. Despite massive innovation in the media marketplace, the advocates of S.J. Res. 28, the Dorgan resolution, want to preserve an archaic rule that is no longer relevant or useful in today's media world.

On December 18, 2007, the FCC issued an order to provide a modest relaxation of the newspaper-broadcast cross-ownership prohibition in the top 20 markets. To ensure that one company doesn't control the local media, the prohibition is only relaxed if there are eight independent television stations in the market. The rule change only applies to the acquisition of a television station not ranking in the top four in any market, which essentially excludes network affiliated stations. The FCC's order further mandates that all proposed newspaper-broadcast combinations be reviewed by the Commission on a case-by-case basis with the opportunity for public comment. Simply put, the new FCC rule provides a modest relief in a limited number of markets and ensures that any changes are carefully scrutinized.

After 18 months of review and more than 150,000 filed comments, 10 empirical studies, and 6 field hearings, the FCC fully vetted its decision to relax the newspaper-broadcast cross-ownership rule. It determined that the "harm" envisioned by cross-ownership is directly contradicted by simple facts. Currently, there are a number of newspaper-broadcast station ownership combinations that are exempt from the ban through grandfathers and waivers. These combinations have served the needs of the local communities well.

The FCC also found that the ban on newspaper-broadcast combinations was established at a time when communications in any town consisted of a newspaper and, at best, a handful of local television and radio stations. The rule is antiquated in today's media world where there are multiple sources of news and viewpoints, such as the Internet, satellite radio, blogs, cable, and other forms of communication.

Finally, upholding the ban would also largely ignore the dire financial condition of the newspaper industry. Due to the multiple news and information outlets available to consumers, local newspapers are finding it harder to make a profit. What is at stake here is the long-term health of newspapers and their ability to provide the kind of journalism that has served our democratic society well for more than 200 years. Permitting cross-ownership with broadcast stations allows greater financial efficiency in the market, allowing some newspapers to survive.

For all of these reasons, I will not support the Dorgan resolution. The FCC's narrow rule will not lead to mass consolidation, and I would encourage my colleagues to consider the ramifications of reversing the FCC's order.

NATIONAL POLICE WEEK

Mrs. DOLE. Madam President, I rise to honor those officers from my home State of North Carolina who have lost their lives in the line of duty.

In 1962, President John F. Kennedy signed a proclamation designating May 15 as Peace Officers Memorial Day and the week in which that date falls as National Police Week. During this week, tens of thousands of law enforcement officers come to Washington for events that honor their fallen comrades.

Police officers are our country's first line of defense. They dedicate their lives to making our Nation safer. While our servicemembers are fighting enemies abroad, our law enforcement officers are protecting our cities and towns here at home.

Sometimes this duty calls for the ultimate sacrifice, and, over the past year, North Carolina lost nine heroic officers: Charles Johnson Adcock Callemyn of Durham; Jason Christian Campbell of Greenville; Sean Robert Clark of Charlotte; James Heath Hardin of Hope Mills; Howard Joseph Plouff II of Winston-Salem; Jeffry Ryan Shelton of Charlotte; Alan Christopher Silver of Rocky Mount; Shawn Joshua Dean Williams of Old Fort; and Bobby Lee Cox of Burke County.

North Carolina, and indeed the whole country, is forever indebted to these and all of the Nation's police officers who have lost their lives in the line of duty. May God bless the families of these brave men and women and comfort them with the fact that their loved one's service has made America a better, safer place.

ARMED FORCES DAY

Mr. MARTINEZ. Madam President, over the course of this Nation's history, generations of Americans have made tremendous sacrifices to protect the freedoms we hold dear. Every May, we honor these courageous Americans on Armed Forces Day.

Just a few years after the close of World War II, President Harry S. Truman led the effort for this holiday. It was at the end of August, 1949, that Secretary of Defense Louis Johnson announced the creation of Armed Forces Day to replace separate days of celebration for the Army, Navy, Marine Corps, and Air Force.

This is a day for all of us as Americans to come together to recognize our brave military men and women for their service, sacrifice, and dedication to our Nation. On this Armed Forces Day, we are reminded of the important contributions our service men and women are currently making overseas to help others come to know the freedom we enjoy.

Let us not only remember all of the service men and women who have served our country so bravely, let us appreciate those serving at home and their families who sacrifice so much. On this day we thank members of our military for their selfless dedication to working everyday to protect our liberty and freedom.

As the home to more than 20 military installations and nearly 2 million veterans, this past Saturday was a proud day for many Floridians. I salute all those who have given up so much for our Nation, and express my tremendous gratitude for their service.

HONORING OUR ARMED FORCES

SERGEANT ISAAC PALOMAREZ

Mr. SALAZAR. Madam President, I rise today to honor the life of Army Sergeant Isaac Palomarez of Loveland, CO. Sergeant Palomarez was killed last Friday in Kapisa Province, Afghanistan. He and his unit were working to root out Taliban cells and insurgent networks when his patrol ran across a roadside bomb and was then attacked with grenades and small arms. Isaac Palomarez was 26 years old.

Those who knew Sergeant Palomarez describe him as a gifted student, a spirited competitor and successful athlete, and a soldier committed to honoring his country and fulfilling his duty.

He was an honor student at Loveland High School who excelled in math, was an avid reader of military history, and filled his free time with sports. He helped Loveland High School's football team win a State championship in 2000, using his talent, work ethic, and heart to outcompete opponents who outweighed him by 50 or a hundred pounds.

After graduating from high school in 2001, Isaac took classes at Colorado State University, but was uncertain about which path to choose. In 2004, sensing a responsibility to serve his country and his community, he enlisted in the Army, following in the footsteps of his father. He was assigned to A Company, 1st Battalion, 506th Infantry Regiment, 101st Airborne Division, out of Fort Campbell, KY.

Sergeant Palomarez's first deployment was to Iraq, in 2005. After a year, he returned safely, in answer to the prayers of his family and friends.

Earlier this year he deployed again, this time to Afghanistan. Kapisa Province, in northwest Afghanistan, remains an outpost for Taliban and insurgent forces, and is a strategic link between the border regions and Afghanistan's capital, Kabul. Sergeant Palomarez was working with his unit and coalition forces to deny extremists a foothold in this critical area. It was a dangerous mission in an unforgiving place.

Sergeant Palomarez served in the finest tradition of America's soldiers. He was professional, compassionate, and committed to his country, community, and family. Shortly before he was killed, he borrowed a cell phone from another soldier, called his mother, and wished her a happy Mother's Day in advance. It was the last time he spoke with his family—news of Isaac's death reached his family before Mother's Day arrived.

The sense of duty and purpose that inspired Sergeant Palomarez's service is fundamental to our Nation's liberty and our democracy. The strength of our union stems from the willingness of American citizens to work and fight for the rights and freedoms of others, no matter the danger or the cost.

This was the message that William Allen White, the famous newspaper editor, delivered to Northwestern University graduates in 1936 as the specter of fascism loomed over Europe and Asia. "Liberty, if it shall cement man into political unity," said White, "must be something more than a man's conception of his rights, much more than his desire to fight for his own rights. True liberty is founded upon a lively sense of the rights of others and a fighting conviction that the rights of others must be maintained. Only when a people have this love of liberty, this militant belief in the sacredness of another man's self-respect, do races and nations possess the catalyzer in their political and social organism which produces the chemical miracle of crystallized national unity and strength. We Americans have had it for three hundred years on this continent. It was in the blood of our fathers. It was the basis of our faith in humanity when we wrote our constitution."

In Isaac Palomarez's honorable service we find the same love of liberty that has bound our union, generation after generation. In his courage and commitment to helping others, we are inspired to a greater faith in humanity. And in his sacrifice, we are humbled and indebted.

To Sergeant Palomarez's parents, Elma and Candido, to his three older brothers, and to all his friends and family, I know no words that can assuage the pain you feel. I hope that in time your grief will give way to the pride you must feel for your son, to the joy that he stirred among those who knew him, and to the knowledge that his country will always honor his legacy. He will never be forgotten.

ADDITIONAL STATEMENTS

RECOGNIZING CHARLES RUCH

• Mr. JOHNSON. Madam President, I wish to recognize the contributions of Dr. Charles Ruch to my home State of South Dakota.

I have known Dr. Ruch since he became president of the South Dakota School of Mines and Technology in 2003. During his tenure, technology, innovation, and collaboration were continually the focus, and the School of Mines and the students there are the beneficiaries of Dr. Ruch's commitment to this vision. Dr. Ruch was instrumental in bringing the School of Mines and the community together to increase opportunities for research, scholarship, and economic development in Rapid City and across the State of South Dakota.

Dr. Ruch's emphasis on collaboration led to the Black Hills Development Center being located on the campus and the campus coming together to achieve the goals that were established in the Strategic Agenda of the School of Mines. I was consistently impressed by his love of the school, as well as his desire to improve programs and research opportunities for students and professors. Dr. Ruch is leaving the School of Mines just as funding commitments have been made to support the new Chemical and Biological Engineering building. The new building was one of the School of Mines' goals when Dr. Ruch arrived in 2003, and it is only fitting that the project is being realized as Dr. Ruch retires. As South Dakota established the Sanford Laboratory and we work with the National Science Foundation to establish a Deep Underground Science Laboratory, Dr. Ruch leaves the South Dakota School of Mines well-equipped to partner in these research projects.

Dr. Ruch has been an exceptional partner in improving collegiate opportunities in my home State and constantly sought new innovative programs, research grants, and post-graduate opportunities for students at the School of Mines. I would like to thank Dr. Ruch for his excellent service to students, the school, and the State of South Dakota. We all congratulate him on a very successful 5 years. His vision and enthusiasm for the South Dakota School of Mines and Technology will be sorely missed.•

TRIBUTE TO KENNETH L. TYSON

● Mr. LAUTENBERG. Madam President, I wish to pay tribute to Kenneth L. Tyson for his dedication to the health care profession. Ken is a true leader, and his commitment to Newark Beth Israel Medical Center is more than worthy of recognition.

Ken began his career at Newark Beth Israel Medical Center in March 1965 as a medical technologist in the laboratory. He worked his way up the ranks and in 1990 was promoted to his current position, senior vice president of operations. Under his direction, Newark Beth Israel Medical Center has enjoyed a consistently prestigious record of contributions to the medical field. It is one of the largest hospitals in New Jersey and provides unique and highly specialized services including heart transplants, kidney transplants, lung transplants, neonatal and pediatric critical care. For over 43 years, Ken has enjoyed a distinguished reputation among his peers within the New Jersey hospital industry, the Saint Barnabas Health Care System and the Newark Beth Israel Medical Center family.

Ken Tyson is a 1965 graduate of Rutgers, the State University of New Jersey, with a bachelor of science in medical technology. He then earned a master's degree in business administration from the Rutgers Graduate School of Business in 1977. Ken also served his alma mater as an adjunct instructor in the medical technology program for 9 years and later taught clinical laboratory sciences at the University of Medicine and Dentistry of New Jersey for over 19 years. He is currently affiliated with the American College of Health Care Executives and the American Society of Clinical Pathology.

Ken has dedicated his long and illustrious career to improving health care services for the residents of New Jersey and beyond. On behalf of my home State, I am honored to express my gratitude and congratulations to Kenneth L. Tyson and extend my best wishes for a long and happy retirement with his wife Ophelia and his two children and four grandchildren.●

BLACKSTONE VALLEY TOURISM COUNCIL

● Mr. REED. Madam President, last week was National Tourism Week, established by Congress in 1983 and celebrated annually since May 1984. To mark this 25th celebration, I would like to recognize the accomplishments of the Blackstone Valley, which recently won international recognition for its sustainable tourism program.

Last month, the World Travel and Tourism Council recognized only one destination in America, the Blackstone Valley of Rhode Island and Massachusetts, with the Destination Award for 2008. This honor was bestowed upon the Blackstone Valley Tourism Council to recognize the organization's trail-blazing destination stewardship approach to tourism development, including its work to preserve the area's natural, cultural, and historical heritage.

At the heart of the valley is the Blackstone River, which runs from Worcester, MA, to Providence, RI. The river's waters once powered the Slater Mill in Pawtucket, which was America's first successful textile mill and the birthplace of the Industrial Revolution in this country. While this transition from farm to factory brought many years of prosperity, by the 1970s, the valley's economy had declined as industry moved on from the area, leaving behind a tarnished facade and environmental damage.

Today, thanks to the coordinated efforts of the Blackstone Corridor Commission, the National Park Service, the Blackstone Valley Tourism Council, businesses, environmental organizations, 24 municipalities, and the States of Rhode Island and Massachusetts, the valley has made a remarkable resurgence as a living landscape of natural and historic treasures.

The Blackstone Valley Tourism Council has shown that eco-friendly tourism can revitalize a weakened economy, restore natural surroundings, and revive residents' pride in their communities. Through innovative programs like the Sustainable Tourism Development and Planning Laboratory, the tourism council has created a model for destinations around the country to follow. It is a notable achievement for any river to be at the center of a revolution; but it is a rare feat for the Blackstone River to have spawned two.

I congratulate the people of the Blackstone Valley and the Tourism Council for spearheading an economic redevelopment strategy that has made great strides in improving the quality of life in the area.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997, WITH RESPECT TO BURMA, AS RECEIVED DURING ADJOURNMENT OF THE SENATE ON MAY 16, 2008—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the Burma emergency is to continue beyond May 20, 2008.

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its engaging in large-scale, repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, and its expansion on October 18, 2007, and April 30, 2008, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat. This action does not inhibit any efforts on the part of the United States to provide humanitarian assistance to the people of Burma in the aftermath of Cyclone Nargis.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2008.*

MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 331. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes.

At 5:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 406. An act to award a congressional gold medal in recognition of Alice Paul's role in the women's suffrage movement and in advancing equal rights for women.

H.R. 2894. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the "Star Spangled Banner" and the War of 1812, and for other purposes.

H.R. 5614. An act to authorize the production in palladium of Saint-Gaudens Double Eagle coins as ultra-high relief numismatic coins and bullion investment coins in order to provide affordable opportunities for investments in precious metals, and for other purposes.

H.R. 5834. An act to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

H.R. 5872. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

H.R. 5916. An act to reform the administration of the Arms Export Control Act, and for other purposes.

At 5:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 354. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 406. An act to award a congressional gold medal in recognition of Alice Paul's role in the women's suffrage movement and in advancing equal rights for women to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2894. An act to require the Secretary of the Treasury to mint coins to commemoration of the bicentennial of the writing of the "Star Spangled Banner" and the War of 1812, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5614. An act to authorize the production in palladium of Saint-Gaudens Double Eagle coins as ultra-high relief numismatic coins and bullion investment coins in order to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5834. An act to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes; to the Committee on Foreign Relations.

H.R. 5872. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5916. An act to reform the administration of the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 331. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 354. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment:

H.R. 3320. A bill to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland (Rept. No. 110–336).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 3030. A bill to amend the Consolidated Appropriations Act 2008 to provide for the conveyance to the United States of certain non-Federal land to be used by the Secretary of Veterans Affairs for the construction of a veterans medical facility; to the Committee on Veterans' Affairs.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. SUNUNU, Ms. COLLINS, Mrs. DOLE, Mr. BARRASSO, Mr. ALLARD, Mr. CORNYN, Mr. DEMINT, Mr. STEVENS, and Mr. ENZI):

S. 3031. A bill to amend the Clean Air Act to limit the use of ethanol to meet the renewable fuel standard, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 3032. A bill to increase the standard mileage rate for use of an automobile for business, medical, and moving deduction purposes for 2008 and permanently increase such rate for charitable deduction purposes under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Finance.

By Mr. CORNYN:

S. 3033. A bill to protect investors by fostering transparency and accountability of attorneys in private securities litigation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mr. KERRY (for himself and Mr. KENNEDY)):

S. 3034. A bill to protect the interests of bona fide tenants in the case of any foreclosure on any dwelling or residential real property, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Ms. MURKOWSKI, Mr. BIDEN, Mr. LUGAR, Mr. CASEY, Mr. CARDIN, Mr. FEINGOLD, Mr. KERRY, Mrs. MURRAY, Mr. LIEBERMAN, Mr. DODD, Mr. WHITEHOUSE, Mr. DURBIN, Ms. CANTWELL, Mr. ISAKSON, Mrs. CLINTON, Mr. SANDERS, Mrs. FEINSTEIN, Mr. LEAHY, Mr. OBAMA, and Mr. MENENDEZ):

S. Res. 569. A resolution expressing the sense of the Senate regarding the earthquake that struck Sichuan Province of the People's Republic of China on May 12, 2008; considered and agreed to.

By Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BIDEN):

S. Res. 570. A resolution congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. ENSIGN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 843

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 843, a bill to provide for the establishment of a national mercury monitoring program.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1382

At the request of Mr. REID, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1445

At the request of Mr. KENNEDY, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1556

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1571

At the request of Ms. SNOWE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2366

At the request of Mr. VITTER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2366, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2504

At the request of Mr. NELSON of Florida, the names of the Senator from Maine (Ms. COLLINS), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. SMITH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2682

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 2682, a bill to direct United States funding to the United Nations Population Fund for certain purposes.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2771

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2771, a bill to require the president to call a White House Conference on Children and Youth in 2010.

S. 2790

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2790, a bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2844

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2844, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 2910

At the request of Ms. SNOWE, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Maine (Ms. COLLINS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2910, a bill to require brokers to disclose and pay independent truckers for any fuel surcharges received from shippers that relate to fuel costs paid for by the truckers.

S. 2942

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2942, a bill to authorize funding for the National Advocacy Center.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 3033. A bill to protect investors by fostering transparency and accountability of attorneys in private securities litigation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORNYN. Mr. President, today I am proud to introduce the Securities Litigation Attorney Accountability and Transparency Act. The Bill promotes transparency and court oversight in the selection and compensation of class counsel in securities class action litigation. As a result, this legislation helps to ensure that the lawyer for shareholder plaintiffs in securities class action lawsuits truly and faithfully represents the interests of the entire class, and not just their own interests and those of the large investors who are the lead plaintiffs. It has been said that the lead attorney in a class action suit serves a quasi-governmental role in that he seeks to enforce the law on behalf of a broad group of ordinary citizens and the investor community at large. Bringing transparency and accountability to securities class action litigation is important to protect the rights and interests of every American who owns stock.

When a class action lawsuit is brought against a company for defrauding shareholders, one of the first steps is the selection of the lead plaintiff. The lead plaintiff is the shareholder who will actually sit in the courtroom and represent the interests of all of the shareholders in the litigation. The lead plaintiff selects the lawyer who will represent the class in the lawsuit, subject only to approval by the court.

Under the Private Securities Litigation Reform Act of 1995, the lead plaintiff is supposed to be the shareholder "that the court determines to be most capable of adequately representing the interests of class members." 15 U.S.C. 78u-4(a)(3)(B)(i). The PSLRA creates a presumption that, in general, the lead plaintiff should be the plaintiff with the "largest financial interest in the relief sought by the class." 15 U.S.C. 78u-4(a)(3)(B)(iii)(bb). The theory behind this rule is that the party with the most at stake will most vigorously defend the interests of the entire class. In general, this theory has proven true, and the PSLRA is a substantial improvement over the law before the PSLRA, in which the lead plaintiff was generally whoever first filed the lawsuit.

However, as recent events have shown, the PSLRA has itself proven subject to abuse. The Bill that I introduce today has been made necessary by recent scandals in which lawyers entered secret arrangements with lead plaintiffs to keep an unfair amount of the lawsuit's proceeds between them, while shutting out ordinary investors. Essentially, the lead plaintiff agreed to an unreasonably high attorneys' fee, with the understanding that the law firm would funnel a portion of that fee back to the lead plaintiff. Thus, the lawyers were overcompensated and the lead plaintiffs received a disproportionate share of the proceeds of the lawsuit. Ordinary investors, who the class action system is designed to protect, bore the costs of these illegal arrangements.

Today, William Lerach, once a name partner at the law firm of Milberg, Weiss, Bershad, Hynes & Lerach LLP, reports to the United States Penitentiary in Lompoc, California, after pleading guilty to entering into this type of illegal kickback arrangement with lead plaintiffs. Next month, his former law partner Melvyn Weiss will be sentenced for the same crime. But there is reason to believe that this criminal activity is not limited to a few bad actors. Indeed, Mr. Lerach, unrepentant about having defrauded thousands of investors out of millions of dollars, has tried to defend himself on the basis that "everybody does it." "Believe me," Mr. Lerach told the Wall Street Journal, "it was industry practice."

There have been many calls for reform to address this potentially widespread criminal practice. Last month, The Washington Post editorialized in response to the Milberg Weiss scandal that "What is needed now is a sober discussion about how best to achieve a fairer, more balanced legal system through comprehensive tort reform. . . . Smart and ethical businesspeople and lawyers—and, yes, there are many who fit the bill—would be wise to start working together to craft such a fix." This bill opens that discussion.

The bill that I introduce today seeks to prevent securities litigation abuse by making two major reforms that directly address the two core problems that have led to this scandal—the potential for backdoor arrangements between lead plaintiffs and class counsel, and the resulting risk that lead plaintiffs will enter fee agreements that pay the lawyers more than the market rate.

The bill would require sworn certifications from lead plaintiffs and their attorneys disclosing: (a) any payments or promises of payment made by the attorney to the plaintiff in connection with the action; (b) any other legal representations of the plaintiff by the attorney; (c) any campaign contributions the attorney has made to any elected official with authority to retain counsel for the plaintiff; and (d) any other conflicts of interest. This disclosure would put an end to secret agreements where plaintiffs' lawyers pay kickbacks to the lead plaintiffs who retain them. These secret arrangements divorced the interests of both the lawyers and the lead plaintiffs from the interests of the class as a whole. Full disclosure will prevent this situation from recurring.

The bill would also require courts to employ a competitive bidding process as one of the criteria in the approval of the lead class counsel. In current practice, courts usually defer to the lead plaintiff's choice of class counsel after reviewing the prospective lead counsel's prior work on the case, experience, knowledge, and resources. The bill would require that courts also consider the prospective lead counsel's fees, and have courts solicit competitive bids so that those fees are based on market rates. The class members deserve to be represented at a reasonable market rate. Money that goes to the lawyers is money that never makes it to the ordinary shareholders who are the victims of securities fraud. Currently, courts review attorneys' fees for reasonableness before the fees are paid at the conclusion of the case. This provision would allow courts to negotiate a reasonable fee at the threshold of the litigation.

Finally, the bill would commission a study of the last 5 years of fee awards in securities class actions to determine the average hourly rate for lead counsel. Courts may be able to use this information to better rein-in excessive attorneys' fees.

It is important that corporations be held accountable through securities fraud litigation when they cheat ordinary shareholders out of their hard-earned money. But it is equally important that attorneys be held accountable when they do the same thing. The recent securities litigation kickback scandals ought to spur Congress to action, especially because, at least according to Mr. Lerach, defrauding shareholders has become "industry practice" for securities plaintiffs' lawyers. Fortunately, Mr. Lerach and Mr. Weiss have been brought to justice, but their shareholder victims will never see all of the money out of which they were cheated by these attorneys' crimes. The Securities Litigation Attorney Accountability and Transparency Act will help prevent these crimes against ordinary Americans from being repeated in the future. I urge my Senate colleagues to quickly convene hearings on this very serious problem and move this new legislation forward.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 569—EXPRESSING THE SENSE OF THE SENATE REGARDING THE EARTHQUAKE THAT STRUCK SICHUAN PROVINCE OF THE PEOPLE'S REPUBLIC OF CHINA ON MAY 12, 2008

Mrs. BOXER (for herself, Ms. MURKOWSKI, Mr. BIDEN, Mr. LUGAR, Mr. CASEY, Mr. CARDIN, Mr. FEINGOLD, Mr. KERRY, Mrs. MURRAY, Mr. LIEBERMAN, Mr. DODD, Mr. WHITEHOUSE, Mr. DURBIN, Ms. CANTWELL, Mr. ISAKSON, Mrs. CLINTON, Mr. SANDERS, Mrs. FEINSTEIN, Mr. LEAHY, Mr. OBAMA, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 569

Whereas, on May 12, 2008, a powerful earthquake measuring 7.9 on the Richter Scale struck Wenchuan County in the Sichuan Province of the People's Republic of China, leaving at least 34,000 people dead, 245,000 people injured, and an estimated 5,000,000 people homeless;

Whereas authorities of the Government of the People's Republic of China report that approximately 9,500 people remain buried in Sichuan Province and another 29,000 people remain missing;

Whereas authorities of the Government of the People's Republic of China report that the final death toll is expected to exceed 50,000;

Whereas authorities of the Government of the People's Republic of China also report that as many as 4,700,000 homes were destroyed in Sichuan, Gansu, and Shaanxi Provinces and nearly 80 percent of the buildings collapsed in Beichuan County;

Whereas the sheer devastation caused by the earthquake and inclement weather has made rescue efforts exceptionally difficult, particularly in the areas hardest hit by the earthquake;

Whereas authorities of the Government of the People's Republic of China report that 158 relief workers were killed in landslides while working to repair roads in the areas most devastated by the earthquake;

Whereas the Seismological Bureau of the People's Republic of China reports that the earthquake has affected more than half of China's provinces and municipalities;

Whereas authorities of the Government of the People's Republic of China report that more than 2,000 aftershocks have occurred in the aftermath of the earthquake, some greater than a magnitude of 6.0 on the Richter Scale;

Whereas authorities of the Government of the People's Republic of China also report that 6,898 schoolrooms collapsed in Sichuan Province, trapping and killing hundreds of young students and their teachers;

Whereas the earthquake of May 12, 2008, was China's deadliest natural disaster since 1976, when hundreds of thousands of people were killed by an earthquake that struck the city of Tangshan;

Whereas, on May 12, 2008, President George W. Bush said that the United States "stands ready to help in any way possible"; and

Whereas the Prime Minister of China, Wen Jiabao, said on May 13, 2008, that "[t]he death toll and damage are more serious than we expected and we need more people here to help": Now, therefore, be it

Resolved, That the Senate—

(1) mourns the horrific loss of life and terrible human suffering caused by the earthquake in the People's Republic of China on May 12, 2008;

(2) expresses its deep condolences to the people of the People's Republic of China and to all those affected by this enormous tragedy;

(3) expresses its profound sorrow for the families of all who lost loved ones, including those who suffered the heartbreaking loss of having their children trapped in schools that collapsed;

(4) calls on the President to respond to any requests for humanitarian assistance made by the Government of the People's Republic of China; and

(5) stands ready to support the provision of additional resources, as necessary, to assist those impacted by the earthquake.

SENATE RESOLUTION 570—CONGRATULATING ALBANIA AND CROATIA ON BEING INVITED TO BEGIN ACCESSION TALKS WITH THE NORTH ATLANTIC TREATY ORGANIZATION AND EXPRESSING SUPPORT FOR CONTINUING TO ENLARGE THE ALLIANCE

Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 570

Whereas the North Atlantic Treaty Organization (NATO) met in April 2008 to enlarge the alliance, to reaffirm the purpose of NATO to defend the populations, territories, and forces in the Euro-Atlantic region, and to further strengthen the ability of NATO to confront existing and emerging 21st-century security threats;

Whereas NATO invited Albania and Croatia to begin accession talks to join NATO and indicated that those talks will begin immediately, with the aim of signing Accession Protocols by the end of July 2008 and completing the ratification process without delay;

Whereas NATO expressed recognition of the hard work and commitment demonstrated by other countries that aspire to join NATO and commended those countries for their efforts to build multiethnic societies;

Whereas NATO agreed that Ukraine and Georgia have made valuable contributions to NATO operations, expressed clear support for the applications for Membership Action Plans from Ukraine and Georgia as the next step to full membership, and stated that NATO will begin a period of intensive engagement with Ukraine and Georgia to assess those applications for the December 2008 meeting;

Whereas NATO invited Bosnia and Herzegovina and Montenegro to begin an Intensified Dialogue on the full range of political, military, financial, and security issues relating to their aspirations to join NATO;

Whereas NATO expressed the desire to develop an ambitious and substantive relationship with Serbia, making full use of Serbia's membership in the Partnership for Peace, and to make more progress toward integrating Serbia into the Euro-Atlantic community, including though an Intensified Dialogue following a request by Serbia; and

Whereas NATO's ongoing enlargement process has been a historic success in advancing stability and cooperation and reaching the transatlantic goal of ensuring that Europe is whole and free, and united in peace, democracy, and common values: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Albania and Croatia on being invited by the North Atlantic Treaty Organization (NATO) to begin accession talks and recognizes the historic nature of that achievement, earned through years of hard work and a demonstrated commitment to common security and the shared values of NATO members;

(2) expresses strong support for the timely completion of the accession process with Albania and Croatia;

(3) fully supports the invitations to initiate an Intensified Dialogue between NATO and Bosnia and Herzegovina, Montenegro, and Serbia;

(4) continues to strongly support the aspirations of Ukraine and Georgia to become integrated into the Euro-Atlantic community, as reaffirmed in Senate Resolution 523, 110th Congress, agreed to April 28, 2008;

(5) supports the enlargement of NATO and believes that continued engagement with all countries that aspire to join NATO will strengthen security for all countries in the Euro-Atlantic region;

(6) supports the declaration of NATO at the Bucharest Summit, which states that NATO's door should remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the North Atlantic Treaty, signed at Washington April 4, 1949 (TIAS 1964); and

(7) affirms the statement in that declaration that any decision with respect to the membership of countries in NATO will be made through consensus, by members of NATO, and no country outside of NATO has a vote or veto with respect to such decisions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4786. Mr. BYRD submitted an amendment intended to be proposed by him to the House amendment numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4787. Mr. BYRD submitted an amendment intended to be proposed by him to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4788. Mr. BYRD submitted an amendment intended to be proposed by him to the House amendment to the amendment of the Senate to the bill H.R. 2642, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4786. Mr. BYRD submitted an amendment intended to be proposed by him to the House amendment numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $850,000,000, to remain available until expended.

For an additional amount for "Public Law 480 Title II Grants", $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $164,965,000, to remain available until September 30, 2009.

For an additional amount for "Salaries and Expenses", $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,170,200,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $300,084,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $361,900,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $27,600,000, to remain available until September 30, 2009: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Construction, Navy and Marine Corps", $11,766,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan:, *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Navy and Marine Corps", there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Air Force", there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided*, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

"§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

"(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

"(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

"(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

"5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.".

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) Short Title.—This section may be cited as the "Combat Veterans Debt Elimination Act of 2008".

CHAPTER 4

Subchapter A—Supplemental Appropriations for Fiscal Year 2008

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $12,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $149,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further*, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

Department of State

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

Funds Appropriated to the President

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $10,000,000, to remain available until September 30, 2009.

Subchapter B—Bridge Fund Appropriations for Fiscal Year 2009

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided*, That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E–267–08–001–P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading "International Narcotics Control and Law Enforcement", not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading "Economic Support Fund" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading "Economic Support Fund" that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading "Foreign Military Financing Program" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with "Diplomatic and Consular Programs" may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development".

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading "Assistance for Eastern Europe and the Baltic States" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading "Embassy Security, Construction, and Maintenance" to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 10002 of title X of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for "Economic Support Fund", $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings "Foreign Military Financing Program" and "Peacekeeping Operations" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for "International Disaster Assistance", $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 10002 of title X of this Act shall not apply to this section.

SOUTH AFRICA

SEC. 1413. The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, may determine, in the Secretary's sole and unreviewable discretion considering the foreign policy interests of the United States, that for activities undertaken in opposition to apartheid rule, subsections (a)(2) and (a)(3)(B) of 8 U.S.C. 1182, as amended, shall not apply.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1414. (a) For an additional amount for "Economic Support Fund" for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for "Foreign Military Financing Program" for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 10002 of title X of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1415. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

"Diplomatic and Consular Programs".

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1416. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1417. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1418. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $50,000,000, to remain available until September 30, 2009, for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 ("1968 Act"), (except that section 1001(c), and the special rules, for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for "State and Local Law Enforcement Assistance", $100,000,000 for competitive grants, to remain available until expended, to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000, to remain available until September 30, 2009 with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to and "Science, Aeronautics, Exploration", and "Exploration Capabilities" for restoration of funds previously reallocated to meet return to flight activities.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000, to remain available until September 30, 2009.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. (a) Section 3008(a) of the Digital Television Transition and Public Safety Act of 2005 is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Assistant Secretary"; and

(2) by adding at the end thereof the following:

"(2) USE OF FUNDS.—As soon as practicable after the date of enactment of this Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.".

(b) Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(1) by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) by striking "no earlier than October 1, 2010" and inserting "on or after February 18, 2009".

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Non-Defense Environmental Cleanup", $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium Enrichment Decontamination and Decommissioning Fund", $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for "Science", $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup", $243,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. (a) Subject to subsection (b), the Secretary of Energy shall continue the cooperative agreement numbered DE–FC 26–06NT42073, as in effect on the date of enactment of this Act, through March 30, 2009.

(b) During the period beginning on the date of enactment of this Act and ending on March 30, 2009—

(1) the agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

SEC. 2302. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.—The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking "For purposes" and inserting "Except as provided in section 3112A, for purposes";

(2) in section 3112(a), by striking "The Secretary" and inserting "Except as provided in section 3112A(d), the Secretary"; and

(3) by inserting after section 3112 the following:

"SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

"(a) DEFINITIONS.—In this section:

"(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

"(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

"(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

"(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

"(A) contains 90 percent or more uranium-235; and

"(B) is verified by the Secretary of Energy to be of weapons origin.

"(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

"(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

"(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

"(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

"(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

"(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

"(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

"(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

"(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

"(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

"(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

"(B) ADDITIONAL IMPORTS.—

"(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

"(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

"(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

"(4) ANNUAL ADJUSTMENT.—

"(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

"(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

"(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

"(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

"(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

"(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

"(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

"(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

"(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

"(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

"(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

"(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

"(A) December 31, 2020; or

"(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

"(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

"(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

"(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

"(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

"(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

"(12) EFFECT ON OTHER AGREEMENTS.—

"(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

"(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

"(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

"(1) in the event of a disruption in the nuclear fuel supply in the United States; or

"(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.".

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the "Salaries and Expenses" account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

SEC. 2402. (a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after "hold office during good behavior," the following: "bankruptcy judges appointed under chapter 6 of title 28; territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)); bankruptcy judges retired under section 377 of title 28; and judges retired under section 373 of title 28,".

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under chapter 6 of title 28, United States Code.

(2) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(3) Bankruptcy judges retired under section 377 of title 28, United States Code.

(4) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of Public Law No. 110–177.

SEC. 2403. LIFE INSURANCE FOR TAX COURT JUDGES AGE 65 OR OVER. (a)—IN GENERAL.—Section 7472 of the Internal Revenue Code of 1986 is amended by inserting after the word "imposed" where it appears in the second sentence the following phrase: "after April 24, 1999, that is incurred".

(b) EFFECTIVE DATE.—This amendment shall take effect as if included in the amendment made by section 852 of the Pension Protection Act of 2006.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. SECURE RURAL SCHOOLS ACT AMENDMENT.—(a) For fiscal year 2008, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $400,000,000, to remain available until December 31, 2008, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking "2007" and "2008" each place they appear and inserting "2008" and "2009", respectively.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease Control, Research, and Training", $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director, National Institutes of Health", $400,000,000, which shall be used to support additional scientific research in the Institutes and Centers of the National Institutes of Health: *Provided*, That these funds are to be transferred to the Institutes and Centers on a pro-rata basis: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds are to be transferred to the Buildings and Facilities appropriation, the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, and the Office of the Director except for the NIH Common Fund within the Office of the Director, which shall receive its pro-rata share of the increase.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $500,000,000 for fiscal year 2008, for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $500,000,000 for fiscal year 2008, for making allotments under section 2604(e) of the Low-Income Home-Energy Assistance Act of 1981 (42 U.S.C. 8623(e)) that are made in such a manner as to ensure that each State's allotment percentage is the percentage the State would receive of funds allotted under section 2604(a) of such Act (42 U.S.C. 8623(a)), if the total amount appropriated for fiscal year 2008 and available to carry out such section 2604(a) had been less than $1,975,000,000.

(b) Funds appropriated under subsection (a)(2), and funds appropriated (but not obligated) prior to the date of enactment of this Act for making payments under section 2604(e) of such Act (42 U.S.C. 8623(e)), shall be released to States not later than 30 days after the date of enactment of this Act.

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.—(a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

"(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

"(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

"(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

"(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

"(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

"(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

"(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

"(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for "Foreign Currency Fluctuations Account", $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Until January 1, 2009, an aircraft used by an air carrier in the operation specified in section 47528(e)(3) of title 49, United States Code, as of April 1, 2008, may continue to be operated under the provisions of that section by an air carrier that purchases or leases that aircraft after April 1, 2008, for conduct of the same operation. Operation of that aircraft under section 47528(e)(4) is authorized for the same time period.

SEC. 2802. Title 49, United States Code, is amended—

(1) by striking "August 31, 2008," in section 44302(f)(1) and inserting "August 31, 2009,";

(2) by striking "December 31, 2008," in section 44302(f)(1) and inserting "December 31, 2009,"; and

(3) by striking "December 31, 2008" in section 44303(b) and inserting "December 31, 2009".

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading "Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided*, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000, to remain available until September 30, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000, to remain available until September 30, 2009.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $75,000,000, to remain available until September 30, 2009: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. GULF OF MEXICO DESIGNATIONS.—(a) Notwithstanding any other provision of law, no funds made available under this Act or any other Act for fiscal year 2008 or 2009 may be used to establish a national monument or otherwise convey protected status to any area in the marine environment of the Exclusive Economic Zone of the United States under the Act of June 8, 1906 (16 U.S.C. 431 et seq.).

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce may, as applicable, and in compliance with all requirements under title III of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) (including the procedures for designation and implementation under section 304 of that Act (16 U.S.C. 1434)) with respect to any proposed protected area, submit to Congress a study of the proposed protected area.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further*, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further*, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further*, That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further*, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for "General Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 3401. (a) EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA.—

(1) RETROACTIVITY.—If a small business concern, while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in paragraph (2) and was affected by Hurricane Katrina of 2005, the period during which that small business concern is permitted continuing participation and eligibility in such program or activity shall be extended for an additional 24 months.

(2) PARISHES AND COUNTIES COVERED.—Paragraph (1) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator as a disaster area by reason of Hurricane Katrina of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, or 10181.

(3) REVIEW AND COMPLIANCE.—The Administrator shall ensure that the eligibility for continuing participation by each small business concern that was participating in a program or activity covered by paragraph (1) before the date of enactment of this Act is reviewed and brought into compliance with this subsection.

(b) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration; and

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3502. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term "area" does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund", for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Wildland Fire Management", $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION—THIS CHAPTER

SEC. 3601. Funds appropriated in section 132 of division F, Public Law 110–161, shall not be subject to 49 CFR Part 24 or Departmental policies issues pursuant to such regulations.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 8

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Army National Guard", $11,503,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for "Military Construction, Army National Guard" under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community development fund" for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.
"3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

"(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or

"(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

“(8) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 6 months; or

“(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

“(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

“(1) A discharge from active duty in the Armed Forces with an honorable discharge.

“(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

“(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

“(4) A discharge or release from active duty in the Armed Forces for—

“(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

“(B) hardship; or

“(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

“(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

“(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

“(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

“(3) A period of service that is terminated because of a defective enlistment and induction based on—

“(A) the individual's being a minor for purposes of service in the Armed Forces;

“(B) an erroneous enlistment or induction; or

“(C) a defective enlistment agreement.

“(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

“§ 3312. Educational assistance: duration

“(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

“(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

“(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

“(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

“(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

“(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

“(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

“(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

“(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

“(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

“§ 3313. Educational assistance: amount; payment

“(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

“(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

“(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

“(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

“(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

“(B) A monthly stipend in an amount as follows:

“(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

“(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

“(I) $1,000, multiplied by

“(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

“(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

“(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

“(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

“(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

“(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§ 3314. Tutorial assistance

"(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3315. Licensure and certification tests

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§ 3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

"(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

"(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

"(2) who—

"(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

"(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

"(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

"(1) DD Form 214, Certification of Release or Discharge from Active Duty.

"(2) The most recent Federal income tax return.

"(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

"(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

"(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.".

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§ 3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§ 3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§ 3323. Administration

"(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

"(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

"(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

"(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

"(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

"(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§ 3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting "33," after "32,"; and

(ii) in subsection (c), by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable); shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110-28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28) is amended—

(A) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(B) in subparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)"; and

(C) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110-173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is amended—

(A) by striking "June 30, 2008" and inserting "April 1, 2009";

(B) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(C) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109-432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r-8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

"(IV) An entity that—

"(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

"(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

"(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act."; and

(B) by adding at the end the following new clause:

"(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).";

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph."; and

(3) by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

"(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

"(A) PROVIDER AGREEMENT.—The hospital had—

"(i) physician ownership on September 1, 2008; and

"(ii) a provider agreement under section 1866 in effect on such date.

"(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

"(C) PREVENTING CONFLICTS OF INTEREST.—

"(i) The hospital submits to the Secretary an annual report containing a detailed description of—

"(I) the identity of each physician owner and any other owners of the hospital; and

"(II) the nature and extent of all ownership interests in the hospital.

"(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

"(I) the ownership interest of such referring physician in the hospital; and

"(II) if applicable, any such ownership interest of the treating physician.

"(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

"(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

"(I) on any public website for the hospital; and

"(II) in any public advertising for the hospital.

"(D) ENSURING BONA FIDE INVESTMENT.—

"(i) Physician owners in the aggregate do not own more than the greater of—

"(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

"(II) the percentage of such total value determined on the date of enactment of this subsection.

"(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

"(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

"(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

"(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

"(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

"(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

"(E) PATIENT SAFETY.—

"(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

"(I) the hospital discloses such fact to a patient; and

"(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

"(ii) The hospital has the capacity to—

"(I) provide assessment and initial treatment for patients; and

"(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

"(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

"(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

"(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

"(A) PROCESS.—

"(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

"(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

"(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

"(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

"(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

"(C) PERMITTED INCREASE.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

"(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

"(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

"(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

"(E) APPLICABLE HOSPITAL.—In this paragraph, the term "applicable hospital" means a hospital—

"(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

"(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

"(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

"(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

"(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

"(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

"(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

"(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

"(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

"(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.".

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE IMPROVEMENT FUND

"SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

"(b) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

"(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

"(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.".

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07-001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as "crowd-out") and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,940,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,750,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the "Close the Contractor Fraud Loophole Act".

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007-006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the "Government Funding Transparency Act of 2008".

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII—EMERGENCY AGRICULTURE RELIEF

SEC. 8001. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) EMERGENCY AGRICULTURAL WORKER STATUS.—The term "emergency agricultural worker status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 8011(a).

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SEC. 8002. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—Sections 8021 and 8031 shall take effect on the date that is 1 year after the date of the enactment of this Act.

Subtitle A—Emergency Agricultural Workers

SEC. 8011. REQUIREMENTS FOR EMERGENCY AGRICULTURAL WORKER STATUS.

(a) REQUIREMENT TO GRANT EMERGENCY AGRICULTURAL WORKER STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant emergency agricultural worker status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) during the 48-month period ending on December 31, 2007—

(A) performed agricultural employment in the United States for at least 863 hours or 150 work days; or

(B) earned at least $7,000 from agricultural employment;

(2) applied for emergency agricultural worker status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 8014; and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or damage to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted emergency agricultural worker status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted emergency agricultural worker status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF EMERGENCY AGRICULTURAL WORKER STATUS.—The Secretary shall terminate emergency agricultural worker status if—

(1) the Secretary determines that the alien is deportable;

(2) the Secretary finds, by a preponderance of the evidence, that the adjustment to emergency agricultural worker status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)));

(3) the alien—

(A) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 8014;

(B) is convicted of a felony or at least 3 misdemeanors committed in the United States;

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(D) fails to pay any applicable Federal tax liability pursuant to section 8012(d); or

(4) the Secretary determines that the alien has not fulfilled the work requirement described in subsection (e) during any 1-year period in which the alien was in such status and the Secretary has not waived such requirement under subsection (e)(3).

(e) WORK REQUIREMENT.—

(1) IN GENERAL.—An alien shall perform at least 100 work days of agricultural employment per year to maintain emergency agricultural worker status under this section.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in paragraph (4); or

(B) the documentation described in section 8013(c)(1).

(3) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for any year in which the alien was unable to work in agricultural employment due to—

(i) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(ii) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records;

(iii) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time; or

(iv) termination from agricultural employment without just cause, if the alien establishes that he or she was unable to find alternative agricultural employment after a reasonable job search.

(B) LIMITATION.—A waiver granted under subparagraph (A)(iv) shall not be conclusive, binding, or admissible in a separate or subsequent action or proceeding between the employee and the employee's current or prior employer.

(4) RECORD OF EMPLOYMENT.—

(A) REQUIREMENT.—Each employer of an alien granted emergency agricultural worker status shall annually provide—

(i) a written record of employment to the alien; and

(ii) a copy of such record to the Secretary.

(B) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted emergency agricultural worker status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted emergency agricultural worker status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted emergency agricultural worker status shall pay a fine of $250 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,350,000 emergency agricultural worker cards during the 5-year period beginning on the date of the enactment of this Act.

(i) MAXIMUM LENGTH OF EMERGENCY AGRICULTURAL WORKER STATUS.—Emergency agricultural worker status granted under this section shall continue until the earlier of—

(1) the date on which such status is terminated pursuant to subsection (d); or

(2) 5 years after the date on which such status is granted.

SEC. 8012. TREATMENT OF ALIENS GRANTED EMERGENCY AGRICULTURAL WORKER STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) INELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) while in such status.

(c) FEDERAL TAX LIABILITY APPLIES.—

(1) IN GENERAL.—An alien granted emergency agricultural worker status shall pay any applicable Federal tax liability, including penalties and interest, owed for any year during the period of employment required under section 8011(e) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required under this subsection.

(d) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(1) GRANTING OF STATUS AND REMOVAL.—The Secretary shall grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted emergency agricultural worker status and shall not remove such derivative spouse or child during the period in which the principal alien maintains such status, except as provided in paragraph (4). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive emergency agricultural worker status under section 8011(h).

(2) TRAVEL.—The derivative spouse and any minor child of an alien granted emergency agricultural worker status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(3) EMPLOYMENT.—The derivative spouse of an alien granted emergency agricultural worker status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains emergency agricultural worker status.

(4) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary shall deny an alien spouse or child adjustment of status under paragraph (1) and shall remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 8014;

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(e) ADJUSTMENT OF STATUS.—Nothing in this Act may be construed to prevent an alien from seeking adjustment of status in accordance with any other provision of law if the alien is otherwise eligible for such adjustment of status.

SEC. 8013. APPLICATIONS.

(a) SUBMISSION.—Applications for emergency agricultural worker status may be submitted to—

(1) the Secretary, if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(2) a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term "qualified designated entity" means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled "An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes", approved November 2, 1966 (Public Law 89-732; 8 U.S.C. 1255 note), Public Law 95-145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99-603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of subsections (a)(1) and (e)(1) of section 8011 through government employment records or records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for emergency agricultural worker status has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 8011(a)(1).

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required under section 8011(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(2) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required under this title to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; and

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for emergency agricultural worker status has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for emergency agricultural worker status and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for emergency agricultural worker status.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for emergency agricultural worker status; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for emergency agricultural worker status.

SEC. 8014. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for emergency agricultural worker status, the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (2)(D), (2)(G), (2)(H), (2)(I), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for emergency agricultural worker status by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(b) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of the enactment of this Act, an alien who is apprehended before the beginning of the application period described in section 8011(a)(2) and who can establish a nonfrivolous case of eligibility for emergency agricultural worker status (but for the fact that the alien may not apply for such status until the beginning of such period)—

(A) may not be removed until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for such status; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—An alien who presents a nonfrivolous application for emergency agricultural worker status during the application period described in section 8011(a)(2), including an alien who files such an application not later than 30 days after the alien's apprehension—

(A) may not be removed until a final determination on the application has been made in accordance with this section; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 8015. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for emergency agricultural worker status under this title.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 8016. DISSEMINATION OF INFORMATION.

Beginning not later than the first day of the application period described in section 8011(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 8013(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this title and the requirements that an alien is required to meet to receive such benefits.

SEC. 8017. RULEMAKING; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) RULEMAKING.—The Secretary shall issue regulations to implement this title not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—Except as otherwise provided, this title shall take effect on the date that regulations required under subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 and 2009 such sums as may be necessary to implement this title.

SEC. 8018. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual granted emergency agricultural worker status under section 8011 of the Emergency Agriculture Relief Act of 2008, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

"(e) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (d).".

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) in computing the average indexed monthly earnings of an individual, wages or self-employment income shall not be counted for any year for which no quarter of coverage may be credited to such individual pursuant to section 214(d).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. 8019. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted emergency agricultural worker status under the Emergency Agriculture Relief Act of 2008,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted emergency agricultural worker status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—H-2A Worker Program

SEC. 8021. REFORM OF H-2A WORKER PROGRAM.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218. H-2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H-2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H-2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to filé an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."

"SEC. 218A. H–2A WORKER EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Emergency Agriculture Relief Act of 2008 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2008, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—If Congress does not set a new wage standard applicable to this section before March 1, 2012, the adverse effect wage rate for each State beginning on March 1, 2012 shall be the wage rate that would have resulted under the methodology in effect on January 1, 2008.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2010, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2010, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—Notwithstanding any provision of the Emergency Agriculture Relief Act of 2008, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, dairy worker, or horse worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—

"(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, dairy worker, or horse worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of the eligible alien; or

"(B) the eligible alien.

"(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

"SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) ENFORCEMENT AUTHORITY.—

"(1) INVESTIGATION OF COMPLAINTS.—

"(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

“(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

“(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

“(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

“(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

“(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

“(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

“(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

“(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

“(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

“(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

“(i) a recovery under a State workers' compensation law; or

“(ii) rights conferred under a State workers' compensation law.

“(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

“(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(d) DISCRIMINATION PROHIBITED.—

“(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

“(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

“(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

“(f) ROLE OF ASSOCIATIONS.—

“(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor ,determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

“(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

“SEC. 218D. DEFINITIONS.

“For purposes of this section and section 218, 218A, 218B, and 218C:

“(1) AGRICULTURAL EMPLOYMENT.—The term ‘agricultural employment’ means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

“(2) BONA FIDE UNION.—The term ‘bona fide union’ means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

“(3) DISPLACE.—The term ‘displace’, in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

“(4) ELIGIBLE.—The term ‘eligible’, when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

“(5) EMPLOYER.—The term ‘employer’ means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

“(6) H–2A EMPLOYER.—The term ‘H–2A employer’ means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

“(7) H–2A WORKER.—The term ‘H–2A worker’ means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

“(8) JOB OPPORTUNITY.—The term ‘job opportunity’ means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

“(9) LAYING OFF.—

“(A) IN GENERAL.—The term ‘laying off’, with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A worker employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

(c) SUNSET.—The amendments made by this section shall be effective during the 5-year period beginning on the date that is 1 year after the date of the enactment of this Act. Any immigration benefit provided pursuant to such amendments shall expire at the end of such 5-year period.

Subtitle C—Miscellaneous Provisions

SEC. 8031. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 8021(a) and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 8021, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 8021(a), to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 8021(a) shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 8021, and the provisions of this title.

SEC. 8032. RULEMAKING.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 8021, shall take effect on the effective date of section 8021 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 8033. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 8011(a); and

(5) the number of such aliens whose status was adjusted under section 8011(a).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

TITLE IX

TELEWORK ENHANCEMENT ACT OF 2008

SECTION 9001. SHORT TITLE.

This Act may be cited as the "Telework Enhancement Act of 2008".

SEC. 9002. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term "employee" has the meaning given that term by section 2105 of title 5, United States Code.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term by section 105 of title 5, United States Code.

(3) NONCOMPLIANT.—The term "noncompliant" means not conforming to the requirements under this Act.

(4) TELEWORK.—The term "telework" means a work arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

SEC. 9003. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) TELEWORK ELIGIBILITY.—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) PARTICIPATION.—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement between an agency manager and an employee authorized to telework in order for that employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by an agency head, not apply to any employee of the agency whose official duties require daily physical presence for activity with equipment or handling of secure materials; and

(5) determine the use of telework as part of the continuity of operations plans the agency in the event of an emergency.

SEC. 9004. TRAINING AND MONITORING.

The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) no distinction is made between teleworkers and nonteleworkers for the purposes of performance appraisals; and

(3) when determining what constitutes diminished employee performance, the agency shall consult the established performance management guidelines of the Office of Personnel Management.

SEC. 9005. POLICY AND SUPPORT.

(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities; and

(2) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, and equipment.

(c) CONTINUITY OF OPERATIONS PLANS.—During any period that an agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) TELEWORK WEBSITE.—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

(C) guidance developed by the Office of Personnel Management; and

(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

SEC. 9006. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

(1) APPOINTMENT.—The head of each executive agency shall appoint an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 99) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "appoint a Telework Managing Officer to be".

(B) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2919) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "appoint a Telework Managing Officer to be".

(b) DUTIES.—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees; and

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable appointing authority may assign.

SEC. 9007. ANNUAL REPORT TO CONGRESS.

(a) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management shall—

(1) submit a report addressing the telework programs of each executive agency to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(b) CONTENTS.—Each report submitted under this section shall include—

(1) the telework policy, the measures in place to carry out the policy, and an analysis of employee telework participation during the preceding 12-month period provided by each executive agency;

(2) an assessment of the progress of each agency in maximizing telework opportunities for employees of that agency without diminishing employee performance or agency operations;

(3) the definition of telework and telework policies and any modifications to such definitions;

(4) the degree of participation by employees of each agency in teleworking during the period covered by the evaluation, including—

(A) the number and percent of the employees in the agency who are eligible to telework;

(B) the number and percent of employees who engage in telework;

(C) the number and percent of eligible employees in each agency who have declined the opportunity to telework; and

(D) the number of employees who were not authorized, willing, or able to telework and the reason;

(5) the extent to which barriers to maximize telework opportunities have been identified and eliminated; and

(6) best practices in agency telework programs.

SEC. 9008. COMPLIANCE OF EXECUTIVE AGENCIES.

(a) EXECUTIVE AGENCIES.—An executive agency shall be in compliance with this Act if each employee of that agency participating in telework regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

(b) AGENCY MANAGER REPORTS.—Not later than 180 days after the establishment of a policy described under section 9003, and annually thereafter, each agency manager shall submit a report to the Chief Human Capital Officer and Telework Managing Officer of that agency that contains a summary of—

(1) efforts to promote telework opportunities for employees supervised by that manager; and

(2) any obstacles which hinder the ability of that manager to promote telework opportunities.

(c) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

(1) IN GENERAL.—Each year the Chief Human Capital Officer of each agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Offices Council on agency management efforts to promote telework.

(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Offices Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under section 9007(b)(2); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

(d) COMPLIANCE REPORTS.—Not later than 90 days after the date of submission of each report under section 9007, the Office of Management and Budget shall submit a report to Congress that—

(1) identifies and recommends corrective actions and time frames for each executive agency that the Office of Management and Budget determines is noncompliant; and

(2) describes progress of noncompliant executive agencies, justifications of any continuing noncompliance, and any recommendations for corrective actions planned by the Office of Management and Budget or the executive agency to eliminate noncompliance.

SEC. 9009. EXTENSION OF TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5710 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking "for a period not to exceed 24 months"; and

(2) in subsection (e), by striking "7 years" and inserting "16 years".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 112 Stat. 2350).

TITLE X

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 10002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 10003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXTENSION OF EB–5 REGIONAL CENTER PILOT PROGRAM

SEC. 10004. Section 610(b) of the Departments of Commerce, Justice, and State, the

Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "for 15 years" and inserting "for 20 years".

INTERIM RELIEF FOR SKILLED IMMIGRANT WORKERS

SEC. 10005. (a) RECAPTURE OF UNUSED EMPLOYMENT-BASED VISA NUMBERS.—Subsection (d) of section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1994, 1996, 1997, 1998," after "available in fiscal year";

(B) by striking "or 2004" and inserting "2004, or 2006"; and

(C) by striking "shall be available" and all that follows through the end and inserting "shall be available only to—

"(A) an employment-based immigrant under paragraph (1), (2), (3)(A)(i), or (3)(A)(ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), except for employment-based immigrants whose petitions are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations; or

"(B) a spouse or child accompanying or following to join such an employment-based immigrant under section 203(d) of such Act (8 U.S.C. 1153(d)).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "years 1999 through 2004" and inserting "year 1994 and each subsequent fiscal year"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "(i)"; and

(ii) by striking clause (ii); and

(3) by adding at the end the following new paragraph:

"(4) EMPLOYMENT-BASED VISA RECAPTURE FEE.—A fee shall be paid in connection with any petition seeking an employment-based immigrant visa number recaptured under paragraph (1), known as the Employment-Based Visa Recapture Fee, in the amount of $1500. Such Fee may not be charged for a dependent accompanying or following to join such employment-based immigrant.".

(b) DISPOSITION OF FEES.—

(1) IMMIGRATION EXAMINATION FEE ACCOUNT.—The fees described in paragraph (2) shall be treated as adjudication fees and deposited as offsetting receipts into the Immigration Examinations Fee Account in the Treasury of the United States under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(2) FEES DESCRIBED.—The fees described in this paragraph are the following:

(A) Any Employment-Based Visa Recapture Fee collected pursuant to paragraph (4) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000, as added by subsection (a)(3).

(B) Any Supplemental Adjustment of Status Application Fee collected pursuant to paragraph (3) of subsection (n) of section 245 of the Immigration and Nationality Act, as added by subsection (c)(1).

(c) RETAINING GREEN CARD APPLICANTS WORKING IN THE UNITED STATES.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(1) ELIGIBILITY.—The Secretary of Homeland Security shall provide for the filing of an adjustment application by an alien (and any eligible dependents of such alien) who has an approved or pending petition under subparagraph (E) or (F) of section 204(a)(1), regardless of whether an immigrant visa is immediately available at the time the application is filed.

"(2) VISA AVAILABILITY.—An application filed pursuant to paragraph (1) shall not be approved until an immigrant visa becomes available.

"(3) FEES.—If an application is filed pursuant to paragraph (1) at a time at which a visa is not immediately available, a fee, known as the Supplemental Adjustment of Status Application Fee, in the amount of $1500 shall be paid on behalf of the beneficiary of such petition. Such Fee may not be charged for a dependent accompanying or following to join such beneficiary.".

(2) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the implementation of subsection (n) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), as added by paragraph (1).

(3) REPEAL.—Unless a law is enacted that repeals this paragraph, the amendments made by paragraph (1) shall be repealed on the date that is 5 years after the date of the enactment of this Act.

SEC. 10006. NURSING SHORTAGE RELIEF. (a) INCREASING VISA NUMBERS.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended by adding at the end the following:

"(e) VISA SHORTAGE RELIEF FOR NURSES AND PHYSICAL THERAPISTS.—

"(1) IN GENERAL.—Subject to paragraph (2), for petitions filed during the period beginning on the date of the enactment of the Emergency Nursing Supply Relief Act and ending on September 30, 2011, for employment-based immigrants (and their family members accompanying or following to join under section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)), which are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, the numerical limitations set forth in sections 201(d) and 202(a) of such Act (8 U.S.C. 1151(d) and 1152(a)) shall not apply.

"(2) LIMITATION ON NUMBER OF VISAS.—The Secretary of State may not issue more than 20,000 immigrant visa numbers in any one fiscal year (plus any available visa numbers under this paragraph not used during the preceding fiscal year) to principal beneficiaries of petitions pursuant to paragraph (1).

"(3) EXPEDITED REVIEW.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in paragraph (1) not later than 30 days after the date on which a completed petition has been filed.

"(f) FEE FOR USE OF VISAS UNDER SUBSECTION (a).—

"(1) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa provided under subsection (e) to provide employment for an alien as a professional nurse, except that—

"(A) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

"(B) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

"(i) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

"(ii) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

"(2) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to paragraph (1) shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.".

(b) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

"SEC. 832. CAPITATION GRANTS.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

"(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

"(c) GRANT COMPUTATION.—

"(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

"(B) $1,405 for each full-time or part-time student who—

"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

"(ii) has not more than 3 years of academic credits remaining in the program.

"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

"(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

“(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

“(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

“(d) ELIGIBILITY.—In this section, the term ‘eligible school of nursing’ means a school of nursing that—

“(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

“(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

“(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

“(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

“(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

“(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

“(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

“(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

“(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

“(i) the physical facilities at the school involved limit the school from enrolling additional students; or

“(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

“(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

“(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

“(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

“(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

“(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

“(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

“(F) Increasing enrollment of minority and diverse student populations.

“(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

“(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

“(I) Increasing integration of geriatric content into the core curriculum.

“(J) Partnering with economically disadvantaged communities to provide nursing education.

“(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

“(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

“(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

“(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

“(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

“(2) not later than September 30, 2010, a final report on such results.

“(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

“SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

“(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the ‘Domestic Nursing Enhancement Account.’ Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

“(b) USE OF FUNDS.—Amounts collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.”.

(c) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

“(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

“(2) to meet the continuous residency requirements under section 316(b).

“(b) DEFINITIONS.—In this section:

“(1) CANDIDATE COUNTRY.—The term ‘candidate country’ means a country that the Secretary of State determines to be—

“(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

“(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

“(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

“(2) ELIGIBLE ALIEN.—The term ‘eligible alien’ means an alien who—

“(A) has been lawfully admitted to the United States for permanent residence; and

“(B) is a physician or other healthcare worker.

“(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

“(d) PUBLICATION.—The Secretary of State shall publish—

“(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

“(2) an updated version of the list required by paragraph (1) not less often than once each year; and

“(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).”.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: "except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,".

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "1101(a)(27)(A),".

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing health care in developing countries.".

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(d) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

"(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

SEC. 10007. NURSE TRAINING AND RETENTION DEMONSTRATION GRANTS. (a) FINDINGS.—Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

(b) PURPOSES OF GRANT PROGRAM.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(c) GRANTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the "Secretary") shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consists of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (d).—To be eligible for a grant under this section, a healthcare employer described in subsection (d) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management or other jointly administered training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a bachelor of science in nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance to incumbent healthcare workers.

(f) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs).

(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, resources dedicated by an entity, or other Federal, State, or local funds available to carry out activities described in this section.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(g) ACTIVITIES.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, precollege counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(h) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurses or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(i) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality as determined by the Secretary; and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than September 30, 2011, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal years 2010, 2011, and 2012, such sums as may be necessary. Funds appropriated under this subsection shall remain available until expended without fiscal year limitation.

EXPLANATORY STATEMENT

SEC. 10008. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

SHORT TITLE

SEC. 10009. This Act may be cited as the "Supplemental Appropriations Act, 2008".

SA 4787. Mr. BYRD submitted an amendment intended to be proposed by him to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $825,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the "Defense Health Program" for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading "Other Procurement, Navy" may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

"(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.".

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,000,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the "Mine Resistant Ambush Protected Vehicle Fund", to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking "$362,159,000" and inserting "$435,259,000".

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for "Defense Health Program" in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for "Joint Improvised Explosive Device Defeat Fund" in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the "Iraq Freedom Fund", $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 11312. H–2B NONIMMIGRANTS. (a) SHORT TITLE.—This section may be cited as the "Save Our Small and Seasonal Businesses Act of 2007".

(b) EXTENSION OF RETURNING WORKER EXEMPTION TO H–2B NUMERICAL LIMITATION.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 3-year period beginning on October 1, 2007.

SA 4788. Mr. BYRD submitted an amendment intended to be proposed by him to the House amendment to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220-1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 12002. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 12003. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 12004. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

TRANSITION OF THE MISSION OF UNITED STATES FORCES IN IRAQ

SEC. 12005. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to counterterrorism operations; training, equipping and supporting Iraqi forces; and force protection, with the goal of completing that transition by June 2009.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 12006. None of the funds appropriated or otherwise made available by this Act or any other Act shall be available for the implementation of any agreement between the United States and the Republic of Iraq containing a security commitment, arrangement, or assurance unless the agreement has entered into force in the form of a Treaty under section 2, clause 2 of Article II of the Constitution of the United States or has been authorized by a law enacted pursuant to section 7, clause 2 of Article I of the Constitution of the United States.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 12007. None of the funds made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REPORT ON IRAQ BUDGET

SEC. 12008. As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12009. (a) Not more than 20 percent of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended unless and until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the House and Senate Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

PROHIBITION ON WAR PROFITEERING

SEC. 12010. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1041. War profiteering and fraud

"(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

"(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

"(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

"(2) in connection with the contract or the provision of those goods or services—

"(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(B) makes any materially false, fictitious, or fraudulent statements or representations; or

"(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

"1041. War profiteering and fraud.".

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1041".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1041 (relating to war profiteering and fraud)," after "liquidating agent of financial institution),".

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting "section 1041 (relating to war profiteering and fraud)," after "in connection with access devices),".

WARTIME CONTRACT FRAUD STATUTE ON LIMITATION EXTENSION

SEC. 12011. Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))," after "is at war";

(2) by inserting "or directly connected with or related to the authorized use of the Armed Forces" after "prosecution of the war";

(3) by striking "three years" and inserting "5 years";

(4) by striking "proclaimed by the President" and inserting "proclaimed by a Presidential proclamation, with notice to Congress,"; and

(5) by adding at the end the following: "For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).".

CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ

SEC. 12012. (a) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense for United States assistance (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The Secretary of Defense shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending funds appropriated by this Act for the Department of Defense (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term "large-scale infrastructure project" means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(b) COMBINED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

NOTIFICATION OF THE RED CROSS

SEC. 12013. (a) REQUIREMENT.—None of the funds appropriated by this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or an instrumentality of such element if the International Committee of the Red Cross is not provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) INSTRUMENTALITY DEFINED.—In this section, the term "instrumentality", with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

SEC. 12014. (a) Of the amount appropriated or otherwise made available by the Act for the Department of Defense, up to $3,000,000 shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanics of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month time period and an 18-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this subsection shall (1) assume a scenario in which 40,000 United States military forces remain in Iraq for the purpose of protecting United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations and (2) assume a scenario in which 100,000 United States military forces remains in Iraq for such purpose.

(b) Not later than 180 days after the date of the enactment of this Act the FFRDC shall provide the analysis and examination developed pursuant to subsection (a) to the Secretary of Defense. The Secretary shall submit the analysis and examination to the congressional defense committees in classified form, and shall include an unclassified summary of key judgments.

TITLE XIII—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

SEC. 13001. SHORT TITLE.

This title may be cited as the "MEJA Expansion and Enforcement Act of 2008".

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

"(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,".

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

"(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);"; and

(B) by adding at the end the following new paragraphs:

"(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

"(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

"(i) a civilian employee;

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);

"(B) present or residing outside the United States in connection with such employment; and

"(C) not a national of or ordinarily a resident in the host nation.

"(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

"(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

"(i) a civilian employee;

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);

"(B) authorized in the course of such employment—

"(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

"(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

"(iii) to use force against another; or

"(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

"(C) present or residing outside the United States in connection with such employment; and

"(D) not a national of or ordinarily resident in the host nation.

"(7) The term 'qualifying military operation' means—

"(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

"(B) a contingency operation (as defined in section 101 of title 10); or

"(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.".

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 13002(a) of this Act); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this title. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this title and the amendments made by this title and chapter 212 of title 18, United States Code.

SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.

(a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

"(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.".

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3262—

(i) in subsection (a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

"(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the

United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).";

(B) in section 3263(a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(C) in section 3264(a), by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested";

(D) section 3265(a)(1) by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested"; and

(E) in section 3266(a), by striking "under this chapter" and inserting "described in section 3261(a)(1) or 3261(a)(2)".

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking "section 3261(a)" and inserting "section 3261(a)(1) or 3261(a)(2)".

SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.

Nothing in this title or the amendments made by this title shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this title.

SEC. 13006. DEFINITION.

For purposes of this title and the amendments made by this title, the term "Executive agency" has the meaning given in section 105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provisions of this title shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Subcommittee on Water and Power. The hearing will be held on Tuesday, May 27, 2008, at 2 p.m., at the Best Western Ramkota Hotel and Conference Center, located at 3200 W. Maple Street, in Sioux Falls, South Dakota.

The purpose of the hearing is to receive testimony on the Bureau of Reclamation's implementation of the Rural Water Supply Act of 2006, and the status of implementation of authorized rural water projects in the Great Plains Region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to *Gina_Weinstock@energy.senate.gov.*

For further information, please contact Michael Connor at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 21, 2008, at 2 p.m. to hear testimony on the nominations of Cynthia L. Bauerly, Caroline C. Hunter, and Donald F. McGahn to be members of the Federal Election Commission.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 21, 2008, at 2:45 p.m., upon completion of the FEC confirmation hearing, to conduct an executive business meeting to consider the nominations of Cynthia L. Bauerly, Caroline C. Hunter, and Donald F. McGahn to be members of the Federal Election Commission.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Madam President, on behalf of Senator CONRAD, I ask unanimous consent that the following staff of the Budget Committee be granted full floor access privileges during consideration of the conference report to accompany the fiscal year 2009 concurrent resolution on the budget: John Righter, Joel Friedman, Steve Posner, Jim Hearn, Cheri Reidy, and Dave Fisher.

I further ask unanimous consent that Brock Ramos, a fellow on the Budget Committee staff, be granted floor privileges during consideration of the conference report to accompany the fiscal year 2009 concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE CHINA EARTHQUAKE

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 569, a resolution introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 569) expressing the sense of the Senate regarding the earthquake that struck Sichuan Province of the People's Republic of China on May 12, 2008.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Madam President, I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 569) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 569

Whereas, on May 12, 2008, a powerful earthquake measuring 7.9 on the Richter Scale struck Wenchuan County in the Sichuan Province of the People's Republic of China, leaving at least 34,000 people dead, 245,000 people injured, and an estimated 5,000,000 people homeless;

Whereas authorities of the Government of the People's Republic of China report that approximately 9,500 people remain buried in Sichuan Province and another 29,000 people remain missing;

Whereas authorities of the Government of the People's Republic of China report that the final death toll is expected to exceed 50,000;

Whereas authorities of the Government of the People's Republic of China also report that as many as 4,700,000 homes were destroyed in Sichuan, Gansu, and Shaanxi Provinces and nearly 80 percent of the buildings collapsed in Beichuan County;

Whereas the sheer devastation caused by the earthquake and inclement weather has made rescue efforts exceptionally difficult, particularly in the areas hardest hit by the earthquake;

Whereas authorities of the Government of the People's Republic of China report that 158 relief workers were killed in landslides while working to repair roads in the areas most devastated by the earthquake;

Whereas the Seismological Bureau of the People's Republic of China reports that the earthquake has affected more than half of China's provinces and municipalities;

Whereas authorities of the Government of the People's Republic of China report that more than 2,000 aftershocks have occurred in the aftermath of the earthquake, some greater than a magnitude of 6.0 on the Richter Scale;

Whereas authorities of the Government of the People's Republic of China also report that 6,898 schoolrooms collapsed in Sichuan Province, trapping and killing hundreds of young students and their teachers;

Whereas the earthquake of May 12, 2008, was China's deadliest natural disaster since 1976, when hundreds of thousands of people were killed by an earthquake that struck the city of Tangshan;

Whereas, on May 12, 2008, President George W. Bush said that the United States "stands ready to help in any way possible"; and

Whereas the Prime Minister of China, Wen Jiabao, said on May 13, 2008, that "[t]he death toll and damage are more serious than we expected and we need more people here to help": Now, therefore, be it

Resolved, That the Senate—

(1) mourns the horrific loss of life and terrible human suffering caused by the earthquake in the People's Republic of China on May 12, 2008;

(2) expresses its deep condolences to the people of the People's Republic of China and to all those affected by this enormous tragedy;

(3) expresses its profound sorrow for the families of all who lost loved ones, including

those who suffered the heartbreaking loss of having their children trapped in schools that collapsed;

(4) calls on the President to respond to any requests for humanitarian assistance made by the Government of the People's Republic of China; and

(5) stands ready to support the provision of additional resources, as necessary, to assist those impacted by the earthquake.

CONGRATULATING ALBANIA AND CROATIA

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 570, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 570) congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 570) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 570

Whereas the North Atlantic Treaty Organization (NATO) met in April 2008 to enlarge the alliance, to reaffirm the purpose of NATO to defend the populations, territories, and forces in the Euro-Atlantic region, and to further strengthen the ability of NATO to confront existing and emerging 21st-century security threats;

Whereas NATO invited Albania and Croatia to begin accession talks to join NATO and indicated that those talks will begin immediately, with the aim of signing Accession Protocols by the end of July 2008 and completing the ratification process without delay;

Whereas NATO expressed recognition of the hard work and commitment demonstrated by other countries that aspire to join NATO and commended those countries for their efforts to build multiethnic societies;

Whereas NATO agreed that Ukraine and Georgia have made valuable contributions to NATO operations, expressed clear support for the applications for Membership Action Plans from Ukraine and Georgia as the next step to full membership, and stated that NATO will begin a period of intensive engagement with Ukraine and Georgia to assess those applications for the December 2008 meeting;

Whereas NATO invited Bosnia and Herzegovina and Montenegro to begin an Intensified Dialogue on the full range of political, military, financial, and security issues relating to their aspirations to join NATO;

Whereas NATO expressed the desire to develop an ambitious and substantive relationship with Serbia, making full use of Serbia's membership in the Partnership for Peace, and to make more progress toward integrating Serbia into the Euro-Atlantic community, including though an Intensified Dialogue following a request by Serbia; and

Whereas NATO's ongoing enlargement process has been a historic success in advancing stability and cooperation and reaching the transatlantic goal of ensuring that Europe is whole and free, and united in peace, democracy, and common values: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Albania and Croatia on being invited by the North Atlantic Treaty Organization (NATO) to begin accession talks and recognizes the historic nature of that achievement, earned through years of hard work and a demonstrated commitment to common security and the shared values of NATO members;

(2) expresses strong support for the timely completion of the accession process with Albania and Croatia.

(3) fully supports the invitations to initiate an Intensified Dialogue between NATO and Bosnia and Herzegovina, Montenegro, and Serbia;

(4) continues to strongly support the aspirations of Ukraine and Georgia to become integrated into the Euro-Atlantic community, as reaffirmed in Senate Resolution 523, 110th Congress, agreed to April 28, 2008;

(5) supports the enlargement of NATO and believes that continued engagement with all countries that aspire to join NATO will strengthen security for all countries in the Euro-Atlantic region;

(6) supports the declaration of NATO at the Bucharest Summit, which states that NATO's door should remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the North Atlantic Treaty, signed at Washington April 4, 1949 (TIAS 1964); and

(7) affirms the statement in that declaration that any decision with respect to the membership of countries in NATO will be made through consensus, by members of NATO, and no country outside of NATO has a vote or veto with respect to such decisions.

AUTHORIZATION OF CALCULATORS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the use of calculators be permitted on the floor of the Senate during consideration of the conference report on the 2009 concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR NOS. 537, 538, and 574

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that on Tuesday, May 20, at 12 noon, the Senate proceed to executive session to consider the following nominations, with the debate time equally divided and controlled between the chair and ranking member or their designees until 12:30 p.m.: Executive Calendar No. 537, the nomination of Michael G. McGinn; Executive Calendar No. 538, the nomination of Ralph E. Martinez; finally, Executive Calendar No. 574, the nomination of G. Steven Agee; that the nominees be debated concurrently; that at 2:15 p.m., there be 15 additional minutes, equally divided and controlled between Senators WEBB and WARNER or their designees; that at 2:30 p.m., the Senate proceed to vote on confirmation of the nomination of G. Steven Agee; that upon confirmation of the Agee nomination, Calendar Nos. 537 and 538 be confirmed by consent and the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, no further motions be in order, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 20, 2008

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, May 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; that following morning business, the Senate proceed to executive session under the previous order. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Madam President, under a previous order, the first vote of the day will occur at 2:30 p.m. on the confirmation of the nomination of G. Steven Agee to be U.S. Circuit Judge for the Fourth Circuit. Following executive session, we are expected to turn to the consideration of the House message to accompany H.R. 2642, the Iraq supplemental appropriations bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Tuesday, May 20, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 19, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 19, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 33 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, in You there is no contradiction, only truth. In You no contraries nor complementary parts, only absolute unity and simplicity. Look with mercy upon our complex world filled with half-truths and partial fulfillment.

In the labyrinth of a globalized world, help this Congress and this Nation not to lose its way of operating according to transcending principles and constitutional rights and responsibilities. By the light of faith, lead us one step at a time to create a society of equal justice under the law and so give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 16, 2008, at 9:05 a.m.:

That the Senate passed without amendment H.R. 2356.

That the Senate agreed to S.J. Res. 28.

That the Senate disagrees to the amendment of the House of Representatives to the bill; Senate agrees to a conference with the House of Representatives; Senate appoints conferees S. Con. Res. 70.

That the Senate passed S. 3029.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER.
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2008.

Hon. NANCY PELOSI,
Speaker, The Capitol,
House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 16, 2008, at 3:03 p.m. and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Burma first declared in Executive Order 13407 of May 20, 1997.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–113)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the Burma emergency is to continue beyond May 20, 2008.

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its engaging in large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, and its expansion on October 18, 2007, and April 30, 2008, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat. This action does not inhibit any efforts on the part of the United States to provide humanitarian assistance to the people of Burma in the aftermath of Cyclone Nargis.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 16, 2008.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1215

COMMUNICATION FROM CONSTITUENT LIAISON, THE HONORABLE STENY HOYER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jamie Grove, Constituent Liaison, the Honorable STENY HOYER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the District Court of Charles County, Maryland, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JAMIE GROVE,
Constituent Liaison.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

CORAL REEF ECOSYSTEMS

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 300) recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 300

Whereas coral reef ecosystems are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forest of the oceans;

Whereas healthy coral reef ecosystems provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

Whereas healthy coral reef ecosystems function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves, storm surges, and accompanying losses of human life and property;

Whereas the coral reef research community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats, including climate change;

Whereas the health of coral reef ecosystems is at serious risk due to a variety of human activities, both local and global;

Whereas protecting and conserving coral reef ecosystems is an urgent issue, but they may be preserved if we act now;

Whereas changing climate is potentially one of the most significant long-term influences on the structure and function of coral reef ecosystems, including the devastating effects of ocean acidification and rising ocean temperatures;

Whereas a wide variety of destructive fishing practices, including the use of cyanide, other poisons, surfactants, and explosives, are contributing to the global decline of coral reef ecosystems;

Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas located in both the Pacific and Caribbean, through building local management capacity, and by supporting effective management and sound research to preserve, sustain, and restore valuable coral reef ecosystems;

Whereas our Nation's coral reef ecosystems provide benefit and opportunity to all, and conservation of these important resources requires the coordinated efforts of the many Federal agencies and State, territory, and commonwealth partners that comprise the U.S. Coral Reef Task Force and our many nongovernmental, international, and academic partners;

Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef ecosystem stewardship by launching and remaining an active and engaged participant in the International Coral Reef Initiative, and by maintaining professional networks for the purposes of sharing knowledge and information on coral reef ecosystems, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general body of coral reef knowledge; and

Whereas 2008 has been declared the "International Year of the Reef" by the coral reef research community and over 40 national and international coral reef research, conservation, and academic organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, by—

(1) strengthening awareness about ecological, economic, social, and cultural values of coral reefs and associated ecosystems;

(2) improving understanding of the critical threats to coral reefs and generating both practical and innovative solutions to reduce those threats; and

(3) initiating the prompt development and implementation of effective management strategies for the conservation and sustainable use of those ecosystems.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 300 recognizes the necessity for the United States to maintain its significant leadership role in improving the health and promoting resiliency of coral reef ecosystems.

Coral reef ecosystems are not only economically important to commercial fisheries and marine tourism of many places, including my own district of Guam, but they also act as natural protective coastal barriers during storm surges and high waves.

In 2008, the International Year of the Reef, the United States can help facilitate coordinated conservation efforts and maintain its leadership by working to strengthen awareness of the values of the coral reef ecosystems. This resolution, Mr. Speaker, encourages continued United States leadership in that regard, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution. House Concurrent Resolution 300 does make an important point to the American people and to the world that the United States has been a leader in the preservation and restoration of our coral reefs.

Like the gentlewoman from Guam, I have a long coastline and recognize that without the often-called "rain forest of the ocean," the world would not eat, our coastlines would be eroded, and, without a doubt, life as we know it would not prevail.

So, Mr. Speaker, I do ask strong support in favor of this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H. Con. Res. 300, recognizing the urgency for the U.S. to maintain its leadership role in protecting and promoting the resiliency of our coral reef ecosystems.

First, I want to commend the chief sponsors, Ms. BORDALLO of Guam and Ms. ROS-LEHTINEN of Florida, for their initiative in introducing this important resolution. I also want to acknowledge the support and leadership of Chairman NICK RAHALL and Ranking Member DON YOUNG of Alaska of the Committee on Natural Resources.

As a member of the Subcommittee on Fisheries, Wildlife, and Oceans, I want to personally commend my good friend, Chairwoman

BORDALLO, for her tireless work on the many issues affecting our oceans. This resolution in particular is an example of the efforts by the Congress in promoting U.S. leadership and participation in preserving our natural resources. Given that 2008 has been designated the "International Year of the Reef," it is only appropriate that we must reinforce U.S. commitments to the international efforts to protect critical coral reef habitats.

Mr. Speaker, according to a recent U.N. report on oceans, 60 percent of the world's coral reefs will die-off by 2030. This is due to the changes in the climate because of global warming from the harm chemicals and human activity has placed on our environment. It is our responsibility to enhance international efforts to protect and restore our coastal marine resources. We have taken many steps to achieve these efforts by establishing the U.S. Coral Reef Task Force in 1998 that has done so much through enhancing research and monitoring, implementing action strategies, and formulating and enforcing national policy on protecting and preserving all of our coastal reefs.

Last year, I introduced H.R. 1205, the Coral Reef Conservation Act of 2000, that was unanimously passed by the House in October 2007. This legislation will codify the U.S. Coral Reef Task Force and will advance existing programs that address this core issue. However, there has been no further action on the Senate side. I am hopeful that this important legislation will be passed by the end of the year.

Again, I urge my colleagues to pass H. Con. Res. 300. I thank my colleagues for supporting this important bipartisan resolution.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 300.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MANAGING FISH STOCKS IN ARCTIC OCEAN

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 17) directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 17

Whereas the decline of several commercially valuable fish stocks throughout the world's oceans highlights the need for fishing nations to conserve fish stocks and develop management systems that promote fisheries sustainability;

Whereas fish stocks are migratory throughout their habitats, and changing ocean conditions can restructure marine habitats and redistribute the species dependent on those habitats;

Whereas changing global climate regimes may increase ocean water temperature, creating suitable new habitats in areas previously too cold to support certain fish stocks, such as the Arctic Ocean;

Whereas habitat expansion and migration of fish stocks into the Arctic Ocean and the potential for vessel docking and navigation in the Arctic Ocean could create conditions favorable for establishing and expanding commercial fisheries in the future;

Whereas commercial fishing has occurred in several regions of the Arctic Ocean, including the Barents Sea, Kara Sea, Beaufort Sea, Chukchi Sea, and Greenland Sea, although fisheries scientists have only limited data on current and projected future fish stock abundance and distribution patterns throughout the Arctic Ocean;

Whereas remote indigenous communities in all nations that border the Arctic Ocean engage in limited, small scale subsistence fishing and must maintain access to and sustainability of this fishing in order to survive;

Whereas many of these communities depend on a variety of other marine life for social, cultural and subsistence purposes, including marine mammals and seabirds that may be adversely affected by climate change, and emerging fisheries in the Arctic should take into account the social, economic, cultural and subsistence needs of these small coastal communities;

Whereas managing for fisheries sustainability requires that all commercial fishing be conducted in accordance with science-based limits on harvest, timely and accurate reporting of catch data, equitable allocation and access systems, and effective monitoring and enforcement systems;

Whereas migratory fish stocks traverse international boundaries between the exclusive economic zones of fishing nations and the high seas, and ensuring sustainability of fisheries targeting these stocks requires management systems based on international coordination and cooperation;

Whereas international fishing treaties and agreements provide a framework for establishing rules to guide sustainable fishing activities among those nations that are parties to the agreement, and regional fisheries management organizations provide international fora for implementing these agreements and facilitating international cooperation and collaboration;

Whereas under its authorities in the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council has proposed that the United States close all Federal waters in the Chukchi and Beaufort Seas to commercial fishing until a fisheries management plan is fully developed; and

Whereas future commercial fishing and fisheries management activities in the Arctic Ocean should be developed through a coordinated international framework, as provided by international treaties or regional fisheries management organizations, and this framework should be implemented before significant commercial fishing activity expands to the high seas: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region;

(2) the agreement or agreements negotiated pursuant to paragraph (1) should conform to the requirements of the United Nations Fish Stocks Agreement and contain mechanisms, inter alia, for establishing catch and bycatch limits, harvest allocations, observers, monitoring, data collection and reporting, enforcement, and other elements necessary for sustaining future Arctic fish stocks;

(3) as international fisheries agreements are negotiated and implemented, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities of the Arctic; and

(4) until the agreement or agreements negotiated pursuant to paragraph (1) come into force and measures consistent with the United Nations Fish Stocks Agreement are in effect, the United States should support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Senate Joint Resolution 17 directs the United States to initiate international discussions and take necessary steps with other nations to negotiate an agreement to manage migratory and transboundary fish stocks in the Arctic Ocean.

It is important that any new or expanded fishing by the United States and other countries be conducted in a sustainable manner with science-based limits on catch as well as effective enforcement and monitoring systems. So to that end, it is important for the United States to begin the process to negotiate agreements with other Arctic nations to manage migratory, transboundary, and straddling fish stocks in the Arctic Ocean before any overfishing or overdevelopment of these fisheries can occur.

I urge the support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I too rise in support of Senate Joint Resolution 17, introduced by Senator TED STEVENS. Clearly, he knows firsthand the importance of fishing to the United States, to the State of Alaska, and to the world. He also has seen, in his tenure in the Congress, firsthand the effects of overfishing.

As one after another worldwide fleets begin deploying to our shores when their own shores have been overfished, we will have and will see a reduction in our domestic catches. For that reason I believe this resolution sends a strong statement of America's policy to manage scientifically our fisheries both onshore and offshore, and I join with the gentlewoman from Guam in support of this resolution and urge its success.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all of my colleagues to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 17.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

* * *

CELEBRATING THE 50TH ANNIVERSARY OF THE MACKINAC ISLAND STATE PARK COMMISSION'S HISTORICAL PRESERVATION AND MUSEUM PROGRAM

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 325) celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 325

Whereas the Mackinac Island State Park Commission was created, in 1895, to care for and manage Mackinac Island State Park;

Whereas Michilimackinac State Park and Mill Creek State Park were later added to the family of parks and historic sites under the authority of the Commission;

Whereas, in 1958, Michigan granted authority to the Commission to restore and interpret Fort Mackinac and other historical properties at the Straits of Mackinac;

Whereas, in 1958, the Commission began restoration, installed exhibits, and opened Fort Mackinac to the public;

Whereas, in 1959, the Commission began archaeological excavation of Colonial Michilimackinac and opened it to the public one year later;

Whereas, in 1984, the Commission opened Historic Mill Creek Discovery Park;

Whereas, in 2004, after 14 years of being closed, Old Mackinac Point Lighthouse was reopened with an ongoing restoration program;

Whereas, for 50 years, the Commission has professionally and successfully developed, promoted, and improved the Mackinac State Historic Parks complex, which has been continuously recognized by the American Association of Museums; and

Whereas the Mackinac State Historic Parks complex has hosted more than 10,000,000 visitors since 1958, making it one of the most successful historic site complexes in North America and an important contributor to the tourism economy of northern Michigan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) celebrates the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program; and

(2) respectfully requests the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Mackinac Island State Park Commission as evidence of the Commission successfully fulfilling its mission to protect, preserve, and present the historical and natural wonders of Mackinac Island.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 325, introduced by our colleague, Representative BART STUPAK, celebrates the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program.

Mackinac Island was originally named our Nation's second national park in 1875. But it was turned over to the State of Michigan in 1895 when it became Michigan's first State park, and the Mackinac Island State Park Commission was created to care for and manage the park. Eighty percent of the island is still managed as a State park to preserve its geological wonders, wildlife, and wooded areas.

In 1958 Michigan granted authority to the commission to restore and interpret historical properties in the park. And so today we are celebrating the 50th anniversary of those efforts.

Our colleague Mr. STUPAK is to be commended for his efforts on this measure.

Mr. Speaker, I support House Concurrent Resolution 325, and I urge its adoption today.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution and commend the gentleman from Michigan for offering this resolution that recognizes the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program.

It is very clear that in America we do care about our natural resources, our natural beauty, and we find ways to show that. In the case of Michigan, this recognizes 50 years of, in fact, applauding and preserving the kinds of beauty that exist, I won't say only in Michigan, as a native Ohioan, but throughout the Midwest.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Con. Res. 325, celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program. This program is of special importance to the people of my state as it has preserved Mackinac's valuable history for generations to come.

From Mackinac's roots as an American Revolutionary War post, a battleground during the War of 1812, and a Civil War prison, Mackinac has been an important site in shaping American history. It was the Historical Preservation and Museum Program which restored the remarkable treasure of Fort Mackinac and opened its doors to eager and interested tourists in 1958. Now for 50 years, visitors have been able to step back in time and experience the setting of the old Northwest and frontier.

In addition to the undeniable preservation undertaken by the Mackinac Island State Park Commission's Historical Preservation and Museum Program, I value the strong impact the program provides the tourism economy of Michigan. Mackinac is a tourist destination because of its beautiful scenery and captivating history, and has welcomed more than 10 million visitors to the Mackinac State Historic Parks since 1958.

The people of Michigan are blessed to continue to share stories from our state that shaped the nation. We recognize the vital role the Mackinac Island State Park Commission's Historical Preservation and Museum Program has played in preserving our noteworthy history and conveying it in such an exciting way. The Commission's restoration and reopening of Old Mackinac Point Lighthouse in 2004, which further added to the rich traditions enjoyed on Michigan's waterways, is another example of history coming alive.

For these reasons and more the Mackinac Island State Park Commission's Historical Preservation and Museum Program deserves recognition for 50 years of preserving Michigan history while working to make history accessible and engaging.

I urge my colleagues to support the passage of this legislation.

Mr. CONYERS. Mr. Speaker, today I rise to support H. Con. Res. 325, Celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958.

In 1958, the State of Michigan granted authority to the Mackinac Island State Park Commission to restore and interpret Fort Mackinac and other historical properties at the Straits of Mackinac.

The Mackinac State Historic Parks complex is one of the most successful historic site complexes in North America. The Mackinac Island State Park Commission helps bring tourism to the Upper Peninsula of Michigan and aids the local economy. This resolution commemorates the restoration and opening of Fort Mackinac to the public in 1958.

As a native Michigander, I have always enjoyed the beautiful and abundant natural resource that is Mackinac Island. All of my visits to Mackinac Island have been rewarding and fulfilling.

I join my fellow colleagues, in honoring the accomplishments and creation of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, and to commemorate the 50th anniversary by supporting this resolution.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 325.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HONORING THE 60TH ANNIVERSARY OF THE COMMENCEMENT OF THE CARVING OF THE CRAZY HORSE MEMORIAL

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1074) honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1074

Whereas sculptor Korczak Ziolkowski, who never received any formal art training but nonetheless won 1st place for sculpture at the New York World's Fair in 1939, came to the Black Hills of South Dakota as an assistant to Gutzon Borglum to help carve Mount Rushmore;

Whereas Lakota Chief Henry Standing Bear contacted Korczak Ziolkowski in 1939 to encourage him to create another mountain memorial, saying in his letter of invitation: "My fellow chiefs and I would like the white man to know the red man has great heroes, too";

Whereas Crazy Horse was remembered by his people as a fierce warrior and visionary leader who was committed to preserving the traditional Lakota way of life;

Whereas Korczak Ziolkowski was inspired to honor the culture, tradition, and living heritage of North American Indians, and thus designed a metaphoric tribute to the spirit of Crazy Horse and his people;

Whereas Korczak Ziolkowski was dedicated as well to helping his country preserve freedom, enlisted in the Army, and was wounded in 1944 at Omaha Beach;

Whereas Korczak Ziolkowski returned to South Dakota after World War II in order to find a suitable mountain to carve in order to honor Crazy Horse and his people;

Whereas Korczak Ziolkowski and Chief Standing Bear dedicated the Crazy Horse Memorial on June 3, 1948;

Whereas Korczak Ziolkowski worked until his death in 1982, and his wife, Ruth, and their family have dedicated their lives to carving the mountain and continuing the mission of the Crazy Horse Memorial;

Whereas there is no way to predict when the mountain carving will be completed, owing to the uncertainty of weather, the availability of funding, and the challenges of mountain engineering;

Whereas, when completed, the Crazy Horse mountain carving will be the largest carving in the world, at 641 feet long by 563 feet high;

Whereas Korczak Ziolkowski's parting words to his wife were, "You must work on the mountain—but go slowly so you do it right";

Whereas the Ziolkowski family and the Crazy Horse Memorial Foundation have continued to do it right, and have proceeded without government financial support, and remain dedicated to making steady progress on the Memorial's humanitarian goals; and

Whereas the Crazy Horse Memorial will celebrate the 60th anniversary of the dedication of the mountain carving on June 3, 2008: Now, therefore, be it

Resolved, That the House of Representatives, on the 60th anniversary of the commencement of the mountain carving of the Crazy Horse Memorial, honors sculptor Korczak Ziolkowski, the Ziolkowski family, and the Crazy Horse Memorial Foundation for their dedication to honoring the culture, tradition, and living heritage of North American Indians and the spirit of Crazy Horse and his people.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Lakota leader Crazy Horse is remembered by his people as a fierce warrior and visionary leader who was committed to preserving the traditional Lakota way of life.

A young sculptor named Korczak Ziolkowski, who served as an assistant sculptor during the carving of Mount Rushmore, was approached by Chief Standing Bear and asked to create another mountain memorial, this time to honor a great American Indian leader.

Inspired by the life and legacy of Crazy Horse, the sculptor began a mountain memorial carving of Crazy Horse nearly 60 years ago in the Black Hills of South Dakota. The memorial upon completion will be the largest carving in the entire world, at 641 feet long by 563 feet high.

I would like to commend our colleague from South Dakota (Ms. HERSETH SANDLIN) for sponsoring the resolution that is before us today, and I ask my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I rise in support of House Resolution 1074, and I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1074 has been adequately explained by the majority. I urge its adoption, recognizing that it is, in fact, privately funded, has never taken Federal dollars in its construction, and continues to this day. I think it's a worthwhile project to recognize, and I urge the passage of this resolution.

Ms. HERSETH SANDLIN. Mr. Speaker, today I rise in support of House Resolution 1074 which honors the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial located in the Black Hills of South Dakota.

I was proud to introduce this resolution that recognizes 60 years of work on the Crazy Horse Memorial, which, when completed, will be the largest carving in the world. In 1939, upon witnessing the carving of Mt. Rushmore, Dakota Chief Henry Standing Bear contacted sculptor Korczak Ziolkowski. Chief Standing Bear encouraged Ziolkowski to create a mountain memorial, writing "My fellow chiefs and I would like the white man to know the red man has great heroes, too."

On June 3, 1948, the mountain was dedicated and carving began. Though Mr. Ziolkowski passed away in 1982, his wife, Ruth, and their family continue to make progress on carving the mountain. To this end, they have established the Crazy Horse Foundation which is dedicated to honoring the culture, tradition, and living heritage of North American Indians and the spirit of Crazy Horse. There is no projected completion date for the Crazy Horse Memorial due to the availability of funding and to natural challenges, such as weather and the structure of the mountain.

On June 3rd, 2008, the Crazy Horse Memorial will commemorate the 60th anniversary since Chief Standing Bear's dedication of the mountain. I thank my colleagues in joining me in celebrating the accomplishments of the Ziolkowski family, recognizing the legacy of Crazy Horse, and honoring the contributions and sacrifices of the Lakota nation and all Native Americans.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all of my colleagues to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1074.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1230

GREAT CATS AND RARE CANIDS ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1464) to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Cats and Rare Canids Act of 2008".

SEC. 2. PURPOSES.

The purposes of this Act are to provide financial resources and to foster international cooperation—

(1) to restore and perpetuate healthy populations of rare felids and rare canids in the wild; and

(2) to assist in the conservation of rare felid and rare canid populations worldwide.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices.

(2) CONSERVATION.—The term "conservation"—

(A) means the methods and procedures necessary to bring a species of rare felid or rare canid to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species; and

(B) includes all activities associated with protection and management of a rare felid or rare canid population, including—

(i) maintenance, management, protection, and restoration of rare felid or rare canid habitat;

(ii) research and monitoring;

(iii) law enforcement;

(iv) community outreach and education;

(v) conflict resolution initiatives; and

(vi) strengthening the capacity of local communities, governmental agencies, nongovernmental organizations and other institutions to implement conservation programs.

(3) FUND.—The term "Fund" means the Great Cats and Rare Canids Conservation Fund established by section 5.

(4) IUCN RED LIST.—The term "IUCN Red List" means the Red List of Threatened Species Maintained by the World Conservation Union.

(5) RARE CANID.—The term "rare canid"—

(A) except as provided in subparagraph (B), means any of the canid species dhole (Cuon alpinus), gray wolf (Canis lupus), Ethiopian wolf (Canis simensis), bush dog (Speothos venaticus), African wild dog (Lycaon pictus), maned wolf (Chrysocyon brachyurus), and Darwin's fox, (Pseudalopex fulvipes), including any subspecies or population of such a species; and

(B) does not include any subspecies or population that is native to the area comprised of the United States and Canada or the European Union.

(6) RARE FELID.—The term "rare felid"—

(A) except as provided in subparagraph (B), means any of the felid species lion (Panthera leo), leopard (Panthera pardus), jaguar (Panthera onca), snow leopard (Uncia uncia), clouded leopard (Neofelis nebulosa), cheetah (Acinonyx jubatus), Iberian lynx (Lynx pardina), and Borneo bay cat (Catopuma badia), including any subspecies or population of such a species; and

(B) does not include—

(i) any species, subspecies, or population that is native to the United States; and

(ii) any tiger (Panthera tigris).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of rare felid and rare canids for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of rare felid and canids may be submitted to the Secretary by—

(A) any wildlife management authority of a country that has within its boundaries any part of the range of a rare felid or rare canid species, respectively; and

(B) any person or group with the demonstrated expertise required for the conservation in the wild of rare felids or rare canids, respectively.

(2) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that includes—

(A) a concise statement of the purposes of the project;

(B) the name of the individual responsible for conducting the project;

(C) a description of the qualifications of the individuals who will conduct the project;

(D) a concise description of—

(i) methods for project implementation and outcome assessment;

(ii) staffing for the project;

(iii) the logistics of the project; and

(iv) community involvement in the project;

(E) an estimate of funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to the appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine if the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) ensure the proposal contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(B) approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to the person who submitted the proposal, other appropriate Federal officials, and each country within whose borders the project will take place.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will contribute to conservation of rare felids or rare canids in the wild by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and rare felids or rare canids, respectively, that arise from competition for the same habitat or resources;

(3) enhance compliance with CITES, the Endangered Species Act of 1973, and other applicable laws that prohibit or regulate the taking or trade of rare felids and rare canids or regulate the use and management of rare felid and rare canid habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition and health of rare felid or rare canid habitat;

(B) rare felid or rare canid population numbers and trends; and

(C) the ecological characteristics and requirements of populations of rare felids or rare canids for which there are little or no data;

(5) promote cooperative projects among government entities, affected local communities, nongovernmental organizations, and other persons in the private sector; or

(6) funds will not be appropriated for the purchase or lease of lands to be used as suitable habitat for felids or canids.

(e) PROJECT SUSTAINABILITY.—In approving project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of rare felids and rare canids and their habitats.

(f) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which there exists some measure of matching funds.

(g) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary considers necessary) that include all information that the Secretary, after consultation with other appropriate government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

(h) LIMITATIONS ON USE FOR CAPTIVE BREEDING OR DISPLAY.—Amounts provided as a grant under this Act—

(1) may not be used for captive breeding or display of rare felids and rare canids other than captive breeding for release into the wild; and

(2) may be used for captive breeding of a species for release into the wild only if no other conservation method for the species is biologically feasible.

(i) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of felids and canids.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group, including the meeting agenda.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 5. GREAT CATS AND RARE CANIDS CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established, in the Multinational Species Conservation Fund established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 under the heading "MULTINATIONAL SPECIES CONSERVATION FUND", a separate account to be known as the "Great Cats and Rare Canids Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into such account under subsection (c); and

(2) amounts appropriated to such account under section 7.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than three percent, or up to $100,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 4, and may make public on the Internet website and in publications of the Department of the Interior that the Secretary is authorized to accept and use such donations. Amounts received by the Secretary in the form of such donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 6. STUDY OF CONSERVATION STATUS OF FELID AND CANID SPECIES.

(a) IN GENERAL.—The Secretary shall initiate within three months after the date of the enactment of this Act a study of felid and canid species listed under the IUCN Red List that are not rare canids and rare felids (as those terms are defined in section 3), respectively, to determine—

(1) the conservation status of such species in the wild, including identification of any such species that are critically endangered or endangered; and

(2) any such species that should be made eligible for assistance under this Act.

(b) REPORT.—Not later than two years after date of the enactment of this Act the Secretary shall report to the Congress the determinations made in the study, including recommendations of additional felid species and canid species that should be made eligible for assistance under this Act.

SEC. 7. AUTHORIZATION OR APPROPRIATIONS.

There are authorized to be appropriated—

(1) to the Fund, $5,000,000 for each of fiscal years 2009 through 2013 to carry out this Act, other than section 6; and

(2) such sums as are necessary to carry out section 6.

SEC. 8. INELIGIBLE COUNTRIES.

Amounts provided as a grant under this Act may not be spent on projects in Iran, Syria, Cuba, Sudan, and North Korea.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Thank you, Mr. Speaker. I yield myself such time as I may consume.

H.R. 1464, the Great Cats and Rare Canids Act, was introduced by our colleague from New Mexico, Congressman TOM UDALL. The overall purpose of H.R. 1464 is to assist in the conservation of 15 imperiled cat and canid species, such as the lion, the cheetah, the jaguar, and the African wild dog.

The bill would establish a new Great Cat and Rare Canid Conservation Fund to finance Federal matching grants for critical conservation projects to conserve these endangered wildlife species and their scarce and shrinking habitats. This legislation mirrors other highly popular and effective laws authorizing funding to help conserve and recover rhinoceroses, tigers, African and Asian elephants, great apes, and marine turtles.

Great cats and rare canids are no less deserving of greater conservation assistance than these other keystone wildlife species, and I ask Members on both sides to support passage of this noncontroversial bill.

Thank you, Mr. Speaker, and I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I rise in support of H.R. 1464, the Great Cats and Rare Canids Act. Mr. Speaker, I want to give tribute and credit and compliment to former Congressman Clay Shaw of Florida, who has long sponsored this legislation and in the previous Congress worked tirelessly to pass it. So today, as we pass this bill, I would like to remember our colleague, Clay Shaw, who in fact has recognized for a long time the need to make permanent the preservation of these large, and small, but beautiful animals.

With that, Mr. Speaker, I would urge the passage of this bill.

I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I rise in support of H.R. 1464, the Great Cats and Rare Canids Act of 2007.

As an original cosponsor of this bill and co-chair of the International Conservation Caucus, I would like to thank my fellow Caucus co-chair, Representative UDALL, for his leadership on this issue.

Endangered species such as lions, cheetahs, leopards, jaguars, and Ethiopian Wolves are not just remarkable creatures, but they play an important role in eco-tourism throughout Africa, bringing in much needed revenue to very poor countries.

Unfortunately, many of these endangered animals are losing their race for survival, as habitats become compromised and poachers decimate populations. This bill will be an important tool for reversing these trends.

Importantly, this bill provides assistance for programs to preserve and protect these remarkable animals. Multinational species funds, such as this one, have enjoyed tremendous success and have played a vital role in the protection of wildlife. On average, private donors have matched 3–1 every U.S. government dollar contributed to conservation programs.

In other words, when the United States leads in conservation, others follow. As the mission of the international Conservation Caucus states, the U.S. has the opportunity to advance the protection of the worldwide environment. This bill is true to that mission.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1464, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CRANE CONSERVATION ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1771) to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crane Conservation Act of 2008".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION.—

(A) IN GENERAL.—The term "conservation" means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term "conservation" includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term "Convention" has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term "Fund" means the Crane Conservation Fund established by section 5(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out 1 or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

(B)(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(D) an estimate of the funds and the period of time required to complete the project;

(E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be carried out;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance compliance with the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—

(A) ensuring positive results;

(B) assessing problems; and

(C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 5. CRANE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–237; 16 U.S.C. 4246) a separate account to be known as the "Crane Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (c); and

(2) amounts appropriated to the Fund under section 7.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 4.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 6. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 7. FUNDING.

There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2009 through 2013, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Thank you, Mr. Speaker. I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1771, the Crane Conservation Act, was introduced by our colleague from Wisconsin, Congresswoman TAMMY BALDWIN. The overall purpose of H.R. 1771 is to assist in the conservation of the world's 15 species of crane, such as the whooping crane and the sandhill crane in North America. The bill would establish a new Crane Conservation Fund to finance Federal matching grants supporting critical conservation projects for endangered birds and their scarce and shrinking habitats in Europe, Asia, South Asia, Africa, and North America.

Mr. Speaker, cranes play an important role in cultures around the world. These birds are viewed as symbols of good fortune, happiness, and peace, and I ask Members on both sides to support passage of this noncontroversial bill that will help conserve this iconic family of large endangered birds.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I rise too in support of H.R. 1771, the Crane Conservation Act. This bill is a worthy addition to existing multinational species conservation funds. They have demonstrated that even a small amount of taxpayers' money can make a real difference in saving flagship species from extinction around the globe, such as the highly endangered cranes.

I urge an "aye" vote on H.R. 1771.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentlelady from Wisconsin (Ms. BALDWIN) such time as she may consume.

Ms. BALDWIN. Thank you, Chairwoman BORDALLO, for recognizing me today.

I rise today in support of the Crane Conservation Act of 2008, legislation to help protect and preserve the world's 15 species of cranes for generations to come. Cranes are the most endangered family of birds in the world, with 11 of the world's 15 crane species at risk of extinction. Their special characteristics and unique ability to bring people together across cities, States, and international boundaries places them in a class worthy of our conservation efforts.

Cranes are revered throughout the world for their beauty, grace, and long-distance migrations, frequently spanning numerous countries. In fact, their appeal is so vast that they figure prominently in the culture, folklore, and art of many people around the world. They are featured in the silks, sculpture, poetry, and folk tales of many cultures. And, because of their long life spans, they have become symbols of longevity and good fortune.

These magnificent birds have served as ambassadors of harmony and peace in the international arena. Representatives from nations with various political struggles have reached beyond the instability to address the conservation of cranes. In fact, just about a year ago, representatives from bordering nations, including India, China, Pakistan, Iran, Afghanistan, and others, met in an attempt to overcome strained relations and send a message of goodwill for the sake of protecting this threatened species. Similarly, African nations which share troubled borders have also joined together in recent years to stop the illegal trade of cranes.

In North America, the whooping crane is the rarest of the crane species. Back in 1941, only 21 whooping cranes existed in the entire world. Today, there are almost 400 birds in existence. The resurgence is attributed to the birds' tenacity for survival and to the efforts of conservationists in the United States and Canada. In fact, since 2001, coordinated efforts have focused on encouraging young whooping cranes to migrate from their breeding grounds in Wisconsin's Necedah National Wildlife Refuge to their winter destination in Florida. In an effort to reintroduce migratory flocks into their historic range in the eastern United States, the recovery team used ultralight aircraft to train and lead the young cranes on their spectacular journey stretching from city to city and State to State. Fortunately, these efforts have been successful, and the Crane Conservation Act would complement them, both domestically and internationally.

The bill will provide the resources to support initiatives to protect cranes and their habitats, which have deteriorated due to industrial development, pollution, and other human disturbances, including wars.

The bill will also provide the means for the United States to fulfill various international obligations and commitments, thus having a large environmental and cultural impact across the globe. Additionally, the Crane Conservation Act will provide resources for the United States to bring people and governments around the world together to protect ecosystems, develop adequate habitats, and encourage overall goodwill. Specifically, the Crane Conservation Act will authorize up to $5 million per year to be distributed in the form of conservation project grants to protect cranes and the wetlands and grassland ecosystems on which they depend.

Congress has passed similar bills in support of globally significant and endangered wildlife species, including tigers, rhinos, elephants, and neotropical migratory birds. And just as these efforts took significant steps in international wildlife conservation, the Crane Conservation Act would play a similar and promising role in improving endangered wildlife and their habitats.

I encourage my colleagues to support the Crane Conservation Act.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I, again, urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1771, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GOLETA WATER DISTRIBUTION SYSTEM CONVEYANCE ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3323) to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Goleta Water Distribution System Conveyance Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means Agreement No. 07–LC–20–9387 between the United States and the District, entitled "Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District".

(2) DISTRICT.—The term "District" means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term "Goleta Water Distribution System" means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.

The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

SEC. 4. LIABILITY.

Effective upon the date of the conveyance authorized by section 3, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this Act, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

SEC. 5. BENEFITS.

After conveyance of the Goleta Water Distribution System under this Act—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

SEC. 6. COMPLIANCE WITH OTHER LAWS.

(a) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this Act, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(b) COMPLIANCE BY THE DISTRICT.—Upon the conveyance of the Goleta Water Distribution System under this Act, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(c) APPLICABLE AUTHORITY.—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

SEC. 7. REPORT.

If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under section 3, the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this section to Congress not later than 14 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Thank you, Mr. Speaker. I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time such time as I may consume.

H.R. 3323, introduced by our colleague from California, Congresswoman LOIS CAPPS, authorizes the Secretary of the Interior to convey all rights of the United States to the Goleta Water Distribution System to the Goleta Water District in Santa Barbara, California.

Mr. Speaker, I would like to thank Congresswoman CAPPS for her hard work on this important legislation, and I strongly urge my colleagues to support H.R. 3323, as amended.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I too rise in support of this bill. It's always a good thing when the Federal Government evaluates land it does not need, that has previously been owned by local municipalities or private individuals and takes steps to return that at no cost to the taxpayers. So I join with the gentlelady from Guam and my colleague from California, LOIS CAPPS, in urging support for the return of this land to the Goleta Water District.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 3323, the Goleta Water Distribution System Conveyance Act of 2007—a bill I introduced last year that would authorize the title transfer of a federally owned water distribution system in my congressional district from the Bureau of Reclamation to the Goleta Water District.

First, I want to thank the chairman of the Natural Resources Committee, Mr. RAHALL, and chairwoman of the Subcommittee on Water and Power, Ms. NAPOLITANO, as well as the ranking members of the full Committee and Subcommittee for bringing H.R. 3323 before us today.

The purpose of the legislation is to simplify the operation and maintenance of the District's water distribution system and eliminate unnecessary paperwork and consultation between the District and the Bureau.

The Goleta Water District has operated and maintained the facilities proposed for transfer since the 1950s. They have worked through all requirements of the Bureau's title transfer process, including public meetings, fulfillment of their repayment obligations, completion of an environmental assessment, and compliance with all other applicable laws.

The only step remaining to complete the process is an act of Congress enabling the Secretary of the Interior to transfer title.

It is important to note that the proposed transfer would apply only to lands and facilities associated with the District and would not affect the District's existing water service contract with the Santa Barbara County Water Agency nor the Federal government receipts from water deliveries under the contract. In addition, the proposed transfer does not envision any new physical modification or expansion of the service infrastructure.

I'm pleased the administration is supporting my legislation, which will allow the Bureau to focus its limited resources where they are needed most. In my view, this is an example of local problem-solving at its best. I commend the staff of the water district and the Bureau for their efforts to reach this agreement. I know that they have been working on this for several years now.

Again, I would like to thank the Natural Resources Committee for supporting this bill, and urge its immediate passage.

Mr. ISSA. I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I, again, urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3323, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2649) to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Hodges Surface Water Improvement and Reclamation Act of 2008".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by inserting after section 16____ the following:

"SEC. 16____. LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Olivenhain Municipal Water District, California, is authorized to participate in the design, planning, and construction of projects to treat, reclaim, and reuse impaired surface water from Lakes Hodges in San Diego County, California.

"(b) COST SHARE.—The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project authorized by this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the item relating to section 163____ the following:

"Sec. 163____. Lake Hodges surface water improvement and reclamation project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Thank you, Mr. Speaker. I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2649, as amended, authorizes the Secretary of the Interior, acting through the Bureau of Reclamation, to participate in the Lake Hodges Surface Water Improvement and Reclamation Project. This project would pretreat 13,000 acre-feet of impaired Lake Hodges water currently unavailable for consumptive use.

We have no objection to this noncontroversial bill, and I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I strongly support this legislation. The author of the bill, who will speak in a moment, and I share the very banks of this water area of Lake Hodges. But, most importantly, at a time in which gas prices have risen to $4 a gallon, it's very clear that importing water or desalinating water in southern California, although necessary, should be avoided. We need to find ways to do better work, have more water, with less consumption of gasoline, diesel, and all the other fuels that are in such short supply and so expensive. So I strongly support this bill.

I would yield the balance of my time to the gentleman from California, the author of the bill, Mr. BILBRAY.

Mr. BILBRAY. Mr. Speaker, I rise in support of H.R. 2649, a bill that is looking at a precious resource that needs to be cleaned up and used.

Mr. Speaker, I want to thank you in working and speaking with me about other challenges we have environmentally around this country, one of them being the fact the Federal Government is still mandating the polluting of our air and the picking of our pockets with the mandate of corn and ethanol going into our gasoline. I don't know about in your State, but in our State, that impact has reached $6 a comparable gallon untaxed ethanol being forced into our fuel system by the misguided approaches here in Washington.

I look forward to working with you in eliminating that mandate and protecting our air and protecting consumers when we go to the pump. But as we talk about liquid gold, out west it is not just gasoline and ethanol that are liquid gold, but actually clean drinking water. This bill would address a problem that has actually been created by a well-intentioned but misguided application of the Endangered Species Act and other Federal regulatory activities.

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Where Lake Hodges had traditionally had a clean watershed kept clear from debris and undergrowth, because of the Federal agencies' misguided application of our environmental regulations, such as the Endangered Species Act, the local agencies and community were not allowed to clear the watershed while the water was low so that once the water did rise up we did not have rotting organic material in our water source. Sadly, Mr. Speaker, that has occurred, and the water quality of the lake is now in violation of the Clean Water Act, 303(d). This bill will allow us to give a portion of the money, probably around one-quarter of it, to allow the local community now to purify the water so that it can be compatible with 303 of the Clean Water Act.

I hope that we will be able to work together, pass this bill, and be able to work with the local community. I look forward to working with you, Mr. Speaker, at not only cleaning up our water, but cleaning up our air and taking that ethanol out of our gasoline.

Mr. ISSA. I have no additional speakers at this time. I would urge strong support for this bill which, like so many, will help California deal with its water shortage.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all Members to support the bill, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2649, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SOBOBA BAND OF LUISENO INDIANS SETTLEMENT ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4841) to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soboba Band of Luiseño Indians Settlement Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The Soboba Band of Luiseño Indians is a federally recognized Indian tribe whose Reservation of approximately 6,000 acres, extending east and north from the banks of the San Jacinto River in Riverside County, California, was created by an Executive Order dated June 19, 1883, and enlarged and modified by subsequent Executive Orders, purchases, and an Act of Congress.

(2) The Tribe's water rights have not been quantified, and the Tribe has asserted claims for interferences with the water resources of its Reservation, which the Tribe maintains have rendered much of the Tribe's Reservation useless for habitation, livestock, or Agriculture. On April 20, 2000, the Tribe filed a lawsuit against The Metropolitan Water District of Southern California for interference with the Tribe's water resources and damages to its Reservation allegedly caused by Metropolitan's construction and operation of the San Jacinto Tunnel, which is part of the Colorado River Aqueduct. The lawsuit, styled Soboba Band of Luiseño Indians v. Metropolitan Water District of Southern California, No. 00-04208 GAF (MANx), is pending in the United States District Court for the Central District of California.

(3) The Tribe also has made claims against Eastern Municipal Water District and Lake Hemet Municipal Water District, located adjacent to the Reservation, seeking to secure its water rights and damages arising from alleged past interference with the Tribe's water resources.

(4) After negotiations, which included participation by representatives of the Tribe, the United States on behalf of the Tribe, The Metropolitan Water District of Southern California, Eastern Municipal Water District, and Lake Hemet Municipal Water District, a Settlement Agreement has been developed to determine the Tribe's water rights, resolve all of its claims for interference with the water resources of, and damages to, its Reservation, provide for the construction of water projects to facilitate the exercise of the Tribe's rights, and resolve the lawsuit referenced in paragraph (2) of this section.

(5) The Settlement Agreement provides that—

(A) Eastern Municipal Water District and Lcke Hemet Municipal Water District acknowledge and assure the Tribe's prior and paramount right, superior to all others, to pump 9,000 acre-feet of water annually from the San Jacinto River basin in accordance with the limitations and other conditions set forth in the Settlement Agreement;

(B) Eastern Municipal Water District and The Metropolitan Water District of Southern California will contract to supply water to Eastern Municipal Water District and Eastern Municipal Water District will use this water to recharge water supplies into the basin; and

(C) the three water districts will make substantial additional contributions to the settlement, including the conveyance of certain replacement lands and economic development funds to the Tribe, to carry out the Settlement Agreement's provisions.

(b) PURPOSES.—The purposes of this Act are—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the Tribe and non-Indians entities;

(2) to achieve a fair, equitable, and final settlement of all claims of the Soboba Band of Luiseño Indians, its members, and the United States on behalf of the Tribe and its members, to the water of the San Jacinto River basin;

(3) to authorize and direct the Secretary of the Interior to execute and perform all obligations of the Secretary under the Settlement Agreement; and

(4) to authorize the actions and appropriations necessary to meet obligations of the United States under the Settlement Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) RESTORATION FUND.—The term "Restoration Fund" means the San Jacinto Basin Restoration Fund established by section 6.

(2) DEVELOPMENT FUND.—The term "Development Fund" means the Soboba Band of Luiseño Indians Water Development Fund established by section 7.

(3) RESERVATION.—

(A) IN GENERAL.—The term "Reservation" means the Soboba Indian Reservation created by Executive Order dated June 19, 1883, and enlarged and modified as of the date of enactment of this Act by Executive Orders and an Act of Congress.

(B) EXCLUSIONS.—For the purposes of this Act, the term "Reservation" does not include—

(i) the 950 acres northwest of and contiguous to the Reservation known as the "Jones Ranch", purchased by the Soboba Tribe in fee on July 21, 2001, and placed into trust on January 13, 2003;

(ii) the 535 acres southeast of and contiguous to the Reservation known as the "Horseshoe Grande", purchased by the Soboba Tribe in fee in seven separate transactions in June and December 2001, December 2004, June 2006, and January 2007; and

(iii) the 478 acres north of and contiguous to the Reservation known as "The Oaks", purchased by the Soboba Tribe in fee on April 4, 2004.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior or a designee of the Secretary.

(5) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means that agreement dated June 7, 2006, as amended to be consistent with this Act, together with all exhibits thereto. The parties to the Settlement Agreement are the Soboba Band of Luiseño Indians and its members, the United States on behalf of the Tribe and its members, The Metropolitan Water District of Southern California, Eastern Municipal Water District, and Lake Hemet Municipal Water District.

(6) TRIBE, SOBOBA TRIBE, OR SOBOBA BAND OF LUISEÑO INDIANS.—The terms "Tribe", "Soboba Tribe", or "Soboba Band of Luiseño Indians" means the body politic and federally recognized Indian tribe, and its members.

(7) WATER MANAGEMENT PLAN.—The term "Water Management Plan" means the plan, approved by the Soboba Tribe and the Secretary, developed pursuant to section 4.8, paragraph A of the Settlement Agreement to resolve the overdraft of the San Jacinto basin.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT; AUTHORIZATION.

(a) IN GENERAL.—The United States hereby approves, ratifies, and confirms the Settlement Agreement, except to the extent it conflicts with the provisions of this Act.

(b) AUTHORIZATION.—The Secretary is authorized and directed to execute, and take such other actions as are necessary to implement, the Settlement Agreement and any amendments approved by the parties necessary to make the Settlement Agreement consistent with this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) RESTORATION FUND.—There is authorized to be appropriated to the San Jacinto Basin Restoration Fund established in section 6 of this Act the amount of $5,000,000 for each of fiscal years 2010 and 2011 to pay or reimburse the costs associated with constructing, operating, and maintaining the portion of the basin recharge project that the United States is responsible for under the Settlement Agreement. These costs are described in section 4.5 of the Settlement Agreement and are necessary to accommodate deliveries of the supplemental imported water under section 4.4 of the Settlement Agreement.

(b) DEVELOPMENT FUND.—There is authorized to be appropriated to the Soboba Band of Luiseño Indians Water Development Fund established in section 7 of this Act the amount of $5,500,000 for each of fiscal years 2010 and 2011 to pay or reimburse costs associated with constructing, operating, and maintaining water and sewage infrastructure, and other water-related development projects.

(c) LIMITATION.—No funding of any construction, operation, maintenance, or replacement other than those funds authorized under subsections (a) and (b) shall be the responsibility of the Federal Government under the Settlement Agreement or this Act.

SEC. 6. RESTORATION FUND.

(a) ESTABLISHMENT.—There shall be established within the Treasury of the United States a non-interest bearing account to be known as the "San Jacinto Basin Restoration Fund", consisting of the amounts authorized to be appropriated in section 5(a) of this Act.

(b) ADMINISTRATION.—The Restoration Fund shall be administered by the Secretary for the purposes set forth in subsection (d) of this section.

(c) AVAILABILITY.—The funds authorized to be appropriated pursuant to section 5(a) of this Act shall be available for expenditure or withdrawal only after the effective date set forth in section 10(a).

(d) EXPENDITURES AND WITHDRAWALS.—

(1) EXPENDITURE PLAN.—

(A) IN GENERAL.—Eastern Municipal Water District, on behalf of the Water Management Plan, shall submit to the Secretary for approval an expenditure plan for use of the Restoration Fund.

(B) REQUIREMENTS.—The expenditure plan shall require that any funds be expended or reimbursed in accordance with the purposes described in section 5(a) of this Act.

(2) WITHDRAWALS.—On approval by the Secretary of the expenditure plan described in this section, Eastern Municipal Water District, on behalf of the Water Management Plan, may expend or be reimbursed monies from the Restoration Fund as provided in the plan.

(3) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any expenditure plan to ensure that monies expended or reimbursed from the Restoration Fund under the plan are used in accordance with this Act.

(4) LIABILITY.—If Eastern Municipal Water District, on behalf of the Water Management Plan, exercises the right to expend or be reimbursed monies from the Restoration Fund, neither the Secretary nor the Secretary of the Treasury shall have any liability for the expenditure or reimbursement.

(5) ANNUAL REPORT.—Eastern Municipal Water District shall submit to the Tribe and the Secretary an annual report that describes all expenditures or reimbursements from the Restoration Fund during the year covered by the report.

SEC. 7. DEVELOPMENT FUND.

(a) ESTABLISHMENT.—There shall be established within the Treasury of the United States a fund to be known as the "Soboba Band of Luiseño Indians Water Development Fund", to be managed and invested by the Secretary consisting of the amounts authorized to be appropriated in section 5(b).

(b) MANAGEMENT.—The Secretary shall manage the Development Fund, make investments, and make monies available for distribution consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (referred to in this section as the "Trust Fund Reform Act"), this Act, and the Settlement Agreement.

(c) INVESTMENT.—The Secretary shall invest amounts in the Development Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) subsection (b) of this section.

(d) AVAILABILITY.—The funds authorized to be appropriated pursuant to section 5(b) of this Act shall be available for expenditure or withdrawal only after the effective date set forth in section 10(a).

(e) EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribe may withdraw all or part of the Development Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) REQUIREMENTS.—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that any funds be expended or reimbursed in accordance with the purposes described in section 5(b) of this Act.

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that monies withdrawn from the Development Fund under the plan are used in accordance with this Act.

(D) LIABILITY.—If the Tribe exercises the right to withdraw monies from the Development Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts made available under section 5(b) that the Tribe does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribe remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

(3) ANNUAL REPORT.—The Tribe shall submit to the Secretary an annual report that describes all expenditures from the Development Fund during the year covered by the report.

(4) NO PER CAPITA DISTRIBUTIONS.—No part of the Development Fund shall be distributed on a per capita basis to members of the Tribe.

SEC. 8. WAIVERS AND RELEASES.

(a) TRIBE AND UNITED STATES AUTHORIZATION.—The Tribe, on behalf of itself and its members, and the Secretary, on behalf of the United States in its capacity as trustee for the Tribe and its members, are authorized, as part of the performance of their obligations under the Settlement Agreement, to execute a waiver and release for claims under Federal, State, or other law against The Metropolitan Water District of Southern California, Eastern Municipal Water District, and Lake Hemet Municipal Water District, for any and all—

(1) past, present, and future claims to surface water and groundwater rights for the Reservation arising from time immemorial through the effective date described in section 10 of this Act and anytime thereafter, except claims to enforce the Settlement Agreement or claims based on water rights acquired after the effective date described in section 10 of this Act;

(2) past, present, and future claims for injury of any kind arising from interference with surface water and groundwater resources and water rights of the Reservation, including, but not limited to, all claims for injury to the Tribe's use and enjoyment of the Reservation, economic development, religion, language, social structure and culture, and injury to the natural resources of the Reservation, from time immemorial through the effective date described in section 10 of this Act;

(3) past, present, and future claims for injury of any kind arising from, or in any way related to, continuing interference with surface water and groundwater resources and water rights of the Reservation, including the full scope of claims defined in section 5.1, paragraph A(2) of the Settlement Agreement, to the extent that such continuing interference began prior to the effective date described in section 10 of this Act, from time immemorial through the effective date described in section 10 of this Act and anytime thereafter;

(4) past, present, and future claims for injury of any kind arising from, or in any way related to, seepage of water into the San Jacinto Tunnel, including the full scope of claims defined in section 5.1, paragraph A(2) of the Settlement Agreement, from time immemorial through the effective date described in section 10 of this Act and anytime thereafter; and

(5) past, present, and future claims for injury of any kind arising from, or in any way related to, the Water Management Plan as approved in accordance with the Settlement Agreement, from time immemorial through the effective date described in section 10 of this Act and anytime thereafter.

(b) TRIBAL WAIVERS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—The Tribe is authorized, as part of the performance of its obligations under the Settlement Agreement, to execute a waiver and release for claims against the United States (acting in its capacity as trustee for the Tribe or its members, or otherwise acting on behalf of the Tribe or its members), including any agencies, officials, or employees thereof, for any and all—

(A) claims described in subsection (a) of this section;

(B) past, present, and future claims for failure to acquire or develop water rights and water resources of the Reservation arising from time immemorial through the effective date described in section 10 of this Act and anytime thereafter;

(C) past, present, and future claims for failure to protect water rights and water resources of the Reservation arising from time immemorial through the effective date described in section 10 of this Act, and any past, present, and future claims for any continuing failure to protect water rights and water resources of the Reservation, arising from time immemorial through the effective date described in section 10 of this Act and, to the extent that such continuing failure to protect began before the effective date described in section 10 of this Act, anytime thereafter;

(D) past, present, and future claims arising from the failure of any non-Federal Party to fulfill the terms of the Settlement Agreement at anytime; and

(E) past, present, and future claims arising out of the negotiation of the Settlement Agreement or the negotiation and enactment of this Act, or any specific terms of provisions thereof, including, but not limited to, the Tribe's consent to limit the number of participant parties to the Settlement Agreement.

(2) EFFECTIVENESS OF WAIVERS AGAINST THE UNITED STATES.—

(A) IN GENERAL.—The waiver and release contained in this subsection shall take effect on the date on which all of the amounts authorized under sections 5(a) and 5(b) are appropriated.

(B) PERIODS OF LIMITATION; EQUITABLE CLAIMS.—

(i) IN GENERAL.—All periods of limitation and time-based equitable defenses applicable to the claims set forth in paragraph (1) are tolled for the period between the date of enactment of this Act until the date on which the amounts authorized under sections 5(a) and 5(b) are appropriated.

(ii) EFFECT OF SUBPARAGRAPH.—This subparagraph neither revives any claim nor tolls any period of limitation or time-based equitable defense that may have expired before the date of enactment of this Act.

(C) DEFENSE.—The making of the amounts of appropriations authorized under sections 5(a) and 5(b) shall constitute a complete defense to any claim which involves the claims set forth in paragraph (b)(1) pending in any court of the United States on the date on which the appropriations are made.

SEC. 9. MISCELLANEOUS PROVISIONS.

(a) JURISDICTION.—

(1) NO EFFECT ON SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this Act restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or Tribal court.

(2) JUDGMENT AND DECREE.—The United States consents to jurisdiction in the United States District Court for the Central District of California case known as Soboba Band of Luiseño Indians v. Metropolitan Water District of Southern California, No. 00–04208 for the purpose of obtaining approval for a judgment and decree substantially the same as the judgment and decree attached to the Settlement Agreement as exhibit H.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) enforce Federal environmental laws regarding the duties of the United States; or

(B) conduct judicial review of Federal agency action.

(b) USE OF WATER.—

(1) TRIBAL USE.—With respect to water rights made available under the Settlement Agreement—

(A) the Tribe may use water made available to it under the Settlement Agreement for any use it deems advisable on the Reservation and on any other lands it owns or may acquire, in fee or in trust, contiguous to the Reservation or within the area of the groundwater basin described in section 2.4 of the Settlement Agreement;

(B) such water rights shall be held in trust by the United States in perpetuity, and shall not be subject to forfeiture or abandonment; and

(C) State law shall not apply to the Tribe's use of water made available to it under the Settlement Agreement.

(2) NON-TRIBAL USE.—

(A) CONTRACTS AND OPTIONS.—Subject to the limitations in subparagraph (B), the Tribe may enter into contracts and options to lease or contracts and options to exchange water made available to it under the Settlement Agreement, or enter into contracts and options to postpone existing water uses or postpone undertaking new or expanded water uses.

(B) LIMITATIONS ON NON-TRIBAL USE.—

(i) CONSISTENCY WITH WATER MANAGEMENT PLAN.—Any water made available under subparagraph (A) shall only be used by participants in, or other users within the area of, the Water Management Plan described in section 2.32 of the Settlement Agreement.

(ii) PROHIBITION ON PERMANENT ALIENATION.—No contract under subparagraph (A) shall be for a term exceeding one hundred years, nor shall any contract under subparagraph (A) provide for permanent alienation of any portion of the water rights made available under the Settlement Agreement.

(C) LIABILITY.—The Secretary shall not be liable to any party, including the Tribe, for any term of, or any loss or other detriment resulting from, a lease or contract entered into pursuant to this subparagraph.

(c) RETENTION OF RIGHTS.—

(1) In the event the waivers and releases set out in section 8 of this Act do not become effective pursuant to section 10(a) of this Act, the Soboba Tribe and the United States shall retain the right to assert all rights and claims enumerated in section 8, and any claims or defenses of the parties to the Settlement Agreement shall also be retained.

(2) The parties expressly reserve all rights not specifically granted, recognized, waived, or released by the Settlement Agreement or this Act.

(3) Notwithstanding the waivers and releases set forth in section 8(a), the United States retains all claims relating to violations of the Clean Water Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, and the regulations implementing these Acts, including, but not limited to claims related to water quality.

(d) PRECEDENT.—Nothing in this Act establishes any standard for the quantification or litigation of Federal reserved water rights or any other Indian water claims of any other Indian tribes in any other judicial or administrative proceeding.

(e) OTHER INDIAN TRIBES.—Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the water rights, claims, or entitlements to water of any Indian tribe, band, or community, other than the Soboba Tribe.

(f) ENVIRONMENTAL COMPLIANCE.—

(1) Signing by the Secretary of the Settlement Agreement does not constitute major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) The Secretary is directed to carry out all environmental compliance required by Federal law in implementing the Agreement.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—The waivers and releases authorized in subsection (a) of section 8 of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) this Act has been enacted;

(2) to the extent that the Settlement Agreement conflicts with this Act, the Settlement Agreement has been revised to conform with the Act;

(3) the Settlement Agreement, revised as necessary, and the waivers and releases described in article 5 of the Settlement Agreement and section 8(a) of this Act have been executed by the parties and the Secretary;

(4) warranty deeds for the property to be conveyed to the Tribe described in section 4.6 of the Settlement Agreement have been placed in escrow;

(5) the Tribe and the Secretary have approved the Water Management Plan; and

(6) the judgment and decree attached to the Settlement Agreement as exhibit H or a judgment and decree substantially the same as exhibit H has been approved by the United States District Court, Eastern Division of the Central District of California, and that judgment and decree has become final and nonappealable.

(b) DEADLINE FOR EFFECTIVE DATE.—If the conditions precedent required under subsection (a) of this section have not been fulfilled by March 1, 2012, the Settlement Agreement and this Act shall not thereafter be effective and shall be null and void, and any funds and the interest accrued thereon appropriated pursuant to section 5 shall revert to the general fund of the United States Treasury.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4841, as introduced by our colleague, Congresswoman MARY BONO MACK, would bring resolution to the water rights claims for the Soboba Band of Luiseno Indians and ratify a settlement agreement between many municipalities and the Tribe. This bill has received bipartisan support, including support from the administration, so we have no objection to this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. BONO MACK), the author of this important bill.

Mrs. BONO MACK. I thank my dear colleague in the neighboring district from California for yielding me time.

I rise today in strong support of H.R. 4841, the Soboba Band of Luiseno Indians Settlement Act. This legislation is the product of decades of litigation and negotiations relating to the water rights of the Soboba Tribe. The courts ruled on the legitimacy of their rights and were able to determine that serious damages were suffered by the Tribe from the diversion of their water resources. In the years following that decision, the Tribe, local water districts, cities and other stakeholders spent years at the table working out a solution that was in the best interests of the entire region.

Bobby Salgado, the Chairman of the Tribe, tells the story well of how his tribal members saw their lives changed when their water resources drastically decreased. Chairman Salgado testified to the House Natural Resources Committee about how he and others would take gym class first thing in the morning during school just so that they could take showers that day.

All of the partners to this agreement recognize Southern California's water needs are serious and are best addressed through approaches that are mindful of supply needs and new water use practices. This legislation embodies the linchpin for a comprehensive basin-wide water management plan in the Jacinto River Valley.

Finally, I would like to thank Chairman RAHALL, Ranking Member YOUNG, Chairwoman NAPOLITANO and Ranking Member MCMORRIS RODGERS, along with their staffs, for helping quickly bring this legislation to the floor. I would like to also thank Chris Foster from my staff for his hard work on this bill.

I urge my colleagues to join me in supporting this bipartisan legislation, H.R. 4841.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is one of countless examples of Indian sovereignty that has in fact been put below the sovereignty of any other landowner, the sovereignty of any other city, municipality or county.

This is an important bill, but I think in passage today and tomorrow it is very clear that it marks a trend back toward recognizing that Native American tribes have had things taken from them in the past, had to go to court, in Federal Court win, and then find that they have to continue year after year in order to get these rights. Had this been a normal county or private landowner, I strongly suspect this would have been restored years earlier.

So I commend the gentlewoman, my colleague in an adjacent district, for bringing this important legislation, ending once and for all an injustice.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all the Members to support this bill.

I wish at this time to thank my colleague, the gentleman from California (Mr. ISSA), who has managed these bills on the floor with me today.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4841, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FRANK SINATRA DAY

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1144) expressing support for designation of a "Frank Sinatra Day" on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1144

Whereas over 150 years ago, United States commemorative stamps began honoring the people, places, and events that have shaped our country's history;

Whereas more than 22,000,000 Americans, including children, collect and learn about our country through stamps, making it one of the most popular hobbies in the Nation and the world;

Whereas it is important that we pause to reflect on our Nation's history and culture;

Whereas stamps honor statesmen and soldiers as they fought for freedom and democracy, recognize our scientific and technological achievements, pay tribute to our artistic and cultural legacy, and celebrate the strength of our diversity;

Whereas Frank Sinatra, a monumental figure in American popular culture, has been selected as part of the 2008 commemorative stamp program;

Whereas, on May 14, 1997, the President signed into law legislation to award a Congressional Gold Medal to Frank Sinatra in recognition of his accomplishments as an entertainer and humanitarian; and

Whereas the United States Postal Service dedicated the Frank Sinatra commemorative stamp in New York City, and in Las Vegas, Nevada, on May 13, 2008: Now, therefore, be it

Resolved, That the United States House of Representatives expresses support for designation of a "Frank Sinatra Day" in honor of the dedication of the Frank Sinatra commemorative stamp.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I stand to join my colleagues in the consideration and support of H. Res. 1144, as amended, which expresses support for the designation of Frank Sinatra Day in honor of the dedication of the Postal Service's Frank Sinatra commemorative stamp.

Mr. Speaker, H. Res. 1144 was introduced by our colleague, Congressman JOSÉ SERRANO of New York, on April 23, 2008, and at the moment the measure enjoys the cosponsorship of nearly 60 Members of Congress. H. Res. 1144 was considered and approved by the Oversight panel on March 13, 2008, by a voice vote, after being amended for technical purposes.

Mr. Speaker, I yield such time as he may consume to my colleague from New York (Mr. SERRANO).

Mr. SERRANO. I thank the gentlewoman from California.

I want to thank both the chairmen and the ranking members of both the subcommittee and the committee for bringing this resolution in such a timely fashion to the floor.

Last week, on May 13, I joined Alan Kessler, the Chairman of the Board of Governors of the U.S. Postal Service, Nancy Sinatra, Frank Sinatra, Jr., and A.J. Lambert, Frank Sinatra's granddaughter, at a formal ceremony in New York City's Gotham Hall, where the Postal Service issued the Frank Sinatra commemorative stamp. Immediately thereafter, 120 million stamps honoring this great icon in American culture, who was both an entertainer and a humanitarian, went on sale nationwide.

I am pleased that today the House of Representatives, through its recognition of that special day of the stamp issuance as Frank Sinatra Day, is giving another well-deserved honor to this man who contributed so much to our Nation and our culture. It has been 10 years since the death of Frank Sinatra, talented singer, actor and caring person, and Sinatra's music continues to speak to each of us today in a way that is both personal and emotional.

My colleagues, of course, know of my personal love for Mr. Sinatra's music. At this age, I carry close to 2,000 songs on my iPod from Sinatra alone. I was introduced to the English language by listening to Frank Sinatra records when my father came back from World War II. At that time, I remember my father saying something profound. He said, "You know, the English language takes a bad rap. People say that it is not a romantic language." He said this to me in Spanish. "But," he said, "if you listen to the way this man sings the English language, you will recognize that it is indeed a romantic language if sung properly."

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Through the years, I used those records at the beginning of my time in New York City to learn to enunciate and to imitate the way he used the English language, because when he sang it was perfect. In fact, in Germany, in Japan, and other countries, businessmen use Frank Sinatra records to learn how to pronounce the English language. Maybe that is the reason why I am the only New Yorker who says "Tuesday" instead of "Toosday," because Mr. Sinatra would have never tolerated "Toosday."

Personally, for me as a fan, I know the big difference between those songs that everybody recognizes from Mr. Sinatra like "New York, New York" and "My Way," and those other bittersweet melodies that he made famous that you only listen to sometimes at 3 o'clock in the morning. That was Sinatra the singer.

Then there was another side very briefly to Mr. Sinatra. At a time when certain entertainers were not allowed to stay in certain hotels in this country, it was Mr. Sinatra who said, If they can play, I want them in my band. I don't care what they look like, I don't care what their religion is, I don't know what their color is, I don't care. If they can play and they have talent, I want them in my band. It was because of that that Las Vegas began to integrate for the first time due to that work. This was the other side of Frank Sinatra.

And lastly, the one you will see on TV this month, Sinatra, the actor, the one that could either give you the happy-go-lucky Pal Joey, or the very daring Man With a Golden Arm, talking about drug addiction at a time when that was not a subject.

This was the whole of Frank Sinatra, and we as Americans honor him this week with a commemorative stamp. I commend all of us to buy that stamp, and just think of this as I close. Our gossip notes, our water bills, and, yes, our love letters will carry the smile of Frank Sinatra for a time to come.

Mr. ISSA. Mr. Speaker, I rise in support of this bill and I commend the gentleman from New York. I regret that I have to follow the gentleman from New York, because I too grew up listening to Sinatra wondering if the Rat Pack would be my future. Now I am in Congress; it could be that it came true.

But whether you admire Dean Martin, Sammy Davis, or Frank Sinatra, they all had one thing in common; they changed the world with their bigger than life behavior. They also changed the world with their generosity. Frank Sinatra was famous for his generosity. Even better than that, he was also famous for having problems with people, and then turning around and being overly generous to people that he had had difficulties with. He helped some years, many years ago give Buddy Rich, a famous jazz drummer, money to start a band even though only a few years earlier they had been arch enemies. He picked up the hospital bills of Bela Lugosi and many others. He funded hospital activities around the world. He lived his life big and he lived it every day. He stretched. He was in fact a great actor. He was in fact somebody who would act in parts that perhaps lesser men would have shied away from, wanting to preserve their image.

And certainly his music spanned not only generations and decades, but it spanned every genre. He was able to do that. He was able to reinvent himself from the forties, the fifties, the sixties, and even the seventies. In fact, even as his age increased and perhaps just a slight bit of that famous beautiful voice disappeared, he found ways to redo music, and his music lives on today. I am not surprised that a thoroughly modern man from New York would have 2,000 Frank Sinatra songs. My only question is, why don't you have more?

Mr. Speaker, I yield back the balance of my time totally in support of this resolution.

Ms. WATSON. Mr. Speaker, I would like to thank the gentleman from New York for sponsoring the measure at hand, and I would certainly urge passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1144, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL MILITARY APPRECIATION MONTH

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 334) supporting the goals and objectives of a National Military Appreciation Month, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 334

Whereas the vigilance of the members of the Armed Forces has been instrumental to the preservation of the freedom, security, and prosperity enjoyed by the people of the United States;

Whereas the success of the Armed Forces depends on the dedicated service of its members, their families, and the civilian employees of the Department of Defense and the Coast Guard;

Whereas the role of the United States as a world leader requires a military force that is well-trained, well-equipped, and appropriately sized;

Whereas the Federal Government has a responsibility to raise awareness of and respect for this aspect of the heritage of the United States and to encourage the people of the United States to dedicate themselves to the values and principles for which Americans have served and sacrificed throughout the history of the Nation;

Whereas service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members and their families;

Whereas the support of the families of service members enhances the effectiveness and capabilities of the Armed Forces;

Whereas the observance of events recognizing the contributions of the Armed Forces is a tangible and highly effective way of sustaining morale and improving quality of life for service members and their families;

Whereas on April 30, 1999, the Senate passed S. Res. 33 (106th Congress), entitled "Designating May 1999 as 'National Military Appreciation Month'", calling on the people of the United States, in a symbolic act of unity, to observe a National Military Appreciation Month in May 1999, to honor the current and former members of the Armed Forces, including those who have died in the pursuit of freedom and peace;

Whereas on March 24, 2004, the House of Representatives passed H. Con. Res. 328 (108th Congress), entitled "Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month," and on April 26, 2004, the Senate passed H. Con. Res. 328 by unanimous consent; and

Whereas it is important to emphasize to the people of the United States the relevance of the history and activities of the Armed Forces through an annual National Military Appreciation Month that includes associated local and national observances and activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and objectives of a National Military Appreciation Month; and

(2) urges the President to issue a proclamation calling on the people of the United States, all Federal departments and agencies, States, localities, organizations, and media to annually observe a National Military Appreciation Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Representing the House Committee on Oversight and Government Reform, I rise to join my colleagues in the consideration of H. Con. Res. 334, as amended, a resolution supporting the goals and objectives of National Military Appreciation Month, which, for the past 10 years, has been recognized in the month of May.

Initially created by an act of Congress back in 1999, the National Military Appreciation Month provides each and every one of us an opportunity to acknowledge and honor the heroic men and women who have served and are now serving in our country's Armed Forces.

The bill before us was introduced on April 24, 2008, by Congressman CHRISTOPHER SHAYS of Connecticut. And while cosponsored by only 60 Members of Congress, I am sure that each and every member of this body stands in support and admiration of the thousands of men and women serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard.

The Committee on Oversight and Government Reform amended and reported the bill favorably by voice vote on May 15, 2008, and today we now have a chance to move the bill one step closer to enactment.

Mr. Speaker, let us join with citizens across America in showing our appreciation for the service and sacrifice these brave men and women display in order to provide for the defense and the protection of our great country. In particular, let us show our gratitude to those currently serving abroad in Afghanistan, Iraq, and other pockets of the world, and to the families that stand by and support their loved ones during deployment in times of war.

The passage of H. Con. Res. 334 will send a strong message to our troops and veterans that we honor, respect, and appreciate their dedication to the liberties and freedoms we as Americans hold so dear.

Mr. Speaker, I urge my colleagues to support the goals and the objectives of National Military Appreciation Month by voting in favor of H. Con. Res. 334.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I rise in strong support of this important resolution, and yield myself such time that I may consume.

This year marks the 10th anniversary of National Military Appreciation Month, which was first passed on May 1999. I might note that in May 1999, perhaps the reason for the Congress seeing fit to have a National Appreciation Month for our military was that in fact we were in a time of comparative peace. We were at a time in which we wanted to let our military know that we appreciated them standing guard in peacetime as well as in war.

For the last 7 years, though, we have been at war. Our troops have been deployed in Afghanistan since shortly after the September 11 attack on our Nation. In fact, this last weekend, as part of the Military Appreciation Month, I was in Oceanside in my own district where 44,000 Marines reside at Camp Pendleton. Except they don't get to reside at Camp Pendleton; they are on their third and fourth deployments throughout that region.

I didn't just thank the senior NCOs and the officers, who I appreciate their continued service because they have stayed in and reenlisted during this time of war, but I also thanked the incredible amount of young men and women and their families who showed up and who in fact joined after this war began, and many of them after this war had been going for many, many years.

It is in fact our military that is with us in good times and bad. They stay with us in the worst of times. They also enlist in the hardest of times.

Many people would say I never voted for this war. I wouldn't vote for this war. This war is wrong. Men and women of the Army, Navy, Marine Corps, Air Force, and Coast Guard don't say whether the war is right or wrong. They make a statement about whether America is right or wrong. In their eyes, and in my eyes, America is right. We have a process which we observe in order to ensure that we do not easily go into war, we do not easily send our troops into harm's way.

However, our men and women are in harm's way today. And for this month, like every day that we are at war, we should honor our men and women in uniform. We should make that extra effort to try to do what we can for those returning home and for those who remain behind, the families, the children, the husbands, the wives, making sure that every day they are taken care of, that their special needs, because of the absence of the loved one, are observed. And when they come home, they don't come home from the first deployment, the parade is not as easy to recognize; they don't come home from the last deployment. It is not so easy to say, we are coming home for good.

So I urge my colleagues and I urge all of America to think about the appreciation we can show year round to in fact realize that a parade is just as important to a troop who has come home from their third deployment. Recognition, a picnic, or some other way of saying we care about your continued service, is just as important in the sixth and seventh year of a struggle that could in fact go on for many years in order to bring freedom and a way of life that is acceptable to the people of Afghanistan and Iraq and other countries throughout the world.

Today we can recognize where our men and women are fighting, but we don't often recognize where they are standing so that we don't have to fight. And I would like to close by recognizing the men and women who are in the Sudan, who are in fact trying to do what they can in Africa for some very troubled spots in which we don't recognize it as our fighting but we certainly have to recognize that we are trying to make a difference for those people who in their struggles every day realize that they are at war.

I join with the gentlelady from California in urging the support for this resolution. I join with the gentleman from Connecticut in recognizing that every day, every month, should be National Military Recognition Month.

Mr. SHAYS. Mr. Speaker, I urge my colleagues to support H. Con. Res. 334, which expresses support for National Military Appreciation Month. I introduced this resolution to pay tribute to the men and women who serve in our Armed Forces.

This May is the 10th National Military Appreciation Month. As we approach Memorial Day, I believe it is an appropriate time to thank our service men and women for their service to our country. The men and women who serve our country and defend freedom deserve to be treated with nothing less than the highest level of dignity and respect.

Our country is at war and the brave men and women of our military deserve the full support of every American. We need to provide them with every resource they will need in the difficult months and years to come, starting with our gratitude and respect.

I am grateful for this resolution being brought to the floor, and support its adoption.

Mr. TIAHRT. Mr. Speaker, I rise today to join my colleagues in support of H. Con. Res. 334, honoring the Armed Forces of the United States of America during "National Military Appreciation Month." During this month, we Americans honor and recognize all the military members who serve and have given their lives in defense of the freedoms we enjoy today. This bill recognizes those on active duty in all branches of service, the National Guard and Reserves, retirees, veterans, and all of their families.

We must continue to impress upon our children and grandchildren the sacrifices that our armed services have provided this country. We must be diligent in reminding all Americans, young and old, that the price of freedom is paid for everyday, through the blood, sweat and tears of our brave men and women of the Armed Forces and the sacrifices made by their family members.

Additionally, our Education System has the duty and the responsibility to continue to highlight the historical impact of the military throughout the last 230 years. Americans must never forget the historical impact of the military in United States history and the role they played in ensuring the American way of life. Events like the American Revolution, the Civil War, Pearl Harbor, Normandy, and World War I and II, must always be remembered for the important role they played in making the United States of America the greatest country in the world.

Finally, while we understand and praise the personal sacrifices our brave men and women make in defending our great Nation, we frequently forget that duty is a 24–7, 365-day commitment for the soldiers and their families. As we continue our Global War on Terror, military members of the Armed Forces will continue to shoulder the burden of freedom and independence. A month-long dedication to their tireless efforts is the cast we can do as Americans.

Americans, during the National Military Appreciation Month, should go out of their way to shake the hand of a military member, say a special thank-you, and continually pray for our soldiers and their families.

The Armed Forces of the United States of America continue to play a vital role in the defense of this country. Their contributions and sacrifices have not gone unnoticed and designating May as National Military Appreciation Month is a perfect opportunity for us as a Nation to pay great tribute to their tremendous sacrifices.

I encourage my colleagues to support this important resolution and am pleased that today the House recognizes the valuable contributions of the Armed Forces of the United States of America.

Mr. ISSA. I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 334, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ARNOLD PALMER

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1152) honoring Arnold Palmer for his distinguished career in the sport of golf and his commitment to excellence and sportsmanship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1152

Whereas Arnold Palmer is an all-time great in the sport of golf, a highly successful businessman, an outstanding philanthropist, and a devoted family man;

Whereas Arnold Palmer's golf career spanned more than 50 years and included 92 tournament victories in professional play, of which 62 were in the United States Professional Golf Association Tour;

Whereas Arnold Palmer was recognized as the Sports Illustrated Sportsman of the Year in 1960 and the Associated Press Athlete of the Decade for the 1960s;

Whereas Arnold Palmer is a prostate cancer survivor and has served as an important advocate for promoting cancer research and early detection;

Whereas Arnold Palmer's philanthropic generosity has touched thousands across the United States;

Whereas Arnold Palmer's charitable endeavors span across the United States, from the Arnold Palmer Prostate Center in Rancho Mirage, California, to the Winnie Palmer Hospital for Women and Babies in Orlando, Florida;

Whereas Arnold Palmer possesses a charismatic personality and a sense of kindness and generosity that has endeared him to millions;

Whereas the United States Golf Association has its headquarters in Far Hills, New Jersey, in the 7th Congressional District;

Whereas United States Golf Association President Jim Vernon has said that "Arnold Palmer embodies the integrity and passion at the heart of the game of golf, as well as the gracious spirit of our Nation"; and

Whereas on June 3, 2008, the United States Golf Association will honor Arnold Palmer with the opening of the Arnold Palmer Center for Golf History in the United States Golf Association Museum in Bernards Township, New Jersey: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Arnold Palmer for his outstanding career in the sport of golf;

(2) commends Arnold Palmer for his dedication to charity and helping others; and

(3) expresses support for the United States Golf Association as it celebrates Arnold Palmer with the opening of the Arnold Palmer Center for Golf History.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair will recognize the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, I rise for the consideration of H. Res. 1152, which pays tribute to Arnold Palmer for both his distinguished golfing career and his dedication to excellence and sportsmanship.

H. Res. 1152 was coauthored by Congressman FERGUSON of New Jersey and Congressman BACA of California, and is cosponsored by 83 Members of Congress. The bill before us was first introduced on April 24, 2008, and was taken up by the Committee on Oversight and Government Reform on May 15, 2008, where the measure was amended and then passed by voice vote.

A native of Western Pennsylvania, Arnold Palmer is regarded as one of the greatest golfers in the history of the professional sport of golf, winning over 90 PGA tour titles since the mid 1950s, and 62 champion tour wins since 1980. Arnold Palmer became the face of televised golf in America, and even today his talents and accomplishments in the sport of golf continue to set the standard for many, including the greats of today, such as Tiger Woods and Vijay Singh.

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Nicknamed "The King," Arnold Palmer has demonstrated excellence both on and off of the golf course by establishing the Arnold Palmer Hospital for Children in Orlando, Florida, and the Arnold Palmer Pavilion at the University of Pittsburgh Medical Center.

Mr. Speaker, in honor of the contributions Mr. Palmer has made to the world of golf and the landscape of America, I urge the adoption of H. Res. 1152.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I too rise in support of this resolution recognizing Arnold Palmer for his contributions to golf and to our society. How fitting it is that we honor him on the occasion of the opening of the Arnold Palmer Center for Golf History in New Jersey since it is he who made this possible and he who has made golf history so many times.

You could, in fact, honor Arnold for his off-the-tee activities, if you wanted to. You could honor him for being somebody who proved that even with an unorthodox swing you could get to the goal.

You certainly could recognize him, as we are, for his 92 championships, 61 on the PGA Tour, including two victories at the Masters, two at the British Open and one at the U.S. Open. From 1960 to 1963 he won 29 tournaments. He won 10 more times in the Senior PGA Tour. He has had a long and successful career, one that continues to stand in its records in the American Golf Hall of Fame.

He is also, though, a celebrated course designer. His skill, his ability to, in fact, create constantly innovative and enjoyable places for America to golf has left a lasting legacy, both here in the United States and around the world. He even found a way to invent a golf-friendly drink, the Arnold Palmer, which consists of iced tea and lemonade.

There is no question this is a man for all seasons and all charities. He has raised millions for charities that fight cancer and other diseases. He has given of his time and money and energies for countless other causes.

He also has endeavored to promote golf and serve as one of our finest ambassadors of the sport.

We often, here in the House, do resolutions, and we say, this is special. But I don't think there's any question that as America hears today that we have honored Arnold Palmer for golf, they'll say, what took us so long? Of course we should do it.

I yield back the balance of my time and urge support of this resolution.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1152, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PEACE OFFICERS MEMORIAL DAY

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1132) supporting the goals and ideals of Peace Officers Memorial Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1132

Whereas there are more than 900,000 sworn law enforcement officers now serving in the United States;

Whereas law enforcement officers selflessly protect our communities and our country from harm;

Whereas law enforcement officers serve the country regardless of the peril to themselves;

Whereas more than 18,200 law enforcement officers have been killed in the line of duty since the first recorded police death in 1792;

Whereas, September 11, 2001, was the deadliest day in law enforcement history with 72 officers killed while responding to the terrorist attacks;

Whereas 181 law enforcement officers were killed in 2007;

Whereas Public Law 87-726 designates May 15th of each year as Peace Officers Memorial Day and Police Week is commemorated during the calendar week of May 15;

Whereas section 7(m) of title 4, United States Code, requires that the United States flag on all government buildings to be displayed at half-staff on May 15, National Peace Officers Memorial Day; and

Whereas law enforcement officers deserve the gratitude of this Nation for their service; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of H. Res. 1132, which seeks to commemorate the selfless men and women who serve as law enforcement officers around our country. Their service is crucial to the protection of Americans everywhere, and their daily sacrifice is what helps to guarantee our right to life, liberty and the pursuit of happiness.

H. Res. 1132 was introduced by TED POE of Texas on April 22, 2008, and was considered by and reported from the Oversight Committee on May 1, 2008 by voice vote. This legislative measure has the support of over 65 Members of Congress, and its principal purpose is to show our appreciation for the risk that 900,000-plus sworn law enforcement officers face daily in their service to communities throughout the United States.

In this past year alone, our country has lost over 180 law enforcement officers in the line of duty, and while just last week many of their fellow officers descended upon our Nation's Capital for National Police Week in remembrance of these fallen heroes, today, we, in the Congress also take a moment to express our gratitude for these courageous Americans by recognizing Peace Officers Memorial Day.

Therefore, it is with humble gratitude that we salute and we thank our country's peace officers, as well as remember those officers who gave their life in service and protection of ours.

Mr. Speaker, I urge the swift passage of H. Res. 1132 and reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. I had the opportunity to vote it out of our committee week before last. We did so with full expectation that it would be on the floor last week, as has been traditional when law enforcement leaders come from around the country for our peace officers gathering.

It's with great trepidation that I support this, but also note that the partisan nature of our body, which has always caused this bill, in the past, to be up for that week so that the men and women could sit in the gallery and observe our recognition of the important work they do, did not happen. I would hope this is the last time that resolutions like this are held because, quote, we wouldn't get to them with all the recorded votes. The men and women, the 56,000-plus who are assaulted every year, the 181 who died last year, up from 151 the year before, they deserve our recognition in a timely fashion. They deserve our constant support. They deserve not to be part of partisan infighting.

I believe that, in fact, most of us in the Congress, including the gentlelady from California, shares with me the nonpartisan support for our law enforcement people.

I might additionally recognize at this time, that law enforcement is not only around the country, but it's also right here in the Capitol. We in the Congress could not do our business in an orderly fashion if it wasn't for the Capitol Hill Police who stand vigilantly with large weapons against an attack and, on a daily basis, ensure that the tens of thousands of people who come to see the Capitol are able to do so without interfering with the operations of this body.

So in the jobs large and small I would like to join with the gentlelady in asking for this bill to be passed, but I'd also like to recognize the men and women of the Capitol Hill Police.

H. Res. 1132 supports the goals and ideals of Peace Officers Memorial Day to honor federal, state, and local law enforcement officers killed in the line of duty, and encourages the citizens of the United States to observe the day with appropriate ceremonies and respect.

Law enforcement officers face dangers on the job every single day while fighting crime, violence and terrorism. On May 17, 1792, New York City's Deputy Sheriff, Isaac Smith, became the first police officer to be recorded as killed in the line of duty. Today, more than 56,000 officers are assaulted each year and just this past year, in 2007, 181 officers were killed while serving the American people.

Last year was one of the deadliest years for U.S. law enforcement in nearly two decades. The number of officers killed in the line of duty last year increased nearly 20 percent from 2006, when there were 151 officer deaths.

There is a quote by President George H.W. Bush engraved on the National Law Enforcement Officers Memorial, located at Judiciary Square here in D.C. that summarizes the mission of the 900,000 current sworn law enforcement officers in the United States. It states that it is their daily "quest to preserve both democracy and decency, and to protect a national treasure that we call the American dream."

May 15 was Peace Officers Memorial Day, a holiday created in 1961, by Congress to pay homage to the fallen law enforcement officers who have dedicated their lives to protecting this country and its citizens. On this day the flag is flown at half-staff and thousands of people visit the National Law Enforcement Memorial, which currently has 18,274 names engraved on its surface.

Each of these names is evidence of the sacrifices these brave law enforcement officers have made to keep American citizens safe.

With gratitude for our law enforcement officers' devotion and dedication, I ask all members to join me in supporting H. Res. 1132.

Ms JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 1132, Supporting the goals and ideals of Peace Officers Memorial Day, introduced by my distinguished colleague from Texas, Representative TED POE.

Peace officers, the sworn, public-sector officers entrusted with law enforcement authority and the power of arrest, risk their lives daily to protect our Nation. These individuals, who are responsible for safeguarding the rights and freedoms we enjoy as Americans, are true heroes.

Peace Officers Memorial Day honors those who have made the ultimate sacrifice for the safety and security of their communities and our Nation. Created by Public Law 87–726, signed by President Kennedy in 1962, this day gives us the opportunity to acknowledge and pay our respects to those who, through their courageous deeds, have fallen in the line of duty.

Mr. Speaker, on thursday, May 15, 2008, our Nation will come together to honor, remember and record those law enforcement officers who were killed in the line of duty during the year of 2007. Mr. Speaker, one of the names of the fallen heroes added to the list last year was Officer Rodney J. Johnson of the Houston Police Department. Officer Johnson, a 12-year veteran of the Houston Police Department, was killed September 21, 2006, while taking a suspect in custody during a traffic stop. He leaves to honor his memory his beloved wife, Houston Police Department Officer Joslyn Johnson, and five teen-aged children; three daughters and two sons, ages 14 to 19.

Officer Rodney Johnson was born in Houston and served in the U.S. Army as a military police officer until being honorably discharged in 1990. He then went to work as a corrections officer for the Texas Department of Criminal Justice and then as a jail attendant. He graduated from the Houston police academy in 1994.

As a member of the department's Southeast Gang Task Force, Officer Rodney Johnson earned two Lifesaving Awards and one Medal of Valor from the State of Texas. In January 1998, Officer Rodney Johnson rescued a physically challenged driver trapped in rising floodwaters, and later that year he rescued mentally challenged people trapped inside of a burning house.

Officer Rodney Johnson, who stood 6 feet 5 inches tall and weighed nearly 300 pounds, served on his union's board of directors. As Hans Marticiuc, the president of Officer Johnson's union stated, "he was big and he was intimidating-looking, but he was as gentle as a baby bear."

Although the number of officers killed in the line of duty has declined in recent years, the fact that one officer is killed every 2½ days in our country is a sober reminder that protecting our communities and safeguarding our democracy come at a heavy price.

Last year, the total number of law enforcement officers killed in the line of duty was represented by 17,917 names engraved on the Memorial, representing officers from all 50 States, the District of Columbia, U.S. territories, and Federal law enforcement and military police agencies..

This resolution supports the goals and ideals of National Peace Officer Memorial Day, which honors Federal, State, and local peace officers killed or disabled in the line of duty. This service will honor the 181 law enforcement officers killed in the line of duty during 2007, as well as the 900,000 officers who continue to serve in Federal, State and local law enforcement agencies nationwide.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution.

Mr. FOSSELLA. Mr. Speaker, I rise today in support of House Resolution 1132, a resolution supporting the goals and ideals of Peace Officers Memorial Day and to honor more than 900,000 Federal, State and local law enforcement officials who serve this Nation. This year, 358 new names were added to the National Law Enforcement Offices Memorial, representing names of officers who lost their lives over the course of many years. In 2007 alone, 187 officers from across the United States were killed in the line of duty. These heroes were sons and daughters, husbands and wives, sisters, brothers, and true role models for each of us.

Congress passed legislation (PL 87–726) that requested the President to issue proclamations designating May 15th as National Peace Officers Memorial Day, and the week in which it falls as National Police Officers Week. National Police Week provides us with an opportunity to honor and thank those who keep us safe, protect our streets each day, and allow us to take advantage of the many freedoms we enjoy today. It also provides us with an opportunity to honor those who have paid the ultimate sacrifice.

Our local police officers, like those throughout Staten Island and Brooklyn, commit their lives to serving and protecting our communities, keeping our neighborhoods safe for our families and loved ones. America's finest police officers across the country remain dedicated to their mission despite the tremendous risks involved with their service. Unfortunately, many of these brave members of our community pay the ultimate sacrifice and leave many families mourning the loss of loved ones.

Mr. Speaker, I urge my colleagues to join me in passing this resolution.

Ms. ISSA. I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1132.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1153) celebrating Asian Pacific American Heritage Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1153

Whereas this year marks the 30th anniversary of President Jimmy Carter's signing of the joint resolution designating the first ten days of May as Asian Pacific American Heritage Week;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month, and requests the President to issue each year a proclamation calling on the people of the United States to observe Asian/Pacific American Heritage Month with appropriate programs, ceremonies, and activities;

Whereas according to the Bureau of the Census, an estimated 14,900,000 United States residents identify themselves as Asian alone or in combination with one or more other races, and an estimated 1,000,000 United States residents identify themselves as Native Hawaiian and Other Pacific Islander alone or in combination with one or more other races;

Whereas even though Asian Americans and Pacific Islanders faced the injustices of racial prejudice as exemplified by the Chinese Exclusion Act, Japanese internment, Vincent Chin case, and other events, the community has made considerable contributions to the vast cultural, military, economic, educational, and technological advancements of the United States;

Whereas Asian Americans and Pacific Islanders such as civil rights activist, Yuri Kochiyama, Medal of Honor recipient, Herbert Pililaau, the first Asian American Congressman, Dalip Singh Saund, the first Asian American Congresswoman, Patsy Mink, and others have made significant strides in the political and military realm; and

Whereas Asian Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, history, and concerns of Asian Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the incredible diversity of different racial and ethnic groups, including Asian American and Pacific Islander, is a source of strength for the United States;

(2) recognizes that the Asian American and Pacific Islander community is influential and crucial to the society and culture of the United States;

(3) reaffirms its commitment to the goals and ideals of Asian Pacific American Heritage Month; and

(4) celebrates the contributions of Asian Americans and Pacific Islanders to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Representing the House Committee on Oversight and Government Reform, I'd like to join my colleagues in the consideration of H. Res. 1153, as amended, which proudly expresses our support for the celebration of May as National Asian Pacific American Heritage Month.

H. Res. 1153 was originally introduced on April 24, 2008, by Representative MAZIE HIRONO of Hawaii, along with members and associate members of the Congressional Asian Pacific American Caucus. In addition to these 14 members of CAPAC, the measure is also cosponsored by over 60 Members of Congress. On May 5, 2008, the bill was approved by the Oversight Committee by voice vote after being amended.

I would like to offer as much time as she needs to MAZIE HIRONO.

Ms. HIRONO. Mr. Speaker, I thank the gentlelady from California for yielding me time.

I rise today in support of H. Res. 1153, celebrating Asian Pacific American Heritage Month. First, I want to thank the Congressional Asian Pacific American Caucus and the 78 cosponsors of the resolution. I hope all the Members of the House will join me in supporting this measure.

The Asian American and Pacific Islander (AAPI) community is composed of over 15 million people. AAPIs own 1.1 million businesses, generating an estimated $326 billion for our economy. The community is a crucial element in the cultural fabric of the United States, representing people from East Asia, Southeast Asia, the Indian subcontinent and the Pacific islands. We celebrate the month of April as Asian Pacific American Heritage Month to not only commemorate the achievements of the AAPI community, but to remind us of the work that is left to do.

In this resolution I highlight four leaders of the AAPI community. One such leader is Yuri Kochiyama, a Japanese American civil rights activist who was involved in attaining reparations for Japanese Americans, and the reformation of the Harlem school system in the 1960s.

Another notable member is Private First Class Herbert Pililaau, a native Hawaiian Medal of Honor recipient who died in combat during the Korean War while courageously volunteering to defend his fellow soldiers as they withdrew from their posts.

Also noteworthy is Dalip Singh Suand, the first Asian American and Sikh American elected to Congress, who advocated for naturalization rights for people of South Asian descent.

Finally, I'd like to commend my predecessor, the late Patsy Takemoto Mink, for becoming not only the first Asian American woman, but also the first woman of color elected to Congress. Her work to increase access to education, particularly through title IX, is an inspiration for my bill, the PRE-K Act, which focuses on our youngest children.

The AAPI community has accomplished much and given much, given their history of discrimination. For example, in 1882, the Chinese Exclusion Act barred Chinese laborers from entering the United States, even though prior to this date, Chinese laborers built our transcontinental railroad.

And another example, in 1942, 120,000 Japanese American citizens and legal residents were relocated to internment camps, while many of their sons served in the 442nd regimental combat team, the most decorated unit in U.S. history.

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We've repealed the Chinese Exclusion Act and have granted reparations for surviving Japanese Americans. But there is still much to do to address social and political challenges facing the AAPI community.

One major issue is securing self-determination rights for native Hawaiians. H.R. 505, the Native Hawaiian Government Reorganization Act, grants native Hawaiians the same rights to manage their affairs currently enjoyed by other indigenous people, the American Indians and the Alaskan Natives. I thank the Members who supported passage of H.R. 505 in the House last year.

Additionally, about 2,000 Filipinos fought alongside American servicemen in World War II. These Filipino veterans were promised full veterans benefits, yet in 1946, President Truman signed the Rescission Act which stripped them of benefits that were accorded to all other soldiers. Compounding this inequity are the immigration quotas that delayed for up to 20 years the issuance of visas to sons and daughters of these Filipino veterans, a major hindrance to the reunification of these families.

We have an opportunity in the House to remedy these situations through two measures that address these issues. S. 1315, which passed the Senate by an overwhelming 96–1 vote, would allow the surviving Filipino World War II veterans to obtain veteran benefits; and my bill, H.R. 1287, the Filipino Veterans' Family Reunification Act, which would exempt the sons and daughters of naturalized Filipino veterans from immigration quotas.

I look forward to working with my colleagues in advancing these legislative priorities for the AAPI community.

In closing, our vast pool of knowledge, talent, and cultural diversity is a source of strength for the United States. I urge my colleagues to support H. Res. 1153 and to participate in events celebrating AAPIs throughout your communities.

Mr. ISSA. Mr. Speaker, I rise in strong support of H. Res. 1153. I think the gentlelady from Hawaii did a wonderful job of going through the highlights and contributions of Asian Americans, and I think, quite frankly, she did a very good job of recognizing some of the well-known and not-so-well-known examples of when we have failed the Asian Americans.

I support the United States Asian American Heritage Month. I also support many of the things that were commented on that we have, in fact, left undone. Very, very clearly, when it comes to the Philippine veterans, we stand in shame in this body. The Rescission Act was signed by Truman while Truman said, in fact, we didn't live up to a moral obligation, and made it very clear that this would be yet another example of America not being proud. That was a long time ago.

I am one of the cochairs of the Philippine Caucus and one of the authors of the underlying bill that is included in the Senate bill 1315, which is a package of noncontroversial U.S. benefit extensions for American veterans, but it's also an extension of a long-overdue benefit to people from the territory of the Philippines who fought with us in World War II.

Mr. Speaker, I would hope that this body would take note that these Asian Americans, and they were Asian Americans, had a governor, his name was MacArthur, at the beginning of the war. They fought to keep us from being driven off by an invading Army until, hopelessly, they had to withdraw; and yet these Rangers and Scouts continued fighting whenever possible in the jungles for years, even while MacArthur planned to return. MacArthur made this promise, America made this promise. We haven't kept that promise. As the gentlelady rightfully so said, there were over 200,000 Filipinos who fought with us for their country.

I take note that there are 4 million-plus Puerto Ricans today. I served in the United States Army from 1970 to 1980 and years beyond that in the Reserves. I was of the assumption that the Puerto Ricans who were in the service with me were Americans. I'm still of that assumption. Members of our territories are, in fact, Americans.

I might further note that Senator McCAIN, a U.S. Senator who could well end up being President, was born in the Panama Canal Zone. Is he less an American because he was born in a sovereign asset of the United States? Of course not. He's fully eligible to be President, and these veterans, these Philippine veterans, are American veterans, and they cannot and should not have to come before this body asking us to unstrip what we stripped away in shame 60 years ago.

So I join with the gentlelady in supporting this resolution, but I would like to emphasize as much as I can that we have an important vote this week, a vote about giving American veterans, veterans who are today Americans, veterans who, on that day, were Americans when they fought with us.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentlemen for his remarks concerning the legislation that has been recently considered and passed in the Congress in providing for the needs of our Filipino veterans.

My understanding is it has been requested a little over $200 million to provide proper compensation. Sixty years. We're spending $12 billion a month on this war in Iraq, and after 60 years, we cannot manage ourselves not only morally but as a matter of legal obligation that we should have for these fellow patriots who helped us fight the war in World War II that we've just now gotten around to trying to provide justice and fairness to the system.

So I want to commend the gentleman for noting that, as well as my good friend, the gentlelady from Hawaii, the chief sponsor of this legislation.

Mr. ISSA. Reclaiming my time, I might note that under our PAYGO rules, the bill that will come before the floor will even be less than that. It has been reduced below the mark that was set and passed 96–1 in the Senate in order to maintain a balance under PAYGO.

So the gentleman is absolutely right. This represents one or two days of the cost of what we're doing for our future veterans in Iraq and Afghanistan and, in fact, should not be controversial. And I hope when it comes to the floor on a bipartisan basis, it clearly shouldn't and wouldn't be controversial.

I reserve my time.

Ms. WATSON. I would like to call on the gentleman from Pennsylvania, Representative JOE SESTAK, for 2 minutes.

Mr. SESTAK. Mr. Speaker, I rise to celebrate Asian Pacific American Heritage Month which does take place this year during May.

The Asian American Pacific Islander, AAPI, community is, as was already noted, a very culturally and ethnically diverse community with a very rich heritage in the United States of America. The AAPI community, as was noted, is composed of over 15 million people across the United States and is one of the fastest growing minority groups in America. It represents nearly 5 percent of my Seventh Congressional District in Pennsylvania, and without any doubt plays a very vibrant part of the rich cultural fabric of my district.

The AAPI community has also made significant contributions in developing our Nation. As was just noted in this brief exchange, there were many leaders, which I saw in my nearly four decades of military service from this rich community, whether from the Philippines, Japan, China, or across to India or the United Arab Emirates from being leaders in education, to fostering business and economic development, to promoting arts and media, and to helping develop innovative breakthroughs in health care medicine technology.

In 1978, a joint congressional resolution was established which had the Asian Pacific American Heritage Week finally come about. The first 10 days of May were chosen to coincide with two key anniversaries: The arrival in the United States of the first Japanese immigrants on May 7, 1843, and the completion of the transcontinental railroad on May 10, 1869, bringing together two parts of America, and I hope in more and more all the world. In 1992, Congress expanded the week finally to a month-long celebration.

Therefore, I am proud to join my colleagues in celebrating the rich heritage of the AAPI community that I see every day in my district and to recognize the contributions of the community during Asian Pacific Heritage Month.

Mr. ISSA. Mr. Speaker, I have no further speakers at this time and continue reserving.

Ms. WATSON. Mr. Speaker, I would like to call now on Representative FALEOMAVAEGA from American Samoa for 3 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentlelady from California for her management of this legislation and also my good friend from California (Mr. ISSA) for bringing this legislation to the floor and for its consideration. I especially also want to thank my good friend and dear colleague, the dear lady from Hawaii as the author and chief sponsor of this important legislation. I know that the chairman of our Asian Pacific Congressional Caucus would have been here, Congressman HONDA, to also make comments concerning this proposed legislation.

I do want to say that in honor of Asian Pacific Heritage Month in which this Nation pays a special tribute to the contributions of some 15 million of our fellow Americans who are of Asian Pacific descent, I want to honor especially in particular the thousands of our Asian Pacific Americans who served in the Armed Forces of our Nation. In fact, this weekend it will be my privilege and a personal honor for me to visit Fort Bragg which has a lot of my fellow Samoan tribesmen who are members of the 82nd Airborne. We're going to have a tribal gathering there in Fort Bragg. There are going to be a whole bunch coming out of Fort Campbell, Kentucky, the 101st Airborne group, and I'm looking forward to meeting with them and also as part of our Asian Pacific Heritage Month.

Fifteen million Americans, Mr. Speaker, Asian Pacific Americans, are considered among the fastest growing demographic groups in the United States today. Although it makes up only 4 percent of our Nation's population, permit me to share with you an overview of some of the contributions of our Asian Pacific Americans. I know time will not permit me to give you the whole story here but just a couple just to note.

A couple years ago, a world-renowned physicist by the name of Dr. Chien-Shiung Wu, a Chinese American lady, perhaps little known to the average American, passed away quietly in her home in New York but for decades dedicated her life in study of beta ray physics. She was born in Shanghai and in her youth studied with Nobel Laureate E.O. Lawrence, the inventor of the cyclotron facility at U.C. Berkeley, where Dr. Wu also received her doctorate degree in physics. For some 30 years she taught physics at Columbia University. And in 1957, she also won the Nobel Prize in physics for her work on emission of electrons from radioactive nuclei.

Years ago, Time magazine featured as its Man of the Year Dr. David Ho for his medical research in an effort to finding a cure for HIV/AIDS.

Dr. Makio Murayama, a Japanese American, conducted vital research in the United States that laid the groundwork for combating sickle-cell anemia.

There is also Dr. Leo Esaki, another Japanese American, who was awarded the Nobel Prize in physics for his electron tunneling theories.

And in the field of engineering, few have matched the architectural masterpieces created by the genius of I.M. Pei.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. WATSON. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlelady has 9 minutes remaining.

Ms. WATSON. I would like to offer Mr. FALEOMAVAEGA another 3 minutes.

Mr. FALEOMAVAEGA. I could talk to you about Bruce Lee. I could talk to you about Jet Li. But there is another one.

Now, another sports and movie icon is coming through his way in the movie industry. Believed to be the heir apparent to Sylvester Stallone and Arnold Schwarzenegger, none other than the former World Wrestling Federation champion wrestler, Dwayne Johnson, or commonly known as The Rock. After starring in his first movie, The Scorpion King, the Rock has also completed his sixth movie now, Get Smart, which is scheduled for release next month. Some of you may remember him in Be Cool, The Game Plan, The Rundown, and Walking Tall. His newest movie, G.I. Joe, is slated for release in the fall of next year.

The unique thing about the Rock is that while his father is African American/Native American and of European descent, his mother is pure Samoan Polynesian. Now just about every Samoan alive claims to be related to the Rock, including myself, Mr. Speaker.

Years ago, Duke Kahanamoku, a native Hawaiian, won the Olympic gold medal in swimming for the United States. And then there was Korean American Dr. Sammy Lee, who also won the Olympic gold medal in high diving for the United States in the Olympics. The interesting thing about Dr. Lee when I met him at the Olympics in Korea in 1988, because he was non-white, he was not allowed to train along with his fellow American Olympic athletes.

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So he had to become creative by performing high dives off cliffs and all the trees and I suspect even coconut trees, and despite all this, he still won the gold medal for our country.

Then we have our fellow Polynesians whom we exported to Japan. One happens to be a relative of mine, a Samoan Polynesian by the name of Saleva'a Atisanoe, who's a Sumo wrestler named Konishiki, that followed the other great Sumo wrestlers, Chad Rowen, Akebono; Peitani Fiamalu, also a grand champion, Musashimaru. These are some of the great athletes.

As a Vietnam veteran, Mr. Speaker, it's ludicrous for me not to say something in honor and respect for the hundreds of thousands of Asian Pacific Americans who served then and now in all the branches of the armed services of our Nation. As a former member of the U.S. Army Reserve unit known as the 100th Battalion, 442nd Infantry Combat group, I would be remiss if I did not share with you the contributions of the tens of thousands of Japanese American soldiers who volunteered to fight our Nation's enemies in Europe during World War II.

Some of you may not be aware that after the surprise attack on Pearl Harbor, December 7, 1941, by the Imperial Forces of the Japanese government, there was such an outrage and cry for an all-out war against Japan, days afterward our President and the Congress formally declared war. But caught in this crossfire were hundreds of thousands of Americans, Americans mind you who just happened to be of Japanese ancestry.

Our national government immediately implemented a policy where some 100,000 Americans of Japanese ancestry were forced to live in what we call relocation camps.

The SPEAKER pro tempore. The gentleman's time has again expired.

Ms. WATSON. I yield the gentleman an additional 1 minute.

Mr. FALEOMAVAEGA. In our Nation's history, Mr. Speaker, let me just share with you the results of the bravery and the courage of these Japanese Americans who fought in Europe. 18,000 individual declarations for heroism; over 9,000 awards of the Purple Heart; 560 Silver Stars; and after some corrective action taken by the Congress, 19 Medals of Honor were awarded to these Japanese Americans who fought for our Nation.

We need to be reminded that forevermore we should never have this kind of thing happening in our Nation's history where people who happen to be of different ancestry or ethnicity are discriminated against simply because they are not like the rest of our fellow Americans.

I fully support this proposed legislation, and I ask my colleagues to approve this legislation. I thank again my good friend from Hawaii for her sponsorship and authorship of this bill.

Ms. WATSON. I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentlelady for yielding, and I speak in favor of this resolution.

Saturday morning in my hometown of Lexington, Missouri, I attended the graduation ceremonies of my alma mater, Wentworth Military Academy and Junior College, and at that ceremony, I had the privilege of presenting a scholarship to one of the young women of that student body in memory of my late wife, Susie Skelton.

But one of the most memorable aspects of this was the commissioning of 10 of the junior college graduates to receive their second lieutenancy in the United States Army Reserve. After two more years of college, they will be able to go into the active duty of our country or be full-time active members of the National Guard or Reserve.

What I speak about today very briefly is, of the 10, half of those newly commissioned second lieutenants at Wentworth Military Academy were from American Samoa, outstanding students, good soldiers, fine young Americans. I think that it should be brought to this body's attention that they are doing their best and their part in the national security of our Nation, and I must say I'm very proud of them.

Mr. ISSA. Mr. Speaker, I would inquire of the gentlelady if she has additional speakers.

Ms. WATSON. We continue to reserve. There's no more speakers, Mr. Speaker.

Mr. ISSA. Mr. Speaker, I'll close by urging support for this noncontroversial bill but also reminding my colleagues that there are many things undone in the way of righting the wrongs to Asian Americans and in thanking Asian Americans for what they have done for our country for 150-plus years.

So with that, I would yield back the balance of my time and urge passage.

Ms. WATSON. Mr. Speaker, on behalf of the over 14 million Asian and Pacific Islander Americans and the entire population of America for that matter, let us demonstrate our full support of this year's celebration of Asian Pacific American Heritage Month by passing H. Res. 1153 without reservation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to honor Asian Pacific American Heritage Month and to pay tribute to the many achievements and honor the countless unique contributions to the United States made by Asian Pacific Americans across our Nation.

May 7, 1843 marked the first arrival of Japanese immigrants to the United States and May 10, 1869 signaled the completion of the transcontinental railroad which is greatly credited to the labor of the Chinese immigrants. Therefore, it is appropriate that during this month we recognize the contributions and sacrifices made by Asian Pacific Americans.

Today, there are over 14 million Asian Pacific Americans living in the United States, representing 5 percent of the population. The rich history associated with the Asian Pacific American has left a lasting imprint on our country.

Over the years, the Asian Pacific American communities have made significant contributions to Texas's diverse culture. In my district, Dallas, TX, I am privileged to have the largest Asian American Chamber in the United States with more than 1,200 members. I believe that we all can learn from those who come from different backgrounds and cultures, and I can truly say that I have learned a great deal from my Asian Pacific friends and constituents.

I would also like to offer my deepest condolence to the families and friends of those who perished from recent tragedies in China and Myanmar.

Mr. Speaker, I am proud to support this resolution and the Asian Pacific American communities in North Texas and across the United States.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support H. Res. 1153, a resolution celebrating Asian Pacific American Heritage Month. As an Executive Board member of the Congressional Asian Pacific American Caucus (CAPAC), and as the Representative for a district that is 12 percent Asian American, I understand how important it is to recognize the Asian Pacific American (APA) community for their valuable contributions to our Nation's history and development.

Asian Pacific American Heritage Month was celebrated for the first time in May of 1990, and it became an annually observed event in 1992 under the 102nd Congress. Legislators chose the month of May in honor of some noteworthy historical events that happened during this time. May 7, 1843 was the date on which the first Japanese immigrants arrived in the United States. May 10, 1869 marks the completion of the first transcontinental railroad, an incredible undertaking that was made possible due to the hard work and sacrifices of thousands of Chinese immigrants.

By celebrating APA Heritage Month, we recognize the Asian Pacific American community for all that they have accomplished and endured. This great Nation draws its strength from the diversity of cultures and ideas that it was built upon, and it could not be what it is today without their contributions.

Mr. LARSON of Connecticut. Mr. Speaker, yesterday the House passed H. Res. 1153—Celebrating Asian Pacific American Heritage Month. I honor this important month of May which marks the 30th anniversary of the passage of a joint Congressional Resolution designating the first 10 days in May to celebrate Asian American Heritage. Congress later voted to expand the commemoration to a month-long celebration to truly honor the impact that Asian Americans and Pacific Islanders have in this great Nation.

Let us join the rest of the country in celebrating this year's theme of "Building Today for Tomorrow." As legislators we must constantly remember that the decisions we make now greatly impact our future. That is why I am proud to say this Democratic Congress has passed legislation to raise the minimum wage, to make college more affordable, to fund nutrition programs, to protect families facing foreclosure, and to lower prices at the pump. We will continue to fight for the needs of Asian American and Pacific Islander communities by creating legislation to address this country's growing economic and energy needs.

Mr. Speaker, this year during Asian Pacific American Heritage Month, I urge my colleagues to recognize beyond the month of May the continued struggles that Asian Americans and Pacific Islanders face—the health disparities, language barriers, stereotypes, and discrimination they attempt to overcome on a daily basis. I urge us to remember their unyielding contributions to our Nation and honor those who have sacrificed their lives and families to bravely fight for our country. Above all, I urge us to work together to make choices that will move our Nation forward to a better tomorrow.

Ms. WATSON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1153, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1026) recognizing the 100th anniversary of the founding of the Congressional Club.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1026

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life, and founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the House and Senate and is the only club in the world to be founded by an act of Congress;

Whereas the resolution establishing the Congressional Club was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by womanly wiles and feminine determination in the passage of the enacting resolution unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, "upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were";

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, DC, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft, but after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas the Congressional Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places, and its mortgage was paid for by the sales of the Club's cookbook and burned by Mrs. Bess Truman in a silver bowl on the 40th Anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for over 90 years, encouraging the revitalization of the area throughout the time of socioeconomic challenges, and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people of its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December which includes a festive meal, gifts, and a visit from Santa;

Whereas the Congressional Club hosts the annual First Lady's Luncheon every spring since 1912 to honor our First Lady, and donates tens of thousands of dollars to charities in the name of the First Lady annually;

Whereas the Congressional Club has chosen among its many charitable recipients mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, are encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks, and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members, and has included 7 members who became First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, among whom are Past President Mrs. Lindy Boggs, Mrs. Jo Ann Emerson, Mrs. Lois Capps, Mrs. Mary Bono, and Past President Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse for the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice-President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and for the orientation of spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100-year anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin/pendant designed by Past President Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contribution of political spouses to public life in America and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club;

(4) encourages all Americans to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(5) encourages all Americans to seek out opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, the House Committee on Oversight and Government Reform presents for consideration H. Res. 1026, which recognizes the 100th anniversary of the founding of the Congressional Club. The measure was introduced by Representative SANFORD BISHOP from the State of Georgia on March 6, 2008, and I, along with over 75 of my colleagues, are proud to be cosponsors of this bill.

H. Res. 1026 was taken up and approved by the Committee on Oversight and Government Reform as of April 9, 2008, which brings us up to today's consideration of the resolution.

Originally established on May 20, 1908, for the purpose of providing a nonpartisan social setting for the spouses of Members of the House and the Senate, the Congressional Club continues to serve its initial purpose, although the breadth and activities of the club have greatly expanded over the past century, to include such annual events as the First Lady's Luncheon and Founders Day.

I yield now to Mr. SANFORD BISHOP for as much time as he may consume.

Mr. BISHOP of Georgia. I thank the gentlelady for yielding.

Mr. Speaker, I rise today along with Representatives TODD TIAHRT, JEFF MILLER, DORIS MATSUI, JO ANN EMERSON, JOHN TANNER and 76 other cosponsors of H. Res. 1026 to commemorate the Congressional Club on its 100th anniversary.

The Congressional Club was established in 1908 "to promote sociability among its members, create a common meeting place, and further a personal acquaintance among the women of the Congressional circle." In the early 20th century, Members of Congress actually had little time for making friends outside of Congress and/or government. It largely fell upon the wives to forge acquaintances in the Nation's capital, since many of them led solitary lives while away from their home States.

In 1914, the club moved into a Beaux Arts-style mansion located on the corner of New Hampshire Avenue and U Street, Northwest, here in Washington, D.C., where it continues to be the meeting place to this day. It has maintained its mission of serving as a place for spouses of Members of both the House and the Senate to develop nonpartisan, bipartisan, I might say, friendships. In addition, its membership has been broadened to include both female and male spouses as more women have been elected to Congress over the last century.

The club also counts among its members spouses of Supreme Court Justices and the President's Cabinet, as well as former First Ladies. It has been a center for service since its founding, providing aid to our Nation's soldiers; supporting local police and fire departments; hosting receptions for senior citizens, the disadvantaged, young people and spouses of ambassadors. It is entirely self-supporting from membership dues and the sale of the Congressional Club cookbook, which includes recipes and signatures of Members of Congress, First Ladies, Ambassadors, as well as members of the club.

It's interesting to note that 100 years ago this May it took the charm of a determined wife of a Member of Congress to get the Federal legislation incorporating the club approved by the House of Representatives. The House minority leader, John Sharp Williams of Mississippi, had opposed the bill and was using parliamentary procedures to delay and to defeat the bill.

History has it that when Mrs. Williams, his spouse, who favored the club, heard about her husband's opposition, she invited him to lunch the day that the measure was to be considered on the House floor. After lunch, he withdrew his opposition and his request for a recorded vote, saying that, "It is the opinion of the gentleman from Mississippi that there will not be a roll call because it would cause a great deal of unhappiness in Washington."

As the proud spouse of the current president of the Congressional Club, Vivian Creighton Bishop, I'm pleased to be the sponsor of this resolution commemorating the club on reaching this important milestone.

I want to commend a number of people for their outstanding work in bringing this resolution to the floor: Richard Henkle on Congressman TIAHRT's staff; Doug Thompson on Congressman TANNER's staff; Denise Wilson on the House Oversight and Government Reform Committee; and Jonathan Halpern on my staff. I also would like to thank Vicki Tiahrt, Susie Skelton and Lydia de La Vina De Foley for their excellent efforts in support of the club and, of course, in support of this resolution.

Mr. Speaker, I again thank my colleagues who are cosponsors for their extraordinary support of this resolution, and I urge its immediate adoption.

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Mr. ISSA. Mr. Speaker, I, too, rise in support of this resolution. I certainly believe that 100 years of the attempts by spouses to have this body work together in a better, more collegial fashion is noteworthy.

Today, though, as we honor the work of our spouses, and particularly those who would say that if, in fact, you don't do what I'd like you to do, it could cause a great deal of domestic unhappiness—I believe was the line—in Washington, we should take note that this body is not operating in a collegial fashion. This body has, in fact, broken down. The concept of bipartisan behavior, including the long tradition of a motion to recommit, a long tradition of amendments and opportunities for ideas to be exchanged on and off the dais, has broken down.

So I do think it's important that we turn to recognizing an effort made 100 years ago at a time in which Members of Congress—House, Senate, Republican, Democrat—went to dinner together in each other's homes. Their children played together. They, in fact, lived here in Washington.

Living here in Washington has become sort of a term for misconduct. The idea that you would come and that you would work with 434 of your colleagues to make a better America, that you would walk across the Capitol and work with 100 Senators to make a better America seems to have fallen out of favor.

Today, unfortunately, we spend a lot of time meeting in our conferences on a partisan basis. In those conferences we ask, well, how can we beat them? How can we beat them now? How can we beat them in the election? We should be asking, how do we work together for a better government and a better America?

So I hope that the efforts of this club, which have been long, hard, and successful in many, many ways certainly in bringing our spouses together, certainly in activities for the community, will be a starting point today for us looking across the aisle and asking, why is it that we're afraid to have dinner together? Why is it that our meetings are Republicans with Republicans and Democrats with Democrats? We need to work together.

We have big problems in America today; some of them are obvious to Americans. We talk of the war and we talk of gas prices, we even talk of the Pelosi premium. Well, I believe it's a Pelosi premium, but it's a premium built on years of other people's mistakes and other people's watches.

Today, I use the opportunity given to me to talk about this important bipartisan resolution to say, let's solve gas and oil problems on a bipartisan basis. Let's deal with the challenges we face in Iraq and Afghanistan on a bipartisan basis. Let's deal with the immigration reform challenge on a bipartisan basis. Most of all, let's make sure that America's next 100 years is 100 years of success in competing worldwide. We can do this if we do it on a bipartisan basis. One hundred years ago, mostly women worked tirelessly to form an organization to help us do just that. Let's commit ourselves to doing just that today.

With that, I yield back the balance of my time and urge support.

Ms. WATSON. Mr. Speaker, for its rich history and ongoing traditions, I hope that we can come together as a body representing Americans far and wide, and in good humor, and following the procedures of this House, that we join together in recognizing the 100th anniversary of the Congressional Club. They do stand for bipartisanship. They do stand for working together. We, indeed, can eat together as fellows, friends, partners in making policy. And so let's use the example of this Congressional Club by agreeing to pass H. Res. 1026.

Mr. Speaker, I would like to yield the remaining time to the man from Missouri, the Honorable IKE SKELTON.

Mr. SKELTON. I certainly thank the gentlelady from California for her addition and leadership on this bill, as well as my friend from Georgia (Mr. BISHOP) for sponsoring it.

It's with a great deal of understanding as well as a bit of nostalgia that I speak in favor of this resolution.

I know full well of the bipartisanship of which my friends from California speak. I know full well of the work that this Congressional Club has done over, now that I've witnessed, nearly 32 years. I know of the friendships, both Democrat and Republican, that have been formed and have been forged together that will last a lifetime. I know, and I hope this body will fully recognize the fact that this Congressional Club has set forth the real standard on understanding one another in this body in the full spirit of bipartisanship.

It was my late wife, Susie, who had the honor to serve as the Treasurer of this Congressional Club in 1983 and 1984, and again as President of the Club in 1987 and 1988. And it should be of note that our colleague from California, DORIS MATSUI, served as an officer in the Club simultaneously with my late wife, Susie.

It is an excellent resolution for an excellent organization. I hope the next 100 years will see the same effort in friendship and bipartisanship reign as it has in the past.

Mr. GINGREY. Mr. Speaker, I rise today in support of H. Res. 1026, recognizing the 100th anniversary of the founding of the Congressional Club. Founded by an act of Congress in 1908 and signed into law by President Theodore Roosevelt, the Congressional Club has been a home away from home for spouses of Members of Congress, fostering friendships across party and geographical lines.

The Congressional clubhouse was constructed in 1914, and since that time the club has been a vital and influential member of the U-Street corridor community, encouraging revitalization of the area by hosting programs with inner-city children, planning appreciation days at local nursing homes with senior citizens, and honoring the District's fire and police departments.

Mr. Speaker, the generosity of the Congressional Club members extends well beyond the District of Columbia. Club members have raised funds for the purchase of two evacuation planes for wounded soldiers, and donate tens of thousands of dollars to charity on an annual basis.

As a member of the Congressional Club now for several years, my wife Billie Gingrey has seen first-hand how the club has been a good friend and neighbor to the Washington, DC, community. I encourage all Members to join me today in recognizing the 100th anniversary of the Congressional Club, and to thank its members for their work and contributions to the community.

Mr. MILLER of Florida. Mr. Speaker, I rise to today in support of House Resolution 1026, recognizing the 100th anniversary of the Congressional Club. One hundred years ago, the Congressional Club was founded to promote friendship among the spouses of Members of Congress. While keeping true to its purpose, the club throughout the years has become much more. Not only does this distinctive club build relationships between the two political parties, but it also organizes charity events and diplomatic receptions. Every spring since 1912, the spouses gather to host a luncheon in honor of our First Lady, and they donate tens of thousands of dollars to charities in her name. Many of the club's charitable recipients include mentoring programs, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers.

Fulfilling their own mission to encourage all Americans to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; the spouses extend their hands globally in friendship and goodwill by hosting an annual diplomatic reception to entertain the spouses of Ambassadors to the United States. The Congressional Club encourages all Americans to seek out opportunities to give support and to volunteer to assist charitable organizations in their own communities.

I am proud and honored that my wife, Vicki Miller, is the incoming president of the Congressional Club next year. She follows in the footsteps of admirable Presidents including Mrs. Vivian Bishop, Mrs. Lindy Boggs, Mrs. JO ANN EMERSON, Mrs. LOIS CAPPS, Mrs. MARY BONO MACK, and Ms. DORIS MATSUI. I know Vicki is looking forward to carrying on the friendships and bipartisan traditions of the club.

Mr. Speaker, today I would like to congratulate the Congressional Club on its 100th anniversary and to recognize these spouses in their efforts to promote the greater good both here at home and abroad. May God bless them and may the Congressional Club continue in their friendship and charitable efforts for many years to come.

Mr. TANCREDO. Mr. Speaker, I rise in support of H. Res. 1026, recognizing the 100th anniversary of the founding of the Congressional Club.

As the resolution states, the club was "organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life."

Congressional spouses are active in the group, which is one of Washington's oldest and most venerable social clubs.

The Congressional Club has hosted the annual First Lady's luncheon for nearly a century, and makes numerous charitable donations in the name of the First Lady each year. The club also plays host to the spouses of foreign ambassadors serving here in the U.S.

For 100 years, the Congressional Club has contributed its time and efforts to numerous charitable causes, improved the cultural atmosphere in Washington, and extended a hand of friendship to the foreign diplomatic corps of countless nations.

The club deserves our recognition today, and I am proud to be a cosponsor of this resolution.

Mr. BACHUS. Mr. Speaker, I rise to support H. Res. 1026, a resolution recognizing the 100th Anniversary of the founding of the Congressional Club.

From its very start, the Congressional Club has helped the spouses of Members to come together on a nonpartisan basis to form friendships and perform public service.

The role of the Congressional Club is as essential now as it was when the club was formed in 1908. Back then, Members and spouses often had to spend a long time travelling to Washington. Once here, spouses in particular faced the challenge of developing acquaintances and friendships in a new city and finding ways to share their talents to benefit the community and their country.

The club provided a refreshing nonpolitical atmosphere for friendships and charitable activities, a hallmark that continues to this day. Its headquarters at New Hampshire Avenue and U Street is listed on the National Registry of Historic Places and serves as an architectural anchor for the neighborhood.

Today, the Congressional Club continues to be a haven of civility and culture where the spouses of Members can meet outside of a political world that sometimes can be all-consuming and far too partisan. It is a testament to the positive things that happen in this town when creative and talented people get together for the sole purpose of serving the public good.

The Congressional Club has provided charitable support to literacy programs, domestic shelters, child care and seniors citizens, the White House library and United National Indian Tribal Youth. It brightens the holidays every December by delivering cookies to our local police and fire departments and hosting luncheons for nursing home residents and neighborhood children.

One of its best-known events is the First Ladies luncheon, which funds charitable activities. My wife Linda was chair of the First Ladies luncheon in 2007, so I well appreciate the tremendous amount of planning and organization that goes into making this such an anticipated and successful event.

The vital role that the Congressional Club plays in the life of the Capitol Hill community and this city at large is evident by the fact that it is the only club in the Nation founded by an act of Congress.

With its tradition of civility and service, the Congressional Club remains as important to the life of the U.S. Congress as it was when it was founded 100 years ago. I extend my sincere commendations to all of its members, past and present, and wish the club all the best on this memorable centennial.

Mr. MILLER of Florida. Mr. Speaker, I rise to today to support House Resolution 1026, recognizing the 100th Anniversary of the Congressional Club. This non-political group promotes friendship and cordiality in public life, and brings the wives of Members of Congress together in a warm and welcoming atmosphere in the Nation's Capital. Not only does this distinctive club build relationships between the two political parties, but it also organizes charity events and diplomatic receptions. Every spring since 1912, the women gather to host our First Ladies' Luncheon, honoring our First Lady and donating tens of thousands of dollars to charities in her name. Many of the club's charitable recipients include mentoring programs, literacy programs, the White House library; youth dance troupes, domestic shelters, and child care centers.

Fulfilling their own mission to encourage all Americans to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; the women extend their hands globally in friendship and goodwill by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States. The Congressional Club encourages all Americans to seek out opportunities to give financially and to volunteer to assist charitable organizations in their own communities. Mr. Speaker, today I would like to congratulate and recognize these kind-hearted, strong, and talented women in their efforts to promote the greater good here at home and abroad. May God bless these women and may the Congressional Club continue in their friendship and charitable efforts for many years to come.

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to express support for House Resolution 1026. For over one hundred years, the Congressional Club has been a place to cultivate friendships among the spouses of sitting or former Members of Congress, Supreme Court Justices and Members of the President's Cabinet. Although the group was founded as an organization for congressional wives, the group includes husbands too, as we are privileged to now have 86 women serving in this great body, in addition to the many before them and those who have served in Presidential Administrations since 1908.

I am also pleased to rise today, as someone very special to me has been involved with this organization since my first election to Congress in 2002. My wife, Alfredia, was the chair of the 2008 Congressional Club First Lady's Luncheon, an event held by the Club annually since 1912. At the event entitled "The Many Splendors of Spring," Mrs. Bush was presented with a lovely quilt commissioned by Arts Clayton, an organization located in my congressional district, which was handmade by Ms. Debra Svitil of Alpharetta, Georgia.

Artist Theresa Fontes-Black, of Snellville, Georgia, was also commissioned to create over 2,000 glass-bead necklaces of various shapes and designs for luncheon attendees as party favors. It was an honor for Arts Clayton and the 13th Congressional District to have such beautiful recognition in this time-honored tradition. In addition to this outstanding social event, members are also involved in social service projects to benefit those less fortunate. Proceeds from the sale of the Congressional Club's annual cookbook not only support the clubs activities but also support charitable giving to organizations throughout the area.

Mr. Speaker, in closing, it is with great pleasure that I recognize the important work of the Congressional Club by celebrating its centennial on the House floor today and urging its passage.

Mr. TIAHRT. Mr. Speaker, I rise to commend the Congressional Club on the occasion of their Founder's Day Celebration and their 100th anniversary. I am grateful to the Congressional Club for embracing my family since I was elected to the House in 1994. It has played such an important role in our lives that my wife, Vicki Holland Tiahrt, served as president of the Club in 2005 and 2006, and remains very involved. This organization, founded in 1908 by a unanimous act of Congress, has provided a setting for bipartisan friendships for 100 years. The only club to be commissioned by an act of Congress, the bill was signed by Teddy Roosevelt, who knew the value of a loving wife. When his wife passed away, President Roosevelt lamented, "The light has gone out of my life."

It was so wise for Congress in 1908 to form the Congressional Club for wives. While never receiving any tax dollars or public money, and governed by a bipartisan board, the Congressional Club has remained a home away from home for spouses, a safe place for sharing the trials of public life, and for developing bipartisan friendships that encourage civility and good will in government. The membership and relationships extend to the administration of the White House and the Supreme Court.

A clubhouse was built in 1914 at 2001 New Hampshire Avenue, in Northeast (Washington). The land was donated by Mary Foote Henderson and chosen because the women could look south down 16th Street and see the White House. Immediately, embassies began building in that area in order to be close to the Congressional Club. The Club has been a good neighbor for nearly a century, staying when others left as the area suffered urban decay. The women paid their mortgage and kept their property in good repair with money raised from dues and the selling of 14 published editions of the Congressional Cookbook. Due to its success, the club was able to pay off its mortgage in 1948. To commemorate the occasion, Club member and First Lady Bess Truman ceremonially burned the papers at the 40th anniversary celebration. Since that time, their funds have been given to charity, and been used to pay for the upkeep of this historic home. The presence of the Congressional Clubhouse helped promote renewal in the DuPont Circle neighborhood until finally the U Street corridor is booming and busy again. The Clubhouse is on the National Register of historic places.

This is much more than just a social club. During World War I, the women rolled bandages and kept a room at Union Station for traveling soldiers. During World War II, Eleanor Roosevelt encouraged the women to promote patriotism and public safety in their home districts as part of the war effort. After September 11, the spouses were given a briefing to share with their home districts about how to prepare their families and communities for the possibility of additional terrorist attacks.

For a century now, spouses have done inner-city charity work. Every December, a Christmas party hosts underprivileged children who celebrate the season with gifts and a holiday meal, the singing of carols and making of crafts with Congressional families. At the end of each school year, a pizza party is held at the Club for at-risk inner city children. The wives have encouraged a sense of community by honoring the local fire and police departments and hosting the annual appreciation day for local nursing home senior citizens.

They continue to contribute to the lives of Congressional families by providing orientation for spouses of newly elected Members, annually honoring the First Lady and giving tens of thousands of dollars to a charity in her name. Their regular luncheons provide programs of education and entertainment.

Also worth mentioning is the global reach of the spouses through the annual honoring of ambassadors' wives. This past week, the Congressional Club hosted over 50 countries, who modeled fashions from their native land. This extension of the hand of friendship around the world surely promotes good will and encourages understanding of our culture of freedom and equality for all people.

I would also be remiss if I did not mention the work of the Club's Anniversary Committee, and its president, my beloved wife, Vicki. They have put together a number of events celebrating the anniversary, including a ringing of the official bells of the United States Congress, a birthday cake at the annual First Lady's luncheon, and a commemorative cancellation stamp.

It is fitting that this Congress should honor the good work of our political spouses and of the Congressional Club. In a time of extreme partisanship that all too often poisons relationships and stymies legislative action, the Congressional Club serves as a poignant reminder of life without partisanship. I urge my colleagues to join me in recognizing Congressional Club and their 100 years of friendship and community service.

Mr. MCGOVERN. Mr. Speaker, I rise today in strong support of H. Res. 1026, recognizing the 100th anniversary of the founding of the Congressional Club. I congratulate and thank the Club for its century of service to Members and their families.

When a Member is first elected, one of the first events his or her spouse will be invited to is a welcome at the Congressional Club, bringing together both Republican and Democratic spouses in friendship as they adjust to their new lives in public service.

Throughout the year, there are social opportunities to get to know women and men from around the country and even around the world as the Club sometimes hosts events with the international community, such as the recent Diplomatic Parade of Nations. The Club also draws on its members' talents and energies for designated non-political, non-partisan service projects.

In a city that can sometimes be known for its political tensions, the Congressional Club offers a longstanding oasis of good will and friendship for Congressional couples and families which share a great deal in common. It is a tradition that has helped build a community for 100 years and I hope will continue to do so for centuries to come.

Mr. TANNER. Mr. Speaker, I rise today to acknowledge the 100th anniversary of the founding of the Congressional Club, founded 100 years ago as an official organization of the spouses of those of us serving in this House and in the Senate. I am very familiar with their great work, because my wife Betty Ann is an active member and presently serves on the Congressional Club's board.

The Congressional Club is host to one of the most important nonpartisan events that happens in Washington—the annual First Lady's Luncheon. It also hosts monthly lectures, children's parties, tours for charitable organizations and senior citizen luncheons.

The members of the Congressional Club realize the incredible opportunities and responsibilities they have toward national service. During World War I and World War II, the Congressional Club curtailed many of its social events so that members of the Club could roll bandages for the Red Cross, help provide for servicemembers' families and assist troops in transit to their service. At the encouragement of First Lady Eleanor Roosevelt, the Congressional Club sold war bonds, using the proceeds to purchase two evacuation airplanes, one named *The Congressional Club* and one named *The U.S. Congress*, to airlift wounded troops from the battlefield.

The important role spouses play in the work we do is evident in one legend surrounding the establishment of the Congressional Club. According to the story, one wife knew her husband, a member of this body, planned to vote against the incorporation of the Congressional Club, so she came into the Capitol and distracted him outside the House Chamber while the House voted on and approved the resolution that allowed for the formal recognition of the organization.

Mr. Speaker, no one is quite sure whether that story is true, but it does help stress an important point with which few can argue: Congressional spouses play an instrumental part in the work we do. I am honored to join with you in honoring their work on this 100th anniversary of the Congressional Club.

Mr. PENCE. Mr. Speaker, I rise today to recognize the Congressional Club on the occasion of the 100th anniversary of its founding.

The Congressional Club was founded to promote friendship and cordiality amongst those in public life regardless of their political affiliation. It was also founded to bring together the wives of Members of Congress in a social setting.

The Congressional Club is the only club in the world to be founded by an Act of Congress, a high honor to the club and evidence of its important place in Washington, DC political life. While founded by an Act of Congress, the Club does not receive Federal funding and subsists solely by membership dues and the sale of cookbooks.

The Congressional Club Cookbook was first published in 1928, and is a popular item in the gift stores on Capitol Hill. There have been 14 editions of the Cookbook that contains recipes and signatures of Members of Congress and their spouses, First Ladies, Ambassadors and members of the Club.

The Club has played a significant role in the community and each year donates tens of thousands of dollars to charities in the name of the First Lady. Among the recipients of the charitable donations are the United National Indian Tribal Youth, literacy programs, the White House Library, youth dance troupes, domestic shelters, and child care centers.

The Congressional Club is an organization that leads by example. It promotes friendship, civility, community service, and generosity despite a difference of opinion with your neighbor, and it is truly an example that we should all work diligently to follow.

I want to take this opportunity to wish the Congressional Club a happy 100th anniversary and look forward to the many good works that will be done by the Congressional Club in its next 100 years.

Mr. ADERHOLT. Mr. Speaker, as Members of Congress, we know how difficult the transition to Washington, DC, can be for our spouses. The Congressional Club provides them a home away from home, encouraging bipartisan friendships.

The Congressional Club was established in 1908, by a group of 25 women from Washington who sought to establish a nonpolitical group which would bring the spouses of Members of Congress together when in Washington, DC. The Club was officially chartered by a unanimous Act of Congress in 1908, and remains the only club to be established by Congressional action. President Theodore Roosevelt signed the Congressional resolution into law on May 30, 1908.

Today, the Club is a charitable organization active in the Washington, DC, community and hosts events for the spouses of foreign dignitaries.

Since its beginning, the Congressional Club has participated in a wide range of charitable work, including rolling bandages, purchasing two evacuation planes for wounded soldiers, and honoring local fire and police departments. They have hosted Christmas parties and end of school pizza parties for inner-city children, appreciation days for local nursing home senior citizens. The annual First Lady's luncheon raises tens of thousands of dollars for charity.

To celebrate its 100th anniversary, the club has a year full of festivities and ceremonies that include a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp, and a 100-year pin/pendant designed by past president Lois Breaux.

I would like to thank all the members of the Congressional Club for all their work and dedication over the years. Congratulations on your first 100 years. I wish you many, many more.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1026.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FEDERAL ELECTRONIC EQUIPMENT DONATION ACT OF 2008

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 752) to direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying small towns, counties, schools, nonprofit organizations, and libraries, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Electronic Equipment Donation Act of 2008".

SEC. 2. REQUIREMENT TO TRANSFER USEFUL FEDERAL ELECTRONIC EQUIPMENT TO EDUCATIONAL RECIPIENTS.

(a) TRANSFER OF EQUIPMENT TO EDUCATIONAL ENTITIES.—

(1) IN GENERAL.—Each Federal agency shall identify useful Federal electronic equipment that the agency has determined is excess to its needs and—

(A) report such equipment to the Administrator of General Services for processing for transfer to an educational recipient in accordance with section 549 of title 40, United States Code;

(B) transfer such equipment directly to an educational recipient, through an arrangement made by the Administrator of General Services under subsection (b); or

(C) report such equipment to the Administrator of General Services as excess property if transfer under subparagraph (A) or (B) is not practicable.

(2) MANAGEMENT OF NONTRANSFERABLE EQUIPMENT.—For equipment reported under paragraph (1)(C), the Administrator of General Services shall manage the equipment in accordance with subchapters II and III of title 40, United States Code.

(3) EXCEPTION.—Equipment transferred pursuant to section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i) is neither transferred pursuant to this Act nor subject to this Act's requirements.

(b) ADVANCE REPORTING OF EQUIPMENT TO GSA.—Each Federal agency shall report to the Administrator of General Services the availability of useful Federal electronic equipment as far as possible in advance of the date the equipment is expected to become excess to its needs, so that the Administrator may attempt to arrange for the direct transfer from the donating agency to educational recipients.

(c) USE OF NONPROFIT REFURBISHERS.—In transferring any equipment pursuant to this Act, at the request of the educational recipient and if appropriate, if the equipment is not classroom-usable, the transferring agency shall convey the equipment initially to a nonprofit refurbisher for upgrade before transfer to the educational recipient.

(d) REMOVAL OF DATA BEFORE TRANSFER.—In transferring any equipment pursuant to this Act, the transferring agency shall remove data from the equipment prior to transfer to the educational recipient according to accepted sanitization procedures. To the maximum extent practicable, the transferring agency shall remove data using a means that does not remove, disable, destroy, or otherwise render unusable the equipment or components.

(e) PREFERENCE.—In transferring any equipment pursuant to this Act, the transferring agency shall give the highest preference to educational recipients located in an enterprise community or empowerment zone designated under section 1391 or 1400 of the Internal Revenue Code of 1986, a qualifying small town, or a qualifying county.

(f) LOW COST.—Any transfer made pursuant to this Act shall be made at the lowest cost to the educational recipient permitted by law.

(g) TITLE.—Title of ownership of equipment transferred pursuant to this Act shall transfer to the educational recipient receiving the equipment.

(h) NOTICE OF AVAILABILITY OF EQUIPMENT.—The Administrator of General Services shall provide notice of the anticipated availability of useful Federal electronic equipment to educational recipients by all practicable means, including newspapers, community announcements, and the Internet.

(i) FACILITATION BY REGIONAL FEDERAL EXECUTIVE BOARDS.—The regional Federal Executive Boards (as that term is used in part 960 of title 5, Code of Federal Regulations) shall help facilitate the transfer of useful Federal electronic equipment from the agencies they represent to educational recipients under this Act.

SEC. 3. RULEMAKING.

The Administrator of General Services shall prescribe rules and procedures to carry out this Act.

SEC. 4. EFFECT ON OTHER LAWS.

This Act supersedes Executive Order No. 12999 of April 17, 1996.

SEC. 5. RULE OF CONSTRUCTION.

This Act may not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States or its agencies, officers, or employees.

SEC. 6. DEFINITIONS.

In this Act:

(1) The term "Federal agency" means an Executive department or an Executive agency (as such terms are defined in chapter 1 of title 5, United States Code).

(2) The term "educational recipient" means a school or a community-based educational organization.

(3) The term "school" includes a pre-kindergarten program (as that term is used in the Elementary and Secondary Education Act of 1965), an elementary school, a secondary school, and a local educational agency (as those terms are defined in section 9101 of that Act.)

(4) The term "community based educational organization" means a nonprofit entity that qualifies as a nonprofit educational institution or organization for purposes of section 501(c)(3) of the Internal Revenue Code of 1986 and—

(A) is engaged in collaborative projects, the primary focus of which is education, with schools, qualifying small towns, qualifying counties, or libraries; or

(B) provides use of computers and Internet access to members of the community at no charge.

(5) The term "qualifying small town" means a political subdivision with a population of not more than 24,999 individuals where 20 percent or more of the residents earn less than the poverty threshold (as defined by the Bureau of the Census).

(6) The term "qualifying county" means a county where 20 percent or more of the residents earn less than the poverty threshold (as defined by the Bureau of the Census).

(7) The term "useful Federal electronic equipment"—

(A) means—

(i) computers and related peripheral tools (such as computer printers, modems, routers, and servers), including telecommunications and research equipment;

(ii) fax machines; and

(iii) any other electronic equipment determined by a Federal agency to be potentially useful to an educational recipient; and

(B) includes computer software, where the transfer of a license is permitted.

(8) The term "classroom-usable", with respect to useful Federal electronic equipment, means such equipment that does not require an upgrade of hardware or software in order to be used by an educational recipient without being first transferred under section 2(c) to a nonprofit refurbisher for such an upgrade.

(9) The term "nonprofit refurbisher" means an organization that—

(A) is exempt from income taxes under section 501(c) of the Internal Revenue Code of 1986; and

(B) upgrades useful Federal electronic equipment that is not yet classroom-usable at no cost or low cost to the ultimate educational recipient.

SEC. 7. PREFERENCE IN DONATION OF PERSONAL PROPERTY THROUGH STATE AGENCIES.

Section 549(e)(3)(B) of title 40, United States Code, is amended—

(1) by striking "The state plan" and inserting the following:

"(i) IN GENERAL.—The state plan"; and

(2) by adding at the end the following new clause:

"(ii) PREFERENCE.—The state plan of operation shall require the state agency to give the highest preference for electronic equipment to eligible institutions (as described in subsection (c)(3)) that are located in an enterprise community or empowerment zone designated under section 1391 or 1400 of the Internal Revenue Code of 1986, a political subdivision with a population of not more than 24,999 individuals where 20 percent or more of the residents earn less than the poverty threshold (as defined by the Bureau of the Census), or a county where 20 percent or more of the residents earn less than poverty threshold (as defined by the Bureau of the Census).".

SEC. 8. REPORT TO CONGRESS.

(a) REPORT REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report.

(b) CONTENTS OF REPORT.—The report shall contain the following:

(1) An inventory of items that Federal agencies identified as useful Federal electronic equipment that the agency has determined is excess to its needs in the first 365 days after the date of the enactment of this Act.

(2) The number of such items that were—

(A) transferred to educational recipients pursuant to this Act;

(B) transferred to other Federal agencies and organizations pursuant to section 521 of title 40, United States Code;

(C) transferred to State agencies pursuant to section 549 of title 40, United State Code; or

(D) disposed of through other means.

(3) Recommendations for further legislation or administrative action that the Administrator considers appropriate to establish an effective system for transferring excess useful Federal electronic equipment to educational recipients.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to present for consideration H.R. 752, the Federal Electronic Equipment Donation Act, which will preserve an existing executive order issued during the Clinton administration directing Federal agencies to donate excess computer equipment to schools and education nonprofits, particularly those located in high-need areas.

At this point, I would like to have my colleague, the Honorable G.K. BUTTERFIELD, to have as much time as he will consume.

Mr. BUTTERFIELD. I want to thank the gentlelady for yielding the time and thank her for her leadership on this committee, and certainly thank her for her work on this bill. I also would like to thank Chairman TOWNS, in his absence, for allowing this matter to come to the committee and for his hard work not only on the committee, but here in the Congress.

Mr. Speaker, in short, H.R. 752 codifies Executive Order 12999, making many of the provisions permanent law, but also adds provisions making this much-needed equipment far more accessible to poor and underserved regions of our country.

The FEED Act, as we refer to it, would streamline the process for donating excess and surplus electronic equipment to small cities and towns and counties and school districts and libraries and community-based educational nonprofit organizations.

This legislation gives preference to poorer communities, which often have the greatest needs. This act would direct Federal agencies to transfer excess equipment to the GSA for transfer to the qualifying recipient at little or no cost.

The current system, Mr. Speaker, of acquiring Federal surplus equipment is flawed. It is riddled with governmental redtape. Many times it can take months or even years to receive requested equipment. There was one such case in my district, which was actually the impetus for the introduction of this bill, where GSA only began working on fulfilling the request after direct congressional action. Citizens in need of technology should be able to get it without bureaucratic redtape, which only serves to discourage the applicant from pursuing their goals.

Mr. Speaker, as you know, you and I both represent poor districts. I represent the 15th poorest district in the Nation. If my recollection is correct, you represent the poorest district in the Nation. And so we certainly understand.

My constituents do not have access to the technology afforded to so many. A small county, like Washington County in my district, which is the fifth poorest county in my State, are home to towns like Roper, North Carolina. With the county unemployment rate reaching nearly 8 percent, the visionary leadership of Mayor Estelle "Bunny" Sanders has transformed Roper into a technology oasis with job creation and training.

Roper, North Carolina, houses a technology center where citizens are put to work refurbishing and updating and repairing electronic equipment acquired through the process. They also receive training in Web development, server management and computer maintenance. Without the necessary excess and surplus electronic equipment with which to work, the technology center and its trainees stand the risk of losing years of hard work. Mayor Sanders has the patience and determination required to navigate the murky waters of Federal excess and surplus equipment, but most would not be that resilient.

Mr. Speaker, the Federal Government spends an enormous amount of the taxpayers' money on technology. Last year, the U.S. Department of Agriculture's budget included about $110 million in annual technology-related costs. Once equipment becomes slightly outdated, it shouldn't just sit idle while there are so many needy small communities and schools and libraries that can still put it to good use.

Throughout the United States, many of our small towns and rural areas lack the very basic technology that many of us take for granted. This important legislation grants underprivileged communities across America access to Federal excess and surplus computers, printers and audio/visual and other technological equipment.

The bill, Mr. Speaker, is particularly important to communities in my district, and will be an important tool in building the electronic infrastructure for local governments, schools, libraries and nonprofits. Many of the communities that I represent need every bit of help they can get from this government, and hopefully this will free up some resources that can be used to address other pressing needs.

I am proud to have offered this legislation that will directly impact the lives of the underserved in this country. I would particularly like to thank Mayor Sanders for her work and dedication, and Mr. John Rosenthall, who has worked so hard with my staff for nearly 2 years in seeing this bill to fruition.

Mr. Speaker, the current system is hurting the very people that it was set up to help. This is a good bill. It is a good piece of legislation that will help not only the people in Roper or in my district, but help people all across the country, and we will all benefit from it.

I urge my colleagues to vote "aye" on H.R. 752.

Mr. ISSA. Mr. Speaker, I rise in support of this legislation that codifies the 1996 executive order of President Clinton that was issued to promote the proper use of excess Federal computers and electronic equipment to schools of our Nation.

I might want to clarify, because I know a lot of people hear us on the House floor and they only know what they've heard. If you hear "excess" and "surplus," you might think that, in fact, what we're doing is simply overbuying and letting it sit in warehouses and then giving it away. Virtually all of this equipment in the executive branch, as in the legislative branch, are equipment that we have used for 2, 3, 4 years. It is, in fact, past its prime for us, but very usable by many other institutions.

So, Mr. Speaker, I would like to support this bill. I would like to also make sure people understand that we're not just simply overbuying. And the term "excess" or "surplus" doesn't by any means indicate that we're not using America's dollars wisely, but rather, we're using America's dollars again by making them available to people who can use a slightly used computer, who don't need the latest version of Windows and might not need the latest version of Pentium software. But, in fact, this can help schools around America in poor neighborhoods and even not so poor neighborhoods have a better opportunity and use their hard-earned and hard-given dollars in other areas.

□ 1415

So I support this resolution. I hope that the American public understands that this is a great way of causing these products not to go into landfills 3, 4, 5 years earlier than they otherwise would by making them available to those who can use them.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I want to thank the gentlewoman for yielding.

Mr. Speaker, in my desire to get through my prepared remarks a moment ago, I failed to recognize and thank the minority side for its work on this bill.

I certainly appreciate you, Mr. ISSA, and all that you have done on the committee and particularly your staff. You've been very helpful.

Also, I want to go on record in support of your comments that is not new equipment that's just sitting in a warehouse unused. It's equipment that has outused its lifetime here on Capitol Hill and in other places but certainly can be used by smaller communities. So I want to associate myself with your remarks.

Ms. WATSON. Mr. Speaker, I want to thank the sponsor, Mr. BUTTERFIELD, for his work on the bill, as well as the various Members that helped to move this bill forward. We also got helpful input from the Committee on Science and Technology.

Chairman WAXMAN and Chairman GORDON exchanged letters regarding committee jurisdiction, and I will include these letters in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, May 9, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 752, the Federal Electronic Equipment Donation Act of 2007. The Committee on Science and Technology has jurisdictional interest in this bill based on the Committee's history of jurisdiction over the Stevenson-Wydler Technology Transfer Act of 1980 (P.L. 96-480). The Committee on Science and Technology was the sole House Committee of jurisdiction over the Stevenson-Wydler Technology Transfer Act of 1980 and has maintained jurisdiction over the law ever since. H.R. 752 makes specific mention of the Stevenson-Wydler Technology Transfer Act of 1980 and creates a program with overlapping objectives to those found in that act.

The Committee on Science and Technology acknowledges the importance of H.R. 752 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and

Technology, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Science and Technology also expects that you will support our request to be conferees during any House-Senate conference on this, or any similar legislation. Thank you for your attention to this matter.

Sincerely,

BART GORDON,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
Washington, DC, May 9, 2008.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 752, the Federal Electronic Equipment Donation Act of 2008, which the Committee on Oversight and Government Reform reported, as amended, on April 9, 2008.

I appreciate your willingness to work cooperatively on this legislation and I recognize that the bill, as reported, contains provisions that fall within the jurisdiction of the Committee on Science and Technology. I agree that your inaction with respect to this bill does not prejudice the Science and Technology Committee's interests and prerogatives regarding this bill or similar legislation.

I will ensure that our exchange of letters is included in the Congressional Record during consideration on the House floor of H.R. 752.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. Speaker, the bottom line is that the Federal Government spends a lot of money on computers and we owe it to our taxpayers to get as much use out of them as we can. H.R. 752 will help us do just that. And as you just heard from the sponsor, these are pieces of equipment that no longer are being used but they certainly have great use.

So I support this measure and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 752, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FEDERAL REAL PROPERTY DISPOSAL ENHANCEMENT ACT OF 2008

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5787) to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Real Property Disposal Enhancement Act of 2008".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) In January 2003, the Government Accountability Office identified Federal real property as a high-risk area, citing excess property as a long-standing problem.

(2) The magnitude of the problem with excess Federal real property continues to put the government at risk for lost dollars and missed opportunities.

(3) The Administration has stated its goal is to reduce the size of the Federal real property inventory by 5 percent, or $15 billion, by disposing of unneeded assets by 2015.

(4) The Federal inventory includes many properties that are no longer relevant to agencies' missions and agencies are spending billions of dollars to maintain these unneeded properties.

(5) The costs of preparing a property for transfer or sale continue to hamper some agencies' efforts to address their unneeded properties and serve as a disincentive to disposal because, in the short-term, it can be more beneficial economically to maintain a property that is not being used than to dispose of it.

(6) Agencies should give greater attention to right-sizing their real property portfolios.

(b) PURPOSE.—The purpose of this Act is to reduce the Federal inventory of unneeded and costly property.

SEC. 3. DUTIES OF THE GENERAL SERVICES ADMINISTRATION AND EXECUTIVE AGENCIES.

(a) IN GENERAL.—Section 524 of title 40, United States Code, is amended to read as follows:

"§524. Duties of the General Services Administration and executive agencies

"(a) DUTIES OF THE GENERAL SERVICES ADMINISTRATION.—

"(1) GUIDANCE.—The Administrator shall issue guidance for the development and implementation of agency real property plans. Such guidance shall include recommendations on—

"(A) how to identify excess properties;

"(B) how to evaluate the costs and benefits involved with disposing of real property;

"(C) how to prioritize disposal decisions based on agency missions and anticipated future need for holdings; and

"(D) how best to dispose of those properties identified as excess to the needs of the agency.

"(2) ANNUAL REPORT.—The Administrator shall submit an annual report, for each of the first 5 years after 2008, to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, based on data submitted from all executive agencies, detailing executive agency efforts to reduce their real property assets.

"(3) ASSISTANCE.—The Administrator shall assist executive agencies in the identification and disposal of excess real property.

"(b) DUTIES OF EXECUTIVE AGENCIES.—

"(1) IN GENERAL.—Each executive agency shall—

"(A) maintain adequate inventory controls and accountability systems for property under its control;

"(B) continuously survey property under its control to identify excess property;

"(C) promptly report excess property to the Administrator;

"(D) perform the care and handling of excess property; and

"(E) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

"(2) SPECIFIC REQUIREMENTS WITH RESPECT TO REAL PROPERTY.—With respect to real property, each executive agency shall—

"(A) develop and implement a real property plan in order to identify properties to declare as excess using the guidance issued under subsection (a)(1);

"(B) identify and categorize all real property owned, leased or otherwise managed by the agency;

"(C) establish adequate goals and incentives that lead the agency to reduce excess real property in its inventory;

"(D) when appropriate, use the authorities in section 572(a)(2)(B) of this title in order to identify and prepare real property to be reported as excess.

"(3) ADDITIONAL REQUIREMENTS.—Each executive agency, as far as practicable, shall—

"(A) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;

"(B) transfer excess property under its control to other Federal agencies and to organizations specified in section 321(c)(2) of this title; and

"(C) obtain excess properties from other Federal agencies to meet mission needs before acquiring non-Federal property.".

(b) CLERICAL AMENDMENT.—The item relating to section 524 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"524. Duties of the General Services Administration and executive agencies.".

SEC. 4. ENHANCED AUTHORITIES WITH REGARD TO PREPARING PROPERTIES TO BE REPORTED AS EXCESS.

Section 572(a)(2) of title 40, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D); respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) ADDITIONAL AUTHORITY.—(i) From the fund described in paragraph (1), subject to clause (iv), the Administrator may obligate an amount to pay the direct and indirect costs related to identifying and preparing properties to be reported excess by another agency.

"(ii) The General Services Administration may be reimbursed from the proceeds of the sale of such properties for such costs.

"(iii) Net proceeds shall be dispersed pursuant to section 571 of this title.

"(iv) The authority under clause (i) to obligate funds to prepare properties to be reported excess does not include the authority to convey such properties by sale, lease, exchange, or otherwise, including through leaseback arrangements.

"(v) Nothing in this subparagraph is intended to affect subparagraph (D).".

SEC. 5. ENHANCED AUTHORITIES WITH REGARD TO REVERTED REAL PROPERTY.

(a) AUTHORITY TO PAY EXPENSES RELATED TO REVERTED REAL PROPERTY.—Section 572(a)(2)(A) of title 40, United States Code, is amended by adding at the end the following:

"(iv) The direct and indirect costs associated with the reversion, custody, and disposal of reverted real property.".

(b) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 550.—Section 550(b)(1) of title 40, United States Code, is amended—

(1) by inserting "(A)" after "(1) IN GENERAL.—"; and

(2) by adding at the end the following: "If the official, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property, and, subject to subparagraph (B), sell it at or above appraised fair market value for cash and not by lease, exchange, or leaseback arrangements.

"(B) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 553 and 554 of this title.".

(c) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 553.—Section 553(e) of title 40, United States Code, is amended—

(1) by inserting "(1)" after "THIS SECTION.—"; and

(2) by adding at the end the following: "If the Administrator determines that reversion of the property is necessary to enforce compliance with the terms of the conveyance, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, or leaseback arrangements.

"(2) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 554 of this title.".

(d) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 554.—Section 554(f) of title 40, United States Code, is amended—

(1) by inserting "(1)" after "THIS SECTION.—"; and

(2) by adding at the end the following: "If the Secretary, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, or leaseback arrangements.

"(2) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 553 of this title.".

SEC. 6. AGENCY RETENTION OF PROCEEDS.

The text of section 571 of title 40, United States Code, is amended to read as follows:

"(a) DEPOSIT OF PROCEEDS.—Net proceeds described in subsection (d) shall be deposited into the appropriate real property account of the agency that had custody and accountability for the real property. Such funds shall be expended only as authorized in annual appropriations Acts and only for activities as described in section 524(b) of this title and disposal activities, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this title. Proceeds shall not be expended for activities or projects subject to the requirements of section 3307 of this title.

"(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b) or 574 of this title.

"(c) DISPOSAL AGENCY FOR REVERTED PROPERTY.—For the purposes of this section, the General Services Administration, as the disposal agency, shall be treated as the agency with custody and accountability for properties which revert to the United States under sections 550, 553, and 554 of this title.

"(d) PROCEEDS.—The net proceeds referred to in subsection (a) are proceeds under this chapter from a—

"(1) transfer of excess property to a federal agency for agency use; or

"(2) sale, lease, or other disposition of surplus property.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

I stand in support of H.R. 5787, the Federal Real Property Disposal Enhancement Act, which is a sensible, bipartisan effort to address some of the problems with the current Federal property disposal process.

There are three key provisions in this bill. The first allows the General Services Administration to help pay the cost of other agencies' disposal activities. In particular, GSA will be able to help agencies pay costs with regard to properties that have yet to be declared excess. These costs include environmental cleanup, demolition, surveying, and life cycle costing.

Another key provision modifies existing law to make clear that when a property has been transferred to a nonprofit organization or a State or local government for a public purpose and that public purpose is no longer being met, the property must revert to the Federal Government, which must dispose of it.

The final major provision allows all agencies to retain the proceeds from the sale of Federal surplus properties. These proceeds will be used for disposal activities such as developing and implementing a plan to identify and declare properties excess, appraisals, utilization studies, and life cycle planning. The Office of Management and Budget has stated that allowing agencies to retain the proceeds will provide agencies with the funds necessary to cover upfront costs associated with disposals.

This bill does not waive any existing law regarding the screening process and therefore does not affect the access of homeless providers or State and local communities to these properties.

I want to commend Representatives MOORE and DUNCAN for introducing this bill. I also want to thank Chairman WAXMAN and Ranking Member DAVIS for their dedication to this issue for many years.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5787, the Federal Real Property Disposal Enhancement Act, which was introduced last month by Representatives DENNIS MOORE of Kansas and JOHN DUNCAN of Tennessee.

This legislation would expand the number of agencies allowed to retain the proceeds from the sale of surplus Federal real property and would expand the authority of the General Services. It is very clear that this is a good bill, and I support it. It is also very clear that it is a step in the right direction but does not get us to where we really need to be. In fact, this is simply the tip of the iceberg.

The Federal Government is the largest landowner in the country. As such, it is essential that the government manage its properties as efficiently and effectively as possible. More importantly, property which is no longer of use to the Federal Government should be removed from the inventory. Unfortunately, over the years Federal property disposal processes have become increasingly cumbersome and unwieldy, and agencies often decide it's easier to sit on property than to try to get rid of it. In fact, when we as a Congress have done rounds of BRAC, we have often had to do supplemental appropriations of dollars in order to give away property that has become surplus. In fact, OMB estimates a backlog of more than 21,000 properties in need of maintenance and repair carrying a price tag of more than $18 billion.

Under Republican control, the Congress spent a considerable amount of time working, mostly on a bipartisan basis, to reform the Federal real property disposal system. The proposals we put forward for substantial changes provided real reform. Although H.R. 5787 does not contain the kind of substantive reform put forward in prior

Congresses, it is nevertheless an improvement on the current system.

I therefore ask my colleagues to strongly support this legislation as a step in the right direction.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, in closing, today we have handled a great many important resolutions on the floor and some laws. We've done this on a bipartisan basis.

As we finish our suspensions for the House Oversight and Reform Committee, I would simply ask my colleagues, the Speaker, to take note that this past week, prices rose once again on gasoline in America. Up 17 cents in a blink of the eye, up a dollar since this Congress switched hands.

It is very clear that we need to begin operating on a bipartisan basis to bring down the price of gas and diesel fuel. We can only do that if we work on as much of a bipartisan basis as we work on these resolutions.

So I would ask all of my colleagues to note that the real problem America cares about today is not the 100 years of the Congressional Club. It is not, in fact, Arnold Palmer's accomplishments. It is not even Frank Sinatra's doing it his way. It is, in fact, America's inability to cope with rising gas prices, staggering unemployment, and the inability to live in one's own home. I ask that my colleagues take note of that and that we work on a bipartisan basis to bring a real resolution to these problems.

Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, it is wonderful to live in a democracy when we can recognize our athletes, when we can recognize our entertainers, we can recognize all of our people, along with doing the people's work.

The idea of a democracy says anyone at the lower end of the social economic scale as well as those at the top need recognition. We need to work together across aisles, not to be hampered by games that can be played, but sincerely coming together as a body representing the 280 million Americans and those who are not quite citizens and to do their work without phony procedures blocking our ability to make progress.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5787, as amended, and commend Chairman WAXMAN for taking steps to address Federal excess and surplus property issues.

H.R. 5787 authorizes the Administrator of General Services to obligate funds to pay for a variety of services that must be conducted before a property can be declared excess to the needs of the reporting agency. These services include title searches, site remediation, site security, and other activities necessary for a property to be declared excess. Further, the bill authorizes the General Services Administration to be reimbursed by the agency for these expenses from the proceeds of the sale of the property. The net proceeds are retained by the donor agency and can be used only for disposal-related activities.

I want to thank Chairman WAXMAN for recognizing the concerns of the Committee on Transportation and Infrastructure regarding the eligible uses of these net proceeds, and for working to address these concerns. The committee was particularly concerned that agencies, using this new-found source of revenue, would engage in real property activities that would otherwise need to go through the prospectus process and thus the jurisdiction of the Transportation and Infrastructure Committee. The version of H.R. 5787 being considered today specifically addresses the Transportation and Infrastructure Committee's concerns by prohibiting the use of proceeds for activities or projects subject to the prospectus process and other requirements of section 3307 title 40, United States Code.

Mr. Speaker, I support H.R. 5787, as amended, and support placing the General Services Administration back in a leadership role for property disposal activities of the Federal Government.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 5787, the Federal Real Property Disposal Enhancement Act. This is a bipartisan solution to address some on the deficiencies that exist in Federal real property management. I want to commend Representatives MOORE and DUNCAN for introducing this bill, and Ranking Member DAVIS for working with me over many years on property issues.

As GAO has indicated by placing Federal real property on its "high risk" list, problems abound. One such problem is that unneeded buildings are in the Federal inventory. The magnitude of the problem with excess Federal real property means that agencies are spending billions of dollars maintaining properties no longer relevant to agencies' missions.

The Federal Real Property Disposal Enhancement Act seeks to address some of the hurdles that agencies are facing regarding disposal of their unneeded property.

One key provision allows the General Services Administration to use its funds to prepare properties to be declared excess by other agencies. Agencies and GAO have testified that the cost of preparing a property for transfer or sale serves as a disincentive to disposal because, in the short term, it can be more beneficial economically to maintain a property that is not being used than to dispose of it. Basically, it is cheaper to pay to mow the grass and have a security guard than to do appraisals, surveys, and environmental studies.

Another key provision allows all agencies to retain 100 percent of the proceeds from sale. Most large landholding agencies already have this benefit. However, smaller ones, such as the Federal Communications Commission, which owns vacant towers, do not. After GSA obtained the authority to retain proceeds in 2005, its disposals increased.

In addition, the bill clarifies that when a piece of property has been given to a nonprofit or State or local government for a public purpose and that public purpose ceases to exist, the federal government must revert the property and dispose of it. The bill also calls on GSA to issue guidance on disposing of excess properties and requires agencies to develop and implement plans to dispose of their excess property.

This is a commonsense measure and I am hopeful all members will be able to support it.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of H.R. 5787, the Federal Real Property Disposal Enhancement Act, a bill that I introduced with Representative JIMMY DUNCAN of Tennessee to address the disincentives that are currently keeping some agencies from disposing of properties they no longer need.

Last June the Office of Management and Budget (OMB) released a report which found that there is currently a backlog of more than 21,000 excess and surplus Federal properties worth a total of $18 billion. Holding onto these properties has serious implications for the American taxpayer, as it costs Federal agencies millions of dollars per year to maintain and secure properties that are underutilized or simply unneeded.

Investigations by the Government Accountability Office (GAO) have also pointed out that the administrative requirements and costs of preparing a property for transfer or sale continue to hamper some agencies' efforts to address their backlog of unneeded properties. Because it can be difficult for agencies to secure the resources that they need to prepare a property for disposal, these costs serve as a disincentive because it makes more sense, in the short-term, for them to simply hold onto a property, particularly if they do not expect to receive the proceeds of a transfer or sale.

Fortunately, over the past several years the administration and Federal agencies have made progress toward strategically managing Federal real property by establishing asset management plans, standardizing data reporting, and adopting performance measures.

But there are also commonsense steps that we can take now to ensure that Federal agencies have the proper incentives to dispose of property they no longer need. H.R. 5787 is designed to do just this.

First, the legislation would move to help agencies deal with the administrative requirements and costs of preparing underutilized properties for transfer or sale by allowing the General Services Administration (GSA), in cooperation with agencies, to use its resources and expertise to cover these up-front costs and help agencies ensure that title records, property descriptions, and environmental clearances are in order so that properties can be classified as excess. GSA would then be reimbursed for the costs it incurs from the proceeds that agencies receive from the transfer or sale of such properties.

The legislation would also provide agencies with another incentive to reduce their inventory of unneeded properties by allowing them to keep all the proceeds received from the sale of surplus properties, which would then be available, subject to appropriations, to fund future asset management and disposal activities.

Many landholding agencies, including the three largest landholding agencies—the Department of Defense, GSA, and the Department of Veterans Affairs—already have the authority to retain 100 percent of proceeds, and it has been shown to be a tremendous incentive for some agencies to dispose of property they no longer need.

H.R. 5787 would simply extend this authority to landholding agencies that currently do not have it, and allow the proceeds agencies would receive to be used for future disposal and asset management efforts.

Mr. Speaker, I would like to encourage my colleagues to support this common sense effort to help Federal agencies more efficiently manage their Federal real property assets. As we are all well aware, the Federal government faces many short and long-term fiscal challenges, which is why we must increase our efforts both to manage our existing assets more effectively and to significantly reduce the backlog of underutilized and unused Federal properties. We should no longer waste precious taxpayer funds on maintaining and holding properties that are not needed.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 5787, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL MISSING CHILDREN'S DAY

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1142) recognizing May 25, 2008, as National Missing Children's Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1142

Whereas May 25, 2008, will be the 26th National Missing Children's Day;

Whereas National Missing Children's Day honors our Nation's obligation to locate and recover missing children by prompting parents, guardians, and other trusted-adult role models to make child safety an utmost priority;

Whereas in the United States nearly 800,000 children are reported missing a year, more than 58,000 children are abducted by nonfamily members, and more than 2,000 children are reported missing every day;

Whereas Congress' efforts to provide resources, training, and technical assistance has increased the capabilities of State and local law enforcement to find children and to return them home safely;

Whereas the 1979 disappearance of 6-year-old Etan Patz served as the impetus for the creation of National Missing Children's Day, first proclaimed in 1983; and

Whereas Etan's photo was distributed nationwide and appeared in media globally, and the powerful image came to represent the anguish of thousands of searching families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes National Missing Children's Day and encourages all Americans to join together to plan events in communities across America to raise public awareness about the issue of missing children and the need to address this national problem,

(2) recognizes that one of the most important tools for law enforcement to use in the case of a missing child is an up-to-date, good quality photograph and urges all parents and guardians to follow this important precaution, and

(3) acknowledges that National Missing Children's Day should remind Americans not to forget the children who are still missing and not to waver in the effort to reunite them with their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 1142 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1142, which recognizes May 25, 2008, as the 26th National Missing Children's Day and urges everyone to do what they can to prevent the tragedy of a missing child.

In the late seventies, a succession of high-profile missing children's cases helped heighten the awareness and underline the seriousness of child victimization.

□ 1430

When Etan Patz went missing on his way to school in 1979, the first major national media campaign surrounding a missing child took place. The considerable media attention and comprehensive search helped highlight the problem of child abduction nationwide.

Etan's case and others helped expose a flaw in the system. At that time, there was no national response system in place to coordinate State and local cooperation or a central mechanism to support searching families. In 1983, May 25 was proclaimed National Missing Children's Day, and a nationwide movement was born. May 25 was chosen because it is the anniversary of Etan's disappearance.

More than 2,000 children are reported missing every day, but strides have been made to change this disturbing statistic. Programs such as the AMBER Alert Program, which notifies law enforcement officials and the public of child abduction cases, have done a lot to help return missing children to their families. To date, 329 children have been recovered because of the AMBER Alert Program.

Each May, we reflect on missing children and renew our efforts to reunite those young people with their families. National Missing Children's Day is an opportunity to remind families of the importance of maintaining up-to-date photographs of their children and to encourage everyone to give their full attention to the photographs and posters of missing children. Anyone can be a hero and offer the tip that helps return children to their families.

Protecting young children is one of our Nation's top priorities. On May 25 we will pause to remember the children whose lives have been lost, celebrate those who have been reunited with their families, and renew our efforts to continuing searching for children that are still missing.

Mr. Speaker, once again, I express my support for National Missing Children's Day, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today as an original cosponsor of House Resolution 1142, recognizing May 25, 2008, as National Missing Children's Day. In 1983, President Ronald Reagan declared May 25 to be National Missing Children's Day. In doing so, he provided an annual reminder of our Nation's obligation to locate and recover missing children. National Missing Children's Day prompts parents, guardians, and other trusted adult role models to make child safety a priority.

It is tragic that every year thousands of children are abducted or go missing in our country. While more missing children come home safely today than ever before, there is still work to be done. Nearly 8,000 children are reported missing each year in the United States. More than 2,000 children are reported missing every day. Too many children do not make it home, and many more continue to be victimized by acts of violence. In fact, children are the most victimized segment of our society, and crimes committed against children of all ages are the most underreported of any victim category.

In 1979, the disappearance of 6-year-old Etan Patz served as the impetus for the creation of National Missing Children's Day. Etan's photo appeared in the media across the Nation and around the world. His image came to represent the anguish of thousands of families searching for their missing children. Today, local, State, and Federal law enforcement work diligently across the country in an effort to find children and reunite them with their families.

In December 2007, the House of Representatives passed H.R. 2517, the reauthorization of the Missing and Exploited Children's Program. I am proud to be the lead Republican sponsor of that bill, and am hopeful that we will be able to complete the reauthorization this Congress.

Our efforts here in Congress provide resources, training, and technical assistance in order to assist in increasing the capabilities of State and local law enforcement to locate missing children. The recognition of May 25, 2008, as the 26th National Missing Children's Day serves to remind us that we still have work to do to reunite families, work that requires parents, families, neighbors, and law enforcement to come together to locate all missing children.

For this reason, I am proud to join my fellow cochair of the Congressional Missing and Exploited Children's Caucus, Mr. LAMPSON, in support of National Missing Children's Day, and thank him for introducing House Resolution 1142. I ask for my colleagues' support, and thank Mr. BISHOP for managing this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res 1142, Recognizing May 25, 2008, as National Missing Children's Day. First, I would like to thank my distinguished colleague, NICK LAMPSON of Texas, for introducing this important legislation. The sole purpose of this bill is to build awareness around the issue of missing children for the purpose of finding children who are currently missing and to prevent future abductions.

National Missing Children's Day honors our Nation's obligation to locate and recover missing children by prompting parents, guardians, and other trusted-adult role models to make child safety an utmost priority. It is important to create a voice within Congress on the issue of missing and exploited children and introduce legislation that would strengthen law enforcement, community organizing and school-based efforts to address child abduction.

In the United States, nearly 800,000 children are reported missing a year, more than 58,000 children are abducted by non-family members, and more than 2,000 children are reported missing every day. It is also reported that 1,682,900 children ran away or were thrown away, while over 200,000 children were abducted by family members. The National Center for Missing & Exploited Children has been instrumental in improving the recovery rate from 62 percent to 96 percent.

Between 1979 and 1981, a series of high-profile missing-children cases became national headlines. Three such cases contributed to the shock of the Nation's consciousness bringing attention to the seriousness of child victimization and forever changing the response by law-enforcement agencies to reports of missing children. For almost 3 years, national media attention was focused on Atlanta, GA, where the bodies of young boys and girls were discovered in lakes, marshes, and ponds along roadside trails. By the time a suspect was arrested and identified in 1981, 29 bodies were recovered. The suspect was apprehended, convicted, and now serves a life sentence in prison.

On May 25, 1979, Etan Patz disappeared from a New York City street on his way to school. Even before cases of missing children routinely garnered national media attention, Etan's case quickly received a lot of coverage. His father, a professional photographer, disseminated black-and-white photographs of Etan in an effort to find him. The massive search and media attention that followed focused the Nation's attention on the problem of child abduction and lack of plans to address it.

The tragedies of these children and others exposed a fundamental flaw. There was no coordinated effort between Federal, State, and local law enforcement; no national response system in place; and no central resource to help searching families. When it came to handling missing-children cases, the United States was a nation of 50 States often acting like 50 separate countries.

Mr. Speaker, I recognize National Missing Children's Day and request that all Americans join together to plan events in communities across America to raise public awareness about the issue of missing children and the need to address this national problem. One of the most important tools for law enforcement to use in the case of a missing child is an up-to-date, good quality photograph. It is important we urge all parents and guardians to follow this important precaution, and I acknowledge that National Missing Children's Day should remind Americans not to forget the children who are still missing and not to waver in the effort to reunite them with their families.

Mr. CHABOT. Mr. Speaker, I rise in strong support of H. Res. 1142, a resolution recognizing May 25, 2008, as National Missing Children's Day.

As a parent, I know first hand the fears that we all experience as they relate to the safety of our children. These fears are compounded with the growing use of the Internet by our kids. Now, predators aren't limited by physical barriers, but can enter our homes, schools, and communities without us ever knowing.

With more than 800,000 children reported missing each year and 2,000 each day, we can't afford to let any tool go unused. We must recommit ourselves to ensuring that families, schools, neighborhoods, and law enforcement have the resources necessary to ensure the safety and well-being of our Nation's children. Recognizing May 25, 2008, as National Missing Children's Day provides the Nation with this opportunity.

I urge my colleagues to support our kids and families by passing this resolution.

Mrs. BIGGERT. I yield back the balance of my time.

Mr. BISHOP of New York. We have no further speakers, so I would yield back the balance of our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1142, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE NORTHERN KENTUCKY UNIVERSITY NORSE WOMEN'S BASKETBALL TEAM, CHAMPIONS OF THE 2008 NCAA DIVISION II TOURNAMENT

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1147) congratulating the Northern Kentucky University Norse women's basketball team, champions of the 2008 National Collegiate Athletic Association Division II tournament, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1147

Whereas on March 29, 2008, the Northern Kentucky University Norse defeated the University of South Dakota Coyotes 63–58 to become the 2008 National Collegiate Athletic Association (NCAA) Division II women's basketball national champions;

Whereas the Norse overcame a 9 point deficit with 6 minutes remaining to secure the victory;

Whereas the Norse had to win 10 of their last 11 games to win the tournament;

Whereas the team finished their extraordinary 2007–2008 season with a 28–8 record;

Whereas Angela Healy, a senior from Fort Thomas, was named the Elite Eight's Most Outstanding Player;

Whereas this championship marks the second time the North Kentucky University women's basketball team has won the national title;

Whereas by excelling in academics and athletics, Nicole Chiodi, Angela Healy, Karen Brackman, Cassie Brannen, Danyelle Echoles, Jessie Slack, Jessica Wendeln, Rachel Lantry, Kendra Caldwell, Diondra Holliday, and Rita Stefán are great role models for young women across the Nation;

Whereas Head Coach Nancy Winstel, Assistant Coach Matt Schmidt, Assistant Coach Danielle Zimmerman, and Strength and Conditioning Coach Livey Birkenhauer deserve recognition for their work guiding the Norse to their second national championship;

Whereas the Norse players, coaches, and those associated with the women's basketball team represented Northern Kentucky University and the Commonwealth of Kentucky with exemplary sportsmanship and competitiveness throughout the season; and

Whereas residents of Kentucky and Norse fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the amazing performance of the Northern Kentucky University Norse in the National Collegiate Athletic Association Division II women's basketball tournament; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Norse championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentlemen from New York (Mr. BISHOP) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1147 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today to congratulate the Northern Kentucky University Norse women's basketball team for their victory in the NCAA 2008 Division II tournament. On March 29, women's basketball fans were treated to an exceptional game as Northern Kentucky University overcame a nine-point deficit, with 6 minutes remaining, to clinch its second national team title. The show-stopping 63–58 defeat over third-ranked North Dakota broke the Coyotes' 31-game winning streak. The Norse women's basketball team had been strong all season, but was unranked going into the tournament. By winning 10 of their last 11 games, they were able to prove that they should indeed be considered number one.

I want to extend my congratulations to coach Nancy Winstel, who returned to her alma mater to lead the team to an impressive 28–8 record in her 25th season as head coach. Coach Winstel has been involved with the women's basketball program for 30 years at NKU, and reached the 500-win plateau as a college coach 3 years ago. Assistant coaches Matt Schmidt, Danielle Zimmerman, and strength and conditioning coach Livey Birkenhauer round out the coaching team.

Congratulations are also in order for senior Angela Healy of Fort Thomas, Kentucky. Healy, a strong inside scorer and rebounder, was named the tournament's Most Outstanding Player. During the final game she produced a double-double, scoring 14 points and grabbing 13 rebounds, to lead her team to victory.

The Northern Kentucky University women's basketball program is the only school in the State of Kentucky to win a national championship in a women's sport, and it now boasts two. The Norse women's basketball program is top notch, and the extraordinary achievement of this season is a tribute to the skill and dedication of the many players, coaches, students, alumni, families, and fans that have cheered NKU along the way.

Winning the national championship and finishing the season with a 28–8 overall record has brought national acclaim to Northern Kentucky University. I know the fans of the university will revel in this accomplishment as they look forward to next season.

Mr. Speaker, I once again congratulate Northern Kentucky University for their success.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1147, congratulating the Northern Kentucky University Norse women's basketball team, the 2008 National Collegiate Athletic Association Division II tournament champions. How far women have come since the days that women basketball players were required to play half court only. I remember those days. This has really changed.

On March 29, 2008, and before a crowd of 3,067, the unranked Northern Kentucky Norse, from Highland Heights, Kentucky, put an end to the third-ranked University of South Dakota's Coyotes' 31-game win streak. NKU's women's basketball team used a 23–9 run to overcome a nine-point deficit and beat South Dakota 63–58 in the 2008 NCAA Division II national championship game.

Only 3 weeks earlier, NKU was just hoping to make it into the NCAA tournament. The Norse improved its NCAA chances by advancing to the Great Lakes Valley Conference finals, where it lost to Drury. Despite the loss, the team received a fourth seed in the Great Lakes regional. Earlier in the tournament, NKU had to overcome a 15-point deficit to win its first round games against Indianapolis, 55–54. The Norse then whipped Drury, 84–65, and edged Missouri S&T, 60–52, on the path to the finals.

NKU is led by one of the top coaches in the NCAA Division II women's basketball, Nancy Winstel. Currently in her 25th season as head coach at Northern Kentucky University, Coach Winstel reached the 500-win plateau 3 years ago. With this most recent championship, Coach Winstel has led NKU to two national titles, having earlier guided NKU to the 1999–2000 NCAA Division II national championship.

We should recognize Northern Kentucky University for embracing a regional stewardship role as reflected by its significant consideration to the intellectual, social, economic, cultural, and civic vitality of the region and the commonwealth. NKU supports multidimensional excellence across the full breadth of its work: Teaching and learning, research and creative activity, and outreach and public engagement. The university fosters a community that values openness, inclusion, and respect, and is committed to intellectual and creative freedom and to the open expression of ideas.

I extend my congratulations to the university's President, Dr. James Votruba; Athletic Director Jane Meier; Head Coach, Nancy Winstel, and her staff; and all of the hardworking the players, the fans, and to Northern Kentucky University. I am happy to be joined by my good friend and colleague, Representative GEOFF DAVIS, in honoring this exceptional team and all of its accomplishments, and wish all involved continued success. I ask my colleagues to support this resolution.

If there are no further speakers on the other side, I would yield back the balance of my time.

Mr. BISHOP of New York. We yield back the balance of our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1147, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2744) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Flight Crew Technical Corrections Act".

SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

"(D) AIRLINE FLIGHT CREWS.—

"(i) DETERMINATION.— For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to be eligible if—

"(I) the employee has worked or been paid for 60 percent of the applicable monthly guarantee, or the equivalent annualized over the preceding 12-month period; and

"(II) the employee has worked or been paid for a minimum of 504 hours during the preceding 12-month period.

"(ii) DEFINITION.—As used in this subparagraph, the term 'applicable monthly guarantee' means—

"(I) for employees described in clause (i) other than employees on reserve status, the minimum number of hours for which an employer has agreed to schedule such employees for any given month; and

"(II) for employees described in clause (i) who are on reserve status, the number of hours for which an employer has agreed to pay such employees on reserve status for any given month,

as established in the collective bargaining agreement, or if none exists in the employer's policies. Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with regulations the Secretary may prescribe) the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.".

(b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(5) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—The Secretary may provide, by regulation, a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(D).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous materials on H.R. 2744 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. I yield myself such time as I may consume.

Let me begin, Mr. Speaker, by thanking Chairman MILLER and Ranking Member MCKEON for supporting this bill and helping to bring it to the floor so quickly. I have been proud to be the primary sponsor of this bill. I also want to thank Mr. MCCOTTER of Michigan, who was the primary cosponsor of the bill on the Republican side.

The Family Medical Leave Act has been a great program for working families in this country since it was passed in 1993. No one can question the benefit it has provided for working women and men by being able to take time off from work to care for themselves or family members.

The original intent of the law was to provide for 12 weeks of unpaid leave if an employee has worked 60 percent of a full time schedule over the past year, which is about 1,250 hours. So in order to qualify for FMLA coverage, an employee has to have logged in 1,250 hours over 12 months to be eligible.

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While 1,250 hours adequately reflects 60 percent of a full-time schedule for the vast majority of employees in this country, that equation does not work for flight attendants and pilots. Flight attendants and pilots work under the Railway Labor Act, rather than the Fair Labor Standards Act, which covers most nine to five workers. Time between flights, whether during the day or on overnights and layovers, is based on company scheduling requirements and needs, but does not count towards crew member time at work. Flight attendants and pilots can spend up to four to five days a week away from home and family due to the nature of their job. However, all of those hours will not count towards qualification.

The courts have strictly interpreted the law and insisted that crew members must abide by the 1,250 hours for qualification, even though the intent of the law was 60 percent of a full-time schedule. Airline flight crews have been left out of what was intended to cover them. Therefore, a technical correction is needed to ensure that FMLA benefits are extended to these employees. This legislation seeks to clarify the intent of the law.

This legislation simply states that an airline crew member will be eligible for FMLA benefits if they have been paid for or completed 60 percent of their company's monthly hour or trip guarantee and have worked 504 hours. This brings these transportation workers in line with the intent of the original legislation and as promised when the law was passed.

Last month in our Education Committee we heard from Jennifer Hunt, a flight attendant for US Airways. Jennifer was denied FMLA coverage when she applied to take time off to care for her ill husband, an Iraq war vet. Jennifer, like many other flight attendants and pilots as well, unfortunately did not meet the hourly requirement. This bill corrects that oversight.

Mr. Speaker, I thank the chairman for his support and for bringing this legislation to the floor, and I urge my colleagues to adopt this legislation.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2744, the Airline Flight Crew Technical Corrections Act. Just last week, this bill was approved unanimously by the Education and Labor Committee. The reason H.R. 2744 has secured the level of support that it has is because it sticks to what its name promises, a bill that has been crafted narrowly to address a need identified by flight crew personnel that has arisen because of a technicality in how their work hours are calculated.

Airline personnel, including certain flight attendants, are subject to a unique scheduling process in which they are paid for being on call, but in some cases are not credited with those hours in the work requirement calculation used for Family and Medical Leave Act eligibility. What is the practical impact of this situation? Some flight crew personnel may work a full-time schedule, but fail to qualify for family and medical leave. This is a real concern for those grappling with health conditions or a family obligation.

The bill before us today is an important opportunity to extend the protections of FMLA to flight crew who might otherwise be denied benefits under the law. I am pleased to be a cosponsor of this important legislation, and I want to thank Representative BISHOP and Chairman MILLER for working with Members on both sides of the aisle to ensure this bill achieves its stated goal, no more and no less. But no one should look at this bill as a substitute for the type of comprehensive reform that is needed.

Mr. Speaker, many Members have been uneasy about efforts to open up the Family and Medical Leave Act for small changes when it is clear that broader reforms are necessary. The Family and Medical Leave Act has worked well for 15 years, offering workers the flexibility to attend to their own health or care for a loved one in their time of need without fear of losing their job.

But despite the law's many successes, it has also become clear that many changes are needed. The reality of today's workplaces are different than those of a decade-and-a-half ago. In an addition, the courts have offered evolving interpretations, and, as is often the case with such a sweeping change to employment law, there have been unintended consequences for both employers and employees.

There is another reason that some of my colleagues have been cautious about opening up FMLA. There is always a danger that by placing special protections in the law for one group of workers, we may end up on a slippery slope of piecemeal changes that breed confusion rather than clarity. This could lead to unintended consequences that could actually harm workers if, for instance, our new protections for one class of workers are interpreted by the courts or Federal regulators as a means to exclude other workers. I think these are valid concerns, and that is why this bill has been drafted carefully in an effort to avoid these dangers. Going forward, I think we must be mindful of the consequences that could come from further attempts to tweak the law, rather than to give it a more thorough update.

So while I continue to believe that we must proceed with the utmost caution, I also believe it is reasonable today to correct this law so flight crews can benefit from the FMLA, just as millions of other workers do. The bill before us today is a small step, but one that will make a meaningful difference to a number of my constituents and other families across the country.

I would like to thank the flight attendants in my district who came in to see me on this topic for all their help. I am hopeful that we can take the same constructive approach on broader FMLA reforms to ensure that FMLA continues to work as it was intended, offering a balance for both workers and employers.

With that, if the gentleman has no further speakers, I will yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, let me just close by thanking also the great deal of support we had on the Republican side of the aisle for this bill. I also want to thank the flight attendants for their tireless advocacy of their bill and the many long hours of work that they put in to secure approximately 240 cosponsors for this bill. I think the fact that we were able to generate so many cosponsors is a testament to the fact that this is a carefully and narrowly crafted bill that addresses an inequity that was never intended in the original law.

Mr. GEORGE MILLER of California. Mr. Speaker, today, the House has an opportunity to restore Congress' intent to allow flight attendants, pilots, and reserve flight crew members to take unpaid leave under the Family and Medical Leave Act of 1993 without fear of losing their jobs.

Passage of H.R. 2744, the Airline Flight Crew Technical Corrections Act, will ensure job protection for these workers when they need to time off to recover from an illness or care for newborn children or sick family members.

While millions of American workers are guaranteed up to 12 work weeks of unpaid leave, narrow Department of Labor regulations have rendered more than 200,000 flight crew personnel unable to take advantage of the Family and Medical Leave Act.

The problem is that flight crew workers are not paid or scheduled for work in the same manner as industries that are governed by the Fair Labor Standards Act. Currently, the minimum threshold to qualify under the Family and Medical Leave Act is based on working at least 60 percent of a normal 40-hour work week—or 1,250 hours annually.

However, most fulltime flight attendants' and pilots' work schedules are calculated based on their "in-flight" time—generally only those hours spent while the plane is moving. They are not paid for the time spent between flights or during layovers.

This means that an average flight attendant spends approximately 13 hours on-duty for every 5 hours of actual flight time. But only those 5 hours are counted towards their FMLA eligibility.

Work schedules for full-time flight attendants, pilots, or reserve personnel make it almost impossible to meet the minimum 1,250 threshold because of their unpaid time doing pre-flight and post-flight work activities.

The problem is that flight crew workers are not paid or scheduled for work in the same manner as industries that are governed by the Fair Labor Standards Act. Currently, the minimum threshold to qualify under the Family and Medical Leave Act is based on working at least 60 percent of a normal 40-hour work week—or 1,250 hours annually.

However, most full-time flight attendants' and pilots' work schedules are calculated based on their "in-flight" time—generally only those hours spent while the plane is moving. They are not paid for the time spent between flights or during layovers.

This means that an average flight attendant spends approximately 13 hours on-duty for every 5 hours of actual flight time. But only those five hours are counted towards their FMLA eligibility.

Work schedules for full-time flight attendants, pilots, or reserve personnel make it almost impossible to meet the minimum 1,250 threshold because of their unpaid time doing preflight and post-flight work activities.

On average, a flight attendant is scheduled for 960 in-flight hours each year, and according to FAA regulations, pilots are prohibited from flying more than 1,000 hours a year.

The legislative history is clear that airline attendants and pilots were meant to be covered when Congress enacted the original legislation in 1993.

The Airline Flight Crew Technical Corrections Act clarifies that flight attendants and pilots are entitled the benefits afforded by the Family and Medical Leave Act.

The legislation provides that airline attendants, pilots and reserve personnel meet the hours of service requirement in the Family and Medical Leave Act if they work or are paid 60 porcent of the airline's monthly work schedule and if they work or are paid for at least 504 hours.

This number represents about 60 percent of the monthly work schedule of a typical airline.

Hard working flight attendants and pilots should be able to take needed family and medical leave, and they deserve the protection of the law in securing their jobs when they return from tending to their personal and family medical needs.

I would like to thank Congressman TIMOTHY BISHOP for introducing this important piece of legislation. I also thank the ranking member of the Education and Labor Committee, Mr. MCKEON, for working with us to help craft a true bipartisan bill.

Ms. WOOLSEY. Mr. Speaker, I want to congratulate Mr. BISHOP on successfully bringing this bill to the floor, and I am proud to be an original cosponsor of this legislation. This change to the Family and Medical Leave Act (FMLA) is long overdue and clarifies the original intent of the law passed in 1993, to ensure that airline flight crews have access to job-protected unpaid family and medical leave. The Workforce Protections Subcommittee, which I chair, held a hearing in April celebrating the 15th anniversary of the FMLA. And at the hearing we did celebrate the difference that job-protected family and medical leave—even if it is unpaid—has made in people's lives. But we all recognized that the law is in need of improvement.

We need paid leave and we need to expand FMLA to include airline flight crew. Jennifer Hunt, a 19-year flight attendant with U.S. Airways testified at the Subcommittee to the importance of family and medical leave and how thousands of flight attendants, including Jennifer herself, are unable to take advantage of this benefit.

Then she told us her story. In December, 2007, Jennifer's husband, John was diagnosed with prostate cancer and Jennifer needed time out from her full-time schedule to attend his medical appointments and be with him for his surgery and recovery. But without FMLA leave, Jennifer was stuck. She was able to adjust her schedule to be with John during his surgery. However, she returned to work as soon as John was out of the hospital and had to rely on friends and family to assist in his care and the care of her two young children.

FMLA job-protected leave is essential to hardworking airline personnel who face the same challenges as other workers do in balancing their work and family. I am so pleased that Mr. BISHOP's bill will provide them with this important benefit.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of H.R. 2744, the Airline Flight Crew Technical Corrections Act. I want to thank my friend and colleague from New York, Representative TIM BISHOP, for his strong leadership on this issue.

This bill corrects an oversight in the current version of the Family and Medical Leave Act, which did not take into account the unique circumstances of employment as a flight attendant or pilot. To qualify for leave under FMLA now, all employees must work a minimum of 1,250 hours per year, or 60 percent of what is considered a full-time work schedule in most industries.

For flight attendants and pilots, however, there is a different standard for full-time employment. Their hours are calculated purely on the basis of "in-flight" time, which does not include any time in between flights, time spent preparing for a flight, or periods when they are on "reserve" status in the event that someone cannot fly their scheduled flight. An average full-time flight attendant works 960 hours per year. Additionally, pilots are prohibited by the FAA from working more than 1,000 hours per year, which automatically disqualifies them from leave under FMLA.

The Airline Flight Crew Technical Corrections Act will amend FMLA to reduce the hours-of-service requirement for flight crews, so that they will be eligible if they work 60 percent of a full-time schedule in their industry.

Airline flight crews have difficult jobs, and the number of "in-flight" hours that they work does not accurately measure all that they do. I urge my colleagues to support H.R. 2744, to give flight attendants a benefit that so many other American workers already have.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 2744, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL PUBLIC WORKS WEEK

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1137) supporting the goals and ideals of National Public Works Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1137

Whereas public works infrastructure, facilities, and services have far-reaching effects on the United States economy and the Nation's competitiveness in the world marketplace;

Whereas public works infrastructure, facilities, and services play a pivotal role in the health, safety, and quality of life of communities throughout the United States;

Whereas public works infrastructure, facilities, and services could not be provided without the skill and dedication of public works professionals, including engineers and administrators, representing State and local governments throughout the United States;

Whereas public works professionals design, build, operate, maintain, and protect the transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens, communities, and commerce of the United States;

Whereas the Corps of Engineers, in partnership with public port authorities, provides navigational improvements that link United States producers and customers with national and international markets;

Whereas the public waterways, including locks and dams constructed, operated, and maintained by the Corps of Engineers, provide a safe, energy efficient, and cost effective means of transporting goods and services;

Whereas the Corps of Engineers, in partnership with local public entities, provides levees, reservoirs, and other structural and nonstructural flood damage reduction measures that protect millions of families, homes, and businesses;

Whereas highway investment by all levels of government supported a total of 2,140,000 jobs in 2007;

Whereas every $1 invested in public transportation generates as much as $6 in economic returns to the Nation's economy;

Whereas the capital asset program of the General Services Administration is authorized annually to provide Federal employees with necessary office space, courts of law, and other special purpose facilities;

Whereas since 1972 the Nation has invested more than $250,000,000,000 in wastewater infrastructure facilities to establish a system that includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers;

Whereas the Pipelines and Hazardous Materials Safety Administration is charged with the safe and secure movement of almost 1,000,000 daily shipments of hazardous materials by all modes of transportation and oversees the safety and security of 2,300,000 miles of gas and hazardous liquid pipelines, which account for 64 percent of the energy commodities consumed in the United States;

Whereas the National Railroad Passenger Corporation annually provides more than 25,000,000 people with intercity rail service;

Whereas 8 airfield projects are under construction, including 3 new runways, 2 airfield reconfigurations, 1 runway extension, 1 end around taxiway, and 1 center taxiway, providing some of the busiest airports in the Nation with the potential to accommodate more than 400,000 additional annual operations and improve airport safety and efficiency while decreasing the average delay per operation at these airports by almost 2 minutes;

Whereas in the report of the Department of Transportation entitled "2006 Status of the Nation's Highways, Bridges, and Transit: Conditions & Performance", the Department confirms that investment in the Nation's highway, bridge, and transit infrastructure has not kept up with growing demands on the system;

Whereas the National Surface Transportation Policy and Revenue Study Commission report estimates that the United States needs to invest up to $340,000,000,000 annually for the next 50 years to upgrade the Nation's existing transportation network to a good state of repair and to build the more advanced facilities the Nation will require to remain competitive; and

Whereas public works professionals are observing National Public Works Week from May 18 through 24, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Public Works Week;

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve the public infrastructure of the United States and the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government in activities and ceremonies that are designed to pay tribute to the public works professionals of the Nation and to recognize the substantial contributions that public works professionals make to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H. Res. 1137.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1137, supporting the goals and ideals of National Public Works Week. I thank the gentleman from Minnesota, JIM OBERSTAR, Chair of the Transportation and Infrastructure Committee, for bringing this measure to the floor and for his strong advocacy in support of our Nation's infrastructure needs.

This week, we honor and recognize the oftentimes unsung heroes of this Nation's public health and economic livelihood, the public works professionals who keep our country running smoothly. The infrastructure facilities and services that these professionals design, maintain and repair are critical to addressing our country's vast needs. Without our rail systems, our airports, our pipelines, our water treatment plants and other such services, our country would be unable to function.

Instituted as a public education campaign in 1960, every third week in May recognizes the quiet dedication of the workers who continue to build and maintain our country's transportation and infrastructure each year. For the hard work that these workers put in to improve each citizen's life on a daily basis, it is only fitting that we designate one week a year to celebrate their efforts. In the past, Presidents Dwight Eisenhower and Lyndon Johnson have sent letters of acknowledgment to this event, and a Presidential Proclamation was signed by President John F. Kennedy in 1962.

While we will continue to formally appreciate this week, I believe it would also be fitting for us to show our appreciation through our actions. Last August, the House of Representatives passed the Water Resources Development Act of 2007, WRDA, by a vote of 381–40. This past November, this body overrode a presidential veto for WRDA 2007 by a vote of 361–54. The vote showed an ever-present need to continue to invest and improve in our country's vast network of infrastructure. We must continue to remind our President that these projects need funding, and that ignoring our Nation's needs will only cause our current problems to grow and our infrastructure to deteriorate.

I support our public works professionals, our transportation and infrastructure systems and National Public Works Week. I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join in support of the resolution before us. It is appropriate and important that we honor the hardworking men and women who make our infrastructure the envy of the world. Investment in the Nation's highway, bridge and transit infrastructure has not kept up with growing demands on the system. Our Department of Transportation found that to maintain highway bridge and transit networks, governments at all levels would need to invest nearly $95 billion per year for each of the next 20 years, and to improve highway, bridge and transit networks, that level of investment would need to increase to nearly $154 billion per year.

Recently, the National Surface Transportation Policy and Revenue Study Commission, a bipartisan commission made up of representatives from various transportation sectors appointed by leadership in both parties and from the executive branch, reported to the Congress that the United States needs to invest up to $340 billion annually for the next 50 years to upgrade the Nation's existing transportation network to a good state of repair and to build the more advanced facilities that our people will require to remain competitive with other emerging economic powers around the world.

We have neglected this work for a generation, and it will come back to haunt our children and our grandchildren, unless we begin the necessary investment and the necessary work, not just to provide the jobs, which is obviously important, but to provide the efficient undergirding of our economy, which will enable us to maintain our standard of living, improve it, and maintain our competitiveness as an international power.

Our committee, the Transportation and Infrastructure Committee, has jurisdiction over our water transportation system, and that consists of 926 coastal and inland harbors maintained by the Corps of Engineers and some 25,000 miles of inland and coastal commercial waterways. If we don't keep our harbors and waterways operating efficiently, we obviously threaten our economic prosperity. To meet these needs, as well as the need for flood protection and environmental restoration, passing a Water Resources Development Act for 2008 is high on our committee's agenda.

According to separate studies conducted by the Congressional Budget Office, EPA and municipal groups, the current rate of capital investment will not keep our waterway treatment systems operational. State and local governments are spending nearly $10 billion a year in capital investments and waste water infrastructure, and most of this funding comes from local ratepayers.

□ 1500

However, to meet the needs of communities all over our country, we should be doubling that spending. We can't continue to take our modern wastewater treatment facilities for granted. Not only are they critical to protect our health and environment, they are important to protect our economy as well.

Public infrastructure plays an important role in enhancing our quality of life, improving our environment, and contributing to our economic prosperity. These systems, and the professionals, engineers, and administrators who maintain them, are sometimes taken for granted. So it is important that Congress recognize the contribution they make to ensure that America remains the world's premier economic power, and passage of this resolution will do that. I urge all Members to support House Resolution 1137.

I yield back the balance of my time.

Ms. HIRONO. In closing, Mr. Speaker, I would like to thank the gentleman for his acknowledgement of the importance of maintaining our infrastructure, rail, water, air, and highways.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Resolution 1137. This resolution acknowledges and celebrates Public Works Week, which this year is celebrated the week of May 18 through May 24.

We celebrate National Public Works Week for a full week each year during the month of May. This week honors the many public works professionals—those individuals who design, build, operate, maintain, and protect transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to our Nation. H. Res. 1137 pays tribute to these professionals.

Public works do exactly that—they allow our public to work, and they keep our country safe. Our industries and communities rely on railroads, highways, airports, and public transit to travel, and our government conducts business in public works buildings across this Nation.

Towns and cities around the country are serviced by necessary systems for sewage and waste disposal, as well as water supply for our homes, businesses, and crops. Pipelines safely transport natural gas and hazardous liquids over millions of miles throughout the country.

It is appropriate to designate a week to recognize these entities and those who work for them and the public good. Public works are often not recognized until problems are encountered. As public works professionals work daily to coordinate, design, and maintain our public works, we must also work to fund our country's infrastructure needs, which our so critical to our Nation's economy and its citizens.

Last November, this Congress overrode a veto of the Water Resources Development Act ("WRDA") of 2007 by an overwhelming margin (361–54), showcasing the desires of the American people for renewed investment in our infrastructure. In contrast to this action, President Bush failed to include any projects authorized by WRDA in the fiscal year 2009 budget.

The House of Representatives has passed three additional water infrastructure bills: H.R. 569, the Water Quality Investment Act of 2007; H.R. 700, the Healthy Communities Water Supply Act of 2007; and H.R. 720, the Water Quality Financing Act of 2007. I urge my colleagues in the Senate to promptly take action on similar legislation.

On August 1, 2007, on the same evening that the House passed the WRDA Conference Report, the I–35W Mississippi River bridge collapsed during rush hour traffic in my home State of Minnesota. Of the 597,340 U.S. highway bridges, 73,784 are structurally deficient and 80,317 are functionally obsolete. This tragic event further highlighted the public works investment needs that our Nation faces.

Last week, the leadership of this committee introduced a bill to revitalize the Amtrak intercity passenger rail system.

I continue to vigorously support our country's public works, and I urge my colleagues to join me in agreeing to this resolution.

Ms. HIRONO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1137.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 309) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 309

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 6, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2008 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 309.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 309 authorizes the use of the Capitol grounds for the District of Columbia's Special Olympics Law Enforcement Torch Run. I thank Representative ELEANOR HOLMES Norton for bringing this measure to the floor.

The Capitol Police, along with the D.C. Special Olympics, will participate in the torch run to be held on June 6, 2008. The D.C. Special Olympics will work closely with the Capitol Police and the Architect of the Capitol to make sure that the event is in full compliance with the rules and regulations governing the use of Capitol grounds. Consistent with all events on Capitol Hill, the event will be free and open to the public.

The Law Enforcement Torch Run for the Special Olympics is run nationwide by law enforcement officers, leading up to each State's or National Special Olympics summer games. As a matter of fact, I have participated a number of times in Hawaii's Law Enforcement Torch Run.

Each year, nearly 50 local and Federal law enforcement agencies in Washington, D.C. participate to show their support of the D.C. Special Olympics. This torch relay event is a traditional part of the opening ceremonies for the Special Olympics which will take place at Catholic University in the District of Columbia. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

The resolution before us, House Concurrent Resolution 309, as has been pointed out, authorizes the use of the Capitol grounds for the District of Columbia's Special Olympics Law Enforcement Torch Run to be held June 6, 2008. Capitol Police and Metropolitan Police Department will serve as cosponsors of this year's event.

Special Olympics is an international organization dedicated to enriching the lives of children and adults with disabilities through athletics and through competition. The torch run is a special event that works with Federal and local police departments to run the Flame of Hope to Fort McNair, the site of the local Special Olympics games.

The torch will be lit in a ceremony recognizing supporters of the Special Olympics on the west steps of the United States Capitol. Nearly 1,200 police officers, Special Olympics athletes, and members of the public will be present for the ceremony torch lighting and the start of the run. Once lit, the torch will be carried by police officers to Fort McNair.

More than 26 police departments will join together to support the Special Olympics by raising money, carrying the torch, or running in support of the Special Olympics. Support of Congress has helped this special event hold an opening ceremony on the Capitol grounds that works with both Federal and local police departments to support the Special Olympics. This year's event will be the 23rd held on the Capitol grounds. I encourage my colleagues to join the law enforcement community in supporting the Special Olympics and in joining me in supporting the resolution before us.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Con. Res. 309, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The District of Columbia Special Olympics is the premier event in this region that highlights the athletic accomplishments of children and young adults with disabilities. We all owe a special thanks to the tenacity to Eunice Kennedy Shriver and her family for exceptional work on behalf of persons with disabilities.

Law enforcement officers, who are part of the extensive volunteer network that support the games, carry the Olympic torch across the Capitol Grounds through the District of Columbia to Catholic University. The event will be open to the public and free of charge. The event sponsors will work with the Capitol Police Board to ensure all rules and regulations are followed.

These games are a wonderful expression of inclusiveness and a confirmation of individual contribution. I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics.

I urge my colleagues to join me in agreeing to the resolution.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 309.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MOTORCYCLE SAFETY AWARENESS MONTH

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 339) supporting the goals of Motorcycle Safety Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 339

Whereas approximately 7,000,000 motorcyclists ride on our Nation's roads and highways to commute, travel, and recreate;

Whereas motorcycles are a valuable component of the transportation mix;

Whereas motorcycles are fuel-efficient and decrease congestion while having little impact on our Nation's transportation infrastructure;

Whereas the United States is the world leader in motorcycle safety, promoting education, licensing, use of protective gear, and motorcycle awareness;

Whereas the motorcycling community is committed to decreasing motorcycle crashes through licensing, training, education, enforcement, personal responsibility, and increased public awareness;

Whereas, according to a comprehensive study conducted on motorcycle crash causation in the United States the "Motorcycle Accident Cause Factors and Identification of Countermeasures" (Hurt Report), in approximately two-thirds of fatal car-motorcycle crashes, the driver of the car was at fault;

Whereas motorcycle awareness is beneficial to all road users and will help to decrease car-motorcycle crashes;

Whereas May is designated as "Motorcycle Safety Awareness Month"; and

Whereas National Highway Traffic Safety Administration promotes Motorcycle Safety Awareness Month to encourage riders to always wear helmets and other protective gear, never drink and ride, be properly licensed, and get training and to remind all riders and motorists to always share the road: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contribution motorcycles make to the transportation mix;

(2) encourages all road users to be more aware of motorcycles and motorcyclists' safety;

(3) encourages all riders to receive appropriate training and practice safe riding skills; and

(4) supports the goals of Motorcycle Safety Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H. Res. 339.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 339, a resolution that supports the goals of Motorcycle Safety Awareness Month, and that brings much needed attention to motorcycle safety on our Nation's roadways. I thank the gentleman from Texas (Mr. BURGESS) and the gentlewoman from Arizona (Ms. GIFFORDS) for bringing this important issue to the forefront.

As spring arrives, our highways and rural roads will once again see a large increase in motorcycle traffic across the country. Motorcycles make up a valuable component of the transportation network in our Nation, with over 6.2 million registered motorcycles in the United States in 2006. These numbers continue to grow in each year as registrations increase by over 60 percent from 1998 to 2005.

With gas prices approximating $4 per gallon, motorcyclists benefit from the significant advantage they hold in fuel efficiency over drivers. However, this increasingly popular mode of transportation also requires greater attention to the safety concerns associated with riding. Because of their smaller size, motorcyclists are often hidden in a vehicle's blind spot. Public awareness of motorcycle safety benefits everyone that uses our Nation's roadways, not just motorcyclists, because it can lead to a decrease in car-motorcycle crashes.

Mr. Speaker, the statistics on motorcycle fatalities and injuries each year further illustrate the importance of public awareness and the need for greater education of all roadway users. Per vehicle mile traveled, motorcyclists are approximately 37 times more likely than passenger car occupants to die in a motor vehicle traffic crash and eight times more likely to be injured. In 2006, motorcycle rider fatalities increased for the ninth straight year.

According to NHTSA, between 1996 and 2006 there were 35,546 motorcyclist fatalities, and 708,000 motorcyclist injuries on U.S. roadways. In 2006, there were 4,810 motorcycle fatalities and 88,000 injuries, up from 2,161 fatalities and 55,000 injuries in 1996.

Throughout Motorcycle Safety Awareness Month, riders are encouraged to become educated on the importance of following the rules of the roadway, being alert to other drivers, and always wearing protective gear, such as a helmet. NHTSA estimates that helmets saved 1,658 motorcyclists' lives in 2006, and that 752 more lives could have been saved if the motorcyclists involved in fatal nonhelmeted crashes had worn helmets.

Mr. Speaker, as these statistics illustrate, increased awareness of motorcycle safety is an important and urgent need in this country. We cannot allow thousands of riders to die each year on our Nation's highways. Motorcycle Safety Awareness Month helps to decrease motorcycle crashes through licensing, rider training, education, enforcement, personal responsibility, and increased public awareness.

I thank the gentleman from Texas (Mr. BURGESS) and the gentlewoman from Arizona (Ms. GIFFORDS) for introducing this resolution, and urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 339, which was introduced by our colleague, Representative MICHAEL BURGESS from Texas. The resolution expresses support for the goals of Motorcycle Safety Awareness Month.

Each May during Motorcycle Safety Awareness Month, State agencies and motorcycle organizations across our country conduct a variety of activities to remind all riders and motorcyclists to share the road. These activities also encourage riders to wear protective gear, never drink and ride, be properly licensed, and receive proper training. All of these important messages help motorcyclists and other motorists get ready for the busy riding season ahead.

In approximately two-thirds of fatal car versus motorcycle crashes, the driver of the car has been found to be at fault. Motorcycle Safety Awareness Month will help drivers of cars, trucks, and motorcycles remember that they must consider other users of the road as they use their own vehicles.

Additionally, this resolution recognizes the transportation benefits associated with motorcycling. Specifically, motorcycles are fuel efficient and decrease congestion while having little impact on our Nation's transportation infrastructure. I support this resolution, and I hope it brings attention to motorcycle safety across our Nation's highways as well as the benefits associated with motorcycling. Mr. Speaker, I urge all my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 339, as amended, a resolution that supports the goals of Motorcycle Safety Awareness Month and that brings much needed attention to motorcycle safety on our nation's roadways. I want to thank the gentleman from Texas (Mr. BURGESS) and the gentlewoman from Arizona (Ms. GIFFORDS) for bringing this important issue to the forefront.

With warmer weather arriving, our nation's highways will once again experience a large increase in motorcycle traffic across the country. Motorcycles represent a valuable component of the transportation network in our nation. In 2005 there were over 6.2 million registered motorcycles in the United States. Motorcycles continue to grow in popularity each year with registrations increasing by over 60 percent from 1998 to 2005.

Motorcycles are a fuel-efficient and congestion-decreasing mode of transportation and are a valuable component of our transportation system. This increasingly popular mode of transportation also requires greater attention to the safety concerns associated with riding. Because of their smaller size, motorcyclists are often hidden in a vehicle's blind spot. Public awareness of motorcycle safety benefits everyone that uses our nation's roadways, not just motorcyclists, because it can lead to a decrease in car-motorcycle crashes.

The statistics on motorcycle fatalities and injuries each year further illustrate the importance of public awareness and the need for greater education of all roadway users. In 2006, motorcycle rider fatalities increased for the ninth straight year. According to the National Highway Traffic Safety Administration ("NHTSA"), between 1996 and 2006, there were 35,546 motorcyclist fatalities and 708,000 motorcyclist injuries on U.S. roadways. In 2006 there were 4,810 motorcycle fatalities and 88,000 injuries, up from 2,161 fatalities and 55,000 injuries in 1996.

Per vehicle mile traveled, motorcyclists are approximately 37 times more likely than passenger car occupants to die in a motor vehicle traffic crash and 8 times more likely to be injured. Further, an estimated 137,000 motorcyclists have been killed since the enactment of the Highway Safety and National Traffic and Motor Vehicle Safety Act of 1966. A NHTSA-funded study—the "Motorcycle Accident Cause Factors and Identification of Countermeasures Study"—found that in approximately two-thirds of fatal car-motorcycle crashes, the driver of the car was at fault.

Throughout Motorcycle Safety Awareness Month, riders are encouraged to become educated on the importance of following the rules of the roadway, being alert to other drivers, and always wearing protective gear such as a helmet. NHTSA estimates that helmets saved 1,658 motorcyclists' lives in 2006, and that 752 more lives could have been saved if the motorcyclists involved in fatal non-helmeted crashes had worn helmets.

Mr. Speaker, these striking statistics paint a very clear portrait of the need to decrease motorcycle crashes through licensing, rider training, education, enforcement, personal responsibility, and increased public awareness.

I urge my colleagues to join me in agreeing to the resolution, as amended.

Ms. GIFFORDS. Mr. Speaker, in my home state of Arizona we have 150,000 registered motorcycles.

With over 300 days of sunshine in our state every year, you can imagine why so many Arizonans choose to ride their bikes!

There are many other reasons why motorcycles are so popular, but one explanation is simple economics: the rising cost of gas.

Motorcycles offer a more fuel efficient—and cheaper way—of getting around.

On average, motorcycles can get between 40 and 75 miles per gallon of gas. And even as gasoline prices are hovering near $3.75 a gallon in many parts of the country, motorcycle riders can fill up for less. According to the U.S. Department of Transportation, motorcycles consume 56 percent less fuel per mile traveled.

Many people are now taking the plunge to own and ride a motorcycle regularly. Over the past decade, U.S. motorcycle sales have more than tripled. They are growing in popularity as a fun and fuel-efficient alternative.

As a member of the House Science and Technology Committee, I am committed to working with all my constituents and colleagues in Congress to move our country forward and continue our tradition of international leadership on environmental issues.

And I am proud that, as a motorcyclist for over 20 years, I am leaving a smaller footprint on our earth by just riding my bike.

But, I do have concerns about road safety and that drivers sharing the road with me aren't looking out for my well-being. That is why I introduced House Resolution 399, recognizing the importance of motorcycles and supporting the goals of "Motorcycle Safety Awareness Month."

Motorcycles have a higher rate of fatal accidents than automobiles. U.S. Department of Transportation data for 2005 shows that for motorcycles, 75 fatal crashes occur per 100,000 registered vehicles—four times higher than for cars.

H. Res. 399 encourages riders to always wear helmets and other protective gear, to never drink and ride, and to be properly licensed and trained. It also serves as a reminder to all riders and motorists to always share the road respectfully.

These are important messages for all road users and timely information for motorcyclists in many areas of the country gearing up for the upcoming riding season.

I, for one, am ready to dust off my boots, grab my helmet, and get on the road!

Happy "Motorcycle Safety Awareness Month."

Mr. PETRI. I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 339, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE IMPORTANCE OF BICYCLING IN TRANSPORTATION AND RECREATION

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 305) recognizing the importance of bicycling in transportation and recreation.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 305

Whereas a national transportation system conducive to bicycling produces enriched health, reduced traffic congestion and air pollution, economic vitality, and an overall improved quality of living is valuable for the Nation;

Whereas by dramatically increasing levels of bicycling in United States cities tangible and intangible benefits to the quality of life for cities and towns across the country will be realized;

Whereas we now live in a Nation with 300 million people, and that number is expected to grow to 365 million by 2030 and to 420 million by 2050 with the vast majority of that growth occurring in urban areas with limited ability to accommodate increased motor vehicle travel;

Whereas since 1980, the number of miles Americans drive has grown 3 times faster than the United States population, and almost twice as fast as vehicle registrations;

Whereas one-third of the current population does not drive due to age, disability, ineligibility, economic circumstances, or personal choice;

Whereas the United States is challenged by an obesity epidemic, 65 percent of United States adults are either overweight or obese, and 13 percent of children and adolescents are overweight, due in large part to a lack of regular activity;

Whereas the Center for Disease Control estimates that if all physically inactive Americans became active, we would save $77 billion in annual medical costs;

Whereas over 753 of our Nation's Mayors have signed onto the climate protection agreement of the United States Conference of Mayors urging the Federal Government to enact policies and programs to meet or exceed a greenhouse gas emission reduction target of a 7 percent reduction from 1990 levels by 2012;

Whereas the transportation sector contributes one-third of the greenhouse gas emissions in the United States and passenger automobiles and light trucks alone contribute 21 percent;

Whereas bicycle commuters annually save on average $1,825 in auto-related costs, reduce their carbon emissions by 128 pounds, conserve 145 gallons of gasoline, and avoid 50 hours of gridlock traffic;

Whereas the greatest potential for increased bicycle usage is in our major urban areas where 40 percent of trips are 2 miles or less and 28 percent are less than one mile;

Whereas in 1969 approximately 50 percent of children in the United States got to school by walking or bicycling, but in 2001 only 15 percent of students were walking or bicycling to school;

Whereas as much as 20 to 30 percent of morning traffic is often generated by parents driving their children to schools, and in the United States, motor vehicle crashes are the leading cause of death for children ages 3 to 14;

Whereas many public agencies in cities are using bicycles to deliver critical municipal services, for example, more than 80 percent of police departments serving populations of 50,000 to 249,999 and 96 percent of those serving more than 250,000 residents now have routine patrols by bicycle;

Whereas surveys show that a majority of people want to ride and walk more but are dissuaded by concern over traffic danger and other barriers, and case studies have shown that when those barriers to bicycling are removed, people start riding;

Whereas investment used for improvements for bicyclists and promoting bicycle use resulted in the quadrupling of bicycle use in Portland, Oregon, since 1994 and a recent report to Congress on the nonmotorized transportation pilot program reveals that 19.6 percent of trips in Minneapolis, Minnesota, are made by biking and walking, reflecting the benefit of initial investments in nonmotorized infrastructure;

Whereas the American bicyclist generates enormous economic returns, in 2006, the national bicycling economy contributed $133 billion to the United States economy, supported nearly 1.1 million jobs across the United States, generated $17.7 billion in annual Federal and State tax revenue, produced $53.1 billion annually in retail sales and services, and provided sustainable growth in rural communities;

Whereas a national network of interconnected urban and rural bikeways can provide valuable community benefits, including low or no-cost recreation and alternative transportation options for people of all ages and abilities;

Whereas mountain biking is an environmentally friendly, healthy nonmotorized outdoor recreation activity that encourages young people to experience our natural world, and engenders community support for preservation of open space;

Whereas each year major charity bike rides in communities across the country raise in excess of $100 million for critical medical research to find cures for life-threatening diseases;

Whereas 57 million adults in the United States bicycle each year, and bicycling and walking currently account for nearly 10 percent of trips and 13 percent of traffic fatalities, yet less than 2 percent of Federal transportation safety funding is currently spent to make bicycling and walking safer; and

Whereas communities across the United States are seeking ways to reduce traffic congestion, improve air quality, increase the safety of their neighborhoods, and decrease petroleum dependence, bicycles offer a simple, healthy, energy-saving alternative to driving: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes that increased and safe bicycle use for transportation and recreation is in the national interest;

(2) supports policies that—

(A) establish national target levels for increased bicycle use, reduce the number of motor vehicle miles traveled (VMT), improve bicycle safety to be achieved within a specific timeframe, and collect data needed to monitor progress;

(B) increase intermodal travel between public transportation and bicycles;

(C) provide incentives for State and local governments to adopt and implement complete street policies designed to accommodate all users, including motorists, pedestrians, bicyclists, transit riders, and people of all ages and abilities;

(D) encourage bicycle use in communities where significant segments of the population do not drive and where short trips are most common;

(E) expand funding for core Federal transportation programs that support non-motorized infrastructure, education, and encouragement programs by—

(i) safeguarding existing funding sources for nonmotorized transportation from inequitable treatment in the Federal transportation funds rescission process;

(ii) supporting funding for core Federal transportation programs that support nonmotorized travel, including transportation enhancements, safe routes to school, and recreational trails; and

(iii) ensuring that highway safety improvement program funds are spent in proportion to the percentage of bicyclist and pedestrian fatalities in each State;

(F) facilitate the development of a coordinated system of United States bicycle routes across the country that cross state borders and connect metropolitan regions;

(G) create bicycle-friendly Federal land protection legislation, such as national recreation areas, to encourage regulations and management practices for mountain biking as an environmentally friendly nonmotorized use of natural surface trails;

(H) provide flexibility in Federal transportation law that would speed up the delivery of nonmotorized infrastructure without sacrificing necessary environmental protections;

(I) provide Federal tax or funding incentives to—

(i) States that adopt motor vehicle laws that protect the rights of bicyclists to share the road;

(ii) businesses that expand bicycle-friendly programs for their employees;

(iii) the health care industry to develop more member discount programs, that target increased physical activity such as bicycling and walking; and

(iv) provide bicycle commuters the transportation fringe benefits currently provided to people who commute by car or mass transit; and

(J) build upon the "Green the Capitol Initiative" as a model, create and provide an environmentally sustainable and healthy working environment for employees that includes the promotion of bicycling as a transportation alternative;

(3) encourages the Department of Transportation to provide leadership and coordination by reestablishing the Federal bicycle task force to include representatives from all relevant Federal agencies.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H. Con. Res. 305.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Con. Res. 305, a resolution that recognizes the important role bicycling plays in both recreation and transportation. I thank Representative EARL BLUMENAUER, an avid cyclist, for bringing this measure to the floor. May has been designated as National Bike Month, making it an appropriate time to consider this measure.

Cycling is a healthy, environmentally friendly activity and mode of transportation. At a time when our Nation is facing a growing obesity epidemic and the challenges of global climate change, we in Congress should be making every effort to encourage and accommodate cyclists.

□ 1515

H. Con. Res. 305 expresses the support of the Congress for a number of commonsense approaches to increase bicycling and to protect cyclists, including setting goals to reduce vehicle miles traveled, or VMT, and to increase the safety of cyclists, spending highway safety funds proportionately to the percentage of cyclist and pedestrian deaths, implementing "complete streets" policies that take into account the needs of all users when designing a road, streamlining nonmotorized transportation project delivery while upholding environmental standards, creating bicycle-friendly Federal lands and developing a national bike route system, continuing and strengthening Federal programs that support nonmotorized transportation and increasing intermodalism, building on the Green the Capitol initiative, which includes a bike sharing program and sets an example for employers to be bicycle friendly.

In 1994, the U.S. Department of Transportation, DOT, delivered the National Bicycling and Walking Study to Congress, which created a now-defunct interagency task force to coordinate bicycling and walking safety and mobility efforts across Federal agencies. This resolution encourages DOT to reestablish this task force with representatives from all appropriate Federal agencies.

H. Con. Res. 305 gives us a foundation to use as we consider the role cycling will play in the upcoming surface transportation authorization, and lays out a number of thoughtful approaches to increase bicycling and keep cyclists safe.

I thank, again, the gentleman from Oregon (Mr. BLUMENAUER) for introducing this resolution, and urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 305, introduced by our colleague, EARL BLUMENAUER from Oregon. The resolution expresses the importance of bicycles in our transportation system. Bicycles provide a way to reduce congestion on our highways, decrease air pollution and enrich the health of Americans who use them.

The resolution supports the implementation of State and local street policies that accommodate all users of transportation, and supports funding for core Federal transportation programs that support nonmotorized infrastructure.

With rising fuel prices, bicycling offers a way for Americans to save money and time on our busy highways, while maintaining and improving their fitness. I hope this concurrent resolution will bring attention to the many benefits of bicycling.

Mr. Speaker, I support passage of the resolution, and urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Con. Res. 305. H. Con. Res. 305 recognizes the important role bicycling plays in both transportation and recreation, and is an appropriate resolution to consider in May, which has been designated as National Bike Month. This resolution expresses the support of the Congress for a number of policies that would encourage cycling and advance our intermodal transportation network. I thank the gentleman from Oregon (Mr. BLUMENAUER) for introducing this resolution.

Our transportation choices can play a key role in solving the serious problems of worsening congestion and air quality, the obesity epidemic that afflicts millions of children and adults, and the threat of global climate change. To achieve these solutions, our transportation planning must be refocused to accommodate users of environmentally-friendly and healthy modes of transportation such as cycling. My experience has taught me that people want to get out of their cars; they want to lead active and healthy lifestyles; and they want to do their part to protect our environment. By providing the appropriate infrastructure, we can give people the option to make smart travel choices.

H. Con. Res. 305 expresses the support of the Congress for a number of common sense approaches to increase bicycling and to protect cyclists, including:

Setting goals to reduce vehicle miles traveled, VMT, to increase the safety of cyclists, and encouraging and allowing people to bicycle for short trips;

Spending highway safety funds proportionally to the percentage of cyclist and pedestrian deaths;

Implementing "complete streets" policies that take into account the needs of all users when designing a road;

Providing flexibility for nonmotorized transportation project delivery while upholding environmental standards;

Creating bicycle-friendly Federal lands and developing a national bike route system;

Continuing and strengthening Federal programs that support nonmotorized transportation and increasing intermodalism; and

Building upon the "Greening the Capitol" initiative, which includes a bike sharing program and sets an example for employers to be bicycle-friendly.

In 1994, the U.S. Department of Transportation, DOT, issued the National Bicycling and Walking Study, establishing a national goal of doubling the percentage of trips made by foot and bicycle while simultaneously reducing crashes involving the two modes by ten percent. It also created a now-defunct interagency task force to coordinate these efforts across Federal agencies. This resolution encourages DOT to re-establish this task force with representatives from all appropriate Federal agencies.

H. Con. Res. 305 provides a framework for some of the choices that the Congress will need to make in the upcoming surface transportation authorization legislation. The Federal Government has a long history of visionary leadership in the transportation field, and we need to again show the leadership necessary to encourage mode shift, reduce congestion, and create a cleaner and healthier society. We must work to build a transportation system that enhances our quality of life and gives users modal choice, and bicycle infrastructure needs to be a part of this.

I urge my colleagues to join me in agreeing to the resolution.

Mr. BLUMENAUER. Mr. Speaker, today I am pleased to rise in strong support of H. Con. Res. 305, the National Bike Bill. This resolution recognizes the bicycle as an important part of our transportation system. Investing in infrastructure that allows for bicycling produces enriched health, reduced traffic congestion and air pollution, greenhouse gas emission reductions, economic vitality, and an overall improved quality of life.

As the earth continues to warm and gas prices hover around $4 per gallon, more and more Americans are discovering that bicycling is a smart, healthy, and environmentally sound transportation option. Across the globe—from D.C. to Portland to Paris and beyond—bicycles are being used as a means for people to reduce congestion and pollution and improve both health and quality of life. Locally, communities are seeing that investment in bike lanes and bike boulevards, as well as education on how to ride, are resulting in dramatic increases in ridership. It's time that the Federal Government steps up and becomes a better partner to the States and local governments, giving them the tools and incentives they need to create of complete and healthy communities.

The Federal Government can assist in those efforts by promoting increased bicycle safety, supporting policies that establish national target levels for bicycle use, supporting increased intermodal travel, providing incentives to State and local government, providing flexibility in Federal transportation laws, and encouraging partnerships with employers and executive agencies.

I am pleased that this legislation has over 30 cosponsors from both sides of the aisle. Increased transportation options and a higher quality of life are ideas that everyone can agree on. I strongly urge my colleagues to vote in favor of H. Con. Res. 305.

Mr. PETRI. I yield back the balance of my time.

Ms. HIRONO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 305.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GAS PRICE RELIEF FOR CONSUMERS ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6074) to amend the Sherman Act to make oil-producing and exporting cartels illegal and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gas Price Relief for Consumers Act of 2008".

TITLE I—AMENDMENT TO SHERMAN ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "No Oil Producing and Exporting Cartels Act of 2008" or "NOPEC".

SEC. 102. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. (a) It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

SEC. 103. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6) by striking "or" after the semicolon;

(2) in paragraph (7) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

TITLE II—CREATION OF DEPARTMENT OF JUSTICE PETROLEUM INDUSTRY ANTITRUST TASK FORCE

SEC. 201. ESTABLISHMENT OF DEPARTMENT OF JUSTICE PETROLEUM INDUSTRY ANTITRUST TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—The Attorney General shall establish in the Department of Justice a Petroleum Industry Antitrust Task Force (in this title referred to as the "Task Force").

(b) RESPONSIBILITIES OF TASK FORCE.—The Task Force shall have the responsibility for—

(1) developing, coordinating, and facilitating the implementation of the investigative and enforcement policies of the Department of Justice related to petroleum industry antitrust issues under Federal law,

(2) consulting with, and requesting assistance from, other Federal entities as may be appropriate, and

(3) preparing and submitting to the Congress an annual report that—

(A) describes all investigatory and enforcement efforts of the Department of Justice related to petroleum industry antitrust issues, and

(B) addresses the issues described in subsection (c).

(c) ISSUES TO BE EXAMINED BY TASK FORCE.—The Task Force shall examine all issues related to the application of Federal antitrust laws to the market for petroleum and petroleum products, including the following:

(1) The existence and effects of any price gouging in sales of gasoline.

(2) The existence and effects of any international oil cartels.

(3) The existence and effects of any collusive behavior in controlling or restricting petroleum refinery capacity.

(4) The existence and effects of any anticompetitive price discrimination by petroleum refiners or other wholesalers of gasoline to retail sellers of gasoline.

(5) The existence and effects of any unilateral actions, by refiners or other wholesalers of petroleum products, in the nature of withholding supply or otherwise refusing to sell petroleum products in order to inflate the price of such products above competitive levels.

(6) The existence and effects of any anticompetitive manipulation in futures markets or other trading exchanges relating to petroleum or petroleum products.

(7) The existence and effects of any other anticompetitive market manipulation activities involving petroleum or petroleum products.

(8) Any other anticompetitive behavior that impacts the price or supply of petroleum or petroleum products.

(9) The advisability of revising the merger guidelines to appropriately take into account particular aspects of the petroleum and petroleum products marketplace.

(10) The advisability of amending the antitrust laws in light of any competitive problems in the petroleum and petroleum products marketplace described in paragraphs (1)-(8) that cannot currently be effectively addressed under such laws.

(d) DIRECTOR OF TASK FORCE.—The Attorney General shall appoint a director to head the Task Force.

(e) INITIAL REPORT.—The 1st report required by subsection (b)(2) shall be submitted to the Congress not later than December 31, 2008.

TITLE III—STUDY BY THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 301. STUDY BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study evaluating the effects of mergers addressed in covered merger consent decrees on competition in the markets involved, including the effectiveness of divestitures required under those consent decrees in preserving competition in those markets.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress and the Department of Justice regarding the findings of the study conducted under subsection (b).

(c) ATTORNEY GENERAL CONSIDERATION.—Upon receipt of the report described in subsection (b), the Attorney General shall refer the report to the Task Force established under section 201, which shall consider whether any further enforcement action is warranted to protect or restore competition in any market affected by a transaction to which any covered merger consent decree relates.

(d) DEFINITION.—In this section, the term "covered merger consent decree" means a consent decree entered in the 10-year period ending on the date of the enactment of this Act, in an enforcement action brought under section 7 of the Clayton Act against a person engaged in the business of exploring for, producing, refining, processing, storing, distributing, or marketing petroleum or petroleum products.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have seen the price of oil skyrocket, from about $50 a barrel only a year ago, to nearly $128 a barrel as of last week. The retail price of gasoline has likewise jumped and is now in the range of $4 a gallon. Americans are finding it increasingly more difficult to fill up their gas tank in the family car.

A number of factors undoubtedly contribute to this dire situation. Some might cite the war in Iraq which the President has waged for 5 years, which has both diverted trillions of dollars from more productive uses in our economy and, at the same time, contributed to the weakening of the dollar against other currencies.

Others will say that we should be devoting more resources to alternative fuels. But let's not overlook the elephant in the room. We have a dysfunctional marketplace for oil. We depend on a few large oil refining companies to supply gasoline. They have become even fewer and even larger as a result of a wave of mergers over the last decade or so. What's more, at the center of it all is an international oil cartel, OPEC.

The Gas Price Relief For Customers Act of 2008, introduced by the gentleman from Wisconsin (Mr. KAGEN) addresses that marketplace dysfunction in three important ways.

First, it clears away the dubious legal doctrines that have been twisted to prevent us from holding the OPEC cartel accountable under antitrust laws. It will now be clear that price fixing violates antitrust laws just as much when committed by OPEC as it does by other cartels.

Just last week, President Bush traveled to Saudi Arabia, hat in hand, to ask King Abdullah to relax just a little OPEC cartel's choke hold on the world oil marketplace. King Abdullah said no, he would not.

OPEC's concerted manipulation of world oil marketplaces calls for more than begging for help. It calls for full antitrust enforcement. Our antitrust laws are international in their reach, and over the years they've been used effectively against numerous cartels around the world to vindicate the rights of American consumers to receive the benefits of honest competition. There is no excuse for giving the most notorious cartel a free pass.

Second, the bill requires the Justice Department to establish a task force to better ensure that it is effectively monitoring all parts of the petroleum and petroleum products marketplace for anticompetitive practices that artificially restrict supply or inflate prices, such as, for example, the illegal manipulation of investments in the futures market.

Third, the bill requires GAO to take a retrospective look at oil industry mergers that were allowed to take place over the past decade to assess to what extent the resulting increase in market concentration has contributed to the high gas prices Americans are now paying at the pump. This will help inform Congress and the antitrust enforcers as to what needs to be done to better ensure a competitive gasoline marketplace going forward.

These three important steps we can take now to better ensure, to better secure lower market prices for gasoline that the honest competition will bring about for all Americans.

I would, again, like to thank the gentleman from Wisconsin Mr. KAGEN for bringing this bill before us to the House.

I urge my colleagues to support it and reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, it's painfully obvious to the American people that the price of gasoline is going up. This week the national average price per gallon of gas hit $3.77; that's up 63 cents from the same period last year. At every fill-up, American families are reminded that driving anywhere is going to cost them more than ever.

Higher gas prices cause a real drain on family finances, and if they remain high, they could serve as a drag on our economy. In fact, I believe they do serve as a drag on our economy.

Rising gas prices and subsequent congressional interest are not a new phenomenon. It seems that every year Congress conducts a new investigation of the oil industry. By my estimation, in this House, House committees have held no less than 20 hearings, and that's on the gas prices. In the House Judiciary Committee, alone, we've held two hearings just this year, and there's another one scheduled for this Thursday. Those hearings were last year, one more scheduled for this Thursday.

Despite all of this, all this oversight, the price at the pump continues to rise. As the Federal Trade Commission has reported, though, changes in world oil prices have explained 85 percent of the changes in the price of gasoline in the U.S. The price of gas at the pump closely tracks the price of a barrel of oil in the world market.

Further, the FTC has repeatedly found that there is no broad-based collusion to fix prices or engage in price gouging in the retail sale of gasoline.

Another factor impacting the price at the pump has been the decline of the dollar. While the cost of oil has gone up worldwide, its impact has been felt more in the United States because of the lower value of the dollar, vis-a-vis other countries. For example, while the price of West Texas intermediate crude, in dollars, has increased almost 109 percent since January of 2007, that would be the beginning of the 110th Congress, Mr. Speaker, it has only increased 78½ percent if it's calculated in euros or 84 percent in yen. "Only" seems like an interesting phrase to put in there. But a 109 percent increase in dollars, 78½ percent in euros or 84 percent in yen.

So what can Congress do to reduce fuel prices? It can expand the domestic supply of energy. Yet time and again, the Democratic leadership has rejected opportunities to increase that supply and bring gas prices down.

What has the majority brought to a vote?

Well, this is the second time in this Congress that we're considering NOPEC. Everyone knows that the world oil price is dictated mainly by the quantity of oil that the organization of petroleum exporting countries is willing to supply and, of course, in relation to the demand for that oil.

Most would argue that the presence of this cartel, controlled in large part by totalitarian or hostile regimes, is not helpful. The question is, though, what could or should Congress do about it? NOPEC is one possible solution to this problem, but because of the Act of State doctrine and the concept of sovereign immunity, Americans are precluded from suing the cartel that controls a good portion of the world's oil supply. This bill would change that or at least attempt to.

However, there is no certainty that enabling the Attorney General to sue OPEC for an antitrust violation will result in lower gas prices for Americans. Given the instability that such a suit might create in the world oil market, this legislation would be long on psychic compensation, but short on actual returns to America's pocketbook.

I'm concerned about the unintended consequences of this bill. Moreover, this particular bill has no consideration, has had no consideration in the House Judiciary Committee. In addition to the NOPEC provision which the House considered last year, it also creates a task force at the Department of Justice to study the anticompetitive aspects of the oil and gas markets. Yet the Federal Trade Commission has studied this area repeatedly and found no widespread collusion.

So, Mr. Speaker, what we are doing here is administratively burdensome on the Department of Justice and at best is duplicative of efforts that already take place at the FTC.

I recognize this bill will likely pass the House again today, but I urge the majority to quit with the cheap theatrics and easy votes. This Congress should be considering legislation to actually expand oil supply such as drilling in ANWR. We're not seeing a vote on drilling in ANWR in this Congress, in this 110th Congress, or drilling in the Outer Continental Shelf, where I happen to know there are 406 trillion cubic feet of natural gas. But, rather, these bills are brought up that might prompt OPEC countries to turn off their supply of oil to the U.S. or to squeeze it down.

That's my opening statement and my view on this bill.

I would reserve the balance of my time, Mr. Speaker.

□ 1530

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the distinguished author of this bill, the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, I wish to thank my colleagues for bringing attention to this important aspect of our economy. As everyone understands, the cost of oil and the cost of energy is hamstringing and pulling down every one in our economy. Northeast Wisconsin, much like the State of Iowa, is very similar to many places in the country. It's highly rural, and in large part in Wisconsin we've got the northern forest lands and farm lands.

Our way of life, like the rest of America, depends upon oil as a primary source of energy. Our way of life depends on affordable energy for our industries, such as agriculture, manufacturing of paper, of ships, and many other essentials.

Why all of this insight into northeast Wisconsin? Well, much like your friends and your families and your coworkers, my friends in Wisconsin are wondering how much longer they will be able to continue to farm, to drive to work, to transport their goods, to run their trucks at today's impossible gas prices. And what about our senior citizens who are struggling to live on fixed incomes? We owe them and everyone in the Nation to respond to the oil energy crisis that we face together.

Now, there are many causes for the increased price of gasoline, and Congress cannot address all of them. But the one thing Congress can do is to make certain that the price paid by our constituents for gasoline is not the result of anti-competitive practices and that the Department of Justice will devote necessary resources to address this issue.

In May of 2007, Congress passed H.R. 2264, the No Oil Producing and Exporting Cartels Act, otherwise known as NOPEC. This was by a vote of 345–72. And at that time, we were outraged, outraged that the price of crude oil was $65 a barrel and at that time, $3 for every gallon of gasoline. Now, compare that to today in May of 2008 when crude oil is over $125 a barrel and $4 at the pump. By passing NOPEC, the House agreed it was time to give U.S. authorities the ability to prosecute anti-competitive conduct committed by international cartels that restricts supply and drives up prices.

OPEC, the world's most well-known oil cartel, accounts for more than two-thirds of global oil production, and OPEC's oil exports represent 65 percent of the oil traded internationally.

What NOPEC did was to remove the immunity of sovereign states, and appropriately so. However, the conduct of OPEC and its members has been beyond the reach of Federal prosecutors. NOPEC addressed this legal barrier for prosecution by removing their sovereign immunity and bringing the conduct of international oil cartels within the reach of United States antitrust laws.

This bill I submit today, the Gas Price Relief for Consumers Act of 2008, builds on NOPEC by doing three things: first, it incorporates the NOPEC provisions as passed last year; secondly, the bill authorizes the creation of the Department of Justice Petroleum Industry Antitrust Task Force. Among its responsibilities, the task force will examine such issues as the existence and effects of price gouging in the sale of gasoline, anti-competitive price discrimination by petroleum refineries, unilateral actions to withhold supply in order to inflate prices, and manipulation of the futures markets; and third, the bill provides for a GAO study as to the effect of prior mergers on competition and order divestitures in the petroleum industry.

Recent data reveal that at the same time oil supplies were going up and U.S. demand was going down, the oil prices continued to rise due, as some have suggested, to speculators in the oil and gas marketplace.

Well, like many others, I believe it's time to shed some light into the dark regions of the speculated oil markets, and this bill will do just that by allowing the Department of Justice, the GAO, and Congress to do its work to guarantee that oil prices reflect supply-and-demand economic rules instead of the wild and speculative and, perhaps, illegal activities of some.

Until we finally have an energy policy other than drill and burn, this bill will begin to set things right for the American people. Although this bill will not end the pain at the pump for us this month, it will deliver the information and the insight we need to construct a meaningful energy policy aimed at beginning to become an energy independent nation once again.

Mr. KING of Iowa. Mr. Speaker, I yield 5 minutes to the minority whip, Mr. BLUNT of Missouri.

Mr. BLUNT. I thank the gentleman for yielding.

I think we've already passed this bill in this Congress 345–76 or something like that. And I'm not surprised we're seeing it again. We're not seeing answers to the energy problems we face. Gas prices reached another high yet today. $3.79 a gallon is the average in the country. American families and small businesses are paying $1.46 per gallon more today than they were paying when NANCY PELOSI became the Speaker.

In 2006, the minority leader at that time, NANCY PELOSI, said, Democrats have a commonsense plan to bring down skyrocketing gas prices. Well, for weeks now Republicans have been asking what that commonsense plan was, and we've given up on that; and so we will begin in the next new days going ahead and rolling out our plans as to what we think we could do to do something about these prices.

This bill was not an answer last year. It is not an answer this year. NOPEC is no answer. NOPEC is no policy. NOPEC actually means more dependence. Why we would want to continue to head down the road of more dependence on oil from outside the United States is amazing to me.

Ninety-one percent of all Americans commute to work using an automobile. And the increase in gasoline costs for the 3.3 million Americans who drive at least 50 miles each day to work has increased by $1,200 since this Congress began its work 16 months ago.

I had a roundtable in my district last week with people, a lot of whom probably at the table I was at, the average was a drive of about 45 or 50 miles; and if you're working at a job that pays by the hour and you're driving 45 or 50 miles a day, you really don't have a choice. Where I live and where many of our Members live, there is no mass transit, there is no bus, there is no alternative other than to get there in your own car or to ride with somebody else.

And so you're now either paying an extra $100 a month just to get to work or you're somehow sharing that $100 with the person you figured out how to ride with. The average American drives about 15,000 miles per year, and that means the average Americans are now paying almost $700 more for gasoline than they were when this new majority took over.

The upcoming Memorial Day weekend is really known as the traditional start of the summer driving season. It's only 4 days away, and 9 out of 10 trips made during that summer travel season are made in an automobile, 9 out of 10 family vacations occur in an automobile; and we're setting record prices every day. In fact, this is the twelfth consecutive day for an all-time record gas price increase. Last week was the ninth consecutive week for an all-time gas price increase record. And we have NOPEC back on the floor.

Mr. Speaker, it's time we got bills on the floor that did the things that need to be done to get the country heading in the right direction. Republicans have sponsored those bills, Democrats have sponsored those bills. But where are they? They don't have a hearing in the Energy Committee, they don't have a place on the floor, and gas prices continue to go up.

We need to do things that promote clean and reliable power generation. We need to do things that improve expanding American energy production. We need greater energy efficiency, greater conservation, and in the short term, we could do things like we finally did last week on the Strategic Petroleum Reserve and like we've urged this Congress to do which is to abandon the 18½ cent Federal gas tax for the summer driving months and at least have that kind of impact on the driving public as we take another hundred days to try to find a real solution. We are not going to find the solutions by repeating work we did last year.

Americans are tired of these gas prices going up. This Congress should do something about it. It can't do something about it without energy bills on the floor that do more than study a problem that we all know only makes the dependence on foreign countries worse.

Let's reduce dependence, let's encourage research, and let's do what we can to get America moving again with energy policies that make sense for American families and American workers.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself very briefly such time as I may consume just to reference a report.

A comment was made about committee hearings. The report that I am referencing references the committee hearings and committee considerations and committee votes on the bill in the last year. It's essentially the same bill. The report is report number 110–160. It's an 11-page report that outlines what we did in terms of committee consideration.

I would yield such time as he may consume to the gentleman from Wisconsin.

Mr. KAGEN. Thank you, Mr. SCOTT.

Mr. Speaker, we just heard an argument made for that we shouldn't do another study, that we shouldn't look into the darkness of these oil-speculative marketplaces, that we shouldn't do anything but continue more of the same, more and more of the same.

Well, let me offer, Mr. Speaker, some numbers. The first number is 7. For 7 years, we have not had an energy policy. We have had an energy policy that was designed behind closed doors. The next number is 300, 300-percent increase in the cost of gasoline at the pump. The people in Wisconsin, the people across America need a positive change in their energy policy, and that we can do some time this fall.

The other number I would offer is 200. It's a 200 percent increase in fuel oil prices. Now, if you're living in northern Wisconsin and you are using fuel oil to heat your home and you are on a fixed income, this is pain not just at the pump but also at home. And I want to bring attention to the fact that we are bringing about that change, but we can't do it without studying and getting the facts; and this bill will offer that opportunity.

Mr. KING of Iowa. Mr. Speaker, I would yield 3 minutes to the gentleman from California (Mr. LEWIS), the ranking member of the Appropriations Committee.

Mr. LEWIS of California. Mr. Speaker, I want to express my appreciation to the gentleman from Iowa for yielding me this time.

I must say that I came to the floor with great expectancy that we were discussing something that would actually provide gas price relief. Instead, we have another study that reviews the question of cartels and their impact upon prices of gasoline or oil in the United States presuming that unilaterally America, one way or another, can control what other countries do in terms of their partnerships known as cartels.

I must say that it's very clear that there are any number of avenues that can be followed, that should have been followed formerly that can affect the availability of crude oil in the United States. We have a huge, huge domestic supply.

In my own State, California, you have heard a bit today about a thing called the Pelosi premium. Frankly I'm not excited much about the Pelosi premium. The fact that the gentlelady from San Francisco is now the Speaker of the House is significant to California, but her district, just like mine, must be suffering as much as everybody with the price per gallon of gasoline at the pump. So together, we've got to try in California to find policy and program that will bring about change.

For example, for a long time for appropriate reasons we've been very sensitive about offshore drilling in California because of our beautiful Pacific Coast. We also now know that there are technologies developed and available beyond the site line that could cause us to at least take a look at how we tap that crude oil far off of our coast as a potential alternative supply. Without supply to meet the demand, America is not going to have independence from the Middle East.

Look to the south. The gulf region has tremendous potential in terms of future crude development. Could we not have developed policies that are foreign policies dealing with Latin countries to help them technologically better tap those sources so in spite of what goes on in Florida or in Texas or otherwise near the gulf, we could be reaching out in ways to allow that crude oil to become available here in our domestic supply and thereby put pressure on OPEC.

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The technology that is developing relative to what we do with shale has tremendous potential in terms of tapping our reserves. We know that takes time but it also takes priority.

Instead of phony cartel bills, where are the bills that bring forward those policy changes and add to the research, as well as the specific funding for technology to reach into those reserves?

My friends on the floor have talked about the fact that it would take 10 years for us to effectively tap resources in Alaska, but for 10 years, those same people have been resisting our tapping into those resources. If we'd begun 10 years ago, that crude oil would be online right this moment, putting pressure on the process to allow us to meet our demand more effectively here at home rather than depending upon those overseas.

So, Mr. Speaker, it's time we got onto the policies in both bodies that make sense for America, and I appreciate the time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume just to point out that this isn't the only thing that we're trying to do. This is just one of the things that we're trying to do about excessive gas prices.

With that, Mr. Speaker, I yield to the gentlelady from Texas (Ms. JACKSON-LEE) such time as she may consume.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Virginia for his leadership, and I appreciate greatly the leadership of Dr. KAGEN of Wisconsin for this enormously thoughtful legislation for it is focused, if you will, on moving the ball forward for suffering constituents, whether they're in Wisconsin, Virginia, Texas. Even oil- and gas-producing States such as Texas are facing the crisis of oil shortages, gasoline high prices and difficulties for working men and women.

Why is this thoughtful? I serve on the Antitrust Task Force on the House Judiciary Committee, and we're looking at broad-based issues, domestic and international, on how prices are being either constrained or expanded by the idea of maintaining price controls.

And so OPEC itself, being with many of its members who are part of the WTO, certainly can be subjected to the question that is raised by this legislation.

The bill authorizes the Attorney General to establish a Department of Justice petroleum industry antitrust task force, very thoughtful and forward-thinking. This task force has the responsibility to develop, coordinate and facilitate the implementation of the investigative and enforcement policies of the Department of Justice related to the petroleum industry.

We must do something, and this is a complement to the very important work that the Democrats did moving forward very important energy legislation that deals with alternatives, that really spoke to Mom and Pop, that spoke to the truck drivers.

And I look forward to working with my colleagues as we move this legislation forward to address the question of whether OPEC is manipulating prices. Certainly, it can be a better approach on what happened over the last couple of days when we know that one of the OPEC members simply said I'll give you a few pennies on the market by offering up an extra couple of barrels of oil.

This is a reasoned perspective, and so I would reach out to the administration to work with us. The energy bill is languishing. Why? Because we hear that the administration will, in fact, veto it.

There are some ideas that I think are important. Those of us on the gulf region have supported a safe, environmental process of exploring in the gulf. Some of us do believe that there can be a moratorium on gasoline taxes if it comes from someplace other than the Highway Trust Fund.

Dr. KAGEN's bill is meaningful; it is forthright. It says what it wants to do, and it gives the procedures for doing so with an important task force that questions OPEC and its ability to manipulate prices. It is answering the question of those Americans who are in need of relief, those truck drivers who are in need of relief, and I ask my colleagues to support again this very thoughtful legislation.

Mr. Speaker, I rise today in support of H.R. 6074, the "Gas Price Relief for Consumers Act of 2008." I support this bill.

The purpose of this bill is to amend the Sherman Act to make oil-producing and exporting cartels illegal and for other purposes. The bill makes it illegal for any foreign state or instrumentality to act collectively or in combination with any foreign state, to limit the production or distribution of oil, natural gas, or any other petroleum product. It also makes it illegal to set or maintain the price of oil or natural gas, or petroleum product or otherwise take any action in restraint of trade for such products.

The bill authorizes the Attorney General to establish in the Department of Justice a Petroleum Industry Antitrust Task Force. This Task Force has the responsibility to develop, coordinate, and facilitate the implementation of the investigative and enforcement policies of the Department of Justice related to the petroleum industry.

The bill authorizes the Task Force to provide an annual report to Congress describing the investigatory and enforcement efforts. The bill also requires the Government Accountability Office to conduct a study evaluating the effects of mergers addressed in merger consent decrees on competition within 1 year of enactment of this bill.

This bill is an important effort to address the oil crisis faced by the United States. Americans are in desperate need of relief. Increasingly, as the economy spirals into a recession, Americans must choose between food, energy, and gas. This crisis is of national and international importance.

Oil prices have not been regulated since the Reagan Administration; however, the market situation since 2004 has yielded little excess capacity. Because OPEC determines the supply of oil vis-a-vis demand, it plays a significant role in the determination of the price of oil in the world market. Whereas OPEC is comprised of approximately 13 countries, it has 75 percent of the world's oil reserves, which affords it considerable control over the global market. OPEC produces 40 percent of the world's oil needs with approximately 30 million barrels of oil per day. The rest of the oil refineries in the world are producing at full capacity. Given their large oil reserves, OPEC countries have considerable capacity, which if utilized could ameliorate the current oil crises.

The weakening value of the dollar, political uncertainty and unrest in places such as Nigeria, Venezuela, India, and China exacerbate the problem. Saudi Arabia and Kuwait, member countries of OPEC, have the capability of producing more oil. In addition, another OPEC member country, Iraq, has the capability of producing more oil. Despite this excess capacity, the OECD countries and other major oil importers such as Japan and the EU, are paying higher prices for oil. Worse still is the plight faced by the developing world. While the developed world is facing high oil prices, the developing world is facing even higher prices with the weakening value of the dollar. Food prices all over the world are rising and instability is growing. Something must be done and this bill is a first step.

In Houston, Texas, retail gas prices are above $3.60 a gallon and will likely continue to rise this summer. Many analysts see prices peaking closer to $4 a gallon. Gas prices are rising on concerns about supplies and demand. Analysts say refiners have cut back on gasoline production because of low profit margins; the rising price of crude means it costs them more to refine gas.

Demand for gasoline is expected to fall by 85,000 barrels a day this summer compared to last because of high prices and the weak economy. This would be the first summertime decline in gasoline demand since 1991. To date, however, falling demand has failed to deflate surging gas prices, which are putting more pressure on consumers. Consumers are already suffering from higher food prices, falling home values, and a tight job market.

This important bill seeks to address the oil crisis from a domestic standpoint. It is an important first step. While the bill amends the Sherman Act to make oil-producing and exporting cartels illegal, I believe more can be done, and I work to ensure that all Americans will benefit from affordable oil and gas prices.

I urge my colleagues to support this bill.

Mr. KING of Iowa. Mr. Speaker, may I inquire as to how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Iowa has 7 minutes remaining, and the gentleman from Virginia has 6¾ minutes remaining.

Mr. KING of Iowa. I have no further speakers, and Mr. Speaker, I'd yield myself so much time as I may consume.

I would remind Mr. Speaker and remind the body, the substance of this bill and what it really does; that is, it outlaws OPEC. It outlaws the Organization of Petroleum Exporting Countries, and it removes the sovereign immunity for these countries and establishes a task force in the Department of Justice, and then, additionally to that, it produces a GAO study to study mergers. That's how I go through and read the bill, those three things I think we should keep that in mind on what the bill does.

What it doesn't do, this bill doesn't outlaw the congressional cartel that has blocked our energy production in this country. I take us back to the 109th Congress when we had almost all Republicans that were ready and did come to this floor and voted to drill in ANWR, the Arctic National Wildlife Refuge, which by the way you'd be hard-pressed to find wildlife up there, and I've been there to look.

But we had almost all Republicans that voted for it. A small group of them joined together with the Democrats and blocked drilling in ANWR. That was the 109th Congress. That's when we were pushing to put more oil on the market, more energy on the market, instead of this effort, the 110th Congress, this Pelosi Congress, to take energy off the market.

The same kind of situation prevails with drilling in the Outer Continental Shelf. Well, within that definition of the Outer Continental Shelf, with the exception of borders between us and Cuba, the Chinese are drilling for natural gas at 45 miles off of Key West. And we aren't willing to go out and drill the Outer Continental Shelf, either off Florida or off of California, as Mr. LEWIS talked about in his presentation.

Instead, we're here sending a message to the rest of the world that we want to set up the scenario so the Department of Justice can step into this and file a suit against sovereign countries that are conducting business.

Now, I don't know how someone on the other side can be for unions collectively bargaining and against OPEC collectively bargaining, but that is one of the ways to define this.

Another thing that's going on is an attempt to suspend, maybe, logic, but attempt to suspend the law of supply and demand. We rail away against high gas prices. We've heard that over here. I'm opposed to high gas prices, but I'm for putting more energy on the market, more Btus into every form of energy that comes in, but instead, we intimidate and send a message.

Even if this bill gets vetoed, which I believe it will, we're sending a message over to the OPEC countries that we want to litigate. Rather than develop our own oil supplies, we want to litigate? What does that say to them? If you're sitting on a board of directors of a corporation, you get that kind of message, you make a decision about what to do with the capital.

Now, if you're an OPEC country, you're going to be making a decision on what to do with your oil. If the United States Congress says we're going to sue you, OPEC countries, what are those countries going to do? They've got about three alternatives. They can hurry up and hustle up and put more oil supply out there, which is what I think the majority hopes they will do. Or they can say, wait a minute, I'm going to hold this the way it is because we've got a good business plan here; I'm offended but I'm not changing anything. Or they might just decide a little bit out of spite to turn the spigot down a little bit to say we'll show you.

Now, the gentleman from Virginia said the President went over to the OPEC countries with hat in hand, and he did, and I'm sorry to see that. I'm sorry to see the President of the United States ask and get the response that he got, but that's driven because we have not opened up the energy supplies that we have in this country. We haven't moved ourselves towards energy independence. Instead, we're paying the Pelosi premium on gasoline.

And the gentleman from Wisconsin, when he spoke of $65 a barrel oil and the last time this bill came up and $3 gas, and today, by his numbers, and it moves pretty quickly, $125 a barrel for oil and $4 gas, and I wondered about this level of outrage then versus now. And so I just did a little math. At what percentage of the price of gasoline then, the last time an OPEC bill was here on this floor, what percentage of that was wrapped up in the cost of crude oil, oil at $65 a barrel and $3 gas? If you take a gallon of crude oil, the cost of a gallon of crude oil was 52 percent of the cost of that gallon of gas. $1.55 a gallon was the cost of the crude oil. Today, the cost per gallon of crude oil, according to the gentleman from Wisconsin's numbers, which I don't dispute, is $2.98 a gallon just to buy the crude oil. That relates out to 75 percent of the cost of a gallon of gasoline is tied up in the cost of the crude oil, if you rate it accordingly.

We're getting a better bargain now in relation to the cost of crude oil than we were then. It's a higher percentage of the overhead of our refineries and distributing companies. They are doing, I think, a good job of getting it here, but the oil markets are high. They are high because of the cheap dollar. They're high because we have sent the wrong message out there, and speculators are taking advantage of this. This sends another wrong message out there.

So if you're an OPEC country, what do you do? You can, as I said, provide the same or less oil on the market. One thing you might do is maybe pull some investments out of the United States to send another message, don't be trying to intimidate us from Congress; let us do some business. Or another thing that happens is that it erodes, Mr. Speaker, our relationship with those Middle Eastern countries. Those countries that are our allies, those countries that are our friends, those countries that we need strategically in that part of the world, and they need us, this makes it harder for us to work together strategically.

So everything in this Pelosi Congress has taken energy from the market. Instead, now we have legislation that outlaws cartels and would set it up so the Department of Justice could eventually bring suit and presumably freeze the assets ultimately of the countries that are invested here in the United States of America.

Because of the cartel in Congress, this cartel that says if it is green, it's good; if it's energy, it's bad; a cartel of people in this Congress that believe that the cost of energy going up is a good thing because people will burn less gas; if they burn less gas, then somehow it saves the planet, you've convinced me. You've convinced me that a significant element of the Democrat Caucus really doesn't care about high energy prices except the higher the prices go, the less gas will be bought and burned and there will be less carbon emissions into the atmosphere. That's the wrong priority.

We need more energy on the market, not less. We've got to grow the size of the energy pie. That pie chart that shows the 360-degree circle, that's got the slices that are gas, diesel fuel, ethanol, biodiesel, solar, wind, hydroelectric, nuclear, coal, all of those, and one slice of the pie for conservation as well, Mr. Speaker, all of those things is what we need to do. More energy on the market, not less, not litigation.

We need to have a vote on ANWR, and I'd challenge the majority to produce that vote so the American people can understand where they stand.

I oppose this bill.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume just to finally conclude by reminding you, Mr. Speaker, that this bill will just simply make sure that our antitrust laws apply to this oil cartel, just like they apply to every other industry. It is just one element in a strategy to try to get gas prices under control.

Mr. Speaker, I hope we will support this bill, just as much as we did a virtually identical bill last May 22 when 345 of our colleagues voted in favor, only 72 opposed, an overwhelming majority. Even the Republicans supported the bill last year. It's rollcall 398.

Mr. ETHERIDGE. Mr. Speaker, I rise this afternoon in strong support of H.R. 6074. Today gas prices are higher than they have ever been at any time in our Nation's history. These prices are causing a ripple effect that is causing the price to rise for even the basic necessities of life for Americans, such as food and electricity. And in States like my home State of North Carolina, where people must travel farther distances to go to work, church, and the grocery store, these prices are making it harder to make ends meet.

This legislation will end the practice of oil producing countries, most notably the Organization of Petroleum Exporting Countries

(OPEC), from intentionally suppressing production capabilities to ensure higher profits. This legislation closes a loophole that prevents the U.S. Department of Justice from being able to sue these countries under anti-trust violations. H.R. 6074 will also establish a Justice Department task force that will carefully examine these countries for collusion, gouging, trade manipulation, and other unfair practices. This task force will be required to report their findings annually to the Congress.

Mr. Speaker, for too long these countries have come to rely on a strong U.S. market to sell their product. Today, we are sending the message that they will now have to play by the rules.

I urge my colleagues to vote "yes" on H.R. 6074.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6074.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KAGEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LET OUR VETERANS REST IN PEACE ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3480) to direct the United States Sentencing Commission to assure appropriate enhancements of those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Let Our Veterans Rest in Peace Act of 2008".

SEC. 2. FINDINGS AND DECLARATION.

The Congress finds and declares that—

(1) every cemetery should do all it can to protect each grave marker, headstone, monument, or other object, intended to permanently mark a grave;

(2) every citizen of the United States should be watchful and mindful of desecrations of any gravesite and report any such suspected behavior to local, State, or Federal law enforcement authorities; and

(3) all citizens, including veterans, have earned the right to rest in peace.

SEC. 3. DIRECTION TO THE SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure the guidelines and policy statements provide adequate sentencing enhancements for any offense involving the desecration, theft, or trafficking in, a grave marker, headstone, monument, or other object, intended to permanently mark a veteran's grave.

(b) COMMISSION DUTIES.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentences, guidelines, and policy statements relating to offenders convicted of these offenses are appropriately severe and reasonably consistent with other relevant directives and other Federal sentencing guidelines and policy statements;

(2) make any necessary conforming changes to the Federal sentencing guidelines; and

(3) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

□ 1600

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and exclude extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Memorial Day is a solemn time when we, as a Nation, commemorate the ultimate sacrifice that our brave men and women in uniform have made for us. Sadly, there are those who, despicable as it may be, desecrate the grave sites of these heroes. In cemeteries across our Nation, thieves have even looted the metal parts of grave markers and sold them for scrap metal.

Accordingly, Mr. Speaker, I rise in support of H.R. 3480, the Let Our Veterans Rest in Peace Act, which will protect and honor the final resting places of our Nation's veterans. This bill will ensure that penalties are in place so that these despicable thieves are appropriately punished and would-be thieves are effectively deterred.

Specifically, the bill directs the U.S. Sentencing Commission to review its guidelines in order to provide a fitting sentence for all offenses involving the desecration of, theft of, or trafficking in a grave marker, monument, headstone, or other object that had permanently marked a veteran's grave site.

I commend our colleague, the gentleman from Pennsylvania (Mr. CARNEY), for his leadership in this unfortunately necessary measure.

I urge my colleagues to support this important legislation, particularly as we prepare for the solemn observance of Memorial Day. These veterans have sacrificed greatly for us, and they deserve no less than the highest honor and dignity for their final resting places.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3480, the Let Our Veterans Rest in Peace Act, provides increased penalties for the desecration of the graves of America's fallen soldiers.

It is fitting that we consider this bill today on the eve of Memorial Day, a national holiday to honor those who died in defense of our country. Sadly, last Memorial Day weekend in Washington State, the graves of 97 war veterans were desecrated. American flags honoring those men and women were burned or replaced with homemade swastika flags.

Last year, in Luzerne County, Pennsylvania, over 700 markers were stolen from the graves of American soldiers. These bronze plaques and flag holders were placed at every veteran's grave as a memorial to honor their service. In Texas, the grave of Purple Heart recipient Lance Corporal Jeremy Burris was desecrated only 2 days after his burial. Flower arrangements, personal notes, and flags decorating the grave site were torn down and destroyed. All of this destruction to steal and sell wire flower stands.

In Georgia, a bronze statue depicting a Marine's boots, rifle and helmet was ripped out of the ground at the grave site of Corporal John Stalvey. Other graves have also been vandalized to steal the bronze plates traditionally placed on the grave sites of fallen service men and women.

With the price of bronze on the rise, thieves are stealing these markers to sell as scrap metal. The cost of brass markers has risen to $28 each. Some counties cannot afford to replace the metal markers, so they are being forced to turn to cheaper aluminum markers.

Whether these acts are motivated by greed or protest, destroying the grave of any person, let alone those who have died fighting for our country, is inexcusable, and these crimes must be met with swift and strong punishment.

Mr. Speaker, the desecration of these graves not only disrespects the men or women that rest there, it dishonors those serving in our Armed Forces today. H.R. 3480, the Let Our Veterans Rest in Peace Act, directs the U.S. Sentencing Commission to review and amend its sentencing guidelines to provide a sentencing enhancement for any offense involving the desecration or theft of, or trafficking in, grave markers of veterans.

Our Nation's fallen heroes fought and died for their country, for our country, and their memories deserve better. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Virginia.

It is of great necessity that we rise today to stand against this horrible and devastating act, and that is, the desecration of our veterans' or our fallen soldiers' graves. So I rise in support of H.R. 3480, the Let Our Veterans Rest in Peace Act of 2008, in honor and tribute to Jeremy Burris of Texas, whose grave site was desecrated.

Might I also suggest that on the eve of the commemoration of Memorial Day, when we acknowledge and honor and pay tribute to our fallen soldiers, this is enormously important legislation. Because the desecration of veterans' graves is becoming so pervasive, States have acted by replacing the stolen markers with aluminum markers instead of the brass and bronze markers they once used. How insulting, how low. And so it is important that this Congress say to the American people, and those who would do such dastardly deeds, we will accept it no more.

With the price of aluminum sharply on the rise, it is expected that aluminum that is being utilized instead of the bronze may also be stolen. So this important legislation is asking for enhanced penalties to make a very strong statement that this is an intolerable act and an unacceptable act.

As we mourn our most recent dead, those who have fallen in Iraq, how much more can families tolerate to know that they buried their loved ones, and then someone desecrated their graves?

It is important that this legislation pass today to recognize again the great debt of gratitude and the great debt of appreciation that we owe our fallen soldiers.

As the great British leader, Winston Churchill, famously stated, "Never in the field of human conflict was so much owed by so many to so few."

We owe, many of us, all of us, so much to the few who have fallen on behalf of this great Nation. And so I support, enthusiastically, the legislation sponsored by our good friend, Representative CARNEY from Pennsylvania, the Let Our Veterans Rest in Peace Act of 2008. Let this be an important statement that we will not tolerate the continuation of such desecration.

Mr. Speaker, I rise today in support of H.R. 3480, the "Let Our Veterans Rest in Peace Act of 2008."

This important piece of legislation is an effort to stop the theft of Veterans' grave markers. Increasingly, these grave markers are being sold to scrap yards and recycling centers as scrap metal. The bill directs the Sentencing Commission to review and enhance the laws that currently protect Veteran grave markers.

Because the desecration of veterans' graves is becoming so pervasive, States have acted by replacing the stolen markers with aluminum markers instead of the brass and bronze markers they once used. However, with the price of aluminum sharply on the rise, it is expected that these will soon be stolen also.

The May Our Veterans Rest in Peace Act of 2008 will bring attention to this issue and increase penalties for this crime so that thieves no longer consider robbing grave markers for scrap metal as easy money and will think twice about desecrating the tombstone of a fallen war veteran.

I firmly believe that we should celebrate our veterans after every conflict, and I remain committed, as a Member of Congress, to ensuring that we respect our fallen veterans. Veterans have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

Currently, there are 25 million veterans in the United States. There are more than 1,633,000 veterans living in Texas and more than 32,000 veterans living in my Congressional district alone. On this Veterans Day, I hope we will all take the time to show appreciation to those who have answered the call to duty. As the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

With the approval of legislation on June 1, 1954, November 11th became a day to honor American veterans of all wars. Later that same year, on October 8th, President Dwight D. Eisenhower, himself a decorated veteran of war, issued the first "Veterans Day Proclamation" which stated in part: "In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose." It was with that endearing spirit that America celebrated the first Veterans Day.

We must always remember the debt that we owe our fallen veterans that have paid the ultimate sacrifice. From the four surviving World War I veterans known to be living in the United States, to the over 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom we expect to see by the end of 2008. Our gratitude must continue to be unwavering to our fallen soldiers and veterans.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our Nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes.

I urge my colleagues to support this important legislation. I believe it is necessary for the Nation to act now so that we all can pay respect, tribute, and homage to the lives of the fallen armed services veterans who have fought to keep America free and have fought to make sure that all people and nations partake in the universal freedoms that we find so important in this country. These individuals have given so much and have paid us the ultimate sacrifice: the sacrifice of their lives. The least that we can do, is ensure that these veterans rest eternally in peace and that their grave markers are not stolen for the profit of a few. I urge my colleagues to support this bill.

Mr. KING of Iowa. Mr. Speaker, again, I support this bill in its entirety. It is a time that has come. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I hope that the House will pass the legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3480, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of Iowa. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MAKING TECHNICAL CORRECTIONS TO PROVISION GRANTING SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2829) to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO PROVISION GRANTING SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

Section 1244(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in paragraph (1), by striking "each of the five years beginning after the date of the

enactment of this Act" and inserting "fiscal years 2008 through 2012"; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking "ONE THROUGH FOUR" and inserting "2008 THROUGH 2011"; and

(ii) by striking "one through four" and inserting "2008 through 2011"; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i)—

(I) in the subparagraph heading, by striking "FIVE AND SIX" and inserting "2012 AND 2013";

(II) by striking "the fifth fiscal year beginning after the date of the enactment of this Act" and inserting "fiscal year 2012"; and

(III) by striking "the sixth fiscal year beginning after such date" and inserting "fiscal year 2013"; and

(ii) in each of clauses (i) and (ii), by striking "the fifth fiscal year" and inserting "fiscal year 2012".

SEC. 2. AUTHORITY TO CONVERT PETITIONS DURING TRANSITION PERIOD.

(a) IN GENERAL.—The Secretary of Homeland Security or the Secretary of State may convert an approved petition for special immigrant status under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) with respect to which a visa under such section 1059 is not immediately available to an approved petition for special immigrant status under section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) notwithstanding any requirement of subsection (a) or (b) of such section 1244 but subject to the numerical limitations applicable under subsection (c) of such section 1244, as amended by this Act.

(b) DURATION.—The authority under subsection (a) shall be available only with respect to petitions filed before October 1, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we owe a duty to protect foreign nationals who provide valuable service to our soldiers, diplomats, and other government officials overseas. Often these individuals risk their lives and those of their families to assist and protect our endeavors and our people. It's only right that we give them the assistance and protection that they need.

When we pulled out of Vietnam, Vietnamese citizens who worked for our government, as well as their families, were at great risk of being killed if they remained in Vietnam. To protect them, we gave them the opportunity to resettle in the United States. That was the right thing to do then and it is the right thing to do now for those who help us in Iraq.

This bill addresses two problems that currently interfere with our ability to protect those who deserve our protection. The first is a drafting error in the new Special Immigrant Visa Program that we enacted in January for Iraqis whose lives were at risk because of their valuable service to our government. The visas under this program were supposed to be available beginning this fiscal year, but the drafting error has rendered these visas unavailable until the next fiscal year. In the interim, we can't help those who need our help. Many of those could die because of this drafting error. This bill would correct the drafting error to ensure that these visas can be immediately accessed.

S. 2829 also serves to assist several hundred Iraqi and Afghan translators who, because of the error, continue to apply for visas under the older program. Although many of their applications have been processed and approved, they can can't come to the United States because of a cap at 500 visas in the program that has already been reached.

Despite having the support of the Department of Defense, the Department of State and the Department of Homeland Security, these translators are without recourse and remain in danger. This bill addresses the problem by creating a 4-month transitional period under which the administration can allow persons with approved petitions in the old program to use one of the 5,000 visas in the new program.

We have all seen in the news that those who have chosen to help us in our efforts in Iraq and Afghanistan are truly risking their lives for our Nation's interests. They are targeted by insurgents for having helped us, their families are targeted, and this bill helps us protect them.

I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Now I must oppose this legislation, Mr. Speaker. It amends flawed legislation enacted this year that unjustifiably bypassed the normal committee process.

The National Defense Authorization Act for fiscal year 2008 contained an expansive new refugee program that could result in well over 100,000 refugee admissions to the United States over the next 5 years. This provision was never considered, let alone approved, by the Judiciary Committee or on the House floor.

It's simply irresponsible for this Congress to hand out over 100,000 green cards without allowing for the normal deliberative review process. The provision grants 5,000 "special immigrant" green cards a year for the next 5 years to Iraqi nationals who meet the following criteria: They are citizens or nationals of Iraq; they were employed by or on behalf of the United States Government in Iraq on or after March 20, 2003, and they were employed for not less than a year; they provided faithful and valuable service to the United States Government; and they have experienced or are experiencing an ongoing serious threat as a consequence of their employment by the U.S. Government.

Now, I would say, Mr. Speaker, that our military that served in the line of fire has experienced a threat as a consequence of their employment of the U.S. Government, so has most everyone who has served any duty in that country. And this is a wide-open definition that allows the State Department to make a determination based upon a broad definition that says if they've experienced an ongoing serious threat as a consequence of their employment, and "ongoing" is not defined.

This provision is well-intentioned, however, it is problematic for a number of reasons. First, the State Department estimates that each of the 5,000 beneficiaries will bring an average of four family members with them who will not count against the cap. Therefore, the provision would result in, according to State Department estimates, upwards of 25,000 green cards being granted per year for 5 years. My math on that is 125,000, Mr. Speaker. Given that legal immigration now regularly exceeds 1 million persons a year, and the American people, by overwhelming margins, do not want to see further increases at least until we enforce the law and get operational control of the border, these numbers today are irresponsible.

Second, the provision will produce a drain for pro-U.S. and pro-democracy Iraqis actually living in Iraq. This potential exodus may prove devastating to efforts to rebuild that country.

Third, the provision grants refugee status to aliens who do not meet the long-standing statutory definition of a refugee—a person who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a social group, or political opinion. That's the definition that exists today that the State Department could act under, Mr. Speaker. But we should not be setting such precedent without very careful deliberation.

Fourth, terrorists could easily infiltrate this program and not only gain access to the U.S., but attain the benefits of legal permanent residence and then U.S. citizenship. These benefits include the ability to travel the world over with the knowledge that one can easily return to the U.S., leaving us more vulnerable.

The inclusion of this refugee program in the Department of Defense authorization bill without adequate deliberation was a mistake, and in this follow-on bill it also is a mistake. Therefore, I cannot support today's legislation.

Mr. Speaker, I would reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Again, let me thank the members of the Judiciary Committee, the chairman and ranking member and the manager of this bill, Mr. SCOTT.

Mr. Speaker, this is a question of life or death. Many of us have traveled to Iraq. I just recently came back in the last couple of weeks. In fact, I was utilizing our delegation's Iraqi translators. We were out in the field, we were talking to Iraqi soldiers, and these translators were enormously important. They're utilized in Afghanistan as well.

But it is not just the translators and others in this realm, in this era, that we speak of. We remember those who ventured out in the early stages of this war that was initiated by this administration, individuals who jeopardized the lives of their families and themselves to really align themselves with U.S. soldiers, necessary vital components of serving the soldiers in order to save the U.S. soldiers' lives.

□ 1615

Some of these individuals still remain under threat in Iraq.

This is a balanced approach. This is an approach order offered by Senator KENNEDY along with a number of bipartisan Senators. And let me pay tribute to Senator KENNEDY. He has always looked to balance our security along with benefit. I pay tribute to him, and I particularly pay tribute to him for this initiative because what it says is for those who have been caught in an abyss, who have been caught in between and in betwixt now have 5,000 visas to be able to utilize to provide a safety net for them and their families.

There are millions of internally displaced persons in Iraq. It is a disruptive and an unstable situation. Those individuals who have lent their talents to the U.S. Government and the U.S. military face jeopardy. Many of their neighbors know what they have done.

So I rise to support this legislation because I believe it is a partnership between the Homeland Security Department and the State Department, working together to ensure, as they vet these individuals, that they have access to the visas.

The problem that this is fixing is that the loophole or the provision was closed, legitimately closed for legitimate requests, and individuals who were applying under an old process, that would not make them eligible. This simply clears up that problem. It vets the individuals to utilize the visas, and it helps to save lives.

I ask, Mr. Speaker, that our colleagues support this legislation.

Mr. Speaker, I rise today in support of S. 2829, an act to make technical corrections to section 1244 of the National Defense Authorization Act for fiscal year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

This bill addresses two problems with our ability to protect those who deserve our protection. In January, we enacted a new Special Immigrant Visa, SIV, program for Iraqis whose lives are at risk because of their valuable service to our government. The SIVs were supposed to be available beginning this fiscal year. But a drafting error rendered the SIVs unavailable until the next fiscal year. The bill fixes these errors.

The bill also helps out a few hundred Iraqi and Afghan translators who, because of the error, continued to apply for visas under an older program. Although many of their applications have been processed and approved, they cannot come to the U.S. because of the 500 visa cap in that program has already been reached.

This bill would create a 4-month transition period under which the Administration can allow persons with approved petitions in the older program to use one of the 5,000 visas in the new program.

We owe a duty to protect foreign nationals who provide valuable services to our soldiers, diplomats, and other government officials overseas. These individuals risk their lives and that of their families, to assist and to protect our endeavors and our people. It is only right that we return the favor.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this discussion is about the technical changes to existing ill-advised legislation that came through this Congress, not through the Judiciary Committee, but it came to this floor without the due process and the consultation that would come from people on both sides of the aisle that could have examined this and measured the consequences, in fact, the unintended consequences of this legislation.

Under current law the President can set the number of refugees, and the Secretary of State administers this. We've met with the Secretary of State on this, and the definition I provided in my remark of existing law that is well-founded and well-tested says that the refugees meeting this standard can come into the United States under a number of items as agreed to by the administration, generally by the Secretary of State. And a person who would qualify would be a person who is persecuted or who has a well-founded fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion. These applicants that would come under this standard don't meet this standard that exists under refugee law because the threat is not as great, and they want to open this up for folks that have not faced a threat that is as great.

So now the language that's in the bill that we are seeking to technically correct here is language that says, well, what kind of standards do they meet? Well, up to 125,000 of them, perhaps, over this 5-year period of this authorization, what do they have to be? They have to be an Iraqi. They have to have worked for Uncle Sam. Their work had to have had value. And then they had to have experienced or maybe currently are experiencing a serious threat. And I will submit that everybody that works for the Federal Government experienced a threat. Anybody that set foot inside the Green Zone experienced a threat. Anybody that set foot outside the Green Zone probably experienced a greater threat. So the experience of the threat that's defined in this bill is opened up to all Iraqis that might want to present themselves if they are an Iraqi; if they worked for the Federal Government, if Uncle Sam cut them a check, worked for a year; and then if their work had value, which I think all work really does have value.

So what we're doing here is a technical correction that shouldn't have been passed in the first place, that should have gone through the regular order, that should have been submitted to the committee process, who would have had the opportunity to examine the effect of the numbers in this open door for perhaps 125,000.

So we can talk about process here, Mr. Speaker, and we can debate about the right way to bring legislation through so that we have an opportunity to perfect that legislation. But I think the bottom line is there's a consequence to this that weighs poorly for the Iraqi people in general. And that is if this legislation is technically corrected today, if this legislation passes and receives the signature of the President and becomes law, perhaps 125,000 Iraqis, perhaps more, can come to the United States under a standard that's looser than the refugee standard that the Secretary of State has to uphold today, and a Nation of about 26 or 27 million people could lose 125,000 of its best citizens and its best people. The allies of the United States of America and coalition forces, the people who believe the most in freedom, those who stepped up and did put their lives on the line, those that will be the vitality to rebuild a country that's emerging from the surge and continuing day by day, and the numbers and the data that we are looking at look more and more optimistic, they need good people.

It's people that are policy. We know that in our own offices. We know that within our companies. We know that within our own military, within our own government. People are policy. Good people in Iraq will rebuild Iraq. We need people there. I want to see Americans go there to help. I want to see the Iraqi people stay there and rebuild their country. That's a high level of patriotism for them to show.

This is a bill that discourages that and actually works inversely to the best interests of the United States and the best interests of Iraq. So I urge its defeat.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, we have seen ongoing news reports that those who have chosen to help us in our efforts in Iraq and Afghanistan are risking their lives for our Nation's interests, and it is appropriate that we give them assistance.

This bill is exactly what we thought we had done earlier in the year. This is a technical correction. It's not a change in policy. It is what we thought we were doing. In fact, I'm surprised we have opposition because we didn't think it was controversial. The Senate bill, just to read the original cosponsors, the Senate bill was introduced by Senators KENNEDY and LUGAR with bipartisan cosponsorship of Senators LEAHY, CORNYN, BIDEN, MCCAIN, LEVIN, SPECTER, OBAMA, HAGEL, DURBIN, SUNUNU, CARDIN, SMITH, COLEMAN, and BOND. An identical bill was introduced in the House by the gentlewoman from California (Ms. ZOE LOFGREN) with original cosponsorship of Mr. FORTENBERRY, Mr. CONYERS, Mr. SENSENBRENNER, Mr. SKELTON, Mr. HUNTER, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. BLUMENAUER, Mr. SMITH of New Jersey, Mr. PERLMUTTER, Mr. PENCE, and Ms. JACKSON-LEE of Texas.

Obviously those broad bipartisan cosponsors suggest that this is something that should not be controversial, especially when you consider it also has the strong support of the Department of Defense, the Department of State, and the Department of Homeland Security.

I would hope, Mr. Speaker, that we adopt the bill and do what we thought we were doing in January to protect our friends who have protected us.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the Senate bill, S. 2829.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of Iowa. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXTENDING PROGRAM RELATING TO WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5571) to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF WAIVER PROGRAM.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "June 1, 2008" and inserting "June 1, 2013".

SEC. 2. EXPANDING THE FLEXIBILITY OF THE CONRAD STATE 30 PROGRAM.

Section 214(l)(1)(D)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)(D)(ii)) is amended by striking "5" and inserting "10".

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) Federal programs waiving the 2-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) for physicians are generally designed to promote the delivery of critically needed medical services to people in the United States lacking adequate access to physician care; and

(2) when determining the qualification of a location for designation as a health professional shortage area, the Secretary of Health and Human Services should consider the needs of vulnerable populations in low-income and impoverished communities, communities with high infant mortality rates, and communities exhibiting other signs of a lack of necessary physician services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Today we take urgent action to prevent a critically important immigration program from expiring.

No one disputes that there is a health care crisis in this country. With our population aging, there can be no doubt that the demand for health care will only increase.

The problem is made worse by the fact that many people in communities across America lack access to health care because of a shortage of medical professionals, including doctors. H.R. 5571 will reauthorize the program, the Conrad 30 J Waiver program, that has been successful in helping medically underserved communities attract highly skilled physicians. If Congress does not act, the Conrad program will expire on June 1, 2008.

And how important is this program? Well, to take just one example, a little more than a year ago, in early May 2007, a powerful tornado tore through a Kansas prairie, destroying 95 percent of the town of Greensburg and killing 11 people. Because of the Conrad 30 program, doctors were available in Greensburg to serve this community in need. The Conrad 30 program allows States, like Kansas, to recommend that doctors who have received medical training in the United States on a J-1 visa and who now want to work in medically underserved areas receive waivers from the general requirement that doctors first return to their home countries for 2 years. This is too important a program to let expire.

I want to commend the gentlewoman from California (Ms. ZOE LOFGREN), the Chair of the Immigration Subcommittee, for her leadership on this issue. I also want to thank the ranking member of the full committee, the gentleman from Texas (Mr. SMITH); and the gentlewoman from Texas (Ms. JACKSON-LEE) for their efforts to make sure that this bill came to the floor.

I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, aliens who participate in medical residencies in the United States on J exchange program visas must generally leave the U.S. at the conclusion of their residencies to reside abroad for 2 years before they can be eligible for permanent residence or status as H-1B or L visa nonimmigrants. The intent behind this policy to encourage American-trained foreign doctors to return home to improve health conditions and advance the medical professions in their native countries.

In 1994 Congress created a waiver of the 2-year foreign residence requirement. The waiver was available if requested by State departments of public health for foreign doctors who committed to practice medicine for no less than 3 years in a geographic area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals. The number of foreign doctors who could receive the waiver was limited to 20 per State.

Congress has extended this waiver on multiple occasions and has also expanded the numerical limitation on waivers to 30 per State. The waiver is set to expire on June 1 of this year. In fiscal year 2007, 768 foreign doctors received waivers.

H.R. 5571 will further extend the waiver until June 1, 2013. I support this bill. The waiver program assists people in rural and inner-city communities in getting good quality and accessible medical care. As I look at the problem of access to health care and the way we have addressed it in this Congress, it gives me a foreboding feeling to see where we will be in 10 years or so. I think it's an important piece, a small piece, but an important piece of our health care plan. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as well to support the legislation, H.R. 5571, and to commend the chairwoman of the Subcommittee on Immigration of the House Judiciary Committee for her leadership on this issue, Congresswoman ZOE LOFGREN. I thank the manager of the bill, Mr. SCOTT, for his leadership; our chairman of the full committee; our ranking member of the full committee; and the ranking member of the Immigration Subcommittee, Mr. KING of Iowa.

This is an embracing and unifying initiative. Why? Because we all understand the necessity of health care in America. We understand the importance of providing access to health care no matter where you live. And I thank Mr. Blake Chisam and my staff, Mr. Arthur Sidney, for working on language that I proposed to emphasize the importance of the provision that these doctors receive and should be guided by language that indicate that they should be utilized in areas that are underserved, that there are doctors that are not serving the area.

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So that foreign doctors who will benefit from the waiver provisions, which means eliminating the need for foreign medical doctors to return to their native land, will be utilized or encouraged to be utilized in areas around the country. The language in particular reads: It is the sense of Congress that Federal programs waiving the J-1 home residency requirement for physicians are generally designed to promote the delivery of critically needed medical services to Americans lacking adequate access to physician care, and that when determining the qualification of location for a waiver petition, the Department of Health and Human Services should always consider the needs of vulnerable populations in low-income and impoverished communities, communities with high infant mortality rates, rural areas, and communities exhibiting other signs of a lack of necessary physician services.

In my State of Texas, we have been fighting for this for a very long time. In the rural parts of Texas, we are lacking in medical services and physicians. It's very important when these waivers are given that these physicians are utilized where they can best serve, and that is in vast number of areas that do not have access to health care.

I support this legislation, H.R. 5571, and I think as it comes to the floor, it contains all the elements that suggest a benefit that brings about a burden, but not a burden that is negative but a burden to serve those who are in desperate need. Many of our country are, and these physicians can help them. With that, I believe this is an important bill.

Mr. Speaker, I rise today in support of H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates. The purpose of this bill is to extend for 5 years the program relating to a waiver of the foreign country residence requirement with respect to international medical graduates. I support this bill.

The Immigration and Nationality Act allows for foreign doctors to train in the United States under the "J–1" visa program, otherwise known as non-immigrants in the "Exchange Visitor Program." This Exchange Visitor Program seeks to promote peaceful relations and mutual understanding with other countries through educational and cultural exchange programs. Accordingly, many exchange visitors, including doctors in training, are subject to a requirement that they must return to their home country to share with their countrymen the knowledge, experience, and impressions gained during their stay in the United States. Unless U.S. Customs and Immigration Service approves a waiver of this requirement, the exchange visitors must depart from the United States and live in their home country for 2 years before they are allowed to apply for an immigrant visa, permanent residence, or a new non-immigrant status.

A waiver of the 2 year foreign residency requirement is available for doctors who have trained in the United States under the J–1 visa if a State or an interested Federal agency sponsors the physician exchange visitor to work in a health manpower shortage area within the State for 3 years as a non-immigrant in H–1B status (temporary worker in specialty occupation). The Secretary of Health and Human Services determines which areas have a health manpower shortage.

The availability of this waiver will sunset on June 1, 2008. H.R. 5571 would extend this waiver for 5 years to ensure that areas in the United States with a shortage of doctors have an option to hire a doctor with a J–1 visa for 3 years where there is no other doctor available to fill the job.

I worked with Congresswoman ZOE LOFGREN to ensure that the foreign doctors who will benefit from the waiver provisions, eliminating the need for the foreign medical doctors to return to their native land, will be required to work in impoverished and underserved inner-city and urban communities. I believe that this is important because Americans who need access to medical care, the poor and needy, will benefit. This would be a tremendous improvement in the U.S. medical system and would move us closer to garnering access to healthcare for all.

Specifically, I worked to include the following language in the bill:

> It is the sense of Congress that Federal programs waiving the J–1 home residency requirement for physicians are generally designed to promote the delivery of critically needed medical services to Americans lacking adequate access to physician care and that when determining the qualification of a location for a waiver petition, the Department of Health and Human Services should always consider the needs of vulnerable populations in low-income and impoverished communities, communities with high infant mortality rates, rural areas, and communities exhibiting other signs of a lack of necessary physician services.

Across this great Nation the health disparities between minority and majority populations are staggering. Most major diseases—diabetes, heart disease, prostate cancer, HIV/AIDS, low-birth-weight babies—all hit the minority communities harder. Minorities consistently have decreased access to care, and receive lower quality care, when they do have access. As the economy continues to falter and as the unemployment rate spikes, millions of Americans are losing their health insurance. That state of affairs will only make the health disparities worse. Consider these statistics:

African-American women are nearly three times as likely to die from pregnancy complications and childbirth as White women.

Native American, African-American and Hispanic women are most likely to receive inadequate prenatal care.

Compared with White women, African American women are twice as likely and Hispanic women are nearly three times as likely to be uninsured. Furthermore, African Americans and Hispanics are much more likely than Whites to lack a usual source of care and to encounter other difficulties in obtaining needed care.

Certain minorities also have much higher rates of diabetes-related complications and death, in some instances by as much as 50 percent more than the total population. It is truly an epidemic.

Nearly 31 percent of African American girls in the 4th grade were overweight in 2001.

Thirteen percent of Houston high school students are overweight and 17 percent are at risk.

Thirty-four percent of African American women are obese, compared to 19 percent of White women.

Forty-four percent of African American women are projected to be obese by 2020, and 47 percent by 2040.

As of February 2006, African-Americans represented only 13 percent of the U.S. population, but accounted for 40 percent of the 944,306 AIDS cases diagnosed since the start of the epidemic and approximately half, 49 percent, of the 42,514 cases diagnosed in 2004 alone.

African-Americans also account for half of new HIV/AIDS diagnoses in the 35 States/areas with confidential name-based reporting.

The AIDS case rate per 100,000 population among African-American adults/adolescents was nearly 10.2 times that of Whites in 2004.

African-Americans accounted for 55 percent of deaths due to HIV in 2002 and their survival time after an AIDS diagnosis is lower on average than it is for other racial/ethnic groups.

HIV was the third leading cause of death for African-Americans, ages 25–34, in 2002 compared to the sixth leading cause of death for Whites and Latinos in this age group.

African-American women account for the majority of new AIDS cases among women, 67 percent in 2004; while White women account for 17 percent and Latinos 15 percent. Among African-Americans, African-American women represent more than a third, 36 percent, of AIDS cases diagnosed in 2004.

Although African-American teens, ages 13–19, represent only 15 percent of U.S. teenagers, they accounted for 66 percent of new AIDS cases reported among teens in 2003.

It is my hope that the language that I worked to get included in the bill will promote the delivery of critically needed medical services to Americans in low-income and impoverished communities, rural areas, and communities that are in desperate need of physician services.

I urge my colleagues to support this bill.

Mr. KING of Iowa. I have no further speakers, and I will yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. I think reauthorizing the J visas for access to health care across this Nation, allowing people practicing medicine to come in at the rate of 30 per State, and look around to see which States utilize that and which ones don't, it is easy for us to see those States that need that access to health care. This will help. It will help in a lot of the States. In fact, it will help in all the States, if they use it.

I urge its adoption.

Mr. MCHUGH. Mr. Speaker, I rise today in support of H.R. 5571, which provides a 5-year extension of the Conrad 30 J Waiver Program. That program is of critical importance to my constituents and to our Nation as a whole because it provides a mechanism whereby doctors can be provided to medically underserved areas.

I have the privilege of representing New York State's 23rd Congressional District, a predominantly rural region which encompasses 14,739 square miles in 11 counties in northern and central New York. It is breathtakingly beautiful and contains national treasures such as Lake Champlain, the St. Lawrence River, Lake Ontario, and the Adirondack Mountains. However, it has a 13.5 percent poverty rate and some have characterized it as remote.

One of our greatest challenges is recruiting and retaining physicians. In fact, given its importance to our economy and quality of life, that challenge is almost always raised whenever I meet with the fine men and women who serve as local elected officials, business community leaders, or health professionals.

The Conrad 30 J Waiver Program is an invaluable tool in our effort to meet that challenge. In fact, since 1996, my office has helped secure waivers for 46 doctors, including 7 primary care physicians located in 6 of the 11 counties I represent. While these doctors have helped immensely in our effort to address our physician shortage, I am hesitant to imagine a scenario where we did not have the Conrad 30 J Waiver Program.

Accordingly, I greatly appreciate the work the Gentlewoman from California (Ms. LOFGREN) and the Gentleman from Michigan (Mr. CONYERS) have done to bring this measure to the floor and look forward to its enactment.

Mr. KING of Iowa. I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5571, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of Iowa. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE 100TH BIRTHDAY OF LYNDON BAINES JOHNSON

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 354) recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 354

Whereas August 27, 2008, marks the 100th birthday of Lyndon Baines Johnson;

Whereas Lyndon B. Johnson was born in Stonewall, Texas, to Samuel Ealy Johnson, Jr., a Texas representative, and Rebekah Baines, on August 27, 1908;

Whereas upon graduation, Lyndon B. Johnson enrolled in Southwest Texas State Teachers' College, where he vigorously participated in debate, campus politics, and edited the school newspaper;

Whereas Lyndon B. Johnson had several teaching positions throughout Texas, including at the Welhausen School in La Salle County, at Pearsall High School, and as a public speaking teacher at Sam Houston High School in Houston;

Whereas Lyndon B. Johnson went to work as a congressional assistant at the age of 23;

Whereas Lyndon B. Johnson served the 10th Congressional District in the Texas House of Representatives from April 10, 1937, to January 3, 1949;

Whereas Lyndon B. Johnson became a commissioned officer in the Navy Reserves in December 1941;

Whereas during World War II, Lyndon B. Johnson was recommended by Undersecretary of the Navy James Forrestal to President Franklin D. Roosevelt, who assigned Johnson to a three-man survey team in the southwest Pacific;

Whereas Lyndon B. Johnson was conferred the Silver Star, which is the military's third highest medal, by General Douglas MacArthur;

Whereas in 1948, Lyndon B. Johnson was elected to the Senate at the age of 41;

Whereas in 1951, Lyndon B. Johnson was elected Senate minority leader at the age of 44 and elected Senate majority leader at the age of 46, the youngest in our history;

Whereas Lyndon B. Johnson was elected Vice President at the age of 52, becoming president of the Senate;

Whereas Lyndon B. Johnson's congressional career and his leadership spanned the stock market crash, the Great Depression, World War II, the nuclear age, the Cold War, the space age, and the civil rights movement, some of the most turbulent years in American history;

Whereas Vice President Lyndon B. Johnson was appointed as head of the President's Committee on Equal Employment Opportunities, through which he worked with African Americans and other minorities;

Whereas an hour and 38 minutes after the assassination of President Kennedy, Lyndon B. Johnson was sworn in as President aboard Air Force One;

Whereas Lyndon B. Johnson was a bold leader;

Whereas as President, Lyndon B. Johnson believed that government could guarantee human rights, could lift people out of poverty, and provide access to quality education and health care throughout the Nation;

Whereas Lyndon B. Johnson was an idealist, a force of nature, and had the energy and determination and leadership to turn those dreams into reality;

Whereas Lyndon B. Johnson was a "can-do" President because no matter how difficult and daunting the task at hand, he never rested until it was completed;

Whereas in 1964, the Johnson Administration passed the landmark Civil Rights Act of 1964, which banned de jure segregation in the Nation's schools and public places;

Whereas the Johnson Administration passed the Voting Rights Act of 1965, which outlawed obstructive provisions that were rendered impractical and impartial to potential voters;

Whereas in January of 1965, the Johnson Administration introduced the Great Society, which included provisions for aid to education, Medicare, urban renewal, beautification, conservation, the development of depressed regions, a wide-scale fight against poverty, and the removal of obstacles to the right to vote;

Whereas in 1967, President Johnson nominated Thurgood Marshall as the first African-American to serve on the Supreme Court;

Whereas during Johnson's presidency, the National Aeronautics and Space Administration made spectacular steps forward in space exploration when 3 astronauts successfully orbited the moon in December 1968;

Whereas Lyndon B. Johnson died at 4:33 p.m. on January 22, 1973, at his ranch in Johnson City, Texas, at the age of 64;

Whereas Lyndon B. Johnson was posthumously awarded the Presidential Medal of Freedom in 1980;

Whereas Lyndon B. Johnson is honored, venerated, and revered for his drive to establish equality for all Americans, illustrated in the momentous legislation passed during his Administration;

Whereas Congress recognizes the 100th birthday of Lyndon B. Johnson, the 36th president;

Whereas Congress extols the contributions of Lyndon B. Johnson to the United States and his commitment to the War on Poverty through the Economic Opportunity Act;

Whereas Congress commends Lyndon B. Johnson for establishing the Medicare Act of 1965 that has helped millions of Americans; and

Whereas Congress requests that the President issue a proclamation calling upon the American people to observe the Centennial Celebration of Lyndon B. Johnson and his "can-do spirit" with appropriate ceremonies, programs, and activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms its support for the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

(2) recognizes the significance of the Voting Rights Act of 1965; and

(3) honors Lyndon B. Johnson for his work as a civil rights enforcer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Iowa (Mr. KING) will each control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, August 27 will mark the 100th anniversary of the birthday of Lyndon Baines Johnson, the 36th President of the United States. President Johnson served his home State of Texas and this Nation during some of the most tumultuous and extraordinary years of our history. From the Great Depression, to the New Deal, to World War II, to the Civil Rights Era, President Lyndon Johnson shaped the events and left this Nation more prosperous, more just, and more free.

Joining the House in 1937, his life embodied the values of the New Deal, progressive values that sought to secure for all Americans President Franklin Roosevelt's Four Freedoms: Freedom of speech and expression, freedom of worship, freedom of want, and freedom from fear. In his own Presidency, the programs of the Great Society were the most ambitious of any administration before or since the New Deal.

In his 1964 State of the Union Address, President Johnson launched an unconditional war on poverty. As a former teacher, he understood the central importance of education. And so he said, "It is our primary weapon in the war on poverty, and the principal tool for building a Great Society."

Among his key accomplishments in the field of education were Project Head Start, still one of the most successful education programs; the Elementary and Secondary Education Act of 1965; and the Higher Education Act of 1965. As a son of Texas' Hill Country, he also understood the importance of economic security. He told the Nation, "The second prong on the attack on poverty is to protect individuals and their families from poverty when their own earnings are insufficient because of age, disability, unemployment, or other family circumstances."

The programs he launched included the Social Security Amendments of 1965 and 1967; the Revenue Act of 1964, which lowered the withholding tax on middle-income workers from 18 percent to 14 percent; the Minimum Wage Bill of 1966, which broadened the Federal minimum wage and overtime pay protection and lifted the minimum wage from $1.25 to $1.60 per hour; the School Breakfast Program; the Special Milk Program; and the Food Stamp Program of 1964, which this House recently voted to expand by a bipartisan veto-proof margin.

The third weapon in the War on Poverty was job creation. President Johnson once said, "Our American answer to poverty is not to make the poor more secure in their poverty but to reach down and to help them lift themselves out of the ruts of poverty and move with the large majority along the high road of hope and prosperity." The programs included the Job Corps; the College Work Study Program; the Neighborhood Youth Corps; the Work Experience Program; and the Manpower Act.

Some of the greatest accomplishments were, of course, the Civil Rights Era. More than any other President, he was a guiding force behind the enactment of civil rights legislation that changed our Nation forever. Following bloody Sunday in Selma, Alabama, President Johnson addressed a joint session of Congress to urge the passage of the Voting Rights Act. He told the Nation then that, "What happens in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life. Their cause must be our cause, too. Because it's not just Negroes, but really it's all of us, who must overcome the crippling legacy of bigotry and injustice." He closed with the rallying refrain of the civil rights movement by saying, "And we shall overcome."

Among his historic accomplishments were the Civil Rights Act of 1957, where, as leader of the Senate, he ushered through the first civil rights bill since Reconstruction; the Civil Rights Act of 1964; the Voting Rights Act of 1965, which this Congress recently extended for another 25 years; and the Civil Rights Act of 1968. These landmark measures guaranteed the right to vote for millions of Americans who had been disenfranchised for generations, and outlawed discrimination in public accommodations and in housing, and outlawed discrimination in employment.

President Johnson also made history when, in 1967, he appointed his Solicitor General, Thurgood Marshall, who, as the NAACP legal director from 1939 to 1961 had already argued many cases before the Supreme Court, including Brown v. Topeka Board of Education, to be the first African American Supreme Court Justice.

Mr. Speaker, the life and accomplishments of President Johnson should inspire all of us to rededicate ourselves to the mission to which he devoted so much of his energies, to free all Americans from want, from fear, and from discrimination. This resolution is a fitting recognition of his accomplishments and his lasting inspiration.

I want to thank the gentlelady from Texas (Ms. JACKSON-LEE) for bringing this to the floor today, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 354, honoring the birth of former President Lyndon B. Johnson. This resolution accompanies the LBJ Foundation's upcoming centennial celebration.

Lyndon Johnson was born on August 27, 1908, in central Texas, not far from Johnson City, which his family helped settle. He endured rural poverty in his younger years, working his way through Southwest Texas State Teachers College, now known as Texas State University, San Marcos.

President Johnson's well-known commitment to civil rights began early in his political career. When he was elected to Congress, Johnson worked to get black farmers and school children equal treatment in his congressional district, and in 1938, secured Federal funding for housing in Austin, Texas, for those who lived in poverty.

After six terms in the House, Johnson was elected to the Senate in 1948. In 1953, he became the youngest minority leader in Senate history. The following year, he became the majority leader.

During his 24 years in Congress, Johnson garnered unprecedented experience in the passage of legislation, experience that materialized into the many civil rights laws he signed as President. When Lyndon Johnson took office following the tragic assassination of President John F. Kennedy, he spearheaded passage of the 1965 Higher Education Act, which quadrupled the number of African American college students within a decade. He did the same with Medicare and Medicaid legislation, and within another decade, African American infant mortality was reduced by half.

Johnson also played a crucial role in ending the de jure segregation in America by signing the landmark 1964 Civil Rights Act into law, which banned discrimination in employment. As a proud Republican, I stand here, Mr. Speaker, I remind you and this body that that was with a majority of Republican votes in the House and in Senate that passed the Civil Rights Act in 1964, and President Johnson truly worked in a bipartisan fashion across the aisle and could not have passed that without bipartisan support and a majority of Republicans in the House and Senate.

After Martin Luther King, Jr.'s voter registration campaign in Selma, Alabama, President Johnson said that even one American's disenfranchisement, "undermines the freedom of every citizen." In that spirit, he signed the 1965 Voting Rights Act. His efforts allowed more African Americans to vote, and to run for office.

As a result of President Lyndon B. Johnson's historic efforts in the fight to end racial segregation, we now live in a more representative America. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Texas (Ms. SHEILA JACKSON-LEE), the author of the resolution.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Virginia and I thank him for his words of tribute, as I thank the distinguished gentleman from Iowa for his words of tribute, two distinguished gentlemen, and of course the chairman and ranking member of the full committee, Mr. CONYERS and Mr. SMITH.

I rise today with great enthusiasm to be able to commemorate this year, the 100th birthday of President Lyndon Baines Johnson. I am glad that Mr. KING offered the fact that much of the legislation that was monumental, there was bipartisan support. That was a talent of Lyndon Baines Johnson. He managed to craft a legislative agenda as a President that was remarkable, I would say unbelievable, and he did it by reaching across the aisle.

So I rise today in support of H. Con. Res. 354, commemorating President Lyndon Baines Johnson on the occasion of his centennial birthday celebration. I am proud to offer this legislation and to note that the President's official birth date is August 27, 1908. This will give us the opportunity to commemorate his legacy from this time until the month of August. The Lyndon Baines Johnson Foundation is celebrating, however, the remarkable life and Presidency of this great man beginning today and the celebration will culminate with his family members and fellow former cabinet members and staff and supporters and Members of Congress, House and Senate, on this Wednesday, when the Senate will pass this concurrent resolution honoring President Johnson.

It is an honor to recognize President Lyndon Baines Johnson, not simply because he was President, but because he represented an era, because he convened a time in America that was troubled. But he was a true champion of civil rights for all Americans and he led the Nation during very turbulent political times, from the Civil Rights movement, the deaths of President John F. Kennedy, Robert Kennedy, and Dr. Martin Luther King, and the Vietnam War.

But he was a teacher by profession in Texas. He proudly served the 10th Congressional District in the United States House of Representatives. He was a commissioned officer in the Navy and valiantly served in World War II. He was a renaissance man, he was a whole man, he was an American person, an American man, if you will. During World War II he was conferred the Silver Star, the military's third highest medal, by General Douglas MacArthur.

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He was a United States Senator and served as both minority and majority leader. He holds the current distinction of being the youngest Senate majority leader at the age of 46. He was also Vice President, head of the Committee on Equal Employment Opportunities, and President of the United States.

As President, as was noted, he nominated historically the first African American, the first minority to be nominated to the Supreme Court, Thurgood Marshall, who, of course, we all know argued that premier and prominent case civil rights legacy, Brown v. Board of Education, to the United States Supreme Court. All the world took note that this southern President from Texas could nominate an African American to the Supreme Court. That was Lyndon Baines Johnson.

He was truly a great Texan and a great patriot and a great American. He was a devoted husband to Lady Bird Johnson, and we acknowledged her passing sadly this year, and, of course, a father to his two beloved children, Luci Baines Johnson and Lynda Johnson Robb. History shows us that beside this giant of an a man, this historic legend, there were three great women.

President Johnson never forgot his beginnings in Texas. My predecessor in Congress, the incomparable Honorable Barbara Jordan of the 18th Congressional District in Texas, developed a good working relationship with President Johnson, and he appointed her to serve on the Commission on Income Maintenance in 1968.

In addition, after the 1965 Voting Rights Act was created, she along with many African Americans ascended to the United States Congress, for the Honorable Barbara Jordan had run before and had lost. With the Voting Rights Act of 1965 and the redistricting that came about, she was able to be elected to the United States Congress, along with Andy Young, and the rest is history, as we have seen the numbers of African Americans and Hispanics come to the United States Congress, creating a more equal balance because of this legislation.

Of course, Barbara Jordan in 1968 amended the Voting Rights Act of 1965 by adding Spanish language. Later Barbara Jordan would serve as a professor at the Lyndon Baines Johnson School of Public Affairs at the University of Texas and she would accept an appointment to the Lyndon Baines Johnson Centennial Chair in National Policy at the university.

As a teacher, Johnson believed segregation condemned the South to educational and economic backwardness. I think it is important to note, as I said earlier, he was a son of the south. This was a very difficult stance to take. He took it out of his heart. He did not agree with segregation, and coming to the United States Congress and Senate, it freed him to do what was right.

In 1937, Johnson was elected to the U.S. House of Representatives as a liberal New Dealer allied with Democratic President Franklin Delano Roosevelt. Johnson commemorated his legislative life in tribute to Franklin Delano Roosevelt, I truly believe, because he led on the War on Poverty.

Johnson successfully championed civil rights when he successfully ran for the U.S. Senate in 1948. Even then, as I said, as a son of the south, he was unashamed of his belief against segregation. In 1957, when a civil rights bill came before Congress, Johnson favored the bill and worked hard behind the scenes to win its passage. He moved from one side to the other, persuading southern Democrats and northern liberals to compromise. The Civil Rights Act of 1957, the first civil rights legislation to pass since reconstruction, was signed by President Eisenhower in September 1957. Civil right was bipartisan in this body, and President Johnson knew that.

In 1960, John F. Kennedy invited Johnson to join the Democratic presidential ticket as his running mate. Some would say there could not be two more different individuals. But what a match, what a wonderful match. And they went on to victory. As they went on to victory, they showed the world that different viewpoints can be united.

When Johnson met Dr. Martin Luther King a few days after Kennedy's assassination, Dr. King told Johnson that racial tensions could no longer be tempered by compromise. Johnson appreciated King's powers of persuasion and decided to utilize his experience to pass the 1964 Civil Rights Act. Dr. King and President Johnson continued to work closely to pass the Voting Rights Act of 1965 and the Fair Housing Act.

It was difficult times. There were agreements and disagreements. But, lo and behold, the great and wonderful hopeful dream of Dr. Martin Luther King did his work and asked that President Johnson do his work, and together they did their work for America.

Reminiscing on the trials and triumphs on her young years in the White House, his daughter Luci Baines Johnson stated that her legacy from the White House days were "a thousand friendships, a deep and abiding love of country and public service, a passion for learning, and the recognition that getting in life is truly to be found in the giving and the belief that I should try to live each day as if it is my last."

President Johnson signed these bills into law, as I indicated: the Civil Rights Act, the Voting Rights Act and the Open Housing Act. President Johnson started Head Start, Job Corps and Medicare, among many others. And if you look at his time in Congress and his time as President, you will find not just a Presidency, but you will find an era.

It is amazing the bills that President Johnson passed. I simply want to take note of them and will place into the RECORD two pages of legislation under the auspices and the administration of Lyndon Baines Johnson that included so many bills, the Kennedy Cultural Center, the Urban Mass Transit, Food Stamps, housing acts, Head Start and others. , the Kennedy Cultural Center, the Urban Mass Transit, Food Stamps, housing acts, Head Start and others.

We understand we are going into a hot summer, a summer where youth are looking for jobs. President Johnson offered Job Corps, Youth Jobs, Medicare for those who are up in years, and, of course, he declared the War on Poverty, the first President to do so. He developed 40 programs to eliminate poverty, and his programs were intended to improve the living conditions of all Americans.

Of course, he was a great educator. His daughter Lynda Robb once stated, "But daddy wasn't as interested in the numbers of laws he helped enact as he was in the number of lives that he helped to enrich."

I just want to show this body some of the pictures that show the working relationship with major civil rights leaders that worked closely with the President on these civil rights laws. It shows the passion that he had, that he was a-hands-on President.

As he met with Dr. Martin Luther King, this picture shows him giving the pen which he signed the 1964–1965 bill, and as well the signing ceremonies that took place during that time. This, of course, shows Barbara Jordan and Vernon Jordan who stood with the President on many, many issues.

Let me close by simply acknowledging one of the greatest moments I think this Congress had a chance to witness, and that was the President's speech to Congress as he dealt with this question of the Civil Rights Act and the Voting Rights Act. As he spoke to the Speaker and to the Members of Congress, he said, "I speak tonight for the dignity of man and the destiny of democracy. I urge every member of both parties, Americans of all religions and of all colors from every section of this country to join me in that cause. At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama."

The President opened up his words by suggesting that we could do this together. These are his final words.

"So I ask you to join me in working long hours, nights and weekends, if necessary, to pass this bill. And I don't make that request lightly. For from the window where I sit, with the problems of our country, I recognize that outside this Chamber is the outraged conscience of a nation, the grave concern of many nations, and the harsh judgment of history on our acts." And, of course, he said "We shall overcome."

Mr. Speaker, I would say to you that President Lyndon Baines Johnson was the President of the United States, but he represents the compilation of all the dreams and aspirations of many who could not speak for themselves. He embraced the civil rights leaders. He understood as a son of the South that he could make a difference. He reached across the aisle and counted every vote. He knew how tough it was going to be to pass the Civil Rights Act of 1964, and then ultimately after the violence of Selma, the 1965 Voting Rights Act.

He opened the doors to many of us. I stand here as a true testimony to all that he has done. All of us who have had the doors of education opened, the doors of political process opened, the doors of poverty removed, opened and and then shut, owe that to President Lyndon Baines Johnson.

I started by saying that he is not just a President, but it is an era which we should remember. Joseph Califano said it is not a President that should be forgotten, but should be remembered. I ask my colleagues to support this legislation, and I ask them to do so enthusiastically.

Mr. Speaker, I include the list of legislation mentioned earlier:

LANDMARK LAWS OF THE LYNDON B. JOHNSON ADMINISTRATION

1963

College Facilities, Clean Air, Vocational Education, Indian Vocational Training, and Manpower Training.

1964

Inter-American Development Bank, Kennedy-Cultural Center, Tax Reduction, Presidential Transition, Federal Airport Aid, Farm Program, Chamizal Convention, Pesticide Controls, International Development Association, and Civil Rights Act of 1964.

Campobello International Park, Urban Mass Transit, Water Resources Research, Federal Highway, Civil Service Pay Raise, War on Poverty, Criminal Justice, Truth-in-Securities, Medicine Bow National Forest, and Ozark Scenic Riverway.

Administrative Conference, Fort Bowie Historic Site, Food Stamp, Housing Act, Interest Equalization, Wilderness Areas, Nurse Training, Revenues for Recreation, Fire Island National Seashore, Library Services, and Federal Employee Health Benefits.

1965

Medicare, Aid to Education, Higher Education, Four Year Farm Program, Department of Housing and Urban Development, Housing Act, Social Security Increase, Deaf-Blind Center, College Work Study, and Rail Strike Settlement.

Voting Rights, Fair Immigration Law, Older Americans, Heart, Cancer, Stroke Program, Law Enforcement Assistance, National Crime Commission, Drug Controls, Mental Health Facilities, Health Professions, and Medical Libraries.

Vocational Rehabilitation, Anti-Poverty Program, Arts and Humanities Foundation, Aid to Appalachia, Highway Beauty, Clean Air, Water Pollution Control, High Speed Transit, Manpower Training, and Presidential Disability.

Child Health, Regional Development, Aid to Small Businesses, Weather-Predicting Services, Military Pay Increase, GI Life Insurance, Community Health Services, Water Resources Council, Water Desalting, and Assateague National Seashore.

Whiskeytown National Recreation Area, Delaware Water Gap Recreation Area, Juvenile Delinquency Control, Arms Control, Strengthening U.N. Charter, International Coffee Agreement, and Retirement for Public Servants.

1966

Food for India, Child Nutrition, Department of Transportation, Truth in Packaging, Model Cities, Rent Supplements, Teachers Corps, Asian Development Bank, Clean Rivers, Aid-to-Handicapped Children, Redwoods Park, and Flaming Gorge Recreation Area.

Food for Freedom, Child Safety, Narcotics Rehabilitation, Traffic Safety, Highway Safety, Mine Safety, International Education, Bail Reform, Tire Safety, New GI Bill, and Minimum Wage Increase.

Urban Mass Transit, Civil Procedure Reform, Federal Highway Aid, Military Medicare, Public Health Reorganization, Cape Lookout Seashore, Water Research, Guadalupe National Park, Revolutionary War Bicentennial, and Fish-Wildlife Preservation.

Water for Peace, Anti-Inflation Program, Scientific Knowledge Exchange, Cultural Materials Exchange, Foreign Investors Tax, Parcel Post Reform, Civil Service Pay Raise, Stockpile Sales, Participation Certificates, Protection for Savings, Flexible Interest Rates, and Freedom of Information.

1967

Education Professions, Education Act, Air Pollution Control, Partnership for Health, Social Security Increases, Age Discrimination, Wholesome Meat, Flammable Fabrics, Urban Research, and Public Broadcasting.

Outer Space Treaty, Modern D.C. Government, Vietnam Veterans Benefits, Federal Judicial Center, Civilian-Postal Workers Pay, Summer Youth Programs, Food Stamps, Selective Service, Urban Fellowships, and Consular Treaty.

Safety At Sea Treaty, Narcotics Treaty, Anti-Racketeering, Product Safety Commission, Small Business Aid, and Inter-American Bank.

1968

Fair Housing, Indian Bill of Rights, Safe Streets, Wholesome Poultry, Food for Peace, Commodity Exchange Rules, U.S. Grain Standards, School Breakfasts, Bank Protection, and Defense Production.

Corporate Takeovers, Export Program, Gold Cover Removal, Truth-in-Lending, Aircraft Noise Abatement, Auto Insurance Study, New Narcotics Bureau, Gas Pipeline Safety, Fire Safety, and Sea Grant Colleges.

D.C. School Board, Tax Surcharge, Better Housing, International Monetary Reform, International Grains Treaty, Oil Revenues for Recreation, Virgin Islands Elections, San Rafael Wilderness, San Gabriel Wilderness, and Fair Federal Juries.

Candidate Protection, Juvenile Delinquency Prevention, Guaranteed Student Loans, D.C. Visitors Center, FHA-VA Interest Rate Program, Health Manpower, Eisenhower College, Gun Controls, Biscayne Park, and Heart, Cancer, and Stroke Programs.

Hazardous Radiation Protection, Colorado River Reclamation, Scenic Rivers, Scenic Trails, National Water Commission, Federal Magistrates, Vocational Education, Veterans Pension Increases, North Cascades Park, International Coffee Agreement, Intergovernmental Manpower, Dangerous Drugs Control, and Military Justice Code.

Mr. Speaker, I rise today in support of H. Con. Res. 354, commemorating President Lyndon Baines Johnson on the occasion of his centennial birthday celebration. I am pleased to have the opportunity of being the original author of this resolution along with 59 House sponsors.

I note that the President's official birthdate is August 27, 1908. However, the Lyndon Baines Johnson Foundation is celebrating the remarkable life and presidency of this great man beginning today, and the celebration will culminate on this Wednesday when the Senate will pass its resolution honoring President Johnson. I would like to thank my staff for the hard work on this resolution.

It is an honor to recognize President Lyndon Baines Johnson. He was a true champion of civil rights for all Americans, and he led the Nation during very turbulent political times from the Civil Rights Movement, the deaths of President John F. Kennedy, Robert Kennedy, and Dr. Martin Luther King, and the Vietnam war.

He was a teacher by profession in Texas. He proudly served the 10th Congressional District in the United States House of Representatives. He was a commissioned officer in the Navy and valiantly served in World War II, and was conferred the Silver Star, the military's third highest medal, by General Douglas MacArthur. He was a United States Senator and served as both Minority and Majority leader. He holds the current distinction of being the youngest Senate majority leader at the age of 46. He was also Vice President, head of the Committee on Equal Employment Opportunities, and President of the United States.

As President, he nominated Thurgood Marshall as the first African-American to serve on the United States Supreme Court.

He was truly a great Texan. He was a devoted husband to Lady Bird Johnson and a father to his two beloved children: Luci Baines Johnson and Lynda Johnson Robb. These women give new meaning to the old adage, behind every great man is a great woman. History shows us that beside this giant, this historic legend, there were three great women.

President Johnson never forgot his beginnings in Texas. My predecessor in Congress, the incomparable Honorable Barbara Jordan of the 18th Congressional District in Texas, developed a good working relationship with President Johnson and he appointed her to serve on the Commission on Income Maintenance in 1968. Later, she would serve as professor at the Lyndon Baines Johnson School of Public Affairs at the University of Texas and she would accept an appointment to the Lyndon Baines Johnson Centennial Chair in National Policy at the University.

As a teacher, Johnson believed segregation condemned the South to educational and economic backwardness. In 1937, Johnson was elected to the U.S. House of Representatives as a liberal New Dealer allied with Democratic President Franklin Delano Roosevelt. Johnson successfully championed civil rights when he successfully ran for the U.S. Senate in 1948.

In 1957, when a civil rights bill came before Congress, Johnson favored the bill and worked hard behind the scenes to win its passage. He moved from one side to the other, persuading southern Democrats and northern liberals to compromise. The Civil Rights Act of 1957, the first civil rights legislation to pass since Reconstruction, was signed by President Eisenhower in September 1957.

In 1960, John F. Kennedy invited Johnson to join the Democratic presidential ticket as his running mate. Johnson pushed the more liberal Kennedy to go further and faster on civil rights.

When Johnson met with Dr. Martin Luther King a few days after Kennedy's assassination, Dr. King told Johnson that racial tensions could no longer be tempered by compromise. Johnson, who appreciated King's powers of persuasion, decided to utilize his experience to pass the 1964 Civil Rights Act. Dr. King and President Johnson continued to work closely to pass the Voting Rights of 1965 and the Fair Housing Act.

Reminiscing on the trials and triumphs on her young years in the White House, his daughter Luci Baines Johnson stated that her legacy from the White House days were "a thousand friendships, a deep and abiding love of country and public service, a passion for learning, the recognition that the getting in life is truly to be found in the giving and the belief that I should try to live each day as if it is my last."

Over a quarter century ago, while delivering the commencement address at Howard University on June 4, 1965, President Johnson posed this question: ". . . what is justice?" His response was "It is to fulfill the fair expectations of man."

Throughout his life and administration, President Johnson sought justice for all Americans. His administration produced the greatest outpouring of legislation in America's history. Laws were enacted to end discrimination and to fight poverty, to provide medical care to the old and to extend educational opportunities to the young. In addition, acts were passed to clean the air and water and reverse the pollution of decades, to preserve precious land for public recreation and to protect the natural beauty of the continent. Legislation protected the consumer in the marketplace and enabled art, music and theater to be brought to all parts of America.

President Johnson signed into law the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Open Housing Act of 1968. These Acts removed the barriers that restricted African Americans from using restaurants, restrooms, theaters, and other public accommodations; assured all citizens their constitutional right to vote; and provided African Americans and other minorities with the freedom to decide where they would live.

President Johnson started Head Start, Job Corps, and Medicare, among many other landmark pieces of legislation and programs. With his Head Start initiative, 4 and 5-year old children from disadvantaged families attended classes and were provided with nourishing meals and medical attention, and a chance to learn in schools.

Job Corps taught young men and women trades and vocational skills that would enable them to lead productive lives.

His Medicare initiative provided health care to all Americans over 65. With the passage of the Medicare Act, the threat of financial doom was lifted from senior citizens, and also from the sons and daughters who might also otherwise have been burdened with the responsibility for their parent's care.

His undertaking on the War on Poverty was expansive. He developed 40 programs to eliminate poverty, and his programs were intended not just to improve living conditions but to enable people trapped in the perpetual cycle of poverty the opportunity to lift themselves up out of poverty and improve their own conditions.

President Johnson also added a prodigious number of laws that extended education to young people. "More than 60 education laws were part of the vast number of legislative measures that made up the Great Society," his daughter, Lynda Robb once stated. "But Daddy wasn't as interested in the number of laws he helped enact as he was in the number of lives those laws help enrich." Luci Baines Johnson stated, "Nothing meant more to my father than education."

Today we celebrate the life of President Lyndon Baines Johnson. He has given America many legislative victories. Importantly, his legislation had important elements of self-help that provided the people it was intended to serve with the opportunity to work to improve their own condition. Indeed, President Johnson ensured that all Americans would be assured their constitutional freedoms and that all Americans would enjoy the triumph against oppression and injustice. As President Johnson rightly said, quoting Winston Churchill on another triumph for freedom, "it is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning. That beginning is freedom and the barriers to that freedom are tumbling down.

President Johnson's administration made tremendous strides in the garnering of civil rights of all Americans. Let us be reminded that the barriers to freedom are still tumbling. Indeed, it is not yet the beginning of the end. But it is the end of the beginning. The nation owes the end of the beginning to the leadership, foresight, and effectiveness of President Lyndon Baines Johnson. President Johnson and his administration have started the Nation on its trek to assure civil rights and freedoms to all, but the battle is not yet won, and we must continue to march on, in the courageous spirit of President Johnson, until victory is won, and all people are free.

In his very eloquent speech to the full Congress, President Johnson echoed Dr. Martin Luther King, Jr.'s famous words, "We Shall Overcome." President Johnson's delivered his speech on March 15, 1965, a week after deadly racial violence erupted in Selma, Alabama, as African Americans were attacked by police while preparing to march to Montgomery to protest voting rights discrimination.

In his speech, President Johnson challenged the members of Congress, by stating "I want this to be the Congress—Republicans and Democrats alike—which did all these things for all these people. Beyond this great chamber—out yonder—in fifty states are the people that we serve. Who can tell what deep and unspoken hopes are in their hearts tonight as they sit there and listen? We all can guess, from our own lives, how difficult they often find their own pursuit of happiness, how many problems each little family has. They look most of all to themselves for their future, but I think that they also look to each of us."

This speech was historic not only in what it asked of Congress, but also, what it asked of the American people. I encourage everyone to read the text of this historic address in its entirety.

I will close with the words that President Johnson delivered in his historic commencement speech on June 4, 1965 before Howard University:

"The Scripture promises: 'I shall light a candle of understanding in thine heart, which shall not be put out.' Together, and with millions more, we can light that candle of understanding in the heart of all America. And, once lit, it will never again go out."

President Johnson has lit the candle, let us today continue to carry it and make sure that it will never go out.

Mr. KING of Iowa. Mr. Speaker, I would yield back the balance of my time and urge adoption.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 354.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL AUTISM AWARENESS MONTH

Mr. WYNN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1106) expressing support for designation of April 2008 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1106

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 150 children in the United States;

Whereas autism is four times more likely to occur in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately $80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-age children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas April 2008 would be an appropriate month to designate as "National Autism Awareness Month" to increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) expresses support for designation of a "National Autism Awareness Month";

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of devoting new resources to researching the root causes of autism, identifying the best methods of early intervention and treatment, expanding programs for individuals with autism across their lifespans, and promoting understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(6) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1106, which designates April 2008 as National Autism Awareness Month and supports efforts to devote new resources to research into the causes and treatment of autism spectrum disorder.

Autism is a developmental spectrum disorder which inhibits an individual's ability to communicate and interact with others. For parents eager to communicate with their child, there is nothing more painful than watching their child fail to provide either a verbal or non-verbal cue of responsiveness. Affecting an estimated 1 in every 150 children and costing an estimated $90 billion to care for those with this disorder, the toll of autism spectrum disorder on our country is significant.

The resolution before us supports the goals of devoting new resources to researching the root causes of autism, expanding programs for individuals with autism spectrum disorder across their life span and promoting understanding of the special needs of people with autism spectrum disorder. This resolution also emphasizes the need for early intervention services, starting as soon as the child has been diagnosed with autism.

While there is currently no available cure for autism spectrum disorder, early behavioral intervention strategies significantly improve the outcome for those suffering from autism. These strategies can also reduce the level of funding and services necessary to treat people later in life.

I would like to note for the RECORD, Mr. Speaker, Ms. Daisy Maggette, my constituent from the Fourth District of Maryland, who has been a tireless advocate and activist in the fight against autism in our community.

I would also like to thank my colleague, Congressman DAVID REICHERT, for his work in bringing this resolution to the floor today. I would also like to thank Congressman MIKE DOYLE for his leadership on this issue.

I urge my colleagues to join me in support of H. Res. 1106.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Resolution 1106, acknowledging the month of April as National Autism Awareness Month and supporting research efforts for the causes and treatment of autism, as well as the very special and enormous challenges faced by the parents of autistic children.

As founder and cochair of the Congressional Autism Caucus that I formed along with my good friend and colleague MIKE DOYLE back in 2001, I am very pleased to be here in strong support of this resolution. I would note parenthetically that we have 165 members in our caucus from both sides another aisle. I think with that kind of strength, we have been able to push a lot of new funding, both at NIH and CDC, which is I think appreciated by the community.

Awareness, Mr. Speaker, is in fact a crucial part of our fight, again making this resolution important. The more we inform and educate the general public about autism spectrum disorders, the earlier the medical community can effectively diagnose children with autism and get them the help that they need, and that is important news for the 1.5 million children and adults who currently suffer from autism spectrum disorders and their families.

I would like to first and foremost recognize and commend the parents and the families of individuals with autism for their sacrifice and dedication in providing for the special needs of their children and brothers and sisters with autism.

□ 1700

They are heroic. I also want to extend heartfelt thanks and appreciation to the teachers, physicians, therapists, and all other advocates who work with such diligence and compassion to support individuals with autism and their families.

Mr. Speaker, when I was first elected back in 1980, the prevalence of autism was estimated to be one out of every 10,000. Just 10 years ago, that number had been changed or updated to be one child in every 500. Today, it is estimated that one in 150 children in the United States will have autism spectrum disorder; and, once diagnosed, early intervention is key to significantly improving the outcome of individuals with this developmental disorder.

Autism, as we know, robs individuals of their ability to communicate and interact with others in society, but early intervention can help those individuals live a more satisfying life. I recognize the success of the worker training programs tailored for Americans with autism. With proper support, training, and early intervention, people with autism can be more productive members of our workforce.

I would like to thank the author of the resolution, Mr. DAVID REICHERT of Washington, for his leadership in raising autism awareness and commending the efforts of those who care for individuals with autism.

It is important that, in addition to this important awareness resolution, that we move forward in Congress with other important legislation to help those with autism and their families, such as the bill that I have introduced, along with MIKE DOYLE, called the Global Autism Assistance Act. This bill would establish a $10 million program to fund projects to address autism in the developing world over a period of 3 years. Grants would aim to raise awareness and understanding of autism and to aid service providers in less developed countries. The idea actually came when I was in Lagos in Nigeria and met with some individuals who are caring for autistic children who are absolutely without funds, and yet through love and through expertise they were helping children. But only a small number of kids were getting help in Nigeria, and that is where the idea was formed.

Another critical initiative is a bill that I joined MIKE DOYLE in introducing, called the Expanding the Promise for Individuals with Autism Act, H.R. 1881, which would authorize $350 million over 5 years to improve access to comprehensive treatment, intervention, and services for individuals with autism and their families, including adults with autism. Among its important provisions, it would create a task force of experts to evaluate current therapies and services, establish several grant programs to assist States to provide services for children and adults with autism, and call for a study of public and private financing of treatments and services.

You hear a lot about the lack of bipartisanship in Washington, DC, these days, Mr. Speaker. In the fight to combat autism, nothing could be further from the truth. Members on both sides of the aisle are united and committed to providing care and services for individuals with autism and the families.

I urge strong support for this resolution.

I yield back the balance of my time.

Mr. WYNN. Mr. Speaker, before I yield the balance of my time, I want to recognize the gentleman and thank him for his leadership on this issue. He has been truly committed. I also again would like to recognize the work of Mr. DOYLE, my colleague, and also my colleague and sponsor, Mr. REICHERT, for his leadership on this issue.

Ms. TSONGAS. Mr. Speaker, I rise today in support of House Resolution 1106 which expresses support for designating April 2008 as National Autism Awareness Month.

Autism is a very real issue for many of my constituents whose families have been affected by this condition. I hear about the challenges that these families face at each Congress on Your Corner I host and receive many constituent letters on this issue.

My district is fortunate to house the Melmark New England headquarters. This organization is dedicated to serving children and adolescents with the autism spectrum disorders.

Founded in 1998, Melmark, New England recently celebrated its 10th Anniversary. At a recent visit in celebration of this occasion, I had the opportunity to see first hand the importance of early intervention and proper treatment for those individuals living with autism.

I commend Melmark New England and organizations like it across the country that provide quality treatment to those living with Autism.

My hope is that passage of this resolution will help to expand these programs by highlighting the need for early intervention services and appropriately trained teachers to teach, assist, and respond to special needs students.

Mr. WYNN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the resolution, H. Res. 1106.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF CONGRESS REGARDING ESTABLISHMENT OF A BEBE MOORE CAMPBELL NATIONAL MINORITY MENTAL HEALTH AWARENESS MONTH

Mr. WYNN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 134) expressing the sense of the Congress that there should be established a Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communities, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 134

Whereas mental illness is one of the leading causes of disabilities in the United States, affecting one out of every four families in America and victimizing both those with the illness and those who care for and love those afflicted;

Whereas according to the National Alliance for Mentally Ill (NAMI), the direct and indirect costs to the workplace resulting from mental illness total over $34,000,000 annually;

Whereas the National Institute of Mental Health has reported that many people suffer from more than one mental disorder at a given time and 45 percent of those with any mental disorder meet criteria for two or more disorders, with severity strongly related to comorbidity (including diabetes, cardiovascular disease, HIV/AIDS, and cancer);

Whereas according to the 1999 Surgeon General's Report on Mental Illness, more than 54,000,000 Americans have a mental disorder in any given year, although fewer than 8,000,000 seek treatment;

Whereas according to the same Surgeon General's Report on Mental Illness, adult Caucasians who suffer from depression or an anxiety disorder are more likely to receive treatment than adult African Americans with the same disorders even though the disorders occur in both groups at about the same rate, when taking into account socioeconomic factors;

Whereas according to a report from the Office of Minority and National Affairs for the American Psychiatric Association, although mental illness impacts all people, African Americans experience a much greater unmet need for mental health services and receive a lesser quality of care, thereby resulting in mental health disparities;

Whereas the three major brain diseases—schizophrenia, bipolar disorder, and depression—adversely affect the economy, contribute to the rise in incarceration rates, and erode the quality of family life of those involved;

Whereas nearly two-thirds of all people with a diagnosable mental illness do not seek mental health treatment due to stigma, lack of community-based resources, inadequate diagnosis, or no diagnosis;

Whereas communities of color are in need of culturally competent mental health resources and the training of all health care providers to serve multi-ethnic consumers;

Whereas advocacy for traditional mental health organizations must be encouraged to incorporate and integrate minority mental health education and outreach within their respective portfolios;

Whereas other research studies estimate that 50 to 70 percent of all youth in the juvenile justice system have mental health problems that are usually undiagnosed, misdiagnosed, untreated, or badly treated, thus leaving those incarcerated in vulnerable conditions;

Whereas minority mental health consumers often fall into the category of the "working poor", facing additional challenges because they are underinsured or uninsured, which often leads to late diagnosis or no diagnosis of mental illness;

Whereas the faith, customs, values, and traditions of a variety of ethnic groups should be taken into consideration when attempting to treat and diagnose mental illnesses;

Whereas a small percentage of African Americans receive mental health treatment, and a significant percentage refuse treatment or view mental health treatment as the "treatment of last resort", due to the stigma associated with mental illness;

Whereas according to the 1999 Surgeon General's Report on Mental Illness, African Americans are misdiagnosed at a higher rate within the mental health delivery system, and greater effort must be made to accurately assess the mental health of African Americans;

Whereas there is a need to improve public awareness of mental illness and to strengthen local and national awareness of brain diseases in order to assist with advocacy for persons of color with mental illness, so that they may receive adequate and appropriate treatment that will result in their becoming fully functioning members of society;

Whereas community mobilization of resources is needed to educate, advocate for, and train mental health providers to help remove barriers to treatment of mental disorders;

Whereas access to mental health treatment and services is of paramount importance;

Whereas there is a need to encourage primary care physicians to offer screening, partner with mental health providers, and seek the appropriate referral to specialists and to encourage timely and accurate diagnosis;

Whereas the late Bebe Moore Campbell (mother, grandmother, wife, friend, advocate, celebrated writer and journalist, noted author, radio commentator, community activist, co-founder of National Alliance for the Mentally Ill Urban Los Angeles, University of Pittsburgh Trustee and educator, and recipient of numerous awards and honors) was recognized for her tireless advocacy and fight to bring awareness and attention to mental illness among minorities with the release of her New York Times best selling novel, "72 Hour Hold", and her children's book "Sometimes My Mommy Gets Angry", which both bring awareness to the plight of those with brain disorders;

Whereas Bebe Moore Campbell through her dedication and commitment sought to move communities to support mental wellness through effective treatment options, open access to mental health treatment and services, and improve community outreach and support for the many loved ones who are unable to speak for themselves; and

Whereas July would be an appropriate month to recognize as Bebe Moore Campbell National Minority Mental Health Awareness Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) improved access to mental health treatment and services and public awareness of mental illness are of paramount importance;

(2) there is an important need for improved access to care, treatment, and services for those diagnosed with severe and persistent mental health disorders and improved public awareness of mental illness; and

(3) an appropriate month should be recognized as Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness and mental illness among minorities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from New Jersey (Mr. SMITH) will each control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution will designate July as Bebe Moore Campbell National Minority Mental Health Awareness Month.

Mental illness is one of the leading causes of disabilities in the United States affecting one out of every four Americans, and victimizing both those with the illness as well as those who care for and love those afflicted. However, according to a report from the Office of Minority and National Affairs for the American Psychiatric Association, although mental illness impacts all people, African Americans experience a much greater unmet need for mental health services and receive a lesser quality of care, thereby resulting in mental health disparities. Further, according to a Surgeon General's report on mental illness, African Americans who do seek help are misdiagnosed at a higher rate within the mental health delivery system.

Communities of color are in need of culturally competent mental health providers and expanding training for all health care providers to serve multiethnic consumers in order to accurately assess and treat African Americans and other minority patients.

According to the National Institute of Mental Health, one out of every three African Americans are more likely to stop treatment early, and are less likely to receive followup due to a lack of insurance coverage. Without adequate health insurance, mental health cannot be properly treated. Unfortunately, only a small percentage of African Americans receive mental health treatment, and a significant percentage refuse treatment or view mental health treatment as a treatment of last resort due to a stigma associated with mental illness.

To address these problems, obviously we need more resources and access to health insurance. But critically we also need to improve public awareness and encourage minority citizens to confront the illness instead of denying it or being ashamed of its existence in their families and communities.

This bill will, number one, raise awareness about mental illness and mental health disparities among minorities nationwide. Second, it will encourage training for health care providers to ensure proper diagnosis of African American patients and minority communities. And, third, it will improve public health by encouraging the expansion of vital mental health care into underserved communities in every State.

Let me take a moment and tell you about Bebe Moore Campbell. Bebe Moore Campbell was a renowned African American author who died on November 27, 2006, at the age of 56. She was also my college classmate at the University of Pittsburgh. Through her dedication and commitment, Ms. Campbell sought to remove the stigma of mental illness in the African American community. Her novel, "72 Hour Hold," and her children's book, "Sometimes My Mommy Gets Angry," both bring to light the plight of those with brain disorders. Her goal was to move communities to support mental wellness through effective treatment, increased resources, access to mental health services, and improved community outreach and support.

July would be an appropriate month to be designated as Bebe Moore Campbell National Minority Mental Health Awareness Month, since our first book, "72 Hour Hold," which addressed minority mental health was released to the public in July of 2005.

I want to thank my lead cosponsor, Congresswoman DIANE WATSON, as well as all the cosponsors of this bill for their support, and I urge all of my colleagues to support this very important legislation.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Let me begin by thanking my good friend and colleague, Mr. WYNN, for authoring this very important resolution. I rise today in strong support of it, recognizing May as the Bebe Moore Campbell National Minority Health Awareness Month. Bebe Moore Campbell will be remembered as a celebrated writer and journalist whose New York Times best selling novel, "72 Hour Hold," challenged minority communities to be open with their mental health and lower the stigma associated with receiving therapy. Her ability to assess the mental health delivery system from a minority vantage point has helped raise awareness and remove barriers.

Mental illness, Mr. Speaker, can be crippling, not only to the individuals suffering from this disease, but obviously also the family and friends of that person. In some cases, therapy is declined or refused because mental health care is seen as the treatment of last resort. But we must improve public awareness and erase the stigma that is so often associated with mental illness.

Again, I would like to thank my friend and colleague, the author of the resolution, Mr. WYNN of Maryland, for raising public awareness of mental illness in minority communities and the importance of getting proper mental health treatment to those and for those who have been diagnosed. I encourage all of my colleagues to vote in favor of the resolution.

I reserve the balance of my time.

Mr. WYNN. Mr. Speaker, it is a great pleasure to me that this bill is met with such bipartisan support. I particularly want to thank my colleague, Mr. SMITH, for his support. He is recognized throughout this institution as a champion for the wellness of our citizens, human rights, and for supporting causes which make our country better. I want to thank him again for his support and thank all the cosponsors.

I yield back the balance of my time.

Mrs. JONES of Ohio. Mr. Speaker, today I rise in support of H. Con. Res. 134, to establish July as Bebe Moore Campbell National Minority Mental Health Awareness Month. The plight of families suffering from mental illness is immense due to an absence of adequate social services and the unwarranted stigma surrounding mental health issues. Due to the unwarranted social stigma and a systemic failure to ensure health care coverage, over two-thirds of the people who suffer from mental illness go untreated according to the Department of Health and Human Services. Within minority communities, even greater needs exist for mental health services. African Americans have less access to mental health services, and often receive an inferior quality of care. Higher rates of uninsured individuals also compound this problem within minority communities.

According to the National Institute on Mental Health, 20 percent of children and 26.2 percent of adults suffer from a diagnosable mental disorder in a given year. As the leading cause of disability in the U.S., many people suffer from more than one mental disorder at a given time. The need for mental health awareness is immense, particularly in the minority community.

Sadly, Bebe Moore Campbell's untimely death from brain cancer means that she is not here to see the passage of this resolution. However, it is comforting to know that her legacy lives on not only through her literature but also through this important resolution. I strongly believe that this resolution and the establishment of July as Bebe Moore Campbell National Minority Mental Health Awareness Month will address and raise awareness in minority communities of the existence of mental illness and the need for mental health services.

I am honored to remember Bebe Moore Campbell, a premier journalist, who authored a children's book entitled, Sometimes My Mommy Gets Angry, winner of the National Alliance for the Mentally Ill's Outstanding Literature Award. Through this story of how a little girl copes with being reared by a mentally ill mother, Moore Campbell was able to raise public awareness on mental health issues and heighten the consciousness of this topic within minority communities.

I proudly join my colleagues in support of this resolution and will continue to work tirelessly as an advocate for increased mental health services.

Mr. CONYERS. Mr. Speaker, today I rise to support H. Con. Res.—134, the Establishment of a Bebe Moore Campbell National Minority Mental Health Awareness Month. As disproportionate numbers of African Americans, Latinos, Asians, and others of color continue to be affected by a lack of resources for mental illness, we can now take steps to bring solutions to the public consciousness with the establishment of this awareness month.

According to the 1999 Surgeon General's Report on Mental Illness, more than 54,000,000 Americans have a mental disorder in any given year, although fewer than 8,000,000 seek treatment.

Minority mental health consumers often fall into the category of the "working poor", facing additional challenges because they are underinsured or uninsured, which often leads to late diagnosis or no diagnosis of mental illness.

According to the 1999 Surgeon General's Report on Mental Illness, African Americans are misdiagnosed at a higher rate within the mental health delivery system, and greater effort must be made to accurately assess the mental health of African Americans.

Bebe Moore Campbell through her dedication and commitment sought to move communities to support mental wellness through effective treatment options, open access to mental health treatment and services, and improve community outreach and support for the many loved ones who are unable to speak for themselves.

Here in Congress, we must lead the fight for important issues such as mental illness, for all of our citizens regardless of their ethnicity or medical hardship. As our health care systems continue to advance in the field of mental illness, an awareness month such as the Bebe Moore Campbell National Minority Mental Health Awareness Month can encourage increased knowledge and possible treatment for families who are affected by such a debilitating problem.

I strongly support the designation of the Bebe Moore Campbell National Health Awareness Month and I have profound respect for the late Bebe Moore Campbell who made great strides in bringing mental health awareness to both the African-American and the general American public, through her literary works and advocacy. As a celebrated writer and journalist, noted author, radio commentator, community activist, advocate, and recipient of numerous awards and honors, Bebe

Moore Campbell was an exceptional individual and it is beyond fitting to name this awareness month in her and her work's honor.

I would like to commend Congressman WYNN and Congresswoman WATSON for their leadership in bringing this resolution before Congress.

Mr. WYNN. Mr. Speaker, as the House of Representatives debates H. Con. Res. 134, a resolution expressing the sense of the Congress that there should be established a Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communites, I would like to submit the following eight endorsement letters for the RECORD.

MAY 20, 2008.

EDWARD S. HUBBARD, Jr., Esq.,
Senior Policy Advisor and Counsel,
Office of Congressman Albert R. Wynn.

TO WHOM IT MAY CONCERN: We, the members of the "D.C. Divas," also make up the Bebe Moore Campbell National Minority Mental Health Task Force. We are writing to strongly urge you to support H. Con. Res. 134, which establishes the month of July as Bebe Moore Campbell National Minority Mental Health Awareness Month.

As friends and fellow advocates, we witnessed Ms. Campbell's tireless efforts to educate people throughout the country about mental health. Because a member of her family suffers with mental illness, she knew firsthand that the disease is a leading cause of disability in the United States. One out of every four American families is affected by mental illness.

In her own search for information and services, Ms. Campbell found compassionate support within the community of people, who like her, had loved ones struggling with the disease. She also discovered that minorities suffering from mental illness lack access to culturally and linguistically competent mental health care. Compounding these challenges are the cultural stigma associated with mental health diagnosis and treatment, and a dearth of education and resources for minority families supporting a mentally ill loved. Always one to do whatever she could to solve a problem, Ms. Campbell joined several other people from black communities in Los Angeles to found the National Alliance for the Mentally Ill—Urban Los Angeles.

Establishing July as Bebe Moore Campbell National Minority Mental Health Awareness Month will raise awareness about mental illness and mental health disparities among minorities nationwide. This modest effort will improve public health by encouraging the expansion of vital care in underserved communities in every state.

Ms. Campbell, a noted author whose works became New York Times bestsellers, died on November 27, 2006 of brain cancer complications. By this time, she had become a national spokeswoman for minority mental health issues, using her celebrity status and creativity to address the issues surrounding mental illness. Her last works before her death included the best selling novel "72 Hour Hold," a book about a mother's struggle to get aid for her mentally ill daughter, and the children's book, "Sometimes My Mommy Gets Angry," about a young girl whose mother is mentally ill.

The family of the late Ms. Campbell fully endorses this initiative and seeks the help of all Members of Congress in promoting this cause.

Again, as 13 of Ms. Campbell's friends from Washington, DC—and fellow advocates for mental health services, we know she would be honored to have her name attached to this effort. Mostly, though, she would be thankful for the congressional commitment to expand services in underserved communities.

Sincerely,

Martha Jarvis, Beatrix Fields, Yolanda Phillips, Sheila Garnett, Judi Mooore Latta, Melbourne Cummings, Sidonie Davis, Patrice Gaines, LaFleur Paysour, Linda Wharton Boyd, Andrea Carter, Niambi Jarvis, Courtney Lang.

NATIONAL COUNCIL FOR COMMUNITY BEHAVIORAL HEALTHCARE,
Rockville, MD, May 21, 2008.

Hon. ALBERT WYNN,
Rayburn House Office Building,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WYNN: On behalf of the National Council on Community Behavioral Healthcare, representing 1,400 Community Mental Health Centers and other community mental health and substance abuse agencies serving over 6 million low-income Americans with mental illnesses and addiction disorders, I urge you to support H. Con. Res. 134, which establishes the month of May as Bebe Moore Campbell National Minority Mental Health Awareness Month. Mental illness is one of the leading causes of disability in the United States, affecting one out of every four American families.

Today, minorities suffering from mental illness lack access to culturally and linguistically competent mental health care. Compounding these challenges is the cultural stigma associated with mental health diagnosis and treatment, and a lack of education materials and resources for minority families supporting persons and loved ones with mentally illness.

Establishing May as Bebe Moore Campbell National Minority Mental Health Awareness Month will raise awareness about mental illness and mental health disparities among minorities nationwide. This modest effort will improve public health by encouraging the expansion of vital care in underserved communities in every State.

Ms. Campbell, a national spokeswoman for minority mental health issues, made her transition on November 27, 2006. The late Ms. Campbell founded the National Alliance for the Mentally Ill Urban Los Angeles and wrote books including the New York Times best selling novel "72 Hour Hold," and the children's book, "Sometimes My Mommy Gets Angry," which outline the devastating effects of mental illness on families and communities.

The members of the National Council join the family, friends and colleagues of the late Ms. Campbell, as well as members of Congress in fully promoting and endorsing one of the important legislation on minority mental health, the Bebe Moore Campbell National Minority Mental Health Awareness Month.

Sincerely,

LINDA ROSENBERG,
President and CEO.

MAY 20, 2008.

Via e-mail: Ed.Hubbard@mail.house.gov

DEAR CONGRESSMAN ALBERT R. WYNN: The Urban Los Angeles Chapter of the National Alliance on Mental Illness (NAMI) that is devoted to educating, supporting and advocating for individuals and families in communities of color challenged by mental illness diagnoses urges you to support H. Con. Res. 134, which establishes the month of May as Bebe Moore Campbell National Minority Mental Health Awareness Month. Mental illness is one of the leading causes of disability in the United States, affecting one out of every four American families.

Today, minorities suffering from mental illness lack access to culturally and linguistically competent mental health care. Compounding these challenges is the cultural stigma associated with mental health diagnosis and treatment, and a lack of education materials and resources for minority families supporting persons and loved one with mentally illness.

Establishing May as Bebe Moore Campbell National Minority Mental Health Awareness Month will raise awareness about mental illness and mental health disparities among minorities nationwide. This modest effort will improve public health by encouraging the expansion of vital care in underserved communities in every State.

Ms. Campbell, a national spokeswoman for minority mental health issues, made her transition on November 27, 2006. The late Ms. Campbell founded the National Alliance for the Mentally Ill Urban Los Angeles and wrote books including the New York Times best selling novel "72 Hour Hold," and the children's book, "Sometimes My Mommy Gets Angry," which outline the devastating effects of mental illness on families and communities.

The members of NAMI Urban Los Angeles join the family, friends and colleagues of the late Ms. Campbell as well as members of Congress in fully promoting and endorsing one of the important legislation on minority mental health, the Bebe Moore Campbell National Minority Mental Health Awareness Month.

Sincerely,

NANCY CARTER,
Executive Director,
NAMI Urban Los Angeles.

MAY 20, 2008.

On behalf of the members of the Bebe Moore Campbell Minority Mental Health Task Force, we are pleased to endorse H. Con Res. 134 to recognize July as "Bebe Moore Campbell National Minority Mental Health Awareness and Treatment Month.

We acknowledge the critical importance of specifically addressing the mental health needs of minorities in a culturally competent and linguistically competent manner. We acknowledge and support the need for health equity so that all communities are able to receive equality of care, treatment and services.

In the spirit of working to reduce the stigma of depression and chronic mental health disorders, the task force recognizes the need for education in minority communities, that mental illnesses are diseases of the brain are treatable and are chronic conditions. We support needed intervention and treatment programs that seek to support the integration of mental health within the broader system of public health care.

The task force is committed to carrying the vision of Bebe Moore Campbell, a champion for the equality of mental health care in minority communities, whose tireless advocacy worked to establish NAMI—Urban Los Angeles and support a sustainable community health intervention model for communities of color that can be replicated across the country.

We encourage all Members of congress to vote a yes and offer our individual and collective voice to support H. Con. Res. 134 to eliminate disparate care in the mental health system and our communities at-large.

LINDA WHARTON-BOYD,
Co-Chair, National Minority Mental Health Task Force.
COURTNEY LANG,
Co-Chair, National Minority Mental Health Task Force.

ONE CHURCH, ONE CHILD OF MARYLAND, INC.,
Baltimore, MD.

CONGRESSMAN ALBERT R. WYNN,
Rayburn Building,
Washington, DC.

DEAR CONGRESSMAN ALBERT R. WYNN: The One Church One Child of Maryland, Inc. is devoted to Adoption and Foster Care. We are also devoted to the physical, mental and spiritual health of children and families. As such, we endorse the promotion of strong mental health and endorse H. Con. Res. 134, which establishes the month of July as Bebe Moore Campbell National Minority Mental Health Awareness Month. Mental illness is one of the leading causes of disability in the United States, affecting one out of every four American families.

Today, minorities suffering from mental illness lack access to culturally and linguistically competent mental health care. Compounding these challenges is the cultural stigma associated with mental health diagnosis and treatment, and a lack of education materials and resources for minority families supporting persons and loved ones with mentally illness.

Establishing May as Bebe Moore Campbell National Minority Mental Health Awareness Month will raise awareness about mental illness and mental health disparities among minorities nationwide. This modest effort will improve public health by encouraging the expansion of vital care in underserved communities in every State.

Ms. Campbell, a national spokeswoman for minority mental health issues, died on November 27, 2006 of brain cancer complications. The late Ms. Campbell founded the National Alliance for the Mentally Ill Urban Los Angeles and wrote books including the New York Times best selling novel "72 Hour Hold," and the children's book, "Sometimes My Mommy Gets Angry," which outline the devastating effects of mental illness on families and communities.

The members of One Church One Child of Maryland, Inc. join the family, friends and colleagues of the late Ms. Campbell as well as members of Congress in fully promoting and endorsing one of the important legislation on minority mental health, the Bebe Moore Campbell National Minority Mental Health Awareness Month.

Sincerely,

DR. CHARLES E. COGER,
Board President.
DR. JOAN L. WHARTON,
Executive Director.

DEAR EDWARD S. HUBBARD, Jr. Esq. and CONGRESSMAN ALBERT WYNN: Thank you so much for moving forward this important and very personal bill. I am President of NAMI Urban LA (National Alliance on Mental Illness) and co founder of this chapter with my dear friend Bebe. Bebe as you know worked tirelessly to help educate and support our mentally ill community. Even when she became ill she was always talking of ways for us to raise money to support our cause. Her death was a huge blow to her family, friends, readers, and the world. When this bill passes it will help ease the pain of her loss. Our chapter continues to press on in her name. The month of July will now be even more special; celebrating the Declaration of Independence on the 4th and celebrating all month Bebe's importance in helping to liberate, support, educate and advocate for so many afflicted with mental illnesses.

Thank you so much again for this important bill.

LYNN J. GOODLOE,
President, NAMI Urban LA.

UNIVERSITY OF PITTSBURGH,
CHANCELLOR OF THE UNIVERSITY,
Pittsburgh, PA, May 20, 2008.

Hon. ALBERT WYNN,
c/o Edward S. Hubbard, Jr., Esquire,
Office of Congressman Albert R. Wynn.

DEAR CONGRESSMAN WYNN: I understand that you have taken the lead in sponsoring a bipartisan bill that would designate July as "Bebe Moore Campbell National Minority Mental Health Awareness and Treatment Month." I applaud your efforts and am writing, for myself and on behalf of the University to Pittsburgh, to strongly endorse this important piece of legislation.

As you know, Bebe Moore Campbell was a distinguished graduate of the University of Pittsburgh. She also served as a member of our Board of Trustees and was the recipient of an honorary doctorate from Pitt, the highest honor that any university can bestow.

For most of her career, Bebe was best known for her literary achievements. Over the course of many years, her efforts as an author produced a succession of works that were both critically acclaimed and enthusiastically embraced by a large audience of readers.

In more recent years, she came to understand the special challenges presented by mental illness in this country, and particularly within the minority community, and she opened a new stage of her career as a mental health advocate. An important tool in her advocacy efforts was her literary skill. She applied that skill in a more focused way in the children's book Sometimes My Mommy Gets Angry and in the novel 72 Hour Hold. Through these works, she was able to advance important messages with different audiences.

Beyond her efforts as an author, she became a tireless and unusually effective advocate for the cause of mental health. In this work, she was able to empathetically present the challenges faced both by individuals suffering from mental illness and by the family members and others who care for them.

Naming the month of July as "Bebe Moore Campbell National Minority Mental Health Awareness and Treatment Month" in her honor would he a well-deserved tribute to this tireless and selfless crusader. It also would help advance the cause for which she worked so hard and about which she cared so deeply.

Again, I applaud your efforts and .strongly endorse this important hill.

Sincerely,

MARK A. NORDENBERG.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, May 20, 2008.

Hon. ALBERT WYNN,
Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WYNN: I am writing on behalf of the American Psychiatric Association (APA), the medical specialty representing more than 38,000 psychiatric physicians nationwide, to express our support for H. Con. Res. 134, your resolution designating July as "Bebe Moore Campbell National Minority Mental Health Month."

Your resolution calls attention to the urgent national need for improved access to mental health care for all Americans. This is particularly true in minority communities, where access to the highest quality treatment is too-often limited.

APA is pleased to support H. Con. Res. 134, and commends you and Representative Diane Watson for your personal efforts on behalf of mental health care, both for minority populations and the U.S. as a whole.

Sincerely,

JAMES H. SCULLY, Jr.,
Medical Director and CEO.

Mr. SMITH of New Jersey. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 134, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF HOUSE REGARDING ESTABLISHMENT OF A NATIONAL BRAIN TUMOR AWARENESS MONTH

Ms. SCHAKOWSKY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1124) expressing the sense of the House of Representatives that there should be established a National Brain Tumor Awareness Month, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H RES. 1124

Whereas brain tumors are the leading cause of death from solid tumors in children under the age of 20, and are the third leading cause of death from cancer in young adults ages 20–39;

Whereas more than 190,000 people in the United States are diagnosed with a brain tumor each year;

Whereas of these tumors, approximately 40,000 are new cases of primary brain tumors and approximately 150,000 are metastatic brain tumors, where a cancer spread from another part of the body to the brain;

Whereas some 10–15 percent of all persons with cancer will experience a metastatic brain tumor at some point;

Whereas brain tumors may be either malignant or benign, but can be life-threatening in either case;

Whereas treatment of brain tumors is complicated by the more than 120 different types of such tumors;

Whereas national priorities for dealing with brain tumors include—

(1) supporting research programs at the National Cancer Institute;

(2) strengthening brain tumor research program leadership at the National Institutes of Health, including the National Cancer Institute; and

(3) strengthening access to critical healthcare services for Medicare beneficiaries;

Whereas the North American Brain Tumor Coalition established a Brain Tumor Action Week during the first week of May 2007 and each subsequent first week in May;

Whereas the Lori Arquilla Andersen Foundation is recognized for their efforts to promote awareness of the life-threatening effects of brain tumors, to advocate on behalf of brain tumor patients, and to raise funds for medical research;

Whereas Accelerate Brain Cancer Cure is recognized for their work to bring more treatments to patients, stimulate research and development and otherwise support the accelerated development of new therapies for brain cancer;

Whereas the Goldhirsh Foundation is recognized for being devoted to providing support for innovative brain tumor research with grants awarded through The Brain Tumor Research Awards Program and The Brain Tumor Funders Collaborative;

Whereas the American Brain Tumor Association is recognized for their work to eliminate brain tumors through research and to meet the needs of brain tumor patients and their families;

Whereas The Brain Tumor Society is recognized for their work to find a cure for brain tumors, improve the quality of life for brain tumor patients, survivors, and their families, and raise funds to advance research projects that enhance treatments and find a cure;

Whereas the National Brain Tumor Foundation is recognized for their work to find a cure for brain tumors, and for giving hope to the brain tumor community by funding meaningful research and providing resources and education to patients;

Whereas the Tug McGraw Foundation is recognized for their work to support research that will improve the quality of life in the physical, social, spiritual, and cognitive areas of patients dealing with brain cancer;

Whereas the Childhood Brain Tumor Foundation is recognized for their work to strive to serve the needs of families and children with brain tumors in hopes of improving the quality of life and finding cures for pediatric brain tumors through funding basic science or clinical research;

Whereas the Children's Brain Tumor Foundation is recognized for their work to improve the treatment, quality of life, and the long term outlook for children with brain and spinal cord tumors through research, support, education, and advocacy to families and survivors;

Whereas the Pediatric Brain Tumor Foundation is recognized for their work to eradicate brain tumors, providing support for families, and increasing public awareness about the severity and prevalence of childhood brain tumors;

Whereas the Southeastern Brain Tumor foundation is recognized for their work to instill hope, knowledge and comfort by offering information, education, and support services to all affected by brain tumors;

Whereas the Oklahoma Brain Tumor Foundation is recognized for their work in meeting the needs of Oklahoma families, caregivers and patients affected by brain tumors, through education, advocacy, research and service;

Whereas the Michael Quinlan Brain Tumor Foundation is recognized for their work to support those affected by brain tumors through educational, emotional, financial, and spiritual services;

Whereas the Brain Tumor Action Network is recognized for their work to bring awareness to the general public about brain tumors and to educate and empower brain tumor survivors, their families and friends;

Whereas May would be an appropriate month to recognize as National Brain Tumor Awareness Month; and

Whereas there is a need for greater awareness of brain tumors and brain cancer on the part of the public, including awareness of symptoms and warning signs, treatment options, research needs, and public policy implications: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that there should be established a National Brain Tumor Awareness Month; and

(2) the House of Representatives applauds the actions of medical professionals and other caregivers, researchers, patients and their families, and others who strive to combat and raise public awareness of brain tumors and brain cancer.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my gratitude to Chairman DINGELL for his support in bringing this resolution to the floor today. I want to also thank Congressman ROSKAM for his support and cosponsorship of this resolution.

For me, the heart and soul behind the effort to establish a Brain Tumor Awareness Month has been the Lori Arquilla Andersen Foundation, which is in my home district in Illinois.

Many of us have been touched by cancer, my family included. But when Linda Magiera lost her precious daughter, Lori, to brain cancer in 2005, she made sure to continue her daughter's passion for life and desire to help others by creating the Lori Arquilla Andersen Foundation in her name.

Lori was diagnosed with glioblastoma multiforme stage 4 brain cancer, one of the most deadly, at the age of 33, just 3 months after her wedding. She passed away 22 months to the day after her first of five surgeries.

I am told by those who knew her that Lori was always upbeat, positive, courageous, and smiling. The Lori Arquilla Andersen Foundation has exemplified that energy over the past years. They have made important strides in increasing awareness and raising funds for brain tumor research, but they are also responsible for bringing the issues that are important to the brain tumor community as well as this resolution to my attention.

While the Andersen Foundation has managed to put a face on these issues for me, the larger brain tumor community has also done incredible work over the past decade. They have worked tirelessly to support people with brain tumors and their families, raise awareness of the disease and its effects, and to attain resolutions from governors, State legislators, city councils, and mayors in support of establishing a Brain Tumor Awareness Month in May. Today, we take one giant step forward in advancing their cause. And it won't be a moment too soon.

Over 44,500 people in the United States are diagnosed with a primary brain tumor in the brain or spine each year; and among children, brain tumors are the second most common cancer and comprise approximately 25 percent of all pediatric cancers. Although less prevalent than other cancers such as lung, breast, or prostate cancer, brain tumors are in no way trivial for those who have them. Because they are located in the "control center," the thought, memory, emotion, sensation, and movement, brain tumors have serious and at times devastating effects on the lives of patients and their families. Brain tumors can change an individual's personality, their ability to communicate, and their ability to walk or see.

Unfortunately, with over 126 different kinds of primary brain tumors, the development of effective treatments is uncommonly complicated.

☐ 1715

The 5-year survival rate following the diagnosis of a primary malignant brain tumor is about 30 percent. However, the average survival rate for patients with glioblastomas is less than 5 percent, and most survive for only 6 to 12 months. We must continue to work towards finding a cure for this terrible disease.

Strong support for ongoing research is the answer, and increased awareness is the first step in getting there. I'm so pleased to be making progress on this resolution today. And with the recent Race For Hope which was held on Sunday, March 4, here in Washington, DC, and raised $1.62 million for brain tumor research, it is certainly timely.

Again, I want to thank Chairman DINGELL and his staff for their hard work in bringing this resolution to the floor.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1124, acknowledging the month of May as an appropriate month to celebrate National Brain Tumor Awareness Month. I'd like to commend the North American Brain Tumor Coalition for its work and efforts in establishing Brain Tumor Action Week in the beginning of May each year.

In the United States, Mr. Speaker, more than 190,000 people are diagnosed with brain tumors each year. Of those 190,000 Americans diagnosed, 40,000 cases are primary tumors, and the remaining 150,000 cases are secondary tumors, where cancer has spread from another part of the body.

My mother suffered and passed away 11 years ago from a secondary brain tumor that began as lung cancer. The pain and the anguish she suffered, the convulsions, despite a major surgical procedure and anticonvulsant drugs like dilantin, were absolutely heartbreaking.

Anything and everything we can do to mitigate brain tumors must be done. Thus, I'd like to applaud the efforts and advocacy for brain tumor awareness by the Childhood Brain Tumor Foundation, the American Brain Tumor Association, the Brain Tumor Society and the National Brain Tumor Foundation, the Brain Tumor Action Network and the many other groups valuable contributions to combating these brain tumors.

I would especially like to thank the author of the resolution, Ms. JAN SCHAKOWSKY of Illinois, for her leadership in raising brain tumor awareness and commending the efforts of those groups who have helped educate Americans about the symptoms and the warning signs.

I encourage all of my colleagues to vote in favor of this resolution.

I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentleman for his support. It seems that we have something in common. My daughter-in-law passed away from a secondary brain tumor as well, so I appreciate the special meaning that this has for you personally, and for your support for this legislation.

Mr. ROSKAM. Mr. Speaker, I'd like to thank the gentlewoman from Illinois, Ms. SCHAKOWSKY, for her leadership on this issue and for bringing this bill to the floor.

I rise today to support the passage of H. Res. 1124, calling for the establishment of a National Brain Tumor Awareness Month.

Each year, more than 190,000 people in the United States are diagnosed with over 120 different types of brain tumors, representing the third leading cause of cancer-related death among those aged 20–39. However, since brain tumors are not as prevalent as breast, lung and other types of cancers, this devastating disease often doesn't get the attention and research dollars it deserves.

That's why I was so impressed when Linda Magiera of Des Plaines, IL, came to Congresswoman SCHAKOWSKY and me last year to bravely share the story of her daughter, Lori Arquilla Anderson's struggle with brain cancer. Each day Lori brought her good humor, cheerfulness and love of life to her battle with brain cancer, and remained a model for us all until the very end.

Linda's strength and compassion in not only fighting day by day alongside her daughter, but also in ultimately turning this tragedy into a blessing for others, is an inspiration.

I was similarly struck by the story of a young man from my Congressional District, Reid Colliander, who has worked so hard to turn his experience with a brain tumor into an opportunity to raise awareness, support research, and help others.

After being diagnosed and treated for a brain tumor at age 7, Reid started Reid's Lemon-AID stand with a group of his friends. Last year, they raised $45,000 for the Brain Tumor Research Center at Children's Memorial Hospital. This year, they are well on their way to raising even more.

The work Linda Magiera, Reid Colliander and dozens of outstanding local and national advocacy groups are doing to raise awareness and support research for understanding and treating brain tumors brings hope and new energy to the families and individuals affected by this disease.

Mr. Speaker and distinguished colleagues, please join me in recognizing the individuals leading these effort to eradicate brain tumors and resolving to renew our commitment and redouble our efforts in the battle with this devastating disease.

Ms. SCHAKOWSKY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 1124, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REDUCING MATERNAL MORTALITY BOTH AT HOME AND ABROAD

Ms. SCHAKOWSKY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1022) reducing maternal mortality both at home and abroad, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1022

Whereas an estimated 536,000 women die during pregnancy and childbirth every year which is equivalent to one death every minute;

Whereas an estimated 15 percent of pregnancies and childbirths involve unpredictable and often life-threatening complications that require emergency care;

Whereas girls under 15 are estimated to be 5 times more likely to die during childbirth than women in their 20s;

Whereas nearly all these deaths are preventable;

Whereas survival rates greatly depend upon the distance and time a woman must travel to get skilled emergency medical care;

Whereas care by skilled birth attendants, nurses, midwives, or doctors during pregnancy and childbirth, including emergency services, and care for mothers and newborns is essential;

Whereas the poorer the household, the greater the risk of maternal death, and 99 percent of maternal deaths occur in developing countries;

Whereas newborns whose mothers die of any cause are 3 to 10 times more likely to die within 2 years than those whose mothers survive;

Whereas more than 1,000,000 children are left motherless and vulnerable every year;

Whereas young girls are often pulled from school and required to fill their lost mother's roles;

Whereas a mother's death lowers family income and productivity which affects the entire community;

Whereas in countries with similar levels of economic development, maternal mortality is highest where women's status is lowest;

Whereas the United States ranks 41st among 171 countries in the latest UN list ranking maternal mortality;

Whereas the overall United States maternal mortality ratio is now 11 deaths per 100,000 live births, one of the highest rates among industrialized nations;

Whereas United States maternal deaths have remained roughly stable since 1982 and have not declined significantly since then;

Whereas the Centers for Disease Control estimates that the true level of United States maternal deaths may be 1.3 to 3 times higher than the reported rate; and

Whereas ethnic and racial disparities in maternal mortality rates persist and in the United States maternal mortality among black women is almost four times the rate among non-Hispanic white women: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms its commitment to promoting maternal health and child survival both at home and abroad through greater international investment and participation; and

(2) recognizes maternal health and child survival as fundamental to the well-being of families and societies, and to global development and prosperity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 1022, which is aimed at reducing maternal mortality, both at home and abroad. As an original cosponsor of this resolution and a member of the Women's Caucus, I am proud to speak out in support of its passage.

This week begins an entire week of maternal mortality awareness events. During this week, women from abroad will provide firsthand accounts of horrific maternal health challenges they've faced. Globally, it is estimated that 15 percent of pregnancies and child births involve unpredictable and often life-threatening complications that require emergency care. What makes this statistic so staggering is that nearly all of these situations are preventable.

Even more astounding is the fact that the United States ranks a staggering 41st among 171 countries in a United Nations list ranking infant mortality. We can and we must do a better job.

The resolution before us affirms our commitment to promoting maternal mortality and child survival, both at home and abroad. It also recognizes that maternal health is fundamental to the well-being of families and societies.

I want to thank my colleagues, Congresswoman LOIS CAPPS, Speaker NANCY PELOSI, and the rest of the Congressional Women's Caucus for their leadership on this issue, and I urge my colleagues to join me in support of its adoption.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1022, as amended and presented to the House today. Mr. Speaker, reducing maternal and child mortality and providing quality health care and nutrition to ensure the well-being of both mother and baby here and abroad, has been a top legislative priority for me throughout my 28 years as a Member of Congress.

All loss of life is tragic, especially when it is preventable. When a mother dies, the loss, the heartache is compounded by the deleterious impact on her children, on families and on the community.

As H. Res. 1022 points out, each year, more than a million children are left motherless and, as a consequence, are vulnerable. In many places, young girls are pulled from school and required to fill their lost mother's role in the home, cutting short their abilities to pursue an education.

And the evidence suggests that newborns whose mothers die of any cause are 3 times to 10 times more likely to die within the first 2 years than those whose mothers survive.

What is most unfortunate and thereby, should be unacceptable, is the fact that most maternal deaths are avoidable. With proper prenatal care and maternal health care, sanitary conditions for delivery, and available lifesaving emergency interventions, essential obstetrical services, these lives need not be lost. Even in our own country maternal mortality, although rarer than in the developing world, occurs. No loss of life is acceptable.

Mr. Speaker, hemorrhaging and blood loss are the top cause of maternal mortality and are of grave concern. During an African subcommittee hearing that I chaired during the previous Congress which concerned itself with safe blood, we heard from Dr. Neelam Dhingra, of the World Health Organization. Dr. Dhingra informed us that the most common cause of maternal death in sub-Saharan Africa is severe bleeding, which can take the life of even a healthy woman within 2 hours, if not properly and immediately treated. She gave us the astounding statistic that in Africa, severe bleeding during delivery, or after childbirth, contributes to up to 44 percent of maternal deaths, many of which could be prevented simply through access to safe blood.

Sufficient quantity and quality of immediately available and usable blood must become the norm and not the exception.

And I want to applaud the efforts of CHAKA FATTAH who has pushed very hard over the years to try to grow the amount, the quality and the quantity of blood in Africa. And USAID is addressing this in a number of programs, including the PEPFAR program.

Women should not die from blood loss, simply due to lack of access to basic interventions like safe blood. Support of this resolution today puts us on record as focusing on these kinds of interventions.

Mr. Speaker, one severe disfiguring disability that occurs in childbirth is obstetric fistula. Fistula can be treated and repaired through a relatively minor surgical procedure that costs, on average, $150 per surgery.

I saw that firsthand, Mr. Speaker, on a trip several years back to Addis Ababa, where there is this famous hospital which has now grown and has satellites, and obviously has inspired other similar hospitals that treat the women who make it to them, and they're the lucky ones. I saw many of the women who were waiting in lines, who were incontinent, who were very sorrowful about their conditions but very hope-filled, knowing it was a matter of when and not if they would get this great surgery.

Still, large numbers of women, an estimated 2 million, endure the tremendous pain and numbing isolation that comes from being the walking wounded, incontinent and ostracized, and not able to get to hospitals like that which is in Addis. With just a small investment of health care dollars, the lives of these women could be dramatically changed.

In 2005, I would just point out, I sponsored an amendment that passed on this floor to allocate $12.5 million dollars to establish 12 centers to provide treatment and surgery that would have allowed thousands of women to be physically cured and emotionally healed from fistula, preventing disease, death, and allowing them to return to normal life.

The amendment authorized funding for preventive measures as well, such as providing skilled birth attendants who can identify an obstructed delivery early and prevent an obstetric fistula from occurring in the fist place. Unfortunately, the underlying legislation made it over to the Senate, but died.

However, I did ask the Bush administration, namely Dr. Kent Hill, USAID Assistant Administrator for Global Health, to initiate administratively a robust fistula program, which I'm happy to say he did wholeheartedly with a great deal of skill and compassion. I am happy to report that from 2004 to 2007, USAID has allocated more than $20 million for fistula prevention and treatment. In 2008 that amount will jump to $30 million, a great start but still not enough.

Nevertheless, more than 3,500 women have had life-changing fistula repair through this program, not to mention the cases prevented through proper obstetric care.

Helping mothers and helping their babies, Mr. Speaker, goes hand in hand. There is no dichotomy. When women receive proper prenatal care they are less likely to die in childbirth, and when unborn babies are healthy in the womb they emerge as healthier, stronger newborns.

I am pleased that the resolution before us today does not endorse in any way whatsoever the cruel ideology that pits women against their babies by suggesting abortion as a means of combating maternal mortality. Women and their babies deserve better than abortion, and their health and well-being is intrinsically linked.

Unfortunately, some abortion activists in recent years have attempted to exploit the tragedy of maternal mortality as a vehicle for their promotion of abortion.

On one trip to Uganda, Mr. Speaker, I met with the head of the Minister of Gender, and we talked about this problem of maternal mortality. And she said, what African women want is essential obstetrical services, not the demise of their unborn babies.

And so I am pleased that the resolution before us does not embrace abortion and, instead, properly links maternal health care and child survival to survival of all children, including the fragile and the vulnerable unborn baby.

Birth is not the beginning of life, Mr. Speaker. It is merely an event in the baby's life that began at the precise moment of fertilization. Life is a continuum with many, many stages. Human rights should be respected from womb to tomb. We need to recognize this biological fact in policy, funding and programming, and treat both mother and baby, unborn baby as well, as two patients in need of respect, love and tangible assistance. We need to affirm them both.

Mr. Speaker, in 1985, I sponsored the Child Survival Fund Amendment that doubled funding to $50 million, and it was adopted into law. The legislation financed global vaccinations, oral rehydration therapy. I think many Members will be a little bit shocked to learn that a leading cause of child death is from diarrheal dehydration and the problems that result from that, while oral rehydration therapy can prevent it simply by getting fluids into that young child. It also focuses on growth monitoring and breast feeding. So I'm happy to say that the resolution also speaks to that issue very, very soundly.

UNICEF recognizes that unborn children and newborn children require care and nurturing, stating, and I quote, "significant improvement in early neonatal period will depend on essential interventions for the mother and babies before, during and immediately after birth.

□ 1730

According to the latest estimates for 2000 to 2006, at present in the developing world, one-quarter of pregnant women do not receive even a single visit from a skilled health professional, doctor, nurse, or midwife, and only 59 percent of births take place with the assistance of a skilled attendant, and just over half take place in a health facility. That has to be addressed.

And yet the care for the mother and unborn child cannot be restricted to medical conditions and consultations, I should say, as important as they are. For example, in its child survival series, the Lancet identified fetal malnutrition and lower maternal body mass index as likely factors in neonatal mortality rates and fetal-growth retardation. Just as undernutrition is the underlying cause of a substantial percentage of all child deaths, the mother's nutritional status has a direct bearing on the unborn child's development and the ability to survive, and of course, on her life as well.

While visiting refugee camps in Sudan in the Darfur region, Mr. Speaker, I asked a group of women what is it that they required most, and I asked this at each and every camp, from the Muchar-Kama camp, all of the camps that I visited, they were unanimous. They wanted access to nutritious food so that these nursing mothers could continue to meet the needs of their infants. It was all about the two working together.

If we are to address child and maternal deaths and go even further to ensure the healthy development of the baby through adolescence and the long-term health of the mother, the baby and the mother must be provided adequate nutrition and health care from the earliest stages of life prior to birth.

In sum, the lack of prenatal care, the lack of adequate nutrition during pregnancy, the lack of sterile birthing environments, the lack of clean blood, and the lack of access to essential obstetrical services all contribute to the deaths of women and children. We must do more to save the lives of both, and the Child Survival and Maternal Mortality Initiatives must recognize, embrace, protect, and assist both women and their children, both born and unborn, from all threats including disease, hunger, trauma, and violence.

Mr. DINGELL. Mr. Speaker, I submit the following exchange of letters for the RECORD:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 19, 2008.
Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H. Res. 1022, a resolution introduced by Representative Lois Capps (D-CA) for the purpose of reducing maternal mortality both at home and abroad. This legislation was initially referred to the Committee on Energy and Commerce and, in addition, to the Committee on Foreign Affairs.

Representative Capps has requested that the Committee on Foreign Affairs waive consideration of this resolution. Based on the discussions that the staff of our two committees has had regarding this resolution and in the interest of permitting your Committee to proceed expeditiously to floor consideration of this important resolution, I am willing to waive further consideration of H. Res. 1022. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Please place this letter in the Congressional Record during consideration of the measure on the House floor. I look forward to working with you as we move this important measure through the legislative process.

Sincerely,
HOWARD L. BERMAN,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 19, 2008.
Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: I write with regard to H. Res. 1022, a resolution on reducing maternal mortality both at home and abroad, which was introduced by Representative LOIS CAPPS. The resolution was referred to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs.

It is my understanding that Rep. CAPPS has requested the Committee on Foreign Affairs to waive consideration of the resolution. I appreciate that you have agreed to do so in order to permit the Committee on Energy and Commerce to proceed expeditiously to floor consideration of the resolution. I agree that your willingness to forgo further consideration of this resolution does not waive any future jurisdictional claim over the subject matters contained in the resolution that fall within the jurisdiction of the Committee on Foreign Affairs under rule X of the Rules of the House.

Thank you for your assistance in moving this important measure through the legislative process.

Sincerely,
JOHN D. DINGELL,
Chairman.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H. Res. 1022.

I was proud introduce this resolution with my colleague and Co-Chair of the Congressional Caucus for Women's Issues, CATHY MCMORRIS RODGERS.

And I am equally proud that 122 Members of the House joined in cosponsoring H. Res. 1022, including almost every single woman Member of the House and our esteemed Speaker NANCY PELOSI.

Last fall, I was fortunate to lead a delegation of women Members to a conference entitled "Women Deliver."

This conference brought together nearly 2000 participants from around the world, including parliamentarians, diplomats, health professionals, patients and activists.

We joined there and resolved to make a greater investment in women in order to improve maternal health.

No woman should have to die giving life and I was proud to see individuals from every background—ethnically, culturally, religiously, and from all income levels—agree that we must deliver for women by ensuring that they can safely deliver.

The 500,000 maternal deaths that occur annually are largely preventable.

We know that through family planning, making emergency care more widely available, and increasing the number of skilled health professionals who can attend to births we can combat the epidemic of maternal death both at home and abroad.

After all, the United States is not immune to maternal death and we experience the highest rate of maternal mortality than all other industrialized nations.

As we close out the month of May, when we celebrated Mother's Day, let's join in making a stronger commitment to improving maternal health.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 1022, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

Ms. SCHAKOWSKY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 369) supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 369

Whereas osteoporosis, a disease characterized by low bone mass, structural deterioration of bone, and increased susceptibility to fractures, is a public health threat for an estimated 44 million Americans;

Whereas in the United States, 10 million individuals already have the disease and almost 34 million more are estimated to have low bone mass, placing them at increased risk for osteoporosis;

Whereas one in two women and one in four men over age 50 will have an osteoporosis-related fracture in her or his remaining lifetime;

Whereas building strong bones during childhood and adolescence can be the best defense against developing osteoporosis later;

Whereas osteoporosis is often thought of as an older person's disease, but bone health is a concern for any age;

Whereas substantial risk has been reported in people of all ethnic backgrounds;

Whereas although osteoporosis often has no symptoms in its early stages, a bone mineral density test can be used to assess fracture risk and to establish the diagnosis and severity of the disease in people at risk before they start fracturing their bones;

Whereas in 2005 osteoporosis was responsible for an estimated 2 million fractures and $19 billion in costs;

Whereas the Surgeon General believes that bone health is critically important to the overall health and quality of the life of Americans; that it is in jeopardy and will only get worse if left unchecked; and that great improvements in the bone health status of Americans can be made by applying what is already known about early prevention, assessment, diagnosis, and treatment;

Whereas optimum bone health and prevention of osteoporosis can be maximized by a balanced diet rich in calcium and vitamin D; weight-bearing exercise; and a healthy lifestyle with no smoking or excessive alcohol intake; and

Whereas May 2008 would be an appropriate month to observe National Osteoporosis Awareness and Prevention Month: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of National Osteoporosis Awareness and Prevention Month and urges the people of the United States to observe appropriate programs and activities with respect to osteoporosis, including talking with their health care professionals about their bone health.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from New Jersey (Mr. SMITH) will each control 20 minutes.

GENERAL LEAVE

Ms. SCHAKOWSKY. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 369, supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month. As a cosponsor of this resolution, I'm proud to offer my support for designating May 2008 as National Osteoporosis Awareness and Prevention Month.

Osteoporosis is a disease characterized by low bone mass, structural deterioration of bone, and increased susceptibility to fractures. Osteoporosis is a leading cause of fractures, which is of special concern to the aging as it takes longer for older bones to heal than younger Americans. In 2005 alone, osteoporosis was responsible for an estimated 2 million fractures.

While osteoporosis is rightly associated with aging, bone health is a concern for people of all ages. In this spirit, House Resolution 369 urges everyone to observe appropriate activities with regard to osteoporosis and to talk with health care professionals about bone health.

I want to thank my colleague, Congresswoman SHELLEY BERKLEY, for her leadership in bringing this resolution to the floor today. I urge my colleagues on both sides of the aisle to join me in support of its adoption.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 369, recognizing May as National Osteoporosis Awareness and Prevention Month.

Osteoporosis is often thought of as an older person's disease, but building strong bones during childhood and adolescence can be the best defense. A healthy lifestyle can lower the chances of having osteoporosis by maintaining a balanced diet rich in calcium and vitamin D. It is important that Americans monitor their bone health to ensure that they are not one of the 1.5 million victims of fractures that occur annually.

Given its influence on the risk of fragility, fracture, osteoporosis may significantly affect the quality of life for those who do not know about early prevention, assessment, diagnoses, and treatment.

I would especially like to thank the author of the resolution, Ms. SHELLEY BERKLEY of Nevada, for raising public awareness of osteoporosis. I encourage all of my colleagues to vote in favor of the resolution.

I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased to yield such time as she may consume to the sponsor of this resolution and someone who has been a great leader in bringing attention to the disease of osteoporosis, the gentlelady from Nevada, SHELLEY BERKLEY.

Ms. BERKLEY. Mr. Speaker, I want to especially single out Chairwoman SCHAKOWSKY for her concern and her leadership on this issue.

I rise today in support of recognizing May as National Osteoporosis Awareness and Prevention Month. Osteoporosis and low bone density affect more than 44 million Americans over the age of 50. Many are unaware of their risks for osteoporosis and therefore never take the steps that are necessary and relatively easy to prevent this disease.

Like many Americans, I had no idea that I was at risk for developing osteoporosis. When I was running for Congress in 1998, I was first diagnosed with this disease. Fortunately, since I received a proper diagnosis, within 10 months of receiving the diagnosis and getting the proper treatment, I was able to stop my bone density loss and my bones actually began to strengthen again.

Now, it became very apparent to us once I was diagnosed that my two grandmothers more than likely had osteoporosis. As they aged, they became more bent over and they started breaking bones, but we just thought that was part of old age and we never imagined, because in those days you didn't get tested for that sort of thing, that they both probably suffered from osteoporosis as well.

Because of my personal experience with osteoporosis, I'm committed to ensuring that Americans are aware of the importance of strong bones so they can reduce their chances of developing the disease, and that's why I have introduced House Resolution 369, the Osteoporosis Awareness and Prevention Act. Among the resolution's goals is to bring attention to the importance of building strong bones during childhood and adolescence. Up to 90 percent of peak bone mass or optimum bone strength is acquired by age 18 in girls and age 20 in boys, which makes childhood and adolescence the best time to invest in your bones.

This resolution also addresses the importance of eating a balanced diet rich in calcium and vitamin D, participating in weight-bearing exercises and choosing a lifestyle without smoking or alcohol consumption. Each year, as Chairman SCHAKOWSKY has already stated, there are more than 2 million osteoporotic fractures costing about $19 billion a year.

I strongly urge my fellow citizens to visit their doctors, get screened for osteoporosis; and I urge my colleagues to support this resolution and other pieces of legislation that are providing for bone density screening. Rather than cutting this important part of preventative care, we ought to be enhancing it, and I urge support of this resolution and others that affect the health and well-being of our fellow Americans.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I appreciate the support from the other side of the aisle, and I certainly appreciate the leadership of Congresswoman BERKLEY.

I, myself, a while ago was diagnosed with a pre-osteoporosis condition, and it's rewarding to find that if you take the medication and you do weight lifting kind of exercises that you can actually reverse the process. Now my screenings indicate that I no longer have those symptoms, although I continue to take the medication and do the exercises. So people should not see it as totally irreversible or untreatable in any way. But most of all, I think the emphasis on prevention is so very important.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 369, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

THE JUSTICE SYSTEM SHOULD FREE BORDER AGENTS IGNACIO RAMOS AND JOSE COMPEAN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, border agents Ignacio Ramos and Jose Compean were the victims of an overzealous and media-hungry Federal prosecutor that seemed to be a political puppet of the Mexican government rather than seeking American justice.

While patrolling the border, Ramos and Compean shot an illegal trespasser and drug dealer who was smuggling $1 million worth of dope across our border into Texas. Ironically, the two agents were tried for civil rights violations and sent to prison.

Last year, a Federal judge said that the prosecution overreacted in this case. Here is what occurred. The drug dealer was given immunity to testify against the agents, and the bought-and-paid-for witness's testimony, believability, and credibility, was the basis of the entire prosecution. But the prosecutor hid from the jury that the drug smuggler witness continued to bring in drugs into the United States while the trial was pending; and the U.S. attorney has now admitted the back-room-deal witness also lied.

Our justice system should free these two border agents because of the lying paid-for witness, and our government needs to get on the right side of the border war.

And that's just the way it is.

□ 1745

ENERGY PRICES

The SPEAKER pro tempore (Ms. CASTOR). Under a previous order of the House, the gentleman from Tennessee (Mr. DAVID DAVIS) is recognized for 5 minutes.

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I'm here tonight to speak a little bit about energy process.

Unfortunately, some folks here in the Congress seem to think that we can tax our pick-up trucks and our cars from empty to full. Just recently, a congressman proposed a 50-cent tax increase on gasoline. You heard me correct, an extra 50 cents added to each gallon. Someone actually proposed that here in the House of Representatives.

I would say that 99 percent of my constituents don't want another 50 cents in taxes added to their gasoline prices. That 50-cent tax increase would put gas at around $4.12 cents per gallon.

If you would like to effectively cripple the families and small businesses across the United States and back in my First District of Tennessee, a 50-cent tax increase would do just that. Madam Speaker, that just doesn't make any sense to me.

What we need is some east Tennessee commonsense, along with another lesson from the 8th grade civics class and economic classes. When demand is high, supply is low, then energy prices will be outrageous. That's exactly what we see today. How do you bring down energy prices?

Eighth grade economics: create a bigger supply. How do you create a bigger supply of energy? No more excuses. First, we need to stop making excuses. We need an energy policy that allows us to use American energy. We need to drill for oil in ANWR and off the Outer Continental Shelf. We need to use fuel sources in Colorado and North Dakota, just to name a few. We need to use our abundant coal supply through the use of clean coal technology. We need to create safe nuclear power plants and we need to build new refineries. No more excuses. And we need to expand our green energy initiatives like switchgrass, wind power, solar power and hydroelectric power.

We don't need an energy piece; we need an energy policy. You can't take one part of an energy policy and call it a policy. I'm all for green energy, but green energy will only get you to about 6 percent of our energy needs in America. That only leaves 94 percent. We need an energy policy.

Right now, there is a limited supply of oil being imported into the United States by countries who hate us and hate our freedoms. We're at the mercy of these countries. My family, your family, small businesses across America and the families in the First District of Tennessee are all at the mercy of countries who hate us and hate our freedoms.

A sound energy policy that explores new green initiatives, while investing in American energy sources, is what we need and we need it now. Not another tax increase, not another regulation, not another restriction that some people believe would help fill up our pick-up trucks and our automobiles. We need a common-sense energy policy. No more excuses.

THE ENEMY WITHIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, U.S. technology in the Nation's defense industry is unsurpassed anywhere in the world. Because of this, our enemies want to steal it, use it against us, or copy it. They want to do it for their own military operations.

Private American corporations are to be commended for their expertise in national defense technology development. However, fifth column individuals and businesses that sell this sensitive military equipment to our enemies are nothing more than modern-day Benedict Arnolds and should be treated as such.

Our troops in Iraq and Afghanistan, for example, use night-vision goggles and night-vision rifle scopes to search out and destroy our enemies, but this equipment is being stolen in record numbers by businesses and individuals that are selling out America for that filthy lucre, or money. I think these people need to be treated as the treasonous traitors that they are.

According to USA Today, more than 40 businesses or individuals have been charged with stealing or exporting night-vision technology to people who are our enemies. Some charged are alleged to have sent the equipment to Iran, to China and to al Qaeda affiliates. Nations such as China can use reverse technology and copy the highly sensitive equipment and use it for their own benefit.

This equipment is also very costly. Each pair of new, high-tech, night-vision goggles cost around $4,500. These goggles help our troops in the desert of the sun and the valley of the gun in Iraq and Afghanistan.

USA Today further reports that ITT sent restricted product data to China and other countries with intent to outsource production of this sensitive equipment. It paid a $100 million fine, and I commend the judge for not only ordering the fine but he ordered half of that fine to be spent in developing a new generation of night-vision technology.

However, just paying a fine for supplying our enemies with advanced defense technology is just the cost of doing business. Corporate executives should not be allowed to hide behind the corporate veil when it comes to supplying aid and comfort to our enemies.

Crooked execs should not be allowed to buy their way out of jail by paying a fine that they don't even pay for. Their corporation pays that fine.

If business executives that dealt with our enemies went to jail, maybe in Guantanamo Bay prison where we keep other enemies of the United States, they might be careful about selling out America for 30 pieces of silver.

And Congress, rather than investigate steroids in baseball, might need to investigate these businesses and individuals who keep buying and stealing American equipment and selling it to our enemies. We owe our troops this investigation.

And that's just the way it is.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, well, here we are after nine months, today, May 19, and this body is yet to provide Admiral McConnell with the tools he's asked for in order to protect the American people from another cataclysmic attack against our Nation.

When the Director of National Intelligence, Admiral McConnell, first came to Congress for help, he was only given a 180-day authority to conduct surveillance, which he described at the time as necessary to close critical intelligence gaps. Of course, after a short 2-week extension, that authority, which we called the Protect America Act, actually expired on February 16 at 12:01 a.m.

So we're in day 95. Three months and 5 days later, 13 weeks later, 22,080 hours later, 136,800 minutes after the FISA fix which we gave to the intelligence community of our Nation, that fix expired. Unfortunately, the so-called RESTORE Act, passed as a substitute by the majority party, repealed core provisions requested by Admiral McConnell.

While the Senate passed a bipartisan 6-year extension of a new FISA bill based on the Protect America Act, thus responding to the real world concerns of our Director of National Intelligence, unfortunately the Members of this chamber were denied a clean up-or-down vote on it. The end result is that here we are, nine months from the time this process of fits and starts began, without an effective response to the most serious national security threat of our time.

Madam Speaker, are we supposed to believe that al Qaeda has somehow lost its determination to kill innocent Americans? Well, as recently as Friday, Osama bin Laden was issuing threats against both the little Satan and the big Satan. I don't know about you, but I think we should want to remove all obstacles to listening in on his conversations.

For there is no evidence, none whatsoever, that these homicidal extremists have any less desire to kill us and others perceived by their twisted psychotic logic to be legitimate targets. Yes, innocent men, women and children.

No, the evidence is unequivocal and clear. Since 2001, attacks actual and premeditated have been a constant across the globe: attacks in Bali, Indonesia, in 2002 and 2005; a planned attack on Barcelona 2003; a deadly attack in Riyadh, Saudi Arabia, in 2003; a foiled plot in Istanbul, Turkey, in 2003; a deadly attack in Casablanca, Morocco, in 2003; a terrible attack in Madrid, Spain, in March 2004; attempted attacks in the Philippines 2004; a deadly London attack in July 2005; a plan to blow up airliners over the Atlantic in 2006; an attack in Algeria in 2006; an intended attack in Denmark in 2007; and a planned attack in Germany in 2007. Al Qaeda has also tried to overthrow the governments of Egypt in 2004, Jordan in 2005 and Saudi Arabia in 2007.

For we no longer live in a world where wishful thinking is permissible, if we wish to fulfill our obligation to those who sent us here to represent them and to protect them and future Americans, this is the first obligation of government, and we no longer have the option of pretending otherwise. Although, pretending otherwise seems to be in the air these days.

The President of the United States addressed a session of the Knesset in Israel. There, celebrating the 60th anniversary or birthday of the State of Israel, in the context of remarks made by the leader of Iran to wipe off the face of the earth Israel, in light of other comments made by others affiliated with terrorists that we should see the day soon where Israel will no longer exist, in the context of speaking to a country whose birth grew out of the terrible experiences of the Holocaust in Germany, the President of the United States referred to the failure to act at that time by America and other countries around the world, the failure to even admit that there was a serious problem of cataclysmic consequence.

And when the President merely quoted a senator from that era who happened, by the way, to be a Republican, to suggest in the words of this senator of that time that if he'd just had a chance to talk with Hitler perhaps the future of the world would have been different, when the President merely says that in the context of the celebration of the 60th anniversary of the State of Israel, at a time when there are those in this world crying for their destruction, and at a time when rockets are lobbed into Israel on almost a daily basis, the response by some in this country is to criticize the President for uttering those words, to suggest that he had no right to say that, and to suggest that somehow he was accusing others of appeasement, who he had not even named.

Was the President suggesting that terrible circumstances in the world, adding up to a threat against us and those who ally with us, are dismissed by some as insubstantial or inconsequential? I think the President did suggest that. I think the President thought or stated that people who hold that view are dangerous to themselves and others because they are not confronting the evil that is in the world today.

☐ 1800

And sometimes that appears to be the problem we have here. Where is the sense of urgency about the threat that is around us?

Sometimes, when we just talk about it, those that talk about it are accused of being fearmongers, trying to stir up the country, trying to take rights away when, in fact, they are merely reciting the facts in the world today.

Our policy as a Nation must begin with the recognition of reality. However inconvenient or discomforting it must be for some of us, we must recognize that meeting the challenge posed by those who seek to kill us is going to be not a short-term challenge, but a long-term challenge. It will, therefore, require a long-term commitment to and a long-term investment in our security. And this must begin with the recognition by the leadership of this body that listening to the conversations of terrorists overseas is essential to our ability to protect ourselves and those who live in neighborhoods and communities across this great Nation.

As a member of the Homeland Security Committee, I can say that over the 4 years the committee has been in existence we have sought to work together, Democrat and Republican, to try to protect and secure our homeland from another horrific attack. And it is my view that, although we are considerably safer today than we were on 9/11, we are, nonetheless, not safe enough.

We must never accept the mistaken notion that we can achieve security on the cheap, either in money, tactics or strategy. I fear, however, that we have lost that sense of urgency corresponding to the real risk to our Nation. A proper understanding of the risk requires a vigorous and rigorous assessment of our vulnerability, the consequence of our enemy successfully penetrating that vulnerability, and the threats to our vulnerabilities. In other words, risk equals threat plus vulnerability plus consequences.

And while all three components are important, and some would say all are equal, I would argue that one is more equal than the others, and that is threat. Why do I say that? I say that because we have it within our capacity of knowledge to know what our vulnerabilities are. We can assess a dam. We can assess this building. We can assess the White House. We can assess our distribution systems of electricity and see where the vulnerabilities are. We can run computer models. We can even run simulated attacks and discover what those vulnerabilities are. Similarly, we have it within our capacity to know the consequences. We can figure out what the consequence of destruction of this building would be, what the destruction of a particular dam would be, what the destruction of a distribution system for power would be in a particular area of this country. But what we don't have in our own arsenal of knowledge is an understanding of the threat, because the threat, in large measure, resides in the minds of those who would attack us and, therefore, we have to try and get into their minds. That is why I would suggest that the threat component of a risk assessment is perhaps more equal than the others.

It remains my belief that the threat of another attack is real, not imaginary. You do not have to take my word for it or anybody on this side of the aisle or the President of the United States, for the murderous extremists themselves have not been shy concerning their purposes and objectives. Al-Zawahiri has said, "Like their glorious ancestors, the Afghan jihadists believed that they, too, had brought down one global superpower, and now these modern-day knights must recommit their efforts to wreaking havoc on the remaining one, the United States."

In October 2001, just one month after September 11, bin Laden said, and I quote him directly, "If inciting people to do that"—he's referring to 9/11—"is terrorism, and if killing those who are killing our sons is terrorism, then let history be witness that we are terrorists. We practice the good terrorism." The next year, Osama bin Laden issued a fatwa authorizing the killing of up to four million Americans and specifying that half of them should be children. Those are not my words, those are not my threats, those are the threats of Osama bin Laden.

I believe the threat to be real. And the consequences of al Qaeda obtaining weapons of mass destruction regrettably cannot be put in the category of unthinkable because of the evidence of their efforts to do so, thankfully unsuccessful to this point.

My point, however, is that we cannot rely solely on our domestic efforts to secure the homeland, as important as they are, and thereby hope that we will reach a level of perfection in that we are capable of foiling every single terrorist plot in order to prevent a cataclysmic attack on our Nation. No. The consequences are simply too horrendous to not use every tool available to us.

The ability to capture the communications of terrorists overseas before they are able to strike is a key component of being able to extend our defensive perimeter beyond the shores of our homeland. As Brian Jenkins of the Rand Corporation has pointed out, in the terror attacks since 9/11 we have seen combinations of local conspiracies inspired by, assisted by and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens, we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.

Again, as this Rand Corporation scholar points out, if we are to be successful in the protection of American citizens, the collection of intelligence must be a central component of our strategy. Our concern here is not to spy on Americans, but, rather, to listen to the conversations of those who want to kill Americans, and to be even more specific, to listen in on those conversations of those who are outside the United States and who happen to be plotting to kill Americans.

Now, some have said, what if such calls happen to be made by, say, Osama bin Laden or one of his lieutenants or some associate to someone inside the United States, doesn't this raise civil liberties and privacy concerns because of the fact that an American happens to be on the receiving end of the call? Again, the objective of our efforts remains to target a foreign terrorist. From a technical standpoint, one should understand that it is only possible to target one end of the conversation. Furthermore, our intelligence agencies have no control over who that overseas terrorist suspect may call. 99.9 percent of the time it may be, and we believe it to be, another foreign person, most likely someone that they are talking about their terrorist activities with.

Admiral McConnell made this very point in responding to questioning during our Judiciary Committee hearing; the admiral responded this way: "When you're conducting surveillance in the context of electronic surveillance, you can only target one end of the conversation. So you have no control over who that number might call or who they might receive a call from." Furthermore, if Osama bin Laden happens to dial the wrong number and gets a pizza delivery boy or girl in San Diego, there are minimization procedures in the law, in the Protect America Act, in the current circumstances in which they operate these programs, minimization procedures to protect the privacy rights of the innocent American on the other end of the line. It is similar to the minimization processes that we use every single day when law enforcement in the United States, acting on a legal wiretap against a suspected criminal, overhears the conversation involving someone on that criminal's phone and somebody else. And if that person is an innocent actor in all of this, that part of the conversation is minimized. If, in fact, it turns out that the specific legal target we have is calling someone who also is involved in the illegal activity, then the process or procedure, as followed for years—I think as many as 50 years—is to go to court and get a warrant with respect to that other person. That is precisely the format that we use under the Protect America Act.

The purpose of the surveillance of foreign terrorists overseas is nothing more or nothing less than to do this single thing: to listen to the foreign terrorist overseas. I hasten to add, however, that if Osama bin Laden or one of his lieutenants happens to call somebody in the United States, it probably doesn't take a rocket scientist to surmise that this is probably a conversation that our intelligence community might be interested in. Nevertheless, they would have to follow the procedures I've just outlined because the target of the surveillance would be Osama bin Laden outside of the United States. The conversation he has with someone in the United States, if that were to take place, would be subject to minimization.

I would hope that this surely would be an issue we could agree upon. However, here we are, 9 months after Admiral McConnell came to the Congress with the entreaty that we need to "close critical intelligence gaps," 95 days after the short-term fix has gone out of existence—that's 3 months and 5 days ago—and here we are basically accepting a failure to close critical intelligence gaps as requested by Admiral McConnell.

We were told that we were failing to surveil somewhere between one-half and two-thirds of the overseas conversations that we should be listening to. What do we mean by that? We mean the same type of terrorist targets that we've been keying on for years because we didn't have this problem prior to a year ago March, when a FISA judge—that's the Foreign Intelligence Surveillance Act court judge—said that because the technology had changed from the time the law was originally passed in 1978, from most overseas, long-distance conversations or overseas conversations going through the air, going through satellite transmission and thereby capable of being captured by our intelligence community and therefore not under the FISA law, to the point now where technology actually has most of that, the vast majority of those kinds of conversations being carried by wire with connections that happen to be somewhere in the United States.

So while the content of the conversation hasn't changed, the means by which the transmission of the conversation has changed, and that technicality was used by the judge to say you now have to get a warrant and go through all of those procedures necessary to protect the interests of someone in the United States under the Constitution. Now they have to be applied to these foreign conversations, not because the conversation has changed, not because the target has changed, rather, because the technology of transmission had changed. Oh, by the way, the judge suggested, we are told, that it didn't appear to be the intent of Congress when they wrote the law in 1978, and he suggested that the intelligence community go to the Congress for the change.

So here we are. We have failed to provide the Director of National Intelligence with the tools that he told us he needs if he is able to do his job and able to protect the American people, the job he is sworn to do. In my estimation, this is surely one of the great failures of this or any other Congress, to live up to what is generally recognized to be our primary responsibility, to protect those who have empowered us to act on their behalf.

And let me add at this point that such a failure appears to be entirely inexcusable in a post-September 11 environment. It is for that reason most troubling to learn that U.S. Attorney General Michael Mukasey and Admiral McConnell, Director of National Intelligence, have indicated that we have lost intelligence information as a direct result of "the uncertainty created by Congress' fail to act."

So let me repeat, both the top law enforcement official in the Federal Government and the most senior intelligence officer in our Federal Government have told us that there have been direct consequences resulting from the fact that this body has dropped the ball since February 15th of this year.

It should be interjected that neither of these men have a history of partisan political agendas. Attorney General Mukasey has a solid reputation as a sober-minded former Federal judge with great expertise in national security law. Judge Mukasey presided over the criminal production of Omar Abdel Rahman and El Sayyid Nosair relating to their plot to blow up the United Nations and other Manhattan landmarks uncovered in an investigation of the 1993 World Trade Center bombing. As a testimony to his stature as a jurist, his name was one of four submitted by the senior Senator from New York for consideration as a possible United States Supreme Court nominee.

In a similar vein, Admiral McConnell has a solid reputation of service to his country in both Democratic and Republican administrations. Along with a distinguished military career, his service as Chief of the National Security Agency for I believe 6 years during the Clinton administration is a testimony to his nonpartisan service. One noteworthy incident alone provides us with persuasive evidence of Admiral McConnell's independent judgement. Now, regardless of how one interprets the most recent National Intelligence Estimate concerning Iran, the one that was so controversial, any attempt to attack Admiral McConnell as a "tool" of the Bush administration would appear to lack all credibility. There should be no doubt in anyone's mind that Admiral McConnell is a man of honor who calls it as he sees it.

Both officials have told the Congress what the country needs, and yet the majority of this body has told them no. Both officials have told the Congress that the country needs help, and yet the majority in this body has told them no, told them no, that they know better. Now, although institutional pride makes it painful for me to say it, the truth requires an acknowledgement that the other body did rise to the challenge of avoiding partisanship.

□ 1815

They did it with a bipartisan bill, which, although distinct in some aspects from the administration proposal, nevertheless was responsive to the request by Admiral McConnell. And this is as it should be. For the responsibility to give the intelligence community what it says it needs for its surveillance of foreign terrorists outside the United States has absolutely nothing to do with partisan politics. Our intelligence needs out there in the real world are critical to what theorists refer to as a zero-sum game. Our failure to obtain the intelligence we need to discover a terrorist attack planned outside the United States is a loss for all Americans. Those killed on 9/11 weren't Republicans or Democrats; they were human beings. Most were Americans but many were not. We owe it to those who perished, to those who live today, and to further generations not to allow transient political considerations to cloud our judgment. The Senate has shown that it's possible, even in even-numbered years, to do what's right.

So how is it, then, that men and women in this body, who I know personally to be persons of goodwill, have resisted the call to bipartisanship by public servants like Attorney General Mukasey and Admiral McConnell? How is it that, unlike the Senate, we have been unable to, in my judgment, rise above partisanship?

Let me make it clear that I have the deepest respect for my colleagues on the other side of the aisle who obviously love their country, as I do, and their patriotism is not an issue in this debate. So I searched to try to figure out what is it? And I have come to the conclusion that at its root, this terrible error can be found in the misgotten judgment of the Democratic leadership of this body to draw a line in the sand over an issue of providing lawsuit immunity protection for those telecommunications companies and individuals who may have come to the aid of their country in the aftermath of the horrific attacks on 9/11. The so-called Restore Act, which passed this body, did nothing, does nothing, to protect those who responded to the call for help from their government. Instead, the response of the leadership of this body was to throw those people into a litigation tank filled with plaintiff's lawyers. The grant of a waiver of the State secrets doctrine resembles anything but a lifeline. The companies remain in the tank left to fend for themselves. As one of the Members of the other side said in hearings that we had in the Judiciary Committee, well, these companies have millions of dollars' worth of lawyers, as if that's the proper answer. This sends the worst possible message to all Americans. After all this who would be dumb enough to respond to the entreaties of their government in a time of crisis? Would corporate counsel or board of directors anywhere in the land conclude otherwise?

Attorney General Mukasey and Director of National Intelligence McConnell frame the issue clearly in a letter to the Senate supporting the language in that bipartisan Senate bill: Without retroactive immunity the private sector might be unwilling to cooperate with lawful government requests in the future without unnecessary court involvement and protracted litigation.

The House leadership response, unfortunately, turns the notion of the "Good Samaritan" upside down and hits the delete button erasing the ethic of a bygone era when school children, including myself, were taught to type these words: "Now is the time for all good men"—today we would add "women"—"to come to the aid of their country." Now you can't say that. In the absence of action here in the House, conforming to what the Senate has done already on a bipartisan basis, you have to turn that around and say, "Now is the time for all good men and women to come to the aid of their country only when they have their lawyers and accountants with them."

According to statements by the distinguished junior Senator from West Virginia during debate in the Senate, and he is, I believe, the chairman of the Senate Intelligence Committee, these companies acted in response to letters, all of which stated the relevant activities had been authorized by the President. All but one, and that was done by legal counsel to the President, stated the activities had been determined to be lawful by the Attorney General of the United States. Now, that is the set of facts presented in the Senate. I believe to suggest that these companies should not be able to rely on such representations from the highest levels of our government is beyond comprehension. Yet instead of receiving gratitude, these modern "Good Samaritans" appear to be captive to a larger dynamic, a political dynamic involving the leadership of this body and the "MoveOn.org" left, which can countenance nothing which involves Bush either directly or indirectly. As a result, these companies and individuals have been caught in a political crossfire not of their own making. People say, well, we disagree with what the present administration did. We suspect they did things that were not within the authority of the President. Now, I would strongly disagree with that, but that's the position that some take. So rather than aim at the administration through whatever processes we have under the Constitution, they aim at these three-party "Good Samaritans," as if they can by litigation bring them into the judicial doc and cause them enough pain that somehow they will stop doing what they're doing and in the process reveal something that the administration did. And yet there is no one who I believe has looked at the documents who's made a credible claim that the administration did anything without an express statement of authority.

However, even if you don't care about the question of fairness, there's another overriding consideration relating to the protection of the American public. Again, as the Attorney General and Director McConnell point out:

"Extending liability protection to such companies is imperative. Failure to do so could limit future cooperation by such companies and put critical intelligence operations at risk. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation."

In short, what they are saying is if the absence of retroactive liability protections leads to private partners not cooperating with foreign intelligence activities, we can expect more intelligence gaps.

Now, here I might even quibble about whether we're talking about presenting retroactive liability protection. Some believe that these companies already have that liability protection but that because of the strange way in which the laws of intelligence and the courts of intelligence work, they are not able to even present those, and so we ought to clear this up.

So let's stop for a moment to contemplate what we've been told by these public officials. If we fail to provide liability protection in a way that they can use it for these companies who relied on assurances from the highest levels of government, the result may very well be an absence of such cooperation in the future and more intelligence gaps.

As a matter of fact, it goes beyond this. A number of attorneys general of the United States signed a letter expressing their concern about what this would do to the common law oftentimes framed in statute protections given to those people, average everyday citizens or companies, who respond to a request from local and State government to assist when local or State government officials think a crime is about to occur or is occurring or in a state of emergency. These State attorneys general feared that the action of the Congress not recognizing this immunity theory, which although embedded in statute goes back, I believe, at least 700 years into Anglo law, that a disrupting of this concept of cooperation by a citizen of the United States at the request of legitimate lawful authority, that that could stop in the efforts to stop crime and also investigate crimes at the State and local level. So as a matter of public policy, this is simply unacceptable. We have been warned that the failure to step up to the plate on the issue of immunity will mean less intelligence on al Qaeda and greater difficulty in "connecting the dots." Maybe such a warning could have been ignored in a pre-9/11 environment with our naive feelings of invulnerability. However, we no longer live in an age of innocence. We know better. We know that we no longer have the ability to delude ourselves into thinking that everything will be okay. Today we live in a world where we must operate from the premise of a very different assumption. There are radical extremists overseas who want to come here with the express purpose of killing us. They have a mens rea of murder on their minds. That is the purpose for which they live, and in their twisted minds, it is only through the achievement of such an objective that they will realize their own expiation.

This is their mindset. This is what drives them. This isn't what I am saying; this is what they say. As Hasann Butt, a former jihadist, has explained, "I was a fanatic . . . I know their thinking . . . When I was still a member of what is probably best termed the British Jihadi Network . . . I remember how we used to laugh in celebration whenever people on TV proclaimed that the sole cause for Islamic acts of terror like 9/11, the Madrid bombing, and 7/7 was Western foreign policy." Yet "by blaming the government for our actions, those who pushed this 'Blair's bombs'—he's speaking of it in the context of British terrorism—"those who pushed this 'Blair's bombs' line did our propaganda work for us. More important, they helped draw away any critical examination of the real engine of our violence," which Butt goes on to describe concerning the attempted hijacking of Islamic theology.

Madam Speaker, with this in mind, we must not allow the broader debate concerning the United States foreign policy or the war in Iraq to obscure the need for a concerted and unified commitment to defend and protect the American people. This is where our focus ought to be. Not on a food fight over whether something six degrees removed from President George Bush might somehow imply support for him. When it comes to protecting the American people, there's no room for partisan or ideological wrangling. With respect to our Nation's need to collect foreign intelligence on foreign terrorists, the maxim that "partisanship must stop at the water's edge" should be our guide.

The time has come to say "enough already." Democrats and Republicans have come together in the other body to act in a responsible manner in meeting the needs expressed by the intelligence community relating to foreign surveillance. There's a clear majority within this body that would support the bill enacted in the Senate if they were given the opportunity to have an up-or-down vote on it. We know that from statements that have been made. We know that from the strong vote on this side of the aisle and the more than 20 Members on the other side of the aisle who signed a letter to the Speaker stating that they would support the Senate bill. It has been my hope that at some time, the leadership of this body would perceive that they had extracted a sufficient level of political currency with the "Move On" faction of their base to, in fact, move on and finally allow a vote on the bipartisan Senate bill. Even though it might not reflect everything I would have crafted in another possible world where my party was in the majority, it nonetheless reflects a sufficient response to the entreaties of Admiral McConnell concerning what is necessary to protect the American people.

☐ 1830

However, it does not appear at this point that my hope that the House leadership would find its way has in fact turned out to be the case. Therefore, it is apparent that the remedy afforded by this, the people's House, to overcome obstructionism by those who would thwart the will of the majority of its Members, must be used. The mechanism of the discharge petition to release the bipartisan Senate-passed bill from procedural captivity, unfortunately, must be utilized at this time. This is clearly where a matter of paramount concern to our Nation requires such action and calls us to rise above partisanship.

There is no issue of greater importance to the functioning of government than the need to protect the American people from threats which originate outside of our borders. That is what is involved here: Intelligence collection relating to foreign terrorists outside of the United States. The willingness of this leadership in this body to allow our Nation to lose intelligence is inexcusable. In essence, we have hit the mute button. This failure has been acknowledged by both the Attorney General and the Director of National Intelligence. It is time for us to remove the obstructions which have been placed in the way of foreign intelligence collection in this great institution of the House of Representatives, in which we are all privileged to serve, is honored when the people themselves are served. We must meet our responsibilities as elected Members of this body to ensure that the safety of the American people is secure.

Madam Speaker, there is no excuse for a day to go by that we do not act on this important matter. Unfortunately, 95 days have gone by. Let us act sooner rather than later, and let us act in a spirit of bipartisanship, taking a lead from the other body, even though we don't always like to do that, but taking a lead from the other body, that set aside partisan differences, did not give the administration everything they wanted, but came up with a bill that Admiral McConnell has assured us will work, Attorney General Mukasey has said will work, and that on the Senate side they were satisfied protects the civil liberties of the American people as we seek to listen in on those communications or capture those communications of those who would wish not to join us as Americans but to kill us as Americans.

Madam Speaker, I cannot think of anything that is more important. The sense of urgency must be here. We should act now. We should wait no longer.

With that, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SCHAKOWSKY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. DAVID DAVIS of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, May 20, 21 and 22.

Mr. MORAN of Kansas, for 5 minutes, May 20 and 21.

Mr. BURTON of Indiana, for 5 minutes, May 20, 21 and 22.

Mr. DAVID DAVIS of Tennessee, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 6, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 5715. To ensure continued availability of access to the Federal student loan program for students and families.

ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 20, 2008, at 9 a.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, REVA PRICE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 15 AND MAR. 21, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Reva Price	3/16	3/21	Switzerland		2,333.00		8,415.56				10,748.56
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REVA PRICE, Apr. 17, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CHINA, SINGAPORE, AUSTRALIA, AND NEW ZEALAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 5 AND JAN. 14, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James E. Clyburn	1/7	1/8	China		410.80		(3)				410.80
	1/8	1/9	Singapore		398.00		(3)				398.00
	1/9	1/11	Australia		1,221.65		(3)				1,221.65
	1/11	1/13	New Zealand		700.50		(3)				700.50
Hon. Bennie Thompson	1/7	1/8	China		410.80		(3)				410.80
	1/8	1/9	Singapore		398.00		(3)				398.00
	1/9	1/11	Australia		1,221.65		(3)				1,221.65
	1/11	1/13	New Zealand		700.50		(3)				700.50
Hon. Ed Pastor	1/7	1/8	China		410.80		(3)				410.80
	1/8	1/9	Singapore		389.00		(3)				398.00
	1/9	1/11	Australia		1,221.65		(3)				1,221.65
	1/11	1/13	New Zealand		700.50		(3)				700.50
Hon. Zach Wamp			China		410.80		(3)				410.80
			Singapore		398.00		(3)				398.00
			Australia		1,221.65		(3)				1,221.65
			New Zealand		700.50		(3)				700.50
Hon. Henry Brown			China		410.80		(3)				410.80
			Singapore		398.00		(3)				398.00
			Australia		1,221.65		(3)				1,221.65
			New Zealand		700.50		(3)				700.50
Hon. G. K. Butterfield			China		410.80		(3)				410.80
			Singapore		398.00		(3)				398.00
			Australia		1,140.33		(3)				1,140.33
			New Zealand		700.50		(3)				700.50
Sarah Birch	1/7	1/8	China		410.80		(3)				410.80
	1/8	1/9	Singapore		398.00		(3)				398.00
	1/9	1/11	Australia		1,140.33		(3)				1,140.33
	1/11	1/13	New Zealand		700.50		(3)				700.50
Jaime Harrison	1/7	1/8	China		410.80		(3)				410.80
	1/8	1/9	Singapore		398.00		(3)				398.00
	1/9	1/11	Australia		1,140.33		(3)				1,140.33
	1/11	1/13	New Zealand		700.50		(3)				700.50
Helen Hardin	1/7	1/8	China		410.80		(3)				410.80
	1/8	1/9	Singapore		398.00		(3)				398.00
	1/9	1/11	Australia		1,140.33		(3)				1,140.33
	1/11	1/13	New Zealand		700.50		(3)				700.50
Todd Levett	1/7	1/8	China		410.80		(3)				410.80
	1/8	1/9	Singapore		398.00		(3)				398.00
	1/9	1/11	Australia		1,140.33		(3)				1,140.33
	1/11	1/13	New Zealand		700.50		(3)				700.50
Committee total											27,043.90

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HON. JAMES E. CLYBURN, Chairman, Apr. 17, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UNITED KINGDOM, INDIA AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AND MAR. 17 AND MAR. 26, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi, Speaker	3/18	3/19	United Kingdom		1,186.00	(3)					1,186.00
Hon. Edward Markey											
Hon. Jim McDermott											
Hon. George Miller											
Hon. James Sensenbrenner											
Hon. Jay Inslee											
Hon. Eleanor Holmes Norton											
Hon. Hilda Solis											
Hon. Anna Eshoo											
Hon. Rush Holt											
Hon. Wilson Livingood											
Dr. John F. Eisold											
John Lawrence											
Mike Sheehy											
Micaela Fernandez	3/18	3/19	United Kingdom		1,186.00						1,186.00
Stacy Kerr											
Jonathan Stivers											
Dr. Ana Unrh Cohen											
Steve Rusnak											
Jeff Duncan											
Thomas Schreibel											
Hon. Nancy Pelosi, Speaker	3/19	3/25	India		3,303.00	(3)	876.00				4,179.00
Hon. Edward Markey											
Hon. Jim McDermott											
Hon. George Miller											
Hon. James Sensenbrenner											
Hon. Jay Inslee											
Hon. Eleanor Holmes Norton											
Hon. Hilda Solis	3/19	3/24					8,140.00				11,443.00
Hon. Anna Eshoo	3/19	3/25					876.00				4,179.00
Hon. Rush Holt											
Hon. Wilson Livingood											
Dr. John F. Eisold											
John Lawrence											
Mike Sheehy											
Micaela Fernandez	3/19	3/25	India		3,303.00	(3)	876.00				4,179.00
Stacy Kerr											
Jonathan Stivers											
Dr. Ana Unrh Cohen											
Steve Rusnak											
Jeff Duncan											

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UNITED KINGDOM, INDIA AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AND MAR. 17 AND MAR. 26, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas Schreibel											
Hon. Nancy Pelosi, Speaker	3/25	3/26	Spain		470.00		(3)				470.00
Hon. Edward Markey											
Hon. Jim McDermott											
Hon. George Miller											
Hon. James Sensenbrenner											
Hon. Jay Inslee											
Hon. Eleanor Holmes Norton											
Hon. Anna Eshoo											
Hon. Rush Holt											
Hon. Wilson Livingood											
Dr. John F. Eisold											
John Lawrence											
Mike Sheehy											
Micaela Fernandez	3/25	3/26	Spain		470.00		(3)				470.00
Stacy Kerr											
Jonathan Stivers											
Dr. Ana Unrh Cohen, Ph.D.											
Steve Rusnak											
Jeff Duncan											
Thomas Schreibel											
Committee total											138,729

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Apr. 28, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, TUNISIA, LIBYA AND MOROCCO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 21 AND MAR. 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John A. Boehner	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Hon. John R. Carter	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Hon. Peter Hoekstra	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Hon. Jeff Miller	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Hon. Peter J. Roskam	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Dr. Rob Summerlee	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Jennifer Stewart	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Amy Lozupone	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Danielle Maurer	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Trevor Kolego	3/22	3/25	Israel		1,278.00		(3)				1,278.00
James Lewis	3/22	3/25	Israel		1,278.00		(3)				1,278.00
Hon. John A. Boehner	3/25	3/27	Tunisia		443.60		(3)				443.60
Hon. John R. Carter	3/25	3/27	Tunisia		443.60		(3)				443.60
Hon. Peter Hoekstra	3/25	3/27	Tunisia		443.60		(3)				443.60
Hon. Jeff Miller	3/25	3/27	Tunisia		443.60		(3)				443.60
Hon. Peter J. Roskam	3/25	3/27	Tunisia		443.60		(3)				443.60
Dr. Rob Summerlee	3/25	3/27	Tunisia		408.06		(3)				408.06
Jennifer Stewart	3/25	3/27	Tunisia		408.06		(3)				408.06
Amy Lozupone	3/25	3/27	Tunisia		408.06		(3)				408.06
Danielle Maurer	3/25	3/27	Tunisia		408.06		(3)				408.06
Trevor Kolego	3/25	3/27	Tunisia		408.06		(3)				408.06
James Lewis	3/25	3/27	Tunisia		408.06		(3)				408.06
Hon. John A. Boehner	3/26	3/26	Libya				(3)				
Hon. John R. Carter	3/26	3/26	Libya				(3)				
Hon. Peter Hoekstra	3/26	3/26	Libya				(3)				
Hon. Jeff Miller	3/26	3/26	Libya				(3)				
Hon. Peter J. Roskam	3/26	3/26	Libya				(3)				
Dr. Rob Summerlee	3/26	3/26	Libya				(3)				
Hon. John A. Boehner	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Hon. John R. Carter	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Hon. Peter Hoekstra	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Hon. Jeff Miller	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Hon. Peter J. Roskam	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Dr. Rob Summerlee	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Jennifer Stewart	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Amy Lozupone	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Danielle Maurer	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Trevor Kolego	3/27	3/30	Morocco		1,162.63		(3)				1,162.63
Committee total											30,350.66

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JOHN A. BOEHNER, Chairman, Apr. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	1/1	1/2	Germany		571.00		10,014.00				10,585.00
	1/2	1/6	Georgia		1,483.50						1,483.50
	1/6	1/7	Finland		602.36						602.36

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fred Turner	1/2	1/6	Georgia		1,483.50		6,946.00				8,429.50
	1/6	1/7	Finland		602.36						602.36
Lale Mamaux	1/2	1/6	Georgia		1,483.50		10,316.88				11,800.38
	1/6	1/7	Finland		602.36						602.36
Ronald McNamara	1/2	1/8	Georgia		2,006.47		9,243.64				11,250.11
Mischa Thompson	1/14	1/19	Switzerland		1,891.88		6,201.97				8,093.85
Alex Johnson	2/13	2/17	Austria		1,356.00		4,655.93				6,011.93
	2/17	2/18	Czech Republic		347.00						347.00
Winsome Packer	2/16	3/31	Austria		15,255.00		7,734.83				22,989.83
Mischa Thompson	2/18	2/24	Switzerland		1,988.81		8,438.72				10,427.53
Erika Schlager	2/27	3/1	Greece		1,365.48		7,944.59				9,310.07
Shelly Han	3/1	3/7	Russia		3,096.00		8,098.00				11,194.00
Kyle Parker	3/1	3/7	Russia		3,096.00		8,098.69				11,194.69
Marlene Kaufmann	3/15	3/18	Jordan		867.00		11,608.84				12,475.84
	3/18	3/22	Turkey		1,436.00						1,436.00
Lale Mamaux	3/15	3/18	Jordan		867.00		10,418.84				11,285.84
	3/18	3/22	Turkey		1,436.00						1,436.00
Janice Helwig	1/12	3/31	Austria		27,120.00		5,693.53				32,813.53
Committee total					68,957.22		115,414.46				184,371.68

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Barrow	1/9	1/10	Greece		155.00		9,137.43				9,292.43
	1/10	1/12	Turkey		308.00						308.00
	1/12	1/13	Kuwait		105.00		1,083.15				1,188.15
	1/13	1/14	Afghanistan		15.00						15.00
	1/15	1/15	Iraq		11.00						11.00
Hon. Tim Walberg	1/9	1/10	Greece		155.00		9,137.43				9,292.43
	1/10	1/12	Turkey		308.00						308.00
	1/12	1/13	Kuwait		105.00		1,083.15				1,188.15
	1/13	1/14	Afghanistan		15.00						15.00
	1/15	1/15	Iraq		11.00						11.00
Hon. Lincoln Davis	2/8	2/9	Colombia		99.00						99.00
	2/9	2/10	Colombia		79.00						79.00
Committee total					1,366.00		20,441.16				21,807.16

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. COLLIN C. PETERSON, Chairman, Apr. 25, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Price		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Hon. James Moran		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Hon. Harold Rogers		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Hon. Michael Simpson		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Hon. Dennis Rehberg		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Beverly Pheto		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Jeff Ashford		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Stephanie Gupta		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
James Holm-		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Shalanda Young		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Benjamin Nicholson		1/4									
	1/5	1/7	Egypt		787.87						787.87
	1/7	1/9	Oman		738.00						738.00
	1/9	1/11	Jordan		577.84						577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Hon. Rodney Frelinghuysen	1/7	1/8	New Zealand		300.00						300.00
	1/8	1/12	Antarctica								
	1/12	1/13	New Zealand		300.00		(3)				300.00
Carol Murphy		1/1									
	1/3	1/4	New Zealand		289.80						289.80
	1/4	1/7	Antarctica								
	1/8	1/9	New Zealand		534.56						534.56
	1/10										
Commercial Air							11,173.56				11,173.56
Kevin Cook		1/1									
	1/3	1/4	New Zealand		234.56						289.80
	1/4	1/7	Antarctica								
	1/8	1/9	New Zealand		589.00						534.56
	1/10										
Commercial Air							11,173.56				11,173.56
Hon. Patrick Kennedy	12/22	12/23	United Kingdom		231.00						231.00
	12/23	12/26	Israel		501.00						501.00
	12/26	12/27	Pakistan		359.00						359.00
	12/27	12/28	Jordan		141.00						141.00
	12/29	12/30	Syria		111.00						111.00
	12/30	1/2	Austria		748.00		(3)				748.00
Michelle Burkett	1/3	1/8	Chile		1,325.00						1,325.00
Commercial Air							7,778.06				7,778.06
Hon. Frank Wolf		1/1									
	1/2	1/2	Kuwait								
	1/2	1/3	Iraq								
	1/3	1/4	Kuwait		164.00						164.00
	1/5	1/6	Jordan		291.00						291.00
	1/6	1/9	Israel		2,095.00						2,095.00
Commercial Air							9,544.00				9,544.00
John Blazey	1/9	1/11	Sri Lanka		797.03						797.93
	1/11	1/17	Indonesia		970.40						970.40
	1/17	1/19	Pakistan		742.42						742.42
Commercial Air							13,438.70				13,438.70
Kris Mallard	1/9	1/11	Sri Lanka		797.93						797.93
	1/11	1/17	Indonesia		970.40						970.40
	1/17	1/19	Pakistan		742.42						742.42
Commercial Air							13,438.70				13,438.70
Sarah Young	1/9	1/11	Sri Lanka		797.93						797.93
	1/11	1/17	Indonesia		970.40						970.40
	1/17	1/19	Pakistan		742.42						742.42
Commercial Air							13,438.70				13,438.70
Tom McLemore	1/9	1/11	Sri Lanka		797.93						797.93
	1/11	1/17	Indonesia		970.40						970.40
	1/17	1/19	Pakistan		742.42						742.42
Commercial Air							13,438.70				13,438.70
John Shank	1/7	1/11	Germany		670.00						670.00
	1/11	1/13	London		518.00						518.00
Commercial Air							9,962.25				9,962.25
Steve Marchese	2/5	2/6	Kuwait		328.00						328.00
	2/6	2/7	Iraq								
	2/7	2/8	Kuwait								
Commercial Air							11,706.76				11,706.76
Craig Higgins	2/5	2/6	Kuwait		328.00						328.00
	2/6	2/7	Iraq								
	2/7	2/8	Kuwait								
Commercial Air							11,706.76				11,706.76
Christine Kojac	2/5	2/6	Kuwait		328.00						328.00
	2/6	2/7	Iraq								
	2/7	2/8	Kuwait								
Commercial Air							11,736.76				11,736.76
Anne Marie Chotvacs	2/5	2/6	Kuwait		328.00						328.00
	2/6	2/7	Iraq								
	2/7	2/8	Kuwait								
Commerical Air							11,736.76				11,736.76
Hon. Patrick Kennedy	2/16	2/21	Cape Verde		1,600.00						1,600.00
Commercial							10,140.80				10,140.80
Hon. John Murtha	1/30	1/31	Turkey		189.00						189.00
	1/31	2/1	Afghanistan		75.00						75.00
	2/1	2/2	Austria		504.29		(3)				504.29
Hon. David Hobson	1/30	1/31	Turkey		189.00						189.00
	1/31	2/1	Afghanistan		75.00						75.00
	2/1	2/1	Austria		504.29		(3)				504.29
Greg Lankler	1/30	1/31	Turkey		186.00						186.00
	1/31	2/1	Afghanistan		75.00						75.00
	2/1	2/2	Austria		504.29		(3)				504.29
Hon. Maurice Hinchey	2/16	2/18	Ecuador		590.00						590.00
	2/18	2/20	Bolivia		318.00						318.00
	2/20	2/23	Argentina		939.00		(3)				939.00
Hon. Dave Weldon	2/18	2/22	Israel		1,620.00						1,620.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial Air							5,109.30				5,109.30
Misc Transportation							200.00				200.00
Hon. Maurice Hinchey	3/24	3/25	Egypt		278.00						278.00
	3/25	3/26	Afghanistan		75.00						75.00
	3/26	3/29	Pakistan		998.31						998.31
	3/29	3/30	Czech Republic		431.12		(3)				431.12
Hon. James Moran	3/24	3/25	Egypt		278.00						278.00
	3/25	3/26	Afghanistan		75.00						75.00
	3/26	3/29	Pakistan		998.31						998.31
	3/29	3/30	Czech Republic		431.12		(3)				431.12
Hon. Rosa DeLauro	3/15	3/16	Belgium		674.00						674.00
Commerical Air							3,721.00				3,721.00
Elizabeth Dawson	3/16	3/19	Italy		2,065.00						2,065.00
	3/19	3/22	Belgium		1,373.10						1,373.10
Commercial Air							7,467.75				7,467.75
Misc. Transportation Costs							140.00				140.00
John Blazey	3/23	3/27	France		2,133.76				235.91		2,369.67
	3/27	3/29	Switzerland		1,407.00						1,407.00
Commercial Air							7,376.00				7,376.00
Adrienne Simonson	3/24	3/27	France		2,133.76						2,133.76
	3/27	3/29	Switzerland		938.00						938.00
Commercial Air							7,565.12				7.565.12
Mike Ringler	3/24	3/27	France		2,133.76						2,133.76
	3/27	3/29	Switzerland		938.00						938.00
Commercial Air							7,560.12				7,560.12
Hon. Adam Schiff	3/18	3/20	Slovakia		724.00		(3)				724.00
Christine Kojac	3/26	3/29	Mexico		1,050.00						1,050.00
Commercial Air							1,196.35				1,196.35
Ane Marie Chotvacs	3/26	3/29	Mexico		1,050.00						1,050.00
Commercial Air							830.35				830.35
Committee total					83,442.64		201,580.06		235.91		285,258.61

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. DAVID R. OBEY, Chairman, Apr. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN ARMED SERVICES AND JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Germany, India, Egypt, Jordan, Israel With CODEL Voinovich, December 27, 2007–January 5, 2008:											
Hon. Rob Bishop	12/27	12/28	Germany		425.00						425.00
	12/28	12/30	India		270.00						270.00
	12/30	1/1	Egypt		266.00						266.00
	1/1	1/1	Jordan								
	1/1	1/4	Israel		519.00						519.00
	1/4	1/5	Germany								
Hon. Phil Gingrey	12/27	12/28	Germany		425.00						425.00
	12/28	12/30	India		270.00						270.00
	12/30	1/1	Egypt		266.00						266.00
	1/1	1/1	Jordan								
	1/1	1/4	Israel		519.00						519.00
	1/4	1/5	Germany								
Visit to New Zealand, Antarctica, Australia With CODEL Baird, December 31, 2007–January 7, 2008:											
Hon. Loretta Sanchez	12/31	1/2	New Zealand		300.00						300.00
	1/2	1/4	Antarctica								
	1/4	1/5	New Zealand		156.00						156.00
	1/5	1/7	Australia		350.00						350.00
Visit to the Philippines, Malaysia, January 3–10, 2008:											
Hon. Adam Smith	1/6	1/8	Malaysia		140.00						140.00
	1/8	1/10	The Philippines		255.00						255.00
Commercial Transportation							4,808.38				4,808.38
William Natter, III	1/6	1/8	Malaysia		140.00						140.00
	1/8	1/10	The Philippines		255.00						255.00
Commercial Transportation							5,434.67				5,434.67
Alexander Kugajevsky	1/6	1/8	Malaysia		140.00						140.00
	1/8	1/10	The Philippines		255.00						255.00
Commercial Transportation							5,434.67				5,434.67
Visit Turkey, France, Morocco, Azerbaijan, January 6–15, 2008:											
Hon. Bill Shuster	1/6	1/9	France		376.00						376.00
	1/9	1/11	Azerbaijan		634.00						634.00
	1/11	1/15	Turkey		432.00						432.00
Commercial Transportation							8,575.21				8,575.21
John Wason	1/6	1/9	France		376.00						376.00
	1/9	1/11	Azerbaijan		634.00						634.00
	1/11	1/15	Turkey		432.00						432.00
Commercial Transportation							8,575.21				8,575.21
Delegation Expenses	1/6	1/9	France						25,943.25		25,943.25
Visit to Japan, South Korea, January 7–13, 2008:											
Hon. Ellen Tauscher	1/9	1/11	Japan		436.00						436.00
	1/11	1/13	South Korea		112.00						112.00
Hon. Rick Larsen	1/9	1/11	Japan		436.00						436.00
	1/11	1/13	South Korea		112.00						112.00
Hon. Trent Franks	1/9	1/11	Japan		436.00						436.00
	1/11	1/13	South Korea		112.00						112.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN ARMED SERVICES AND JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Todd Akin	1/9	1/11	Japan		436.00						436.00
	1/11	1/13	South Korea		112.00						112.00
Adrienne Ramsay	1/9	1/11	Japan		436.00						436.00
	1/11	1/13	South Korea		112.00						112.00
Frank Rose	1/9	1/11	Japan		436.00						436.00
	1/11	1/13	South Korea		112.00						112.00
Kari Bingen Tytler	1/9	1/11	Japan		436.00						436.00
	1/11	1/13	South Korea		112.00						112.00
Visit to England, Scotland, Canada, January 7–13, 2008:											
Hon. Ike Skelton	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Hon. Susan Davis	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Hon. Rick Larsen	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Hon. Mike McIntyre	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Hon. Mike Rogers	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Hon. Loretta Sanchez	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Commercial Transportation							8,383.99				8,383.99
Erin Conaton	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Michael Casey	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Lara Battles	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Stephanie Sanok	1/7	1/9	Canada		297.00						297.00
	1/9	1/11	England		362.00						362.00
	1/11	1/13	Scotland		288.00						288.00
Visit to Germany, Greece, Turkey, Kuwait, Iraq, Afghanistan, with CODEL L. Davis, January 8–16, 2008:											
Hon. Niki Tsongas	1/9	1/10	Greece		155.00						155.00
	1/10	1/12	Turkey		154.00						154.00
	1/12	1/16	Kuwait		105.00						105.00
	1/13	1/14	Afghanistan		15.00						15.00
	1/15	1/15	Iraq		11.00						11.00
Commercial Transportation							11,279.15				11,279.15
Visit to Kuwait, Afghanistan, Belgium, Germany, January 18–22, 2008:											
Hon. Susan Davis	1/18	1/18	Belgium		175.00						175.00
	1/19	1/21	Afghanistan		100.00						100.00
	1/21	1/22	Germany		316.00						316.00
Hon. David Loebsack	1/18	1/18	Belgium		175.00						175.00
	1/19	1/21	Afghanistan		100.00						100.00
	1/21	1/22	Germany		316.00						316.00
Hon. Mark Udall	1/18	1/28	Belgium		175.00						175.00
	1/19	1/21	Afghanistan		100.00						100.00
	1/21	1/22	Germany		316.00						316.00
Debra Wada	1/18	1/18	Belgium		175.00						175.00
	1/19	1/21	Afghanistan		100.00						100.00
	1/21	1/22	Germany		316.00						316.00
John Chapla	1/18	1/18	Belgium		175.00						175.00
	1/19	1/21	Afghanistan		100.00						100.00
	1/21	1/22	Germany		316.00						316.00
Visit to Afghanistan, Iraq and Kuwait, January 29-February 4, 2008											
Paul Oostburg Sanz	1/30	1/30	Kuwait		55.00						55.00
	1/31	2/1	Afghanistan								
	1/1	2/3	Iraq								
	1/3	2/3	Kuwait		55.00						55.00
Commercial Transportation							8,026.76				8,026.76
Michael McErlean	1/30	1/30	Kuwait		114.00						114.00
	1/31	2/1	Afghanistan		75.00						75.00
	1/1	2/3	Iraq								
	1/2	2/3	Kuwait		114.00						114.00
Commercial Transportation							8,026.76				8,026.76
Roger Zakheim	1/30	1/30	Kuwait		114.00						114.00
	1/31	2/1	Afghanistan		75.00						75.00
	2/1	2/3	Iraq								
	2/3	2/3	Kuwait		114.00		8,026.76				8,026.76
Commercial Transportation											
Alexandra Rogers	1/30	1/30	Kuwait		69.50						69.50
	1/31	2/1	Afghanistan								
	2/1	2/3	Iraq								
	2/3	2/3	Kuwait		69.50						69.50
Commercial Transportation							8,026.76				8,026.76
Delegation Expenses	1/30	2/3	Kuwait		279.04		457.03				736.07
Visit to Germany, with CODEL Lieberman/McCain, February 8-10, 2008:											
Jim Marshall	2/8	-2/7	Germany		204.00						
Commercial Transportation							5,416.40				5,416.40
Visit to Colombia, February 8-11, 2008:											
Hon. Solomon Ortiz	2/8	2/10	Colombia		178.00						178.00
Hon. Madeleine Z. Bordallo	2/8	2/10	Colombia		178.00						178.00
Paul Arcangeli	2/8	2/10	Colombia		178.00						178.00
Joshua Holly	2/8	2/10	Colombia		178.00						178.00
Visit to Kuwait, Afghanistan, February 15-19, 2008:											
Hon. Rob Andrews	2/16	2/17	Kuwait		164.00						164.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN ARMED SERVICES AND JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/17	2/18	Afghanistan		25.00						25.00
Commercial Transportation							11,723.80				11,723.80
Hon. Madeleine Bordallo	2/16	2/17	Kuwait		164.00						164.00
	2/17	2/18	Afghanistan		25.00						25.00
Commercial Transportation							11,723.80				11,723.80
Hon. John Kline	2/16	2/17	Kuwait		164.00						164.00
	2/17	2/18	Afghanistan		25.00						25.00
Commercial Transportation							11,723.80				11,723.80
John Kruse	2/16	2/17	Kuwait		164.00						164.00
	2/17	2/18	Afghanistan		25.00						25.00
Commercial Transportation							11,723.80				11,723.80
Aileen Alexander	2/16	2/17	Kuwait		164.00						164.00
	2/17	2/18	Afghanistan		25.00						25.00
Commercial Transportation					164.00		11,723.80				11,723.80
Visit to France, February 15–20, 2008:											
Hon. Ellen Tauscher	2/17	2/20	France		564.00						564.00
Commercial Transportation							3,954.96				3,954.96
Robert W. DeGrasse	2/17	2/20	France		564.00						564.00
Commercial Transportation							7,823.22				7,823.22
Visit to Georgia, Germany, France, Ukraine, February 17–23, 2008:											
Erin Conaton	2/17	2/18	Ukraine								
	2/18	2/20	Georgia		644.00						644.00
	2/20	2/21	Germany		708.00						708.00
	2/21	2/22	France		188.00						188.00
Commercial Transportation							12,437.46				12,437.46
Mark Lewis	2/17	2/18	Ukraine								
	2/18	2/20	Georgia		644.00						644.00
	2/20	2/21	Germany		708.00						708.00
	2/21	2/22	France		188.00						188.00
Commercial Transportation							10,247.25				10,247.25
Stephanie Sanok	2/17	2/18	Ukraine								
	2/18	2/20	Georgia		644.00						644.00
	2/20	2/21	Germany		708.00						708.00
	2/21	2/22	France		188.00						188.00
Commercial Transportation							11,360.48				11,360.48
Visit to Kuwait, Iraq, With CODEL Etheridge, February 19–23, 2008:											
Roger Zakheim	2/19	2/22	Kuwait		328.00						328.00
	2/20	2/21	Iraq								
Commercial Transportation							8,036.76				8,036.76
Visit to France, February 20, 2008:											
Hon. Jeff Miller	2/20	2/20	France								
Commercial Transportation							714.55				714.55
Visit to Kuwait, Iraq, March 17–20, 2008:											
Hon. Brad Ellsworth	3/18	3/19	Kuwait		114.00						114.00
	3/19	3/20	Iraq								
Commercial Transportation							16,809.77				16,809.77
Hon. Carol Shea-Porter	3/18	3/19	Kuwait		114.00						114.00
	3/19	3/20	Iraq								
Commercial Transportation							13,374.77				13,374.77
Michael Casey	3/18	3/19	Kuwait		114.00						114.00
	3/19	3/20	Iraq								
Commercial Transportation							16,809.77				16,809.77
Stephanie Sanok	3/18	3/19	Kuwait		114.00						114.00
	3/19	3/20	Iraq								
Commercial Transportation							16,809.77				16,809.77
Joseph Hicken	3/18	3/19	Kuwait		114.00						114.00
	3/19	3/20	Iraq								
Commercial Transportation							16,809.77				16,809.77
Visit to Jordan, Iraq, March 20–24, 2008;											
Hon. Jim Marshall	3/21	3/22	Jordan		291.00						291.00
	3/22	3/23	Iraq								
	3/23	3/24	Jordan		91.00						91.00
Commercial Transportation							6,537.64				6,537.64
Visit to Panama, March 24–29, 2008:											
Hon. Gene Taylor	3/24	3/29	Panama		490.00						490.00
Visit to Cape Verde, Cote D'Ivoire, Tanzania, Ethiopia, Jordan, Iraq, Zambia, Germany, With CODEL Inhofe, March 25–31, 2008:											
Hon. Mike McIntyre	3/25	3/25	Cape Verde								
	3/25	3/26	Cote d'Iviore		170.00						170.00
	3/26	3/27	Zambia		143.00						143.00
	3/27	3/27	Tanzania								
	3/27	3/29	Ethiopia		276.00						276.00
	3/29	3/30	Jordan		145.00						145.00
	3/30	3/30	Iraq								
	3/30	3/31	Germany		275.00						275.00
Committee total					35,661.04		290,816.92		25,943.25		343,642.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. IKE SKELTON, Chairman, Apr. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Scott Garrett	2/16	2/17	Kuwait		164.00		11,723.80				11,887.80
	2/17	2/18	Afghanistan		25.00						25.00
Committee total					189.00		11,723.80				11,912.80

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN M. SPRATT, Jr., Apr. 21, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
CODEL Miller:											
HON. George Miller	1/11	1/14	Bogota, Colombia		1,125.00		2,455.00				3,580.00
Hon. William Delahunt	1/11	1/15	Bogota, Colombia		1,500.00		2,143.00				3,643.00
HON. James McGovern	1/11	1/15	Bogota, Colombia		1,500.00		2,192.00				3,692.00
Tico Almeida	1/11	1/14	Bogota, Colombia		1,125.00		2,222.00				3,347.00
Clifford Stammerman	1/11	1/15	Bogota, Colombia		1,500.00		2,043.00				3,543.00
John Kivlan	1/11	1/15	Bogota, Colombia		1,500.00		2,208.00				3,708.00
Phaedra Dugan	1/11	1/15	Bogota, Colombia		1,500.00		1,530.00				3,030.00
Cindy Buhl	1/11	1/15	Bogota, Colombia		1,500.00		1,477.00				2,977.00
CODEL Christensen:											
Guerino Calemine	2/20	2/26	Hawaii		972.00		2,520.46		[3] 270.75		3,763.21
Bill Miller	2/20	2/26	Hawaii		972.00		2,520.46		[3] 69.76		3,562.22
Committee total					13,194.00		21,310.92		340.51		34,845.43

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Rental car, taxi, miscellaneous.

HON. GEORGE MILLER, Chairman, Apr. 29, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Cliff Stearns	11/26	11/29	Brazil		474.00		2747.60				3221.60
Hon. Marsha Blackburn	11/26	11/28	Brazil		694.00		4097.60				4791.60
Kurt Bilas	12/6	12/18	Indonesia		1,652.00		9,236.70				10,888.70
Richard Frandsen	12/7	12/18	Indonesia		2,212.00		7,354.70				9,566.70
Hon. Charles Melancon	11/2	11/5	Italy		2,425.00		[3]				2,425.00
Hon. Tim Murphy	11/3	11/4	Iraq/Kuwait								
	11/5	11/5	Germany		348.00		[3]				348.00
Hon. Rick Boucher	11/25	12/1	England		1,086.00		6,244.04				7,330.04
Committee total							29,680.64				38,571.64

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HON. JOHN D. DINGELL, Chairman, Apr. 29, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Burgess	7/19	7/23	Iraq/Kuwait				(3)				
Joshua Martin	7/19	7/23	Iraq/Kuwait				(3)				
Michael Ross	7/20	7/22	Serbia		780.00						
	7/22	7/23	Croatia		134.00		(3)				
Rick Boucher	8/16	8/18	Amsterdam		893.18						
	8/22	8/25	France		1,569.00						
In country rail fares							476.00				
Committee total					3,376.18		476.00				3,852.18

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HON. JOHN D. DINGELL, Chairman, Apr. 29, 2008

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Melissa Bartlett	3/15	3/21	South Africa		1,284.00		9,242.41				10,526.41
Hon. Marsha Blackburn	1/9	1/10	Greece		155.00						155.00
	1/10	1/12	Turkey		308.00						308.00
	1/12	1/13	Kuwait		105.00						105.00
	1/13	1/14	Afghanistan		15.00						15.00
	1/15	1/15	Iraq		11.00						11.00
Commercial Transportation							10,084.72				10,084.72
Hon. Lois Capps	2/15	2/21	Brazil		1,616.00		(3)				1,616.00
Hon. Mike Ferguson	2/15	2/21	Brazil		1,993.00		(3)				1,993.00
Hon. Jane Harman	2/9	2/11	Germany		408.00		(3)				408.00
	2/17	2/19	Israel		360.00						360.00
	2/19	2/20	Dubai/Pakistan		194.00						194.00
	2/20	2/21	Prague				166.00				166.00
Commercial Transportation							3,033.90				3,033.90
Hon. Joe Pitts	1/2	1/4	Kuwait		164.00						164.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/5	1/6	Jordan		291.00						291.00
	1/6	1/9	Israel		2,095.00						2,095.00
Commercial Transportation							9,544.00				9,544.00
Hon. Cliff Stearns	1/7	1/9	Ghana		578.00						578.00
	1/9	1/12	South Africa		972.00						972.00
	1/12	1/15	Morocco		940.00						940.00
Commercial Transportation							4,833.40				4,833.40
Hon. Cliff Stearns	2/28	2/29	El Salvador		398.00						398.00
	3/1	3/4	Costa Rica		939.00		(3)				939.00
Hon. G.K. Butterfield	1/24	1/27	Kuwait		1,260.00		11,260.00				12,520.00
Commercial Transportation							11,706.77				11,706.77
Hon. Rick Boucher	3/15	3/18	France		637.00						637.00
	3/18	3/20	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		(3)				318.00
Hon. Tammy Baldwin	3/15	3/18	France		637.00						637.00
	3/18	3/20	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		[3]				318.00
Hon. Albert R. Wynn	3/15	3/18	France		637.00						637.00
	3/18	3/20.	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		[3]				318.00
Hon. Fred Upton	3/15	3/18	France		637.00						637.00
	3/18	3/20	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		[3]				318.00
Bruce Harris	3/15	3/18	France		637.00						637.00
	3/18	3/20	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		[3]				318.00
Lorie Schmidt	3/15	3/18	France		637.00						637.00
	3/18	3/20	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		[3]				318.00
Laura Vaught	3/15	3/18	France		637.00						637.00
	3/18	3/20	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		[3]				318.00
Michael Beckerman	3/15	3/18	France		637.00						637.00
	3/18	3/20	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		[3]				318.00
David Cavicke	3/15	3/18	France		637.00						637.00
	3/19	3/20	Czech Republic		330.00						330.00
	3/20	3/22	Poland		318.00		[3]				318.00
Committee total					25,817.00		59,705.20				85,522.20

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HON. JOHN D. DINGELL, Chairman, Apr. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Abramowitz	3/25	3/29	Israel		650.00		7,532.30				8,182.30
Hon. Gary L. Ackerman	2/21	2/24	United Kingdom		1,380.00		14,313.30				15,693.30
Manpreet Anand	1/4	1/6	Thailand		212.00						212.00
	1/6	1/9	China		575.00						575.00
	1/9	1/12	India		915.00				[5] 70.00		985.00
	1/4	1/12					[3] 11,172.38				11,172.38
	2/18	2/22	Sri Lanka		833.00		11,755.84				12,588.84
Douglas Anderson	1/3	1/8	Thailand		866.00		7,906.80				8,772.80
	3/16	3/21	Switzerland		2,274.80		7,827.56				10,102.36
Hon. J. Gresham Barrett	2/29	3/1	Kuwait		164.00		(4)				164.00
	3/1	3/2	Iraq		0.00		(4)				0.00
	3/2	3/3	Afghanistan		25.00		(4)				25.00
	3/3	3/4	Germany		366.00						366.00
David Beraka	2/16	2/18	U.A.E.		923.00						923.00
	2/18	2/20	Egypt		912.00						912.00
	2/20	2/23	Jordan		723.00						723.00
	2/23	2/24	United Kingdom		485.00						485.00
	2/16	2/24	Round Trip Airfare				12,507.78				12,507.78
	3/23	3/25	Turkey		349.00						349.00
	3/25	3/29	Israel		600.00						600.00
	3/23	3/29					[3] 8,280.05				8,280.05
Paul Berkowitz	3/20	3/22	Taiwan		346.00						346.00
	3/22	3/25	South Korea		1,200.00						1,200.00
	3/25	3/28	Japan		1,248.00						1,248.00
	3/20	3/28					[3] 8,560.12				8,560.12
Hon. John Boozman	3/25	3/26	Ivory Coast		170.00		(4)				170.00
	3/26	3/27	Zambia		143.00		(4)				143.00
	3/27	3/29	Ethiopia		276.00		(4)				276.00
	3/29	3/30	Jordan		141.00		(4)				141.00
	3/30	3/31	Germany		175.00		(4)				175.00
Genell Brown	3/17	3/21	South Africa		347.50						347.50
	3/21	3/23	Zimbabwe		479.00						479.00
	3/17	3/23					[3] 15,178.00				15,178.00
Hon. Russ Carnahan	3/24	3/27	China		1,077.00		1,234.01				2,311.01
Natalie Coburn	3/16	3/21	Switzerland		2,345.00		7,800.06				10,145.06
Hon. Jim Costa	2/29	3/1	Kuwait		164.00		(3)				164.00
	3/1	3/2	Iraq		0.00		(3)				
	3/2	3/3	Afghanistan		25.00		(3)				25.00
	3/3	3/4	Germany		366.00		(3)				366.00
Hon. Joseph Crowley	2/29	3/1	Kuwait		164.00		(3)				164.00
	3/1	3/2	Iraq		0.00		(3)				
	3/2	3/3	Afghanistan		25.00		(3)				25.00
	3/3	3/4	Germany		366.00		(3)				366.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ted Dagne	1/2	1/6	Eritrea		934.00						934.00
	1/6	1/8	Sudan		0.00						
	1/8	1/2	Kenya		1,590.00						1,590.00
							[3] 10,304.93				10,304.93
Hon. William D. Delahunt	1/11	1/15	Colombia		1,500.00		2,142.80				3,642.80
	1/17	1/19	Venezuela		742.00		3,874.22				4,616.22
Erin Diamond	2/16	2/18	Ecuador		590.00		(3)				590.00
	2/18	2/20	Bolivia		318.00		(3)				318.00
	2/20	2/23	Argentina		939.00		(3)				939.00
Howard Diamond	1/6	1/7	Jordan		241.00						241.00
	1/7	1/9	Lebanon		154.00						154.00
	1/9	1/11	France		1,018.00						1,018.00
	1/11	1/12	Belgium		397.00		120.00				517.00
	1/6	1/12					[3] 9,114.04				9,114.04
	3/23	3/25	Jordan		482.00						482.00
	3/25	3/31	Israel		780.00						780.00
	3/23	3/31					[3] 7,506.84				7,506.84
Phaedra Dugan	1/11	1/15	Colombia		1,500.00		2,094.30				3,594.30
Eliot L. Engel	1/6	1/8	Morocco		165.00		(3)				165.00
	1/8	1/9	Ivory Coast		170.40		(3)				170.00
	1/9	1/11	Ghana		231.00		(3)				231.00
	2/16	2/18	Ecuador		590.00		(3)				590.00
	2/18	2/20	Boliva		318.00		(3)				318.00
	2/20	2/23	Argentina		939.00		(4)				939.00
Hon. Eni F.H. Faleomavaega	1/5	1/12	Israel		1,408.00		6,728.300				8,136.30
	1/31	2/6	New Zealand		1,225.14		12,953.56				14,178.70
	2/8	2/10	Colombia		178.00		(4)				178.00
	3/20	3/23	Taiwan		1,111.00						1,111.00
	3/24	3/30	Marshall Islands		1,326.00						1,326.00
	3/20	3/30					[3] 13,825.45				13,825.45
Hannah Fischer	2/16	2/17	Kuwait		446.00		(4)				446.00
	2/17	2/21	Indonesia		971.13		(4)				971.13
	2/21	2/23	Thailand		490.00		(4)				490.00
	2/23	2/24	Georgia		372.00		(4)				372.00
David Fite	2/19	2/23	China		1,176.00		9,715.81				10,891.81
Heather Flynn	3/17	3/21	South Africa		381.00						381.00
	3/21	3/25	Zimbabwe		928.00						928.00
	3/25	3/29	Namibia		589.00						589.00
	3/17	3/29					[3] 10,951.80				10,951.80
Hon. Elton Gallegly	2/16	2/19	Israel		540.00		(4)				540.00
	2/19	2/20	Pakistan		339.00		(4)				339.00
	2/19	2/20	Czech Republic		166.00		(4)				166.00
Hon. Gene Green	2/16	2/18	Ecuador		590.00		(4)				590.00
	2/18	2/20	Bolivia		318.00		(4)				318.00
	2/20	2/23	Argentina		939.00		(4)				939.00
Hon. Dennis Halpin	1/4	1/6	Thailand		212.00						212.00
	1/6	1/11	China		1000.00						1,000.00
	1/4	1/11					[3] 10,886.89				10,886.89
Hans Hogrefe	2/18	2/22	Sri Lanka		833.00		11,785.84				12,618.84
Hon. Sheila Jackson-Lee	2/16	2/17	United Kingdom		231.00						231.00
	2/17	2/20	Pakistan		369.00						369.00
	2/16	2/20					[3] 12,462.16				12,462.16
	3/18	3/19	Kuwait		420.00						420.00
	3/19	3/20	Iraq				(4)				
	3/20	3/21	Kuwait		420.00						420.00
	2/18	2/21					[3] 11,562.27				11,562.27
Eric Jacobstein	1/6	1/8	Morocco		165.00		(4)				165.00
	1/8	1/9	Ivory Coast		170.40		(4)				170.00
	1/9	1/11	Ghana		231.40		(4)				231.00
	2/16	2/18	Ecuador		590.00		(4)				590.00
	2/18	2/20	Bolivia		318.00		(4)				318.00
	2/20	2/23	Argentina		939.00		(4)				939.00
	3/24	3/26	Mexico		600.00						600.00
	3/26	3/28	El Salvador		415.59						415.59
	3/24	3/28					[3] 2,399.85				2,399.85
Eric Johnson	3/16	3/18	Hungary		568.00		7,817.42				8,385.42
Jonathan Katz	2/3	2/6	Ukraine		971.00		8,393.33				9,364.33
	3/15	3/16	Belgium		427.49						427.49
	3/16	3/18	Hungary		568.00						568.00
	3/15	3/18					[3] 9,002.72				9,002.72
Kenneth Katzman	2/29	3/1	Kuwait		164.00		(4)				164.00
	3/1	3/2	Iraq				(4)				
	3/2	3/3	Afghanistan		25.00		(4)				25.00
	3/3	3/4	Germany		366.00		(4)				366.00
Sarah Kiko	3/17	3/21	South Africa		386.00						386.00
	3/21	3/25	Zimbabwe		884.00						884.00
	3/25	3/29	Namibia		593.00						593.00
	3/17	3/29					[3] 11,091.80				11,091.80
David Killion	3/16	3/19	Switzerland		1,307.00						1,307.00
	3/19	3/22	Malta		396.00						396.00
	3/16	3/22					[3] 10,567.90				10,567.90
Julie Kim	3/15	3/18	Macedonia		758.64						758.64
	3/18	3/21	Kosovo		557.00						557.00
	3/15	3/21					[3] 8,891.57				8,891.57
John Kivlan	1/11	1/15	Colombia		1,500.00		2,252.30				3,752.30
Vili Lei	1/31	2/6	New Zealand		1,225.14		12,953.56				14,178.70
	2/16	2/21	Vietnam		388.00		96.62				484.62
	2/21	2/24	Hong Kong		432.00						432.00
	2/16	2/24					[3] 9,778.70				9,778.70
	3/20	3/23	Taiwan		1,111.00						1,111.00
	3/24	3/30	Marshall Islands		1,326.00						1,326.00
	3/20	3/30					[3] 10,663.45				10,663.45
John Mackey	2/20	2/23	Argentina		939.00		4,729.40				5,668.40
Alan Makovsky	2/29	3/1	Kuwait		164.00		(4)				164.00
	3/1	3/2	Iraq		0.00		(4)				
	3/2	3/3	Afghanistan		25.00		(4)				25.00
	3/3	3/4	Germany		366.00		(4)				366.00
	3/23	3/25	Turkey		224.00						224.00
	3/25	3/29	Israel		600.00						600.00
	3/23	3/29					[3] 8,706.68				8,706.68
Pearl-Alice Marsh	3/17	3/21	South Africa		386.00						386.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	3/21	3/25	Zimbabwe		934.00						934.00
	3/25	3/29	Namibia		593.00						593.00
	3/17	3/29					[3] 10,951.80				10,951.80
Peter Martin	2/19	2/21	Brazil		566.00		9,821.30				10,387.30
Greg McCarthy	1/6	1/7	Jordan		241.00						241.00
	1/7	1/9	Lebanon		154.00						154.00
	1/9	1/11	France		1,018.00						1,018.00
	1/11	1/12	Belgium		397.00		120.00				517.00
	1/6	1/12					[3] 8,730.04				8,730.04
	2/29	3/1	Kuwait		164.00		(4)				164.00
	3/1	3/2	Iraq		0.00		(4)				
	3/2	3/3	Afghanistan		25.00		(4)				25.00
	3/3	3/4	Germany		366.00		(4)				366.00
Mark Milosch	1/2	1/5	DR Congo		924.00						924.00
	1/6	1/8	Israel		910.00						910.00
	1/2	1/8					[3] 13,491.32				13,491.32
Jonathan Cobb Mixter	1/3	1/6	Thailand		430.00						430.00
	1/6	1/9	China		575.00						575.00
	1/9	1/12	India		915.00						915.00
	1/3	1/12					[3] 9,757.28				9,757.28
	2/19	2/23	China		1,176.00		9,715.81		[5] 1,027.46		11,919.27
Dick Nanto	2/16	2/17	Kuwait		446.00		(4)				446.00
	2/17	2/21	Indonesia		971.13		(4)				971.13
	2/21	2/23	Thailand		490.00		(4)				490.00
	2/23	2/24	Georgia		372.00		(4)				372.00
Hon. Donald M. Payne	1/2	1/6	Eritrea		934.00						934.00
	1/6	1/8	Sudan								
	1/8	1/11	Kenya		954.00						954.00
	1/2	1/11					[3] 12,112.53				12,112.53
Hon. Mike Pence	2/29	3/1	Kuwait		164.00		(4)				164.00
	3/1	3/2	Iraq				(4)				
	3/2	3/3	Afghanistan		25.00	(4)					25.00
	3/3	3/4	Germany		366.00		(4)				366.00
Elisa Perry	2/16	2/18	Ecuador		590.00		(4)				590.00
	2/18	2/20	Bolivia		318.00		(4)				318.00
	2/20	2/23	Argentina		939.00		(4)				939.00
Don Phan	2/19	2/23	China		1,176.00		9,715.81				10,891.81
Hon. Ted Poe	3/21	3/22	Jordan		291.00						291.00
	3/22	3/23	Iraq				(4)				
	3/23	3/24	Jordan		241.00						241.00
	3/21	3/24					[3] 10,795.80				10,795.80
Peter Quilter	2/16	2/18	Ecuador		590.00		(4)				590.00
	2/18	2/20	Bolivia		318.00		(4)				318.00
	2/20	2/23	Argentina		939.00		(4)				939.00
Eric Richardson	1/4	1/6	Thailand		212.00						212.00
	1/6	1/11	China		1,163.00						1,163.00
	1/4	1/11					[3] 10,906.89				10.906.89
David Richmond	1/5	1/12	Israel		1,408.00		6,698.30				8,106.30
	1/31	2/6	New Zealand		1,225.14		12,953.56				14,178.70
	2/16	2/21	Vietnam		388.00		96.62				484.62
	2/21	2/24	Hong Kong		432.00						432.00
	2/16	2/24					[3] 9,778.70				9,778.70
	3/20	3/23	Taiwan		1,111.00						1,111.00
	3/24	3/30	Marshall Islands		1,326.00						1,326.00
	3/20	3/30					[3] 10,663.45				10,663.45
Seth Robinson	3/16	3/21	Switzerland		2,272.80		7,827.56				10,100.36
Joshua Rogin	1/8	1/10	Azerbaijan		734.00		9,602.22				10,336.22
Robin Roizman	1/6	1/9	Honduras		480.00						480.00
	1/9	1/11	Nicaragua		233.00						233.00
	1/6	1/11					[3] 2,033.70				2,033.70
Hon. Dana Rohrabacher	3/21	3/22	Taiwan		173.00						173.00
	3/22	3/25	South Korea		1,200.00						1,200.00
	3/25	3/28	Japan		1,248.00						1,248.00
	3/21	3/28					[3] 5,813.12				5,813.12
Caleb Rossiter	2/16	2/17	United Kingdom		231.00						231.00
	2/17	2/20	Pakistan		369.00						369.00
	2/16	2/20					[3] 10,559.25				10,559.25
Daniel Silverberg	1/9	1/11	Sri Lanka		767.00						767.00
	1/11	1/14	Indonesia		566.00						566.00
	1/9	1/14					[3] 10,217.49				10,217.49
Amanda Sloat	1/2	1/9	Georgia		2,154.00						2,154.00
Hon. Christopher H. Smith	1/2	1/5	DR Congo		924.00						924.00
	1/6	1/8	Israel		910.00						910.00
	1/2	1/8					[3] 16,553.32				16,553.32
	2/19	2/21	Brazil		566.00		9,821.30				10,387.30
Cliff Stammerman	1/11	1/15	Colombia		1,500.00		2,042.30				3,542.30
Jason Steinbaum	2/16	2/18	Ecuador		590.00		(4)				590.00
	2/18	2/20	Bolivia		318.00		(4)				318.00
	2/20	2/23	Argentina		939.00		(4)				939.00
Robyn Wapner	1/6	1/9	Honduras			563.00					563.00
	1/6	1/9	Nicaragua		306.00						306.00
	1/6	1/11					[3] 2,033.70				2,033.70
	3/24	3/26	Mexico		600.00						600.00
	3/26	3/28	El Salvador		415.59						415.59
	3/24	3/28					[3] 2,399.85				2,399.85
Hon. Diane E. Watson	3/16	3/19	Egypt		834.00						834.00
	3/19	3/21	Zambia		628.00						628.00
	3/21	3/24	South Africa		1,041.00						1,041.00
	3/16	3/24					[3] 12,447.89				12,477.89
Lynne Weil	2/16	2/18	U.A.E.		861.00						861.00
	2/18	2/20	Egypt		853.00						853.00
	2/20	2/23	Jordan		700.00						700.00
	2/23	2/24	United Kingdom		478.00						478.00
	2/16	2/24					[3] 12,507.78				12,507.78
Kristin Wells	2/18	2/22	Sri Lanka		638.00		11,785.84				12,423.84
	3/15	3/21	Switzerland		2,098.00		6,243.56				8,341.56
Hon. Robert Wexler	1/8	1/10	Azerbaijan		734.00		9,602.22				10,336.22
	2/4	2/6	Ukraine		665.00		10,048.64				10,713.64
	3/16	3/18	Hungary		568.00		5,887.15				6,455.15
Lisa Williams	1/31	2/6	New Zealand		1,225.14		13,063.56				14,288.70
	2/16	2/21	Vietnam		388.00		96.62				484.62

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/21	2/24	Hong Kong		432.00						432.00
	2/16	2/24					[3] 9,778.70				9,778.70
Hon. Joe Wilson	2/29	3/1	Kuwait		164.00		(4)				164.00
	3/1	3/2	Iraq		0.00		(4)				
	3/2	3/3	Afghanistan		25.00		(4)				25.00
	3/3	3/4	Germany		366.00		(4)				366.00
Hon. Robert J. Wittman	1/7	1/8	Jordan		313.00						313.00
	1/8	1/9	Iraq		0.00		(4)				
	1/9	1/10	Cyprus		273.00						273.00
	1/10	1/11	France		238.00						238.00
	1/7	1/11					[3] 7,111.03				7,111.03
Peter Yeo	1/4	1/6	Thailand		212.00				[5] 1,427.33		1,639.33
	1/6	1/9	China		575.00						575.00
	1/4	1/9					[3] 10,906.89				10,906.89
Matthew Zweig	1/6	1/7	Jordan		241.00						241.00
	1/7	1/9	Lebanon		154.00						154.00
	1/9	1/11	France		1,018.00						1,018.00
	1/11	1/12	Belgium		397.00		120.00				517.00
	1/6	1/12					[3] 8,730.04				8,703.04
	2/16	2/18	U.A.E.		923.00		12,282.92				13,205.92
	3/23	3/25	Jordan		482.00						482.00
	3/25	3/28	Israel		500.00						500.00
	3/23	3/28					[3] 6,663.00				6,663.00
Committee total					134,834.03		729,297.42		2,524.79		866,656.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Round trip airfare.
[4] Military air transportation.
[5] Indicates Delegation costs.

HON. HOWARD L. BERMAN, Chairman, Apr. 29, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	$ U.S. dollar equivalent or U.S. currency [2]	Foreign currency	$ U.S. dollar equivalent or U.S. currency [2]	Foreign currency	$ U.S. dollar equivalent or U.S. currency [2]	Foreign currency	$ U.S. dollar equivalent or U.S. currency [2]
Hon. Daniel Lungren	3/14	3/16	France		1,344.00						1,344.00
	3/17	3/19	Czech Republic		848.00						848.00
	3/20	3/22	Poland		710.00						710.00
Hon. Keith Ellison	3/24	3/25	Egypt		278.00						278.00
	3/25	3/26	Afghanistan		75.00						75.00
	3/26	3/29	Pakistan		998.31						998.31
	3/29	3/30	Czech Republic		431.12						431.12
Committee total					4,684.43						4,684.43

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Apr. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brian Modeste	1/5	1/8	Marshall Islands		500.00		6,676.12				7,176.12
	1/8	1/11	Philippines		1,040.00				112.40		1,152.40
Richard Stanton	1/5	1/8	Marshall Islands		500.00		6,254.88				6,754.88
	1/8	1/11	Philippines		1,040.00						1,040.00
Anthony Babauta	1/8	1/11	Philippines		1,040.00		7,200.20				8,240.20
Dave Whaley	2/5	2/10	Italy		2,340.00		5,859.66				8,199.66
Hon. Jeff Flake	2/15	2/21	Brazil		1,616.00		(3)				1,616.00
Hon. Donna Christensen	2/23	2/24	Ind. State of Samoa		300.00		7,438.52				7,738.52
Hon. Eni Faleomavaega	2/23	2/24	Ind. State of Samoa		300.00		6,699.26				6,999.26
Tony Babauta	2/23	2/24	Ind. State of Samoa		300.00		7,911.25				8,211.25
Brian Modeste	2/23	2/24	Ind. State of Samoa		300.00		4,948.86				5,248.86
Richard Stanton	2/23	2/24	Ind. State of Samoa		300.00		5,411.18				5,711.18
Allison Cowan	2/23	2/24	Ind. State of Samoa		300.00		5,667.79				5,967.79
Hon. Nick J. Rahall II	3/15	3/18	France		637.00		(3)				637.00
	3/18	3/20	Czech Republic		330.00		(3)				330.00
	3/20	3/22	Poland		318.00		(3)				318.00
Brian Modeste	3/25	3/28	Micronesia		700.00		5,450.08				6,150.08
Richard Stanton	3/25	3/28	Micronesia		700.00		5,850.36				6,550.36
Hon. Cathy McMorris Rodgers	3/27	3/28	Canada		186.05		653.05				839.10
Committee total					12,747.05		76,021.21		112.40		88,880.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NICK J. RAHALL II, Chairman, Apr. 28, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Sali	1/18	1/18	Belgium		175.00						175.00
	1/19	1/21	Afghanistan		100.00						100.00
	1/21	1/22	Germany		316.00						316.00
Hon. Peter Welch	1/7	1/8	Jordan		313.00		7,792.03				8,105.03
	1/8	1/9	Iraq								
	1/9	1/10	Cyprus		273.00						273.00
	1/10	1/10	Lebanon								
	1/10	1/11	France		683.71						683.71
Andrew Su	1/7	1/8	Jordan		313.00		7,113.03				7,426.03
	1/8	1/9	Iraq								
	1/9	1/10	Cyprus		273.00						273.00
	1/10	1/10	Lebanon								
	1/10	1/11	France		683.71						683.71
Bruce Fernandez	1/7	1/8	Jordan		313.00		7,113.03				7,426.03
	1/8	1/9	Iraq								
	1/9	1/10	Cyprus		273.00						273.00
	1/10	1/10	Lebanon								
	1/10	1/11	France		683.71						683.71
Dave Turk	1/7	1/8	Jordan		313.00		7,113.03				7,426.03
	1/8	1/9	Iraq								
	1/9	1/10	Cyprus		273.00						273.00
	1/10	1/10	Lebanon								
	1/10	1/11	France		683.71						683.71
Hon. Stephen Lynch	1/7	1/8	Jordan		313.00		7,871.03				8,184.03
	1/8	1/9	Iraq								
	1/9	1/10	Cyprus		273.00						273.00
	1/10	1/10	Lebanon								
	1/10	1/11	France		683.71						683.71
Lawrence Halloran	1/7	1/8	Jordan		313.00		7,113.03				7,426.03
	1/8	1/9	Iraq								
	1/9	1/10	Cyprus		273.00						273.00
	1/10	1/10	Lebanon								
	1/10	1/11	France		683.71						683.71
Other CODEL Expenses—France	1/10	1/11							10,900.00		10,900.00
Hon. Tom Davis	1/25	1/28	Switzerland		1,458.00		(3)				1,458.00
	1/28	1/29	France		559.00						559.00
Lawrence Brady	1/25	1/28	Switzerland		1,284.00		(3)				1,284.00
	1/28	1/29	France		559.00		146.24				705.24
Margaret Daum	1/27	1/29	Kuwait		476.13		11,737.00				12,213.13
	1/29	1/31	Iraq								
	1/31	2/3	Kuwait		652.13						652.13
Christopher Davis	1/27	1/29	Kuwait		392.13		11,737.00				12,129.13
	1/29	1/31	Iraq								
	1/31	2/3	Kuwait		652.13						652.13
R. Nicholas Palarino	1/17	1/29	Kuwait		816.13		11,706.76				12,522.89
	1/29	1/31	Iraq								
	1/31	2/3	Kuwait		652.13						652.13
Hon. Virginia Foxx	2/17	2/19	Ecuador		590.00		(3)				590.00
	2/19	2/21	Bolivia		318.00						318.00
	2/21	2/23	Argentina		939.00						939.00
Jesseca Boyer	3/15	3/21	Botswana		834.97		7,666.41				8,501.38
Naomi Seiler	3/15	3/21	Botswana		889.22		9,232.33				10,121.55
Hon. Christopher Shays	3/20	3/21	Turkey		362.50		7,996.64				8,359.14
	3/21	3/21	Israel								
	3/21	3/22	Jordan		91.00						91.00
	3/22	3/23	Iraq								
	3/23	3/23	Jordan		91.00						91.00
	3/23	3/24	Israel								
Hon. Patrick McHenry	3/21	3/22	Jordan		291.00		7,462.14				7,753.14
	3/22	3/23	Iraq								
	3/23	3/23	Jordan		91.00						91.00
	3/23	3/24	Israel								
R.N. Palarino	3/20	3/21	Turkey		362.50		7,368.64				7,731.14
	3/21	3/21	Israel								
	3/21	3/22	Jordan		91.00						91.00
	3/22	3/23	Iraq								
	3/23	3/23	Jordan		91.00						91.00
	3/23	3/24	Israel								
Dave Turk	3/24	3/25	Egypt		278.00						278.00
	3/25	3/26	Afghanistan		75.00						75.00
	3/26	3/29	Pakistan		998.31						998.31
	3/29	3/30	Czech Rep		431.12						431.12
Hon. Betty McCollum	3/24	3/25	Eqypt		278.00		(3)				278.00
	3/25	3/26	Afghanistan		75.00						75.00
	3/26	3/29	Pakistan		998.31						998.31
	3/29	3/30	Czech Republic		431.12						431.12
Hon. John Tierney	3/24	3/25	Egypt		278.00		(3)				278.00
	3/25	3/26	Afghanistan		75.00						75.00
	3/26	3/29	Pakistan		998.31						998.31
	3/29	3/30	Czech Republic		431.12						431.12
Andrew Wright	3/24	3/25	Egypt		278.00		(3)				278.00
	3/25	3/26	Afghanistan		75.00						75.00
	3/26	3/29	Pakistan		998.31						998.31
	3/29	3/30	Czech Republic		431.12						431.12
Aimie Brooke Bennett	3/24	3/25	Egypt		278.00		(3)				278.00
	3/25	3/26	Afghanistan		75.00						75.00
	3/26	3/29	Pakistan		998.31						998.31
	3/29	3/30	Czech Republic		431.12						431.12
Hon. Paul Hodes	2/19	2/22	Kuwait		328.00		11,737.76				12,065.76
	2/20	2/21	Iraq								
Hon. Tom Davis	2/15	2/16	Brazil-Manaus		259.00		(3)				259.00
	2/17	2/18	Brazil-Rio		478.00						478.00
	2/19	2/21	Brazil-Brasilia		369.00						369.00
Committee total					31,098.38		130,906.10		10,900.00		172,904.48

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON HENRY A. WAXMAN, Chairman, Apr. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Arcuri	3/3	3/3	Germany		316.00				50.00		366.00
James McGovern	1/11	1/15	Colombia		1,999.50		1,856.30				3,855.80
Cindy Buhl	1/11	1/15	Colombia		1,999.50		1,476.30				3,475.80
Keith Stern	1/3	1/7	Republic of Georgia		1,702.47		10,744.08				12,446.55
Committee total					6,017.47		14,076.68				20,144.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE McINTOSH SLAUGHTER, Chairman, Apr. 7, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Brian Baird	12/31	1/2	New Zealand		300.00		6,958.00		35,722.00		42,980.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)		[4] 31,797		31,953.00
	1/5	1/7	Australia		350.00		6,963.00		19,340.00		26,653.00
Hon. Russ Carnahan	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Hon. Bob Inglis	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(2)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Hon. Charlie Melancon	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Hon. Randy Neugebauer	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Hon. Frank Lucas	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Hon. Mike Ross	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Hon. Adrian Smith	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Leigh Ann Brown	12/31	1/5	New Zealand		750.00		(3)				750.00
	1/5	1/7	Australia		350.00		(3)				350.00
Leslee Gilbert	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Dick Obermann	12/31	1/2	New Zealand		300.00		(3)				300.00
	1/2	1/4	Antarctica				(3)				
	1/4	1/5	New Zealand		156.00		(3)				156.00
	1/5	1/7	Australia		350.00		(3)				350.00
Hon. Brian Baird	1/22	1/27	Switzerland		1,035.00		672.35				1,707.35
Hon. Bart Gordon	2/17	2/21	France		952.00		7,793.22				8,745.22
Chuck Atkins	2/17	2/19	France		476.00		7,926.22				8,505.22
Hon. Laura Richardson	2/19	2/20	Kuwait		164.00						164.00
	2/20	2/21	Iraq				(3)				
	2/21	2/22	Kuwait		164.00		11,731.76				11.895.76
Committee total					11,951.00		42,044.55		86.962.00		40,957.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Lodging—ten members and four staff.

HON. BART GORDON, Chairman, Apr. 18, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Eddie Bernice Johnson	1/5	1/7	Egypt		556.00		(3)				556.00
Hon. John Duncan	1/5	1/7	Egypt		556.00		(3)				556.00
Hon. Jerry Costello	1/5	1/7	Egypt		556.00		(3)				556.00
Hon. Corrine Brown	1/5	1/7	Egypt		556.00		(3)				556.00
Hon. Tim Holden	1/5	1/7	Egypt		556.00		(3)				556.00
Hon. John Boozman	1/5	1/7	Egypt		556.00		(3)				556.00
Hon. Mary Fallin	1/5	1/7	Egypt		556.00		(3)				556.00
Hon. Laura Richardson	1/5	1/7	Egypt		556.00		(3)				556.00
Jimmy Miller	1/5	1/7	Egypt		556.00		(3)				556.00
Ryan Seiger	1/5	1/7	Egypt		556.00		(3)				556.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jon Pawlow	1/5	1/7	Egypt		556.00		(3)				556.00
Geoff Bowman	1/5	1/7	Egypt		556.00		(3)				556.00
Ted Illston	1/5	1/7	Egypt		556.00		(3)				556.00
Rod Hall	1/5	1/7	Egypt		556.00		(3)				556.00
Beth Goldstein	1/5	1/7	Egypt		556.00		(3)				556.00
Hon. Eddie Bernice Johnson	1/7	1/9	Ghana		578.00		(3)				578.00
Hon. John Duncan	1/7	1/9	Ghana		578.00		(3)				578.00
Hon. Jerry Costello	1/7	1/9	Ghana		578.00		(3)				578.00
Hon. Corrine Brown	1/7	1/9	Ghana		578.00		(3)				578.00
Hon. Tim Holden	1/7	1/9	Ghana		578.00		(3)				578.00
Hon. John Boozman	1/7	1/9	Ghana		578.00		(3)				578.00
Hon. Mary Fallin	1/7	1/9	Ghana		578.00		(3)				578.00
Hon. Laura Richardson	1/7	1/9	Ghana		578.00		(3)				578.00
Jimmy Miller	1/7	1/9	Ghana		578.00		(3)				578.00
Ryan Seiger	1/7	1/9	Ghana		578.00		(3)				578.00
Jon Pawlow	1/7	1/9	Ghana		578.00		(3)				578.00
Geoff Bowman	1/7	1/9	Ghana		578.00		(3)				578.00
Ted Illston	1/7	1/9	Ghana		578.00		(3)				578.00
Rod Hall	1/7	1/9	Ghana		578.00		(3)				578.00
Beth Goldstein	1/7	1/9	Ghana		578.00		(3)				578.00
Hon. Eddie Bernice Johnson	1/9	1/12	South Africa		972.00		(3)				972.00
Hon. John Duncan	1/9	1/12	South Africa		972.00		(3)				972.00
Hon. Jerry Costello	1/9	1/12	South Africa		972.00		(3)				972.00
Hon. Tim Holden	1/9	1/12	South Africa		972.00		(3)				972.00
Hon. John Boozman	1/9	1/12	South Africa		972.00		(3)				972.00
Hon. Mary Fallin	1/9	1/12	South Africa		972.00		(3)				972.00
Hon. Laura Richardson	1/9	1/12	South Africa		972.00		(3)				972.00
Jimmy Miller	1/9	1/12	South Africa		972.00		(3)				972.00
Ryan Seiger	1/9	1/12	South Africa		972.00		(3)				972.00
Jon Pawlow	1/9	1/12	South Africa		972.00		(3)				972.00
Geoff Bowman	1/9	1/12	South Africa		972.00		(3)				972.00
Ted Illston	1/9	1/12	South Africa		972.00		(3)				972.00
Rod Hall	1/9	1/12	South Africa		972.00		(3)				972.00
Beth Goldstein	1/9	1/12	South Africa		972.00		(3)				972.00
Hon. Eddie Bernice Johnson	1/12	1/15	Morocco		940.00		(3)				940.00
Hon. John Duncan	1/12	1/15	Morocco		940.00		(3)				940.00
Hon. Jerry Costello	1/12	1/15	Morocco		940.00		(3)				940.00
Hon. Tim Holden	1/12	1/15	Morocco		940.00		(3)				940.00
Hon. John Boozman	1/12	1/15	Morocco		940.00		(3)				940.00
Hon. Mary Fallin	1/12	1/15	Morocco		940.00		(3)				940.00
Hon. Laura Richardson	1/12	1/15	Morocco		940.00		(3)				940.00
Jimmy Miller	1/12	1/15	Morocco		940.00		(3)				940.00
Ryan Seiger	1/12	1/15	Morocco		940.00		(3)				940.00
Jon Pawlow	1/12	1/15	Morocco		940.00		(3)				940.00
Geoff Bowman	1/12	1/15	Morocco		940.00		(3)				940.00
Ted Illston	1/12	1/15	Morocco		940.00		(3)				940.00
Rod Hall	1/12	1/15	Morocco		940.00		(3)				940.00
Beth Goldstein	1/12	1/15	Morocco		940.00		(3)				940.00
Hon. Eleanor Holmes Norton	1/5	1/6	Egypt		508.00		(3)				508.00
	1/6	1/7	Egypt		279.87		(3)				279.87
	1/7	1/9	Oman		738.00		(3)				738.00
	1/9	1/11	Jordan		577.84		(3)				577.84
	1/11	1/13	Israel		1,090.00		(3)				1,090.00
Hon. Jerry Costello	2/28	2/29	El Salvador		398.00		(3)				398.00
Hon. Henry Brown	2/28	2/29	El Salvador		398.00		(3)				398.00
Hon. Peter DeFazio	2/28	2/29	El Salvador		398.00		(3)				398.00
Hon. Michael Capuano	2/28	2/29	El Salvador		398.00		(3)				398.00
Hon. Mazie Hirono	2/28	2/29	El Salvador		398.00		(3)				398.00
Jimmy Miller	2/28	2/29	El Salvador		398.00		(3)				398.00
Stacie Soumbeniotis	2/28	2/29	El Salvador		398.00		(3)				398.00
Holly Woodruff Lyons	2/28	2/29	El Salvador		398.00		(3)				398.00
Christa Fornarotto	2/28	2/29	El Salvador		398.00		(3)				398.00
Jana Denning	2/28	2/29	El Salvador		398.00		(3)				398.00
Hon. Jerry Costello	3/1	3/3	Costa Rica		939.00		(3)				939.00
Hon. Henry Brown	3/1	3/3	Costa Rica		939.00		(3)				939.00
Hon. Peter DeFazio	3/1	3/3	Costa Rica		939.00		(3)				939.00
Hon. Michael Capuano	3/1	3/3	Costa Rica		939.00		(3)				939.00
Hon. Mazie Hirono	3/1	3/3	Costa Rica		939.00		(3)				939.00
Jimmy Miller	3/1	3/3	Costa Rica		939.00		(3)				939.00
Stacie Soumbeniotis	3/1	3/3	Costa Rica		939.00		(3)				939.00
Holly Woodruff Lyons	3/1	3/3	Costa Rica		939.00		(3)				939.00
Christa Fornarotto	3/1	3/3	Costa Rica		939.00		(3)				939.00
Jana Denning	3/1	3/3	Costa Rica		939.00		(3)				939.00
Hon. Peter DeFazio	2/18	2/19	England		1,136.00		(3)				1,136.00
Hon. John Mica	2/18	2/19	England		1,136.00		(3)				1,136.00
Hon. Corrine Brown	2/18	2/19	England		1,136.00		(3)				1,136.00
Hon. Candice Miller	2/18	2/19	England		1,136.00		(3)				1,136.00
Hon. John Salazar	2/18	2/19	England		1,136.00		(3)				1,136.00
Jim Kolb	2/18	2/19	England		1,136.00		(3)				1,136.00
Jim Coon	2/18	2/19	England		1,136.00		(3)				1,136.00
Jim Tymon	2/18	2/19	England		1,136.00		(3)				1,136.00
Amy Scarton	2/18	2/19	England		1,136.00		(3)				1,136.00
Allison Dane	2/18	2/19	England		1,136.00		(3)				1,136.00
Hon. Peter DeFazio	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Hon. John Mica	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Hon. Corrine Brown	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Hon. Candice Miller	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Hon. John Salazar	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Jim Kolb	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Jim Coon	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Jim Tymon	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Amy Scarton	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Allison Dane	2/20	2/24	Spain		2,655.00		(3)				2,655.00
Committee total					98,251.71						98,251.71

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

(3) Military air transporation.

HON. JAMES L. OBERSTAR, Chairman, Apr. 28, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or Employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Harry Mitchell	1/6	1/15	Kuwait		328.00						328.00
Hon. Timothy Walz	1/6	1/15	Kuwait		328.00						328.00
Geoffrey Bestor	1/6	1/15	Kuwait		328.00						328.00
Arthur Wu	1/6	1/15	Kuwait		328.00						328.00
Hon. Harry Mitchell	1/7	1/11	Pakistan		883.09						883.09
Hon. Timothy Walz	1/7	1/11	Pakistan		883.09						883.09
Geoffrey Bestor	1/7	1/11	Pakistan		883.09						883.09
Arthur Wu	1/7	1/11	Pakistan		883.09						883.09
Committee total											4,844.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BOB FILNER, Chairman, Apr. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Edward J. Markey	2/15	2/21	Brazil		1,616.00						1,616.00
Gerard Waldron	2/15	2/21	Brazil		1,616.00						1,616.00
Jeff Duncan	2/15	2/21	Brazil		1,616.00						1,616.00
Ana Unruh Cohen	2/15	2/21	Brazil		1,616.00						1,616.00
Aliya Brodsky	2/15	2/21	Brazil		1,616.00						1,616.00
Debra Marshall	2/15	2/21	Brazil		1,616.00						1,616.00
Thomas Weimer	2/15	2/21	Brazil		1,616.00						1,616.00
Committee total					11,312.00						11,312.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. EDWARD J. MARKEY, Chairman, Apr. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per deim[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Lauralee Coady	1/6	1/9	England		409.23						409.23
	1/9	1/12	Ireland		957.06						957.06
Patrick Driessen	1/6	1/9	England		322.98						322.98
	1/9	1/12	Ireland		1,006.88						1,006.88
David Lenter	1/6	1/9	England		493.94						493.94
	1/9	1/12	Ireland		987.98						987.98
Committee total					4,178.07						4,178.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SENATOR MAX BAUCUS, Chairman, Apr. 18, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6665. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Conflicts of Interest in Self-Regulation and Self-Regulatory Organizations (RIN: 3038-AC28) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6666. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian, Florida and Southeast Marketing Areas; Interim Order Amending the Orders [AMS-DA-07-0059; AO-388-A22; AO-356-A43 and AO-366-A51; Docket No. DA-07-03-A] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6667. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2007-08 Crop Natural (sun-dried) Seedless Raisins [Docket No. AMS-FV-07-0130; FV08-989-1 IFR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6668. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Decreased Assessment Rate [Docket No. AMS-FV-07-0155; FV08-932-1 IFR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6669. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2007-2008 Crop Year for Tart Cherries [Docket No. AMS-FV-07-0119; FV07-930-3 FR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6670. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Avocados Grown in South Florida; Order Amending Marketing Order No. 915 [Docket No. AO-254-A10; AMS-FV-06-0220; FV06-915-2] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6671. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dairy Product Mandatory Reporting [Docket No. AMS-07-0047; DA-06-07] (RIN: 0581-AC66) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6672. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Personnel Authorized to Accompany

U.S. Armed Forces [DFARS Case 2005-D013] (RIN: 0750-AF25) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6673. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Ninety-Fourth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2007; to the Committee on Financial Services.

6674. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7772] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6675. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6676. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 2007 Annual Report, pursuant to 12 U.S.C. 3305; to the Committee on Financial Services.

6677. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — DISCLOSURE OF DIVESTMENT BY REGISTERED INVESTMENT COMPANIES IN ACCORDANCE WITH SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007 [Release Nos. 34-57711; IC-28254; File No. S7-02-08] (RIN: 3235-AK05) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6678. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6679. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers [CC Docket No. 94-129] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6680. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing the Potential Sonoran Desert Bald Eagle Distinct Population Segment as Threatened Under the Endangered Species Act [FWS-R2-ES-2008-0044; 40120-1113-0000-B3] (RIN: 1018-AW12) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6681. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Virginia Regulatory Program [VA-124-FOR; Docket ID OSM-2007-0013] received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6682. A letter from the Director, U.S. Geological Survey, Department of the Interior, transmitting the Department's report entitled, "Mineral Commodity Summaries 2008"; to the Committee on Natural Resources.

6683. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue — Interchange and Merchant Discount Fees Directive #1 [LMSB Control No.: LMSB-04-0208-002] received April 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6684. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's report entitled, "The Biological Viability of the Most Endangered Marine Mammals and the Cost-Effectiveness of Protection Programs"; to the Committee on Natural Resources.

6685. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No. 070717340-8451-02] (RIN: 0648-AV40) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6686. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF93) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6687. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 061020273-7001-03] (RIN: 0648-XE00) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6688. A letter from the Deputy Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Republication of Gulf Red Snapper Interim Management Measures [Docket No. 061121304-7053-02; I.D. 112006B] (RIN: 0648-AT87) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6689. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — List of Fisheries for 2008 [Docket No. 070417093-7582-02] (RIN: 0648-AV54) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6690. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2007, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

6691. A letter from the Staff Director, United States Sentencing Commission, transmitting a copy of the 2007 Annual Report and Sourcebook of Federal Sentencing Statistics, pursuant to 28 U.S.C. 994(w)(3); to the Committee on the Judiciary.

6692. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Disaster Assistance; Change in Federal Share for Alternate Projects for Public Facilities [Docket ID FEMA-2008-0003] (RIN: 1660-AA59) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6693. A letter from the Secretary, Department of Transportation, transmitting the Department's 2008 Annual Report on the regulatory status of the National Transportation Safety Board's (NTSB) "Most Wanted" Recommendations to the Department and its Operating Administrations; to the Committee on Transportation and Infrastructure.

6694. A letter from the Executive Director, National Surface Transportation Policy and Revenue Study Commission, transmitting the Commission's final report entitled, "Transportation for Tomorrow"; to the Committee on Transportation and Infrastructure.

6695. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Notice and Assistance Requirements and Technical Correction (RIN: 2900-AM17) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6696. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes for Long-Term Care Hospitals Required by Certain Provisions of the Medicare, Medicaid, SCHIP Extension Act of 2007: 3-Year Delay in the Application of Payment Adjustments for Short Stay Outliers and Changes to the Standard Federal Rate [CMS-1493-IFC] (RIN: 0938-AP33) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6697. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reissuance Standards for State and Local Bonds [Notice 2008-27] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6698. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Suspension of Statutes of Limitations in Third-Party and John Doe Summons Disputes and Expansion of Taxpayers' Rights to Receive Notice and Seek Judicial Review of Third-Party Summonses [TD 9395] (RIN: 1545-BA31) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6699. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Normalization Accounting Rules to Balances of Excess Deferred Income Taxes and Accumulated Deferred Investment Tax Credits of Public Utilities Whose Assets Cease to be Public Utility Property [TD 9387] (RIN: 1545-AY75) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6700. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Source Rules Involving U.S. Possessions and Other Conforming Changes [TD 9391] (RIN: 1545-BF85) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6701. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-24) received April 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6702. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — COORDINATED ISSUE PAPER ALL INDUSTRIES VARIABLE PREPAID FORWARD CONTRACTS INCORPORATING SHARE LENDING ARRANGEMENTS UIL: 1001.00-00 [LMSB-04-1207-077] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6703. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-24] received February 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6704. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issued Price in the Case of Certain Debt Instruments Issue for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-9) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6705. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper Agriculture Industry Section 118 — Characterization of Bioenergy Program Payments UIL: 118.01-04 [LMSB-04-0308-019] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6706. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1091.—Loss from Wash Sales of Stock or Securities 26 CFR 1.1091-1: Losses from wash sales of stock or securities. (Rev. Rul. 2008-5) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6707. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Overall Foreign and Domestic Losses [TD 9371] (RIN: 1545-BH14) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6708. A letter from the Secretary, Department of Homeland Security, transmitting the Department's report on the Implementing Recommendations of the 9/11 Commission Act of 2007, pursuant to 28 U.S.C. 530D; to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 305. A resolution recognizing the importance of bicycling in transportation and recreation (Rept. 110–653). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1137. A Resolution supporting the goals and ideals of National Public Works Week, and for other purposes (Rept. 110–654). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 339. Resolution supporting the goals of Motorcycle Safety Awareness Month; with an amendment (Rept. 110–655). Referred to the House Calendar. Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 309. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 110–656). Referred to the House Calendar. Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 1464. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; with an amendment (Rept. 110–657). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SPRATT (for himself, Mr. CLYBURN, Mr. ROTHMAN, Mr. RUPPERSBERGER, and Mr. BARTLETT of Maryland):

H.R. 6083. A bill to authorize funding for the National Advocacy Center; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 6084. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to establish an Auto File Program which provides certain individuals with income tax forms containing pre-filled information; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. HOYER, Mr. CLYBURN, Mr. LAMPSON, Mr. ORTIZ, Mr. AL GREEN of Texas, Mr. DOGGETT, Mr. HALL of Texas, Mr. HINOJOSA, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. BACA, Mr. MCNULTY, Mr. WYNN, Mrs. CHRISTENSEN, Mr. FILNER, Ms. KILPATRICK, Ms. BORDALLO, Mr. BRALEY of Iowa, Mr. ROTHMAN, Mrs. JONES of Ohio, Mr. FATTAH, Mr. ETHERIDGE, Mr. LEWIS of Georgia, Mr. BRADY of Texas, Ms. CLARKE, Mr. CAZAYOUX, Mr. WATT, Mr. WEXLER, Mr. ALTMIRE, Mr. BOSWELL, Mr. MELANCON, Mr. TOWNS, Mr. COOPER, Mr. THOMPSON of Mississippi, Mr. PALLONE, Mr. DINGELL, Mr. CONYERS, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. KENNEDY, Mr. COSTA, Mr. CLAY, Mr. BACHUS, Mr. PASTOR, Mr. CHANDLER, Mr. MEEK of Florida, Ms. WASSERMAN SCHULTZ, Mr. MARKEY, Mr. KIND, Mr. BOYD of Florida, Mr. MCCAUL of Texas, Mr. LARSON of Connecticut, and Mr. DAVIS of Alabama):

H. Con. Res. 354. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer; to the Committee on the Judiciary; considered and agreed to.

By Mr. LEWIS of Georgia:

H. Res. 1208. A resolution expressing the sense of the House of Representatives that youth who age out of foster care should be given special care and attention; to the Committee on Ways and Means.

By Mr. CASTLE:

H. Res. 1209. A resolution commemorating the 100th anniversary of the founding of the National Governors Association; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 76: Mr. MANZULLO.

H.R. 219: Mr. JONES of North Carolina.

H.R. 423: Mr. CHABOT.

H.R. 522: Mr. CARSON.

H.R. 618: Mr. EHLERS.

H.R. 1014: Mr. GUTIERREZ.

H.R. 1059: Ms. JACKSON-LEE of Texas.

H.R. 1063: Mr. SCALISE.

H.R. 1304: Mr. CARSON.

H.R. 1399: Mr. SCALISE.

H.R. 1540: Ms. SCHAKOWSKY.

H.R. 1650: Mr. BUTTERFIELD.

H.R. 1687: Mr. GONZALEZ.

H.R. 1726: Mr. HINCHEY.

H.R. 1738: Mr. FORTUÑO.

H.R. 1797: Mr. PAUL.

H.R. 2020: Mr. CONAWAY.

H.R. 2054: Mr. HARE.

H.R. 2131: Mr. GONZALEZ.

H.R. 2138: Mr. BISHOP of Utah, Ms. BEAN, and Ms. SPEIER.

H.R. 2188: Mr. SAXTON and Mr. COURTNEY.

H.R. 2371: Ms. WATERS and Mr. GONZALEZ.

H.R. 2380: Mr. SCALISE.

H.R. 2472: Ms. BALDWIN.

H.R. 2593: Mr. BACA.

H.R. 2597: Mr. WITTMAN of Virginia.

H.R. 2892: Mr. ENGEL.

H.R. 2923: Mr. MCCOTTER.

H.R. 2942: Mr. ROGERS of Michigan.

H.R. 3094: Mr. BLUMENAUER.

H.R. 3234: Mr. SHADEGG, Mr. SESSIONS, Mr. LATTA, and Mrs. MCMORRIS RODGERS.

H.R. 3257: Mr. PORTER.

H.R. 3418: Mr. SHAYS.

H.R. 3426: Mr. BOUCHER.

H.R. 3457: Mr. WELLER, Ms. MCCOLLUM of Minnesota, and Mr. KLINE of Minnesota.

H.R. 3563: Mr. ORTIZ and Mr. GONZALEZ.

H.R. 3642: Mr. TIERNEY.

H.R. 3697: Mr. CARSON.

H.R. 3800: Mrs. MCMORRIS RODGERS.

H.R. 3892: Mr. WU.

H.R. 3955: Mr. FOSTER.

H.R. 3957: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3995: Mr. GOODLATTE and Mr. TOM DAVIS of Virginia.

H.R. 4030: Mr. HINCHEY.

H.R. 4093: Mr. ROTHMAN.

H.R. 4105: Mr. ALLEN and Mr. WALSH of New York.

H.R. 4133: Mrs. MCMORRIS RODGERS.

H.R. 4188: Mr. FILNER.

H.R. 4201: Mr. MCCOTTER.

H.R. 4206: Mr. ABERCROMBIE.

H.R. 4236: Mr. MITCHELL, Mr. COHEN, Ms. WASSERMAN SCHULTZ, Ms. ROYBAL-ALLARD, Mr. YARMUTH, Mr. ACKERMAN, and Mr. MARKEY.

H.R. 4335: Mr. BOSWELL.

H.R. 4775: Mr. WU, Ms. LEE, Mr. FILNER, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, and Mr. BAIRD.

H.R. 4838: Mrs. NAPOLITANO.

H.R. 5038: Mr. CUMMINGS.

H.R. 5085: Mr. PAUL.

H,R. 5161: Mr. CARSON.

H.R. 5267: Mr. BOREN.

H.R. 5315: Ms. MCCOLLUM of Minnesota.

H.R. 5464: Mr. SHERMAN.

H.R. 5544: Ms. NORTON.

H.R. 5545: Mr. SMITH of Texas.

H.R. 5546: Mr. BAIRD and Mr. MELANCON.

H.R. 5605: Mr. FILNER.

H.R. 5606: Mr. ROTHMAN and Ms. ZOE LOFGREN of California.

H.R. 5611: Mrs. MCCARTHY of New York.

H.R. 5615: Mr. GRIJALVA and Mr. FILNER.

H.R. 5696: Ms. GIFFORDS and Mr. BAIRD.

H.R. 5699: Mr. HERGER.

H.R. 5709: Mr. CARSON.

H.R. 5740: Mr. BECERRA and Ms. WATSON.

H.R. 5741: Mrs. CAPPS.

H.R. 5748: Mr. PASTOR.

H.R. 5776: Mr. TERRY and Mr. LATTA.

H.R. 5784: Mrs. MCMORRIS RODGERS.

H.R. 5793: Ms. MCCOLLUM of Minnesota, Mr. RADANOVICH, Mr. DEAL of Georgia, Mr. BOEHNER, and Mr. WALBERG.

H.R. 5823: Mr. ACKERMAN and Mr. WALSH of New York.

H.R. 5825: Mr. WEXLER.

H.R. 5838: Mr. TOWNS.

H.R. 5842: Mr. FILNER.

H.R. 5845: Mr. PASTOR.

H.R. 5847: Mrs. MUSGRAVE.

H.R. 5852: Mr. BERMAN, Mr. ACKERMAN, and Mr. WYNN.

H.R. 5854: Mr. PATRICK MURPHY of Pennsylvania and Ms. MCCOLLUM of Minnesota.

H.R. 5867: Mr. GRIJALVA, Mr. BERMAN, and Mr. BLUMENAUER.

H.R. 5873: Mr. GONZALEZ and Mr. CARSON.

H.R. 5874: Mr. DONNELLY, Mr. BOUCHER, Mr. ADERHOLT, Mr. WAXMAN, Mr. WOLF, Mr. ROSS, Mr. ALTMIRE, Mr. POMEROY, Mr. KUHL of New York, Mr. LAHOOD, Mr. SHAYS, and Ms. LEE.

H.R. 5898: Mr. HALL of New York, Ms. WASSERMAN SCHULTZ, and Mr. CARSON.

H.R. 5906: Mr. SOUDER and Mr. PAUL.

H.R. 5908: Mr. BROUN of Georgia and Mrs. MUSGRAVE.

H.R. 5910: Mr. SALI, Mr. WESTMORELAND, and Mr. JORDAN.

H.R. 5913: Mr. SCOTT of Virginia, Mr. PASTOR, and Mr. SHULER.

H.R. 5951: Mr. BLUMENAUER, Ms. LEE, and Mr. COHEN.

H.R. 5954: Mr. VAN HOLLEN, Mrs. BOYDA of Kansas, Mr. MCDERMOTT, Mr. POMEROY, Ms. WATSON, Mr. PRICE of North Carolina, Mr. DICKS, Mr. WALZ of Minnesota, Mr. REYES, Mrs. DAVIS of California, and Mr. CARSON.

H.R. 5976: Mr. CARSON.

H.R. 5984: Mr. BURTON of Indiana, Mr. RADANOVICH, and Mr. PORTER.

H.R. 5996: Mr. PAUL.

H.R. 6001: Mr. DEAL of Georgia.

H.R. 6023: Ms. GRANGER and Mr. SOUDER.

H.R. 6024: Mr. KILDEE.

H.R. 6029: Mr. TOWNS.

H.R. 6048: Mr. SHADEGG and Mr. SOUDER.

H.R. 6052: Ms. HIRONO and Mr. MCGOVERN.

H.R. 6073: Mr. CARTER, Mr. WILSON of South Carolina, Mr. COBLE, and Mr. COHEN.

H.R. 6074: Mr. HINCHEY, Ms. TSONGAS, Mr. MCNERNEY, and Ms. SCHAKOWSKY.

H.R. 6075: Ms. BORDALLO, Mr. COURTNEY, and Mr. CARSON.

H.R. 6081: Mr. WALZ of Minnesota, Mr. ARCURI, Ms. SHEA-PORTER, Mr. BECERRA, Mrs. DAVIS of California, and Mr. DOGGETT.

H. Con. Res. 223: Mr. CHANDLER and Mr. SHIMKUS.

H. Con. Res. 276: Mr. SCHIFF.

H. Con. Res. 296: Ms. JACKSON-LEE of Texas, Mr. CONAWAY, Mr. REICHERT, and Mr. MCCOTTER.

H. Con. Res. 300: Mrs. CAPPS, Ms. LEE, Mr. FALEOMAVAEGA, Mr. HINCHEY, Mr. GRIJALVA, Mr. KLEIN of Florida, Mr. HONDA, Mr. FARR, Mr. BAIRD, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, Ms. HIRONO, Mr. FORTUÑO, and Mr. INSLEE.

H. Con. Res. 305: Mr. MARKEY.

H. Con. Res. 341: Mr. PASTOR, Mr. CAMPBELL of California, Mr. HIGGINS, Mr. MICHAUD, Mrs. MYRICK, Mr. WHITFIELD of Kentucky, Mr. HASTINGS of Florida, Mr. WALDEN of Oregon, Mr. RAHALL, and Mr. LAMPSON.

H. Con. Res. 349: Mr. BRADY of Pennsylvania and Ms. BORDALLO.

H. Res. 353: Ms. MATSUI, Mr. CHABOT, Mr. ORTIZ, Mr. TIM MURPHY of Pennsylvania, and Mr. HASTINGS of Florida.

H. Res. 389: Mr. CLAY.

H. Res. 757: Ms. TSONGAS.

H. Res. 858: Mr. GENE GREEN of Texas.

H. Res. 959: Mr. ALTMIRE.

H. Res. 977: Mr. PASTOR, Mr. ENGEL, Mr. PASCRELL, Mr. TOWNS, Mr. RYAN of Ohio, and Mr. WYNN.

H. Res. 988: Ms. DEGETTE, Mr. KIRK, Mr. HILL, Mr. BUTTERFIELD, and Mr. CAMP of Michigan.

H. Res. 1008: Ms. JACKSON-LEE of Texas.

H. Res. 1019: Ms. KAPTUR.

H. Res. 1022: Mr. BOSWELL.

H. Res. 1026: Mr. REICHERT.

H. Res. 1093: Mr. TIM MURPHY of Pennsylvania.

H. Res. 1122: Mr. DOOLITTLE, Mrs. BACHMANN, Mr. SHADEGG, Mr. DAVID DAVIS of Tennessee, Mr. KUHL of New York, Mr. GINGREY, Mr. SHIMKUS, Mr. AKIN, Mr. KING of Iowa, and Mr. BROWN of South Carolina.

H. Res. 1124: Mr. BOREN, Mr. MCNERNEY, and Mr. CUMMINGS.

H. Res. 1143: Mr. LARSEN of Washington, Mr. FARR, Mr. REICHERT, Mrs. MCCARTHY of New York, Mrs. MILLER of Michigan, Ms. CLARKE, and Mr. MCCOTTER.

H. Res. 1192: Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. WU, Mr. RUSH, and Mr. GRIJALVA.

H. Res. 1194: Mr. BOUSTANY.

H. Res. 1195: Ms. BORDALLO, Mr. SCOTT of Virginia, Mr. HONDA, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. ACKERMAN, and Ms. SOLIS.

H. Res. 1204: Mr. TOWNS, Ms. LEE, and Mr. HASTINGS of Florida.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. BILBRAY

Bill Number: H.R. 2649.

Account: Bureau of Reclamation, Water Related Resources, Title XVI.

Legal Name of Requesting Entity: The Olivenhain Municipal Water District.

Address of Requesting Entity: 1966 Olivenhain Road, Encinitas, CA 92024.

Description of Request: The Lake Hodges Water Reclamation Project will treat and deliver for consumption impaired surface water from nearby Lake Hodges. Lake Hodges was added to the list of impaired water bodies by the California State Water Resources Control Board in 2003 and again in 2006 according to EPA Clean Water Act § 303 (d). This impaired body of water will be hooked up to the regional water supply system via the Olivenhain Reservoir in 2009. In order to treat this impaired water supply in Lake Hodges, the Olivenhain Municipal Water District (District) will be required to upgrade and expand its current treatment plant. Once complete, this project will be able to treat a total of 13,000 acre feet per year of Lake Hodges water, and act as a new local water supply to the region.

The total cost of the Lake Hodges Water Reclamation Project is estimated to be $80 million which will consist of a pre-treatment process, plant improvements and retrofitting, hookups to the Olivenhain Water Treatment Plant, and building additional treatment capacity to the current plant to accommodate the 13,000 acre feet per year of new water that will be available. The 75 percent local matching funds will be generated through water rates, connection funds and municipal bonds. Additional funds will be collected from other local agencies who will benefit from this project.

OFFERED BY MR. ROHRABACHER

Mr. Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting for the RECORD the following information regarding an earmark I requested, which was included in the reported version of H.R. 5658, the "Duncan Hunter National Defense Authorization Act:"

Bill Number: H.R. 5658, the "Duncan Hunter National Defense Authorization Act."

Name of Project: C–17A.

Account: Aircraft Procurement, Air Force.

Legal Name of Requesting Entity: The Boeing Company.

Address of Requesting Entity: 2401 E. Wardlow Rd., Long Beach, CA 90807–5309.

Description of Request: I requested $3,900,000,000, in addition to the President's Budget, for the procurement of 15 C–17A aircraft. The C–17A is the core airlifter of the United States Air Force. The C–17 is the world's most effective and flexible strategic airlifter, and has revolutionized the movement of troops and equipment into battle by allowing their delivery to parts of the world that were previously not accessible by conventional airlifters. No matching funds are required for this request, as the funding will be used for the Department of Defense.

OFFERED BY MR. SKELTON

The amendment to be offered by Representative IKE SKELTON or a designee to H.R. 5658 the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. BISHOP OF UTAH

Consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for seven individual project authorization requests that I made and which were included within the text of H.R. 5658, the "Duncan Hunter Defense Authorization Act for Fiscal Year 2009."

Bill Number: H.R. 5658—"The Duncan Hunter Defense Authorization Act for Fiscal Year 2009."

1. Project: Three-Bay Fire Station, Military Construction.

Project Amount: $5.67 million.

Account: Air Force, Military Construction (MILCON).

Requesting Entity: Congressman Rob BISHOP.

Receiving Entity: Hill Air Force Base; Air Force Materiel Command.

Address: 75th Air Base Wing, Hill AFB, Utah 84056.

Project Description and Justification: Construction of new, 3-bay fire station next to the main runway is necessary to correct for violation of Air Force fire protection regulations regarding response times. New facility is necessary to provide adequate fire protection for aircraft, as well as industrial operations on East side of runway in support of vital national defense missions. This project was already approved in the Air Force's Five-Year Defense Plan as being necessary to meet military safety requirements. MILCON projects are inherently necessary as having been requested and reviewed by the applicable military service in the first instance. Congress merely readjusts prioritization of project funds in any given fiscal year based on showing of emerging or critical needs.

Matching Funds: Not applicable (Federal entity).

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

2. Project: Small Low-Cost Reconnaissance Spacecraft Components.

Project Amount: $5 million.

Account: Air Force; RDT&E.

Requesting Entity: Utah State University (USU) Space Dynamics Laboratory.

Receiving Entity: U.S. Air Force Research Lab and USU Space Dynamics Laboratory and USU Space Dynamics Laboratory.

Addresses: Air Force Research Lab (AFRL), Responsive Systems, Kirtland AFB, New Mexico 87117; USU Space Dynamics Lab, Utah State University, 1695 N. Research Park Way, Logan, Utah 84341.

Project Description and Justification: Project funding would continue R&D efforts begun in FY'07 and FY'08 to develop and demonstrate technologies for new, lower-cost modular space systems which would provide quick, flexible, customizable, secure, and highly-capable satellite platforms for theatre and battleground communications and reconnaissance. Effort will lead to dedicated tactical satellite capabilities at a fraction of today's traditional satellite programs.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

Comment: USU Space Dynamics Lab is a non-profit research institution of higher learning.

3. Project: Science, Engineering and Laboratory Data Integration (SELDI).

Project Amount: $2 million.

Account: Air Force, Other Procurement.

Requesting Entity: ES3, Inc.

Receiving Entity: Air Force Materiel Command, Ogden Air Logistics Center, ES3, Inc.

Addresses: Ogden Air Logistics Center/ITMS, 6090 Gum Lane, Hill AFB, Utah 84056-5829; ES3, Inc., 1669 East 1400 South, Suite 100, Clearfield, Utah 84015.

Project Description and Justification: Funding would be used, as in several past years, to provide the Air Force with a rapid lab data access management tool allowing for the elimination of ordering duplicate spare parts in depot overhaul maintenance operations, and enable component trend failure analysis, and to implement a new acoustic signature sensor to ensure proper chemical composition of materials and equipment. SELDI has enjoyed strong Congressional support for many years, and was recognized by Congress in a previous House Report 109-89, at page 106, as a program that saved taxpayers money, and that would "improve operational aircraft readiness, increase flight safety, and reduce support costs."

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to use of these funds.

4. Project: Unserviceable Ammunition Demilitarization.

Project Amount: $2 million.

Account: Army, RDT&E.

Requesting Entity: The Battelle Memorial Institute.

Receiving Entity: Tooele Army Depot, Utah; Battelle Memorial Institute.

Addresses: Tooele Army Depot, Tooele, Utah 84074; Battelle Memorial. Institute, 4225 Lake Park Boulevard, Suite 200, Salt Lake City, Utah 84120.

Project Description and Justification: Funding would be used to design, construct, and demonstrate a prototype acid hydrolysis demilitarization system for the disposal of high-risk, high-cost unserviceable or obsolete conventional ammunition or rounds in an environmentally-responsible manner. Tooele Army Depot is one of the largest ammunition storage depots in the entire Department of Defense, and is one of several locations nationwide for the growing storage of obsolete, conventional munitions which must eventually be destroyed. This project is needed to update the Army's outdated technology of "open-pit, open-burn," which is increasingly unacceptable under clean air and clean water standards.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to use of these funds.

Comment: The Battelle Memorial Institute is a non-profit research institution which provides valuable technical expertise to complex R&D projects throughout the Department of Defense.

5. Project: Versatile Affordable Advanced Turbine Engines (VAATE) High Speed Turbine Engine Demonstrator (HiSTED) for Supersonic Cruise Missiles.

Project Amount: $5.5 million.

Account: Air Force, RDT&E.

Requesting Entity: Williams International, Inc.

Receiving Entity: Air Force Research Lab/Turbine Engine Division; Williams International, Inc.

Addresses: Air Force Research Lab/Turbine Engine Division, Wright-Patterson Air Force Base, Ohio 45433; Williams International, Inc., 3450 Sam Williams Drive, Ogden, Utah 84401.

Project Description and Justification: Funding would be used to continue multi-year effort at demonstrating and qualifying our nation's first Supersonic Cruise Missile Engine which would provide for a high speed (MACH-4 plus) quick conventional strike capability. Other nations such as Russia and India claim to have already fielded a stealthy, supersonic cruise missile. The U.S. is the originator of cruise missile technology, and risks falling behind the technological curve if this funding is not provided and the effort continued.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to use of these funds.

6. Project: C-17 Globemaster III Aircraft.

Project Amount: $3.9 billion.

Account: Aircraft Procurement, Air Force.

Requesting Entity: U.S. Air Force* and Boeing, Inc.

Receiving Entity: Air Force, and Boeing, Inc.

Address: 100 North Riverside, Chicago, Illinois 60606-1596.

Project Description and Justification: Funding would procure an additional 15 C-17 Globemaster III aircraft, allowing for more efficient use of taxpayer funds in obtaining additional assets towards meeting DoD's "Air Mobility Study" requirements, as opposed to using the funds to program termination activities. Termination has profound negative consequences for the U.S. defense industrial base. This funding will help address those concerns about termination of our only remaining, large-scale military aircraft production line. This is an example of something that a responsible Congress must ask for as a validated military requirement, and risk having it labeled as an "earmark."* Requested funding is a high priority on the Air Force's FY'09 "Unfunded Priorities List."

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

7. Project: ICBM Crypto Upgrade (ICU).

Project Amount: $5 million.

Account: Air Force, RDT&E.

Requesting Entity: U.S. Air Force*, and Northrup-Grumman.

Address: Northrup-Grumman, 1840 Century Park East, Los Angeles, California 90067-2199.

Project Description and Justification: Funding would upgrade existing decades-old cryptography systems on the Minuteman III Strategic Deterrent system to allow for greater digital security of our nation's nuclear arsenal, and allow for cost reductions in maintaining the new system over the old one. This is something that should have been included as part of the Minuteman III Modification and Upgrade program, but for budgetary reasons alone, wasn't. This is another example of something that Congress must then ask for to support validated military requirements, and risk having it labeled as an "earmark." *Requested funding is a high priority on the Air Force's FY'09 "Unfunded Priorities List."

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

OFFERED BY MR. BILIRAKIS

Bill Number: H.R. 5658.

Account: Aircraft Procurement Army.

Names and addresses of Requesting Entities: Sikorsky Aircraft Corporation, 6900 Main Street, Stratford, CT 06615; Pall Aeropower Corporation, 10540 Ridge Road, New Port Richey, FL 34654.

Description of Request: This earmark provides an additional $5,000,000 to modernize the National Guard H-60 Black Hawk helicopter fleet. The UH-60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every state with a multi-mission aircraft for search & rescue, utility lift, disaster relief and medical evacuation. The Army National Guard, ARNG, is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH-60A models, with an average age of approximately 25 years.

The Army is procuring over 1200 UH-60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH-60A from operational units by 2016. The Army acquired 33 UH-60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH-60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH-60M, the Army National Guard will be operating more than 400 UH-60A helicopters beyond 2020.

The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH-60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH-60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH-60A to L upgrade is not funded.

The UH-60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH-60A. The desired rate of UH-60 A to L upgrades is 38 per year. Funding the UH-60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home.

This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as a FY09 Essential 10—Top 25 unfunded priorities.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

242. The SPEAKER presented a petition of the Commom Council of the City of Hobart, Indiana, relative to Resolution No. 2008-07 urging a moratorium on home foreclosures and congressional enactment of a homeowners and bank protection act; to the Committee on Financial Services.

243. Also, a petition of the Commission of the City of Miami, Florida, relative to Resolution No. 08-0099 urging the Congress of the United States to support the re-enactment of the Federal Assault Weapons Ban as proposed in H.R. 1022; to the Committee on the Judiciary.

244. Also, a petition of the City Council of the City of Taft, California, relative to Resolution No. 3036-08 supporting the Second Amendment to the Constitution of the United States and the decision of the United States Supreme Court of Appeals for the District of Columbia in Parker et al. v. District of Columbia; to the Committee on the Judiciary.

245. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 124 requesting that the Congress of the United States review the religious land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000; to the Committee on the Judiciary.

246. Also, a petition of the City Council of Bakersfield, California, relative to Resolution No. 054-08 supporting the Second Amendment to the United States Constitution and the decision of the United States Court of Appeals for the District of Columbia in Parker et al. v. District of Columbia; to the Committee on the Judiciary.

247. Also, a petition of the Town Commission of Lauderdale-By-The-Sea, Florida, relative to Resolution No. 2008-06 requesting that the President of the United States and the Congress of the United States provide funding for expedited repairs to the Herbert Hoover Dike; to the Committee on Transportation and Infrastructure.

248. Also, a petition of the Council of St. Charles Parish, Louisiana, relative to Resolution No. 5531 urging the Congress of the United States to appropriate 100% federal funding for one hundred year flood protection for Southeast Louisiana; to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

HONORING NATIONAL POLICE MEMORIAL WEEK

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. REICHERT. Madam Speaker, I respectfully submit the following two poems into the CONGRESSIONAL RECORD, authored by longtime U.S. Capitol tour guide Albert Caswell in honor of National Police Memorial Week:

IN HONOR OF TWO SLAIN OFFICERS, JACOB CHESTNUT AND JOHN GIBSON, AND OFFICER JOHN MCMILLIAN ON THE OCCASION OF NATIONAL POLICE MEMORIAL WEEK AT THE U.S. CAPITOL

THE UNSUNG HERO

A Hero!
A quiet man . . .
A calm and careful caring man, with a sure and steady hand . . .
While there just waiting . . . waiting . . . waiting . . . to make his stand . . .
A time . . . when all life and death upon him so depend and lie . . . all within his hands . . .
A transformation, from a mere mortal . . . all to a Gotham-like Superman!
A Hero!
This unsung man . . .
Quietly, ever so moving on his way . . .
Quintessentially humble, throughout each and every passing day . . .
Questioning and there qualifying . . . observing all . . . while, upon his way . . .
Quantifying, reading and measuring carefully, as we see him both night and day . . .
Quiet, until that one moment, that one instant, that one day, until out there on harm's way . . .
This unsung man . . .
That moment of truth . . .
That time when all hell around him so breaks loose . . .
That split second of life or death, that real moment of truth . . .
That reaction, his response . . . determining if evil will win or lose . . .
Quiet stealthiness erupting, as this dark evil he pursues, a hero, a real American who's who . . .
Who without regard of his own life to lose, as these grave decisions as he must so choose . . .
That moment of truth!
Reacting all in time . . .
Reaching that edge, where life and death are all so defined . . .
Reading the moment, instinctively preserving life, with but this thin blue line . . .
Responding all there within these precious moments in time . . . as his true heart we find . . .
Rushing into the darkest of all dangers . . . while there, caution he so heroically leaves so very far behind . . .
Relief, it's all over . . . as there in the midst of grief, so brilliantly he now so shines. . .
Reacting all in time . . .
As, he's saving lives . . .
As all of the loved ones he has spared, all because he cared, on this day . . .
All living to see another sunset . . . basking in the sunrise as together they . . .
Life guards . . . whose heroism its so splendidly portrayed . . . as onward they so make their way . . .
Liege, as to them we so our allegiance owe . . . as now so quietly back to work he so goes this day . . .
Letting none know, waiting until that one moment of truth The Unsung Hero, as for him we pray . . .
As, he's saving lives . . .
A Hero, This Unsung Man . . . That Moment Of Truth . . . Reacting All In Time . . . As He's Saving Lives!

Dedicated to All Great Americans and these officers Chestnut . . . Gibson . . . and McMillian . . . who are the personification of the words 'Unsung Hero'

—Albert Carey Caswell © 2001.

IN MEMORY, ON NATIONAL POLICE MEMORIAL WEEK AT THE CAPITOL, OF SLAIN OFFICERS JACOB JOSEPH CHESTNUT AND JOHN MICHAEL GIBSON ON THE UPCOMING 10TH ANNIVERSARY OF THEIR DEATHS, JULY 24TH 1998

UP TO THE LORD, THEY WOULD RISE

On one bright warm sunny day in July . . .
As two great American Heroes were to lay down their lives . . .
People stunned and confused, asking that age old eternal question, why?
As few noticed on that day, as two bright lights were heading up into the skies . . .
As straight to heaven, their souls to our Lord they would rise . . .
In this our world, no woman or man . . . nor even a child . . . can know of or plan, of this their final fate or time . . .
As when one's life passage which is so very precious, which is so very fine . . . will end without reason or rhyme . . .
Until tested . . . while acting on a clarion call, will we be the ones ever standing tall . . . while standing in death's line?
For on this bright and beautiful sunny day in July, as two great American heroes in harm's way stood . . . as our nation she would find!
As straight up to heaven, their souls to our Lord they would rise . . .
For all of the children and wives, now without husbands or dads . . .oh how so very unjust, so very sad . . .
As there is no greater courageous act, which can be . . . than while in the line of ones duty, gallantly forsaking the life that you have . . .
To all those men, women and children who were spared . . . forever remember how they cared . . . ever hold in your hearts, the good not the bad . . .
In the Kingdom of our Lord, one's life . . . for there is no greater gift, nor is there such higher sacrifice, so rejoice . . . for they are in our Lord's arms, be glad.
As straight up to Heaven, their souls to our Lord they would rise . . .
Let not this day always be remembered for that one lone foul coward's evil attack . . .
Instead . . . ever look on the goodness of mankind and those heroic hearts which were so to find these unselfish Christian acts!
Now, honor our Fallen Heroes ever in this way . . . so forever in our hearts, their great deeds of valor shall so stay . . . so warmly so intact . . .
For on this dark . . . dark . . . dark day of evil . . . as two lone brave hearts stood . . . bringing light . . . bringing good . . . for their courage would not lack . . .
As straight up to Heaven, their souls up to our Lord as they would rise . . .
To the children and the wives, who have lost the ones ever so close . . . their grave sacrifice means everything, just the most!
A Dr. King or a woman who just might save the world, as from all of these unselfish Christian acts . . .. as we may soon warmly boast . . .
Families hugging and crying, all still intact . . . all because two heroes now lay dying . . . as on this day, death came so very . . . very . . . very close . . .
For the names of Chestnut & of Gibson, we shall now forever carry in our hearts, just everything . . . all! As these fine magnificent souls gave the most!
Surely, those two bright lights heading up into the skies, were but their fine souls . . . as up to Heaven they had closed . . .
As straight up to Heaven, their precious souls to our Lord . . . they rose!

In Memory of Officers Chestnut and Gibson, to the Families, our prayers and thoughts are with you, we cherish the honor & great privilege to have known & served with such fine men of character & great honor . . . And to all the men and women in blue who showed their true & great worth on this day of heroes . . . May God Bless you . . .

—Albert Carey Caswell © 1998.

FORMER IMF HEAD CALLS FOR REGULATION TO TAME THE "MONSTER" FINANCIAL MARKET

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. FRANK of Massachusetts. Madam Speaker, for much of the past decade, we have had a debate between those calling for substantial deregulation in the financial markets, and those of us who are concerned that we did not have sufficient regulation to deal with the powerful innovations that we have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

seen in that market recently. Recent experience, in which disarray in the financial markets due in part to an absence of sensible regulation has led to serious economic problems in the world, very much strengthens the argument for appropriate public intervention that seeks to preserve the advantages of recent innovations while diminishing the harm that they have caused. Earlier this week, Horst Kohler, a man of significant experience in the financial world, and not one previously suspected of radicalism in any degree, spoke out strongly to emphasize that "We need more severe and efficient regulation, higher capital requirements to underpin financial trades, more transparency and a global institution to independently oversee the stability of the international financial system."

Madam Speaker, reasonable people can differ with Mr. Kohler on some of the specifics, and on how they would be constituted. But the voice from this respected, experienced participant at the highest levels of the financial system should be heeded. It is truly time for us to work together here in the U.S. and in cooperation with legislators and regulators in other countries, to put in place the kind of system that Horst Kohler calls for, one in which we can try to increase the benefits of innovation while diminishing the damage that unchecked activity can cause.

Madam Speaker, I note that among the areas that Mr. Kohler calls on us to address is what he calls "the grotesquely high compensation of individual finance managers." In this connection, it should also be noted that Joaquin Almunia, Monetary Affairs Commissioner of the European Union, also recently noted that "When we talk about wage moderation and the need to link wage increases with productivity increases, then we also have to say something about levels of remuneration that sometimes don't seem to reflect productivity" for top executives.

I ask that this important contribution to the debate about financial services regulation be printed here.

GERMAN PRESIDENT LASHES OUT AT "MONSTER" MARKET AND ITS BANKERS

(By Bertrand Benoit and James Wilson)

Global financial markets have of become "a monster" that "must be put back in its place", the German president has said, comparing bankers with alchemists who were responsible for "massive destruction of assets".

In some of the toughest comments by a leading European politician since the start of the subprime crisis, Horst Köhler—a former head of the International Monetary Fund—called for tougher regulations and the reconstruction of a "continental European banking culture".

Mr. Köhler singled out excessive executive pay, the focus of much public resentment against top managers, as a factor in the subprime crisis and accused bankers of acting irresponsibly.

"The complexity of financial products and the possibility to carry out huge leveraged trades with little [of their] own capital have allowed the monster to grow . . . also responsible [is] the grotesquely high compensation of individual finance managers."

Mr. Köhler's words will revive memories of the 2005 remarks by Franz Müntefering, then German vice-chancellor, who attached hedge funds as "swarms of locusts" whose "profit-maximizing strategies inspired by international competition" posed "a danger to our democracy."

The comments from Mr. Köhler came as European Union finance ministers ratcheted up the pressure over boardroom pay—describing excessive remuneration as "scandalous".

"When we talk about wage moderation and the need to link wage increases with productivity increases, then we also have to say something about levels of remuneration that sometimes don't seem to reflect productivity," sand Joaquin Almunia, EU monetary affairs commissioner.

Bankers "have made huge mistakes", Mr. Köhler told Stern magazine, published today. Referring to the subprime crisis, he said: "I am still waiting for a clear, audible mea culpa. The only good thing about this crisis is that it has made clear to any thinking, responsible person in the sector that international financial markets have developed into a monster that must be put back in its place.

"We need more severe and efficient regulation, higher capital requirements to underpin financial trades, more transparency and a global institution to independently oversee the stability of the international financial system. I have already suggested that the IMF assume this role."

ACKNOWLEDGING NATIVE AMERICANS IN MINNESOTA WHILE CELEBRATING 150 YEARS OF STATEHOOD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, this weekend I had the honor of celebrating Minnesota's sesquicentennial by participating in an event sponsored by the United States Postal Service in which a beautiful commemorative stamp was unveiled. It was a pleasure to be in the company of Joan Mondale, a member of the Citizens Stamp Advisory Committee, her husband, former Vice President of the United States, Walter F. Mondale, as well as Mr. Richard Smith, the photographer whose magnificent image was selected for the commemorative stamp. The United States Postal Service conducted a fitting tribute to Minnesota that I found to be a very special event.

While celebrating 150 years of Minnesota statehood it is important to recognize the hard work of the people who settled our State, but also acknowledge the enormous suffering of Minnesota's first people—the Anishinaabe—the Ojibwe and Chippewa—and the Dakota Sioux. Minnesota's Native American communities continue to make major contributions to the cultural and economic success of our State. Yet, there is a historical legacy that cannot be forgotten or ignored.

Madam Speaker, I would request that the following remarks be entered into the CONGRESSIONAL RECORD.

REMARKS MADE AT THE UNITED STATES POSTAL SERVICE MINNESOTA STATEHOOD COMMEMORATIVE STAMP CEREMONY, MAY 17, 2008

Good afternoon.

I want to thank the United States Postal Service for honoring Minnesota and for celebrating the 150th year of our State with this beautiful commemorative stamp.

As Minnesotans we have much to be thankful for during these 150 years of statehood. We live in a blessed land with an abundance of natural resources that allowed for settlement and the development of our State.

The Minnesota we live in today is the result of the hard work and sacrifices of the generations before us—pioneers, immigrants, traders, farmers, loggers, miners and factory workers. Their toil, courage and vision have become our inheritance and because of their contributions the Minnesota of 2008 continues to be a place of opportunity, new beginnings, and endless possibilities.

There is another inheritance we must recognize as we reflect on the history of our State.

For all the pride we feel as Minnesotans, we must also use this moment to acknowledge the full historic reality. Minnesota's history is reflected in our State flag. "The Star of the North" is in French. But another part of history is reflected there as well—the Native Americans, and the settlers who followed after the Louisiana Purchase.

Hundreds of years before statehood in 1858 people were living on this land we now call Minnesota.

The first people of Minnesota, the first people of the United States, were not European colonists and settlers. The first people of this State were the Anishinaabe—the Ojibwe and Chippewa—and the Dakota Sioux.

The forests and prairies and waters sustained their families and they treated the land with a sacred respect. For the first people of Minnesota, this land could never be owned or conveyed, it was where the Creator had placed them and it was a sacred place. There was a balance between the men and women and the natural world that existed for centuries.

Then it changed. The European conquests of North America not only disrupted the balance of life for Native Americans, but began over two centuries of violence, oppression, injustice, and pain.

This legacy tragically continues to live within the communities of First Minnesotans who reside across our State: Mille Lacs, Shakopee Mdewakanton, White Earth, Bois Forte, Prairie Island, Grand Portage, Red Lake, Leech Lake, Fond du Lac, Upper Sioux, and Lower Sioux—as well as our urban Native communities like Little Earth.

These communities, like all Minnesota communities, are all looking forward to brighter future for their children, but they also have profound connections to their ancestors, their history and their traditions.

Last year, a Republican colleague and classmate of mine from Virginia, introduced a Congressional Resolution—H.J. Res. 3—that is unlikely to pass Congress, but it should because it would have Congress say what needs to be said. The resolution "commends and honors the Native Peoples [of the United States] for the thousands of years that they have stewarded and protected this land." The resolution also "apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States."

I am proud to be a congressional co-sponsor of this resolution and from the deepest core of my being I believe these words.

Today as we celebrate the history of our state, we must acknowledge our full history—and some of it is painful. This is true in a family. It is also true for this State and this Nation. As Minnesotans, let us commit ourselves to healing the pain of the past and building a more hopeful future.

Today we celebrate as one Minnesota—and let us move forward together. Let us invest our energy, strength and resources to caring for all of our children, families, and communities, because the greatest asset our state possess is the people of Minnesota.

Thank you and God bless Minnesota.

COMMEMORATING THE 60TH ANNIVERSARY OF ISRAEL'S NATIONHOOD

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Ms. LINDA T. SÁNCHEZ. Madam Speaker, I rise to mark Israel's 60th year of nationhood. As a cochair of the Democratic Israel Working Group I am proud to join my colleagues to celebrate the importance of America's relationship with Israel and to commemorate the founding of our trusted ally in the Middle East.

On May 14, 1948, the nation of Israel was born, bringing Jewish refugees from all over the world together, under one unified flag, providing a permanent home for a people persecuted throughout history.

For 60 years, the United States has enjoyed Israel's trusted friendship and support. Our peoples have worked together to promote respect, stability, and prosperity.

As we reflect on the significance and importance of Israel's 60 years of existence, we should not forget there is still much work to be done and many goals to be accomplished.

I ask my colleagues to join me in ushering in Israel's 60th anniversary.

IN HONOR OF JOHN CHALLIS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. ALTMIRE. Madam Speaker, I rise today to honor John Challis. This young man is an inspiration to me and to the citizens of my district. He is a senior at Freedom High School in Freedom, Pennsylvania and was diagnosed with liver cancer almost two years ago. He recently learned his illness is terminal.

Although doctors have told him the "cancer is winning right now," his spirit and faith has not wavered. With wisdom far beyond his years, he recently told a Pittsburgh Post-Gazette reporter, "I used to be afraid, but I'm not afraid of dying now . . . Because life ain't about how many breaths you take. It's what you do with those breaths."

Even though the cancer has ravaged his body, this courageous young man continues to hunt; in the last year he got three bucks and two doe. He also continues to play his favorite sports, baseball and football.

A few weeks ago, John was able to fulfill one of his wishes. In one of the final baseball games of the season, his coach and friend, Steve Wetzel, called him into the game to pinch-hit. Even though he has not played in several years, he took one swing and sent a line drive into right field. As he struggled to first-base, he found encouragement in his first-base coach, who was crying, and the opposing team and crowd who were applauding and cheering him on. As he reached first base, he shouted "I did it! I did it!" Throughout his fight with cancer, John has remained positive. He does not worry about himself, but focuses more on his family and friends. His father Scott has sat with him many nights discussing John's advice for the future.

John explained to an ESPN reporter how he feels about the situation and his concerns for his family. He said, "it's harder for [my family] than it is for me. I mean, my mom's gonna lose her son. What am I going to lose? . . . It's harder on her than it is going to be for anybody. If I'm afraid of anything, that's what I'm afraid of."

Coach Wetzel recently organized a "Walk for a Champion" fundraiser to help fulfill one of John's wishes—a vacation with his mom, dad and his 14 year-old sister, Alexis. This was his way of giving back to a young man who has given him so much.

Coach Wetzel hoped 100 people would come to the fundraiser. In fact, over 500 people participated in the walk-a-thon in the pouring rain and the original fundraising goal of $6,000 was easily surpassed. John and his family are now preparing for a cruise in June.

John continues to inspire those who know him and many who have recently learned about his story. After being interviewed by Mike White of the Pittsburgh Post-Gazette, John's story has touched people throughout the country and even members of the military serving overseas. Mike White recently discussed his article about John and said "I have received literally hundreds of e-mails from people saying how John is inspiring and how John has affected their lives."

John's story has also gained the attention of the national sports media, as well as many professional athletes. The Pittsburgh Penguins recently honored John by inviting him and his family to a playoff game against the Philadelphia Flyers where they watched the game in the Mario Lemieux suite. While watching the game John was greeted by Mario Lemieux; Steelers chairman Dan Rooney; Steelers quarterback Ben Roethlisberger; and Atlanta Braves' pitchers Tom Glavine and John Smoltz. After meeting the athletes John said "my head is spinning. This week has just been incredible and now this. It was like someone dropped me off at the wrong party."

John's spirit, grace and courage are truly an inspiration to me and many around the country. This young man has done more with his 18 years than most people do in a lifetime.

Even in this difficult time, he continues to be selfless and put others before himself. John, his family, and Coach Wetzel are setting up a foundation in John's name for young cancer patients. Of the foundation, John said "maybe it will help younger people who haven't gotten to see the finer things in life that I got to see."

John Challis is truly a role model and not only for the constituents in my district, but for the people all across this nation.

HONORING THE LIFE AND MEMORY OF MR. JERRY TRUMPKA

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor Jerry Trumpka, a treasured community leader, and mourn him upon his passing at age 57.

Jerry Trumpka was a founding member and president of the Plymouth A.M. Rotary Club. Jerry contracted polio at the age of nine. Mr. Trumpka used his struggle with the disease as an inspiration to assist his local community, our Nation, and worldwide efforts to provide comfort to families and victims of polio and help eliminate the disease. The Rotary Club, which is an international organization, has made its main focus since 1985 to eradicate polio worldwide. Jerry was honored to become President of the Club in 2003. Mr. Trumpka was instrumental to the development of the Sandra Sagear award, named after a local high school student who overcame the challenges of living with polio. Mr. Trumpka helped to initiate the award and $500 scholarships in Sagear's name and assisted in the construction of a memory wall honoring the recipients of the award. Jerry was known as a quiet giver both through his leadership in the Rotary Club and in his position as the operations associate at the Plymouth Community United Way office. Mr. Trumpka was also known for his involvement in the political community as a Republican activist.

Tragically, Jerry passed away from a heart attack. Jerry will be cherished as a devoted husband and father. To his wife, Becky; his daughter; Toni; and to everyone who knew and loved him, Jerry was a dedicated member of his community who will be truly missed.

Madam Speaker, during his lifetime, Mr. Jerry Trumpka enriched the lives of everyone around him by exhibiting vigor, leadership, and spirit. As we bid farewell to this outstanding individual, I ask my colleagues to join me in mourning his passing and honoring his many years of loyal service to the community and our country.

HONORING PIONEER MIDDLE SCHOOL

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to honor a respected and rising school, which is setting the standard for education in western New York.

Pioneer Middle School, a member of the Pioneer Central School District in Yorkshire, NY, has recently been recognized as one of the "Essential Elements: Schools to Watch". Pioneer Middle School is 1 of only 2 schools in the State of New York to be recognized with this prestigious honor and 1 of only 47 schools recognized nationwide.

The "Essential Elements: Schools to Watch" program was established to recognize and publicize effective schools that are committed to academic excellence, social equity, developmental responsiveness, and strong organization, structure, and process.

Pioneer Middle School's achievement should be applauded and is especially significant since the school was once identified as a "School in Need of Improvement" by the New York State Department of Education in 2004. The school's quick turnaround and its vast improvement are a result of strong administrative leadership and the diligent work faculty and staff. Also the parents and most importantly, the students of Pioneer Middle School, deserve to be recognized for this outstanding accomplishment.

Pioneer Middle School is not only a model for schools around western New York; it is a model for schools across the country, as well.

Madam Speaker, in recognition of this school's tremendous improvement and its great recognition, I ask this honorable body to join me in honoring Pioneer Middle School, in grateful appreciation for its remarkable improvement and success as a top school in western New York.

CONGRATULATING COLONEL TRACEY NICHOLSON ON ASSUMING HER NEW POSITION AS THE SECRETARY OF THE COMBINED JOINT STAFF FOR THE MULTINATIONAL FORCE IRAQ

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. FOSSELLA. Madam Speaker, I rise today to honor COL Tracey Nicholson, an American patriot and proud soldier in the United States Army, as she leaves her command at Fort Hamilton in Brooklyn, New York, and assumes her new position as the Secretary of the Combined Joint Staff for the Multinational Force Iraq under General Petraeus.

Colonel Nicholson has distinguished herself as both the first African American female to command an installation within the continental United States, and as the first female commander of Fort Hamilton, the 183-year-old historic installation located in southern Brooklyn. Her leadership and driving personality were crucial in the continued improvement of both military and community programs throughout the city.

During the most recent BRAC I had the opportunity to work closely with Colonel Nicholson in preserving Fort Hamilton when it was under consideration for closure and was impressed with her intelligence and commitment to the only active duty military installation in New York City. These traits will serve her well in her next duty assignment.

Madam Speaker, during her tenure Colonel Nicholson has implemented numerous programs that have led to upgrades in both base infrastructure and facilities; improved housing programs and services for those serving at Fort Hamilton; as well as expanding support for veterans and retirees throughout the entire New York City area. The energy she brought to her work each and every day will certainly be missed.

As much as it pains me to bid Colonel Nicholson farewell as she answers the continued call to service, I will sleep easy knowing that we have soldiers of her caliber protecting our Nation. While her presence in our community will be greatly missed, her efforts on the staff of General Petraeus will surely add immeasurably to our Nation's mission in Iraq.

Madam Speaker, I hope our colleagues will join me in offering our best wishes to Colonel Nicholson as she assumes her new position as Secretary of the Combined Joint Staff for the Multinational Force Iraq, and wish her continued success in an already distinguished career.

PERSONAL EXPLANATION

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. SALI. Madam Speaker, on Question of Consideration on the Rule to provide for consideration of Conference Report on H.R. 2419—Food and Energy Security Act of 2007 (Flake Earmark Point of Order), I was at an award ceremony in which the United States Navy honored the Observation Squadron SIXTY-SEVEN (VO–67) with a Presidential Unit Citation. Mr. Kerry Bignall, a constituent of mine and member of the VO–67, was among the honorees at the event. Had I been present, I would have voted "no"

H.R. 2634—THE JUBILEE ACT

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. CARSON. Madam Speaker, I rise today to speak on legislation that was passed in the House on April 16, 2008, H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008.

Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007 directs the Secretary of the Treasury, the Paris Club of Official Creditors, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and other international financial institutions to provide debt cancellation for eligible low-income countries, and establishes a framework for creditor transparency and responsible lending. The need for debt cancellation and responsible lending for low-income countries is a serious issue for developing countries and I am pleased to support this legislation.

When the vote was called, I voted in favor of the bill; however, a technical glitch led to my vote not being recorded. I have contacted the Clerk of the House of Representatives about the vote and was informed that the CONGRESSIONAL RECORD will reflect my intent.

H.J. RES. 84, TO STOP GOVERNMENTS FROM SPONSORING ANTI-SEMITISM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mrs. MALONEY of New York. Madam Speaker, I am proud to be the lead Democratic sponsor of H.J. Res 84, to stop governments from sponsoring anti-Semitism. I would like to thank Ranking Member ROS-LEHTINEN for her leadership on this important issue.

This month we have commemorated two very significant events. First, on May 2 we commemorated the 49th annual Holocaust Remembrance Day, Yom HaShoah, which reminds us of what unabated hatred and intolerance toward a group of people can result in. I am also proud to say that on May 14 we celebrated the 60th anniversary of the creation of Israel. Today, Israel, the Jewish Nation, is one of the greatest democracies in the world, a leader in the global economy, and one of our strongest allies.

Yet, despite these obvious advances and successes for the Jewish people, anti-Semitism continues to flourish throughout the world and manifests itself in a variety of dangerous ways. This is why I urge my colleagues to join me in cosponsoring H.J. Res 84, to stop governments from sponsoring anti-Semitism.

I ask this in the wake of alarming findings issued from the State Department's "Contemporary Global Anti-Semitism Report." The report concludes that "over much of the past decade, U.S. embassies world-wide have noted an increase in anti-Semitic incidents, such as attacks on Jewish people, property, community institutions, and religious facilities." Perhaps even more alarmingly, some governments have helped foster these actions by spreading anti-Semitic sentiments through their policies or state- controlled media. We are all too familiar with Iranian leader Mahmoud Ahmadinejad's threat that "Israel must be wiped off the map," and his numerous statements on Holocaust denial. We have seen the clips from Saudi state-controlled newspapers alleging that Jews were behind the September 11 attacks. In fact, the State Department's Anti-Semitism Report lists Saudi Arabia, Iran, Syria, Egypt, the United Arab Emirates, Venezuela, and Belarus as some of the countries with state-controlled media that distributes anti-Semitic materials. Not surprisingly, many of these countries have witnessed a rise in anti-Semitism, including anti-Semitic vandalism, caricatures, intimidation, and physical attacks against Jews and Jewish institutions.

Madam Speaker, we have come so far in the past 60 years. But the increase in anti-Semitism as reported by the State Department threatens this progress. We must stand up against governments that sponsor anti-Semitism, which is why I encourage my colleagues to cosponsor H.J. Res 84.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. CUMMINGS. Madam Speaker, on May 14, 2008, due to a family obligation, I missed the following recorded vote:

Roll No. 309, on providing for the consideration of the conference report to accompany H.R. 2419, the Farm, Nutrition, and Bioenergy Act. Had I been present, I would have voted "aye."

On May 15, 2008, due to obligations in the district, I missed the following recorded votes:

Roll No. 326, on H.R. 406—Alice Paul Women's Suffrage Congressional Gold Medal Act. Had I been present, I would have voted "aye;"

Roll No. 327, on H.R. 5872—Boy Scouts of America Centennial Commemorative Coin Act. Had I been present, I would have voted "aye."

IN MEMORY OF DUNCAN REED, JR.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. GALLEGLY. Madam Speaker, I rise in memory of Duncan Reed, Jr., a good friend whose love of life, people, and community was reflected in the multitudes who considered him family. He was a man of action that only ended when he passed away last week at age 69.

Duncan was a U.S. Army veteran who tested weapons at the U.S. Arctic Test Center in Fort Greely, Alaska, to make sure they would work in extremely cold conditions. After the Army, he returned to southern California, where he tested nuclear fuel reactors for Rocketdyne.

For the next 30 years, he worked for Thrifty Drug Stores, which was later acquired by Big 5 Sporting Goods. After he "retired," he spent the next 13 years as the local "Seed Man," replenishing vegetable and flower seeds at retail outlets for the Northrop King Company

But it was his activities outside of work that defined him to the community. A Boy Scout who was inducted into the "Order of the Arrow" during his youth, Duncan took that commitment to God and country to heart and served as Cubmaster for Ventura County Troop 3660 as an adult. He was also active in the March of Dimes and Muscular Dystrophy charity drives, and volunteered for the Flying Samaritans, a group of doctors, pilots, and civilians who flew to Mexico to give aid to those less fortunate.

Politics were also a huge passion, and the avenue by which we became friends. His television was almost always tuned to the Fox News Channel.

Even Duncan's avenues of relaxation involved action. His hobbies included growing cactus and other succulents and entering them into competition at the Ventura County Fair. He also enjoyed hiking in the mountains, fishing, and camping. His love of cooking was reflected in his involvement with Dark Chocolate, a gourmet food club, entertaining while cooking on his barbecue, and being a restaurant critic for the local newspaper. In addition, Duncan loved helping his children, grandchildren, and any other child who entered his orbit.

The few times he slowed down was to relax by a campfire or to set on a river bank where, as Duncan would tell people, he liked to watch it go from left to right.

Madam Speaker, I know my colleagues will join me offering our condolences to Duncan's wife of 44 years, Nighla; his children, Kelly, Robert, and Douglas; grandchildren, Lindsey, Matthew, Coral, and Devon; godchildren, Travis, Jacob, Brent, Tom, and Christina; and all who knew him and called him a friend.

Godspeed, Duncan.

RECOGNIZING THE 75TH ANNIVERSARY OF THE WASHINGTON D. SMYSER ACCELERATED SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. EMANUEL. Madam Speaker, I rise today to join with the people of Portage Park and all of Chicago in congratulating Washington D. Smyser Accelerated School on their 75th Anniversary. This milestone will be marked by a 75th Anniversary Gala at Biagio's Banquets in Chicago, Illinois.

During the past 75 years, Smyser Accelerated School has educated thousands of children and has been an anchor for generations of families in the Portage Park community. The Smyser School mission to provide high quality educational services to all children within the Portage Park community has been evident through their role in the community as well as through recognition by the Illinois State Board of Education.

Smyser School has also been selected as one of 508 "Spotlight Schools" in Illinois. Spotlight Schools have a high poverty rate, yet maintain a high academic performance. The Spotlight Schools recognize low-income students and schools that overcome limited resources to show impressive academic performance.

The Smyser School philosophy is that all children are entitled to an outstanding education rich in opportunities and rewarding experiences. They are committed to providing all children with a love of learning and pride in Smyser School as well as their community. They provide their students with opportunities for academic, athletic, and artistic growth while instilling values that will serve its students throughout their lives. These activities and experiences teach students the importance of academic achievement.

Madam Speaker, I would like to thank the Smyser School's faculty and staff for the contributions they have made to their community. They are shaping today's youth and tomorrow's future. As their representative in Congress, I am proud to congratulate Smyser School's alumni, students, teachers, and staff on its achievements over the last 75 years, and I wish them the best of luck and continued growth in the future.

SUPPORTING JEWISH AMERICAN HERITAGE MONTH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. AL GREEN of Texas. Madam Speaker, I support Jewish American Heritage Month during the month of May as an important opportunity to recognize Jewish contributions to American history and culture. Ever since the first Jews arrived in colonial America in 1654, Jewish Americans have strengthened and influenced all aspects of American society. Through education, science, popular culture, literature, government and military service, Jewish men and women have greatly contributed to American society. Jewish Americans and their contributions are celebrated and recognized throughout Jewish American Heritage Month.

Jewish American Heritage Month gives the people of our Nation the opportunity to thank and recognize those Jewish Americans who have contributed to the advancement of our country, while it also presents us with the wonderful opportunity to foster religious tolerance. In my home state of Texas, from the discovery and development of oil fields to the opening of cattle ranches, Jewish people have had an immense impact. Even in the most improbable of environments, Texas Jews built prosperous communities. They established businesses, hospitals, synagogues, cemeteries and religious schools. Today Jewish Americans are seen as a fundamental community in the "melting pot" of Texas.

Jewish Americans were also among those who worked to establish the National Association for the Advancement of Colored People (NAACP) in 1909. The Jewish community contributed greatly to the NAACP's founding and continued financing. Many Jewish Americans, such as NAACP co-founder Henry Moskowitz, put forth a lifetime of work in promoting inter-ethnic, inter-racial and inter-religious understanding between Jewish and African-Americans. The civil rights activism of many Jewish Americans in partnership with African-American civil rights leaders served to make the American Dream a reality for so many Americans.

Jewish American Heritage Month is important to fostering and achieving the key human right of religious tolerance. Jewish American Heritage Month gives us all the opportunity to honor the accomplishments of Jewish Americans and to realize that our Nation is a wonderful combination of cultures. I join all Americans in celebrating Jewish American Heritage Month and the many ways Jewish Americans have contributed to the greatness of the United States of America.

TRIBUTE TO GLORIA McJILTON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Gloria McJilton, recipient of the 2008 Dundalk Optimist Club Citizen of the Year Award, the community's highest honor.

Gloria grew up in Dundalk, and has been active in the community ever since high school. Her husband, Richard McJilton, was honored with the same award in 1984 by the original Dundalk Chamber of Commerce. Gloria and Richard work together at a Nationwide Insurance office in Dundalk, and support each other in their various community endeavors.

Playing an integral role in a web of community organizations has let Gloria touch the lives of many in her community. She is currently the president of the Women's Club of Dundalk, which she feels is the most rewarding community work she does. Her work through the Women's Club has a direct impact on the community, through awarding scholarships and supporting local organizations.

In addition to her local community activities, Gloria has been involved in county and state activities as well. Baltimore County Councilman John Olszewski, Sr., appointed Gloria to serve on the Baltimore County Landmarks Preservation Commission. She was chosen by Governors Parris Glendening and Robert Ehrlich to serve on the Maryland Judicial Nominating Commission, on which she sat for 12 years.

Gloria is a founding member and treasurer of the Greater Dundalk Alliance. She also served as elected chairperson on the Baltimore County Commission of Arts and Sciences, and has been a member of the Dundalk Concert Association for 32 years.

Madam Speaker, I ask that you join with me today to honor Gloria McJilton on being named the 2008 Dundalk Optimist Club Citizen of the Year. Her legacy as an active resident of Dundalk will be forever remembered through the impact her work has had on her community. It is with great pride that I congratulate Gloria McJilton on her exemplary service to the Dundalk community.

HONORING THE CHARITABLE SERVICE OF LILIAM MACHADO AND HER WORK WITH THE AMERICAN CANCER SOCIETY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I rise to honor one of south Florida's great citizens, Liliam Machado. Liliam was born in Matanzas, Cuba, and came to this country at age 18, while fleeing Fidel Castro's communist regime. Since then, she, as well as her husband Gus Machado, have become tremendous civic leaders and examples for all south Floridians. Liliam has shown extraordinary dedication to her work with the American Cancer Society during her two decades of involvement with the organization. She has been on the executive board of the Society's Miami-Dade unit for the past 6 years and is currently its President.

She has helped organize many charitable events in our community for the American Cancer Society and her proudest achievement was to bring the Relay for Life to the city of Miami. In doing so, she helped create the first cancer relay specifically targeted at the Hispanic community. Her efforts helped raise awareness and aided in the successful prevention and early detection of cancer within the Hispanic community in south Florida.

Liliam's life has been one devoted to helping others and the passion she has brought to her work has enriched our community. I am proud to call her a friend and I am honored to share with you all her achievements.

HONORING CAPTAIN CURTIS FITZGERALD

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize Captain Curtis Fitzgerald for his distinguished military service and service to Texas veterans.

In 1969, Captain Fitzgerald began what has become a life-long service to his nation. Just thirty days after completing flight school, Captain Fitzgerald went to Vietnam with the 189th Assault Helicopter Company to fly Huey Helicopters. Captain Fitzgerald fought in major battles such as the Battle of Hamburger Hill, where he flew multiple re-supply missions and was shot down for the first time, but certainly not the last time.

During the Siege of Ben Het, Captain Fitzgerald's aircraft received 103 bullet holes during another re-supply mission. Despite the damage, he managed to complete the mission without a single casualty. In the 1600 hours he flew during combat, Captain Fitzgerald was shot down a total of six times.

In addition to serving as a Flight Leader, Captain Fitzgerald served as the Air Mission Commander for the initial invasion of Cambodia. It was during the on-going Long-Range Reconnaissance Patrols into Cambodia and Laos that Captain Fitzgerald was shot down again, this time while helping to identify enemy positions. He managed to not only identify their position, but return the damaged aircraft back to safety.

Captain Fitzgerald went above and beyond his call to duty when he volunteered to extend his deployment for six more months to ensure the incoming units had adequate experience. Considering all this, it is no wonder Captain Fitzgerald received a Silver Star medal, three Distinguished Flying Cross medals, three Bronze Star medals, nineteen Air medals, and one Purple Heart for his tour in Vietnam.

After completing his degree at the University of Houston, Captain Fitzgerald returned to Palestine, but his dedication to the military did not end. He has continued to work closely with the Veterans Administration, various Veterans Service Organizations, and has worked extensively with Palestine-area Post Traumatic Stress Disorder support groups. Fellow men and women in uniform tout Captain Fitzgerald's dedication to ensuring that those returning from war receive assistance.

In addition to his service-related activities, Captain Fitzgerald started a real estate firm specializing in farm and ranch sales, served on the Parks and Recreation Board, the YMCA Board, and founded the Anderson County Soccer Association.

He is a husband to his wife of twenty-eight years, Karen, and a grandfather to two grandsons.

Madam Speaker, on behalf of the Fifth District of Texas, I am humbled and privileged to recognize Captain Curtis Fitzgerald. As Calvin Coolidge once said, "The nation which forgets its defenders will itself be forgotten." I for one am committed to ensuring this nation never forgets.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. ROSS. Mr. Speaker, on Wednesday, May 14. 2008. I was not present for the rollcall vote 320.

Had I been present for rollcall 320, the Motion to Instruct Conferees on H.R. 4040. the Consumer Product Safety Commission Reform Act, I would have voted "yea."

HONORING CARMELAU MONESTIME

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. MEEK of Florida. Madam Speaker, today I rise to honor Carmelau Monestime and the 30th anniversary of the founding of the first created Haitian radio program in Creole language. The radio program, Express Publicite, has been led for three decades by the founder Mr. Monestime, who is the first radio personality of Haitian descent in South Florida. Mr. Monestime can be considered a communicator by nature.

Born in Gonaives, Haiti Mr. Monestime, began his education at the Institut Brothers of the Christian Instruction. He continued his studies at the Lycee Fabres Geffrrard College of the City. In 1957, he earned the position as head of the files section of the Department of Agriculture, in Haiti's natural resources and rural department. In 1964, he immigrated to New York and relocated to Miami, Florida in 1978.

Upon his arrival in Miami, Mr. Monestime immediately became dedicated to the Haitian-American community, and soon after opened Panoram Express Driving School, a Haitian driving school. In 1997, he joined co-founders Ferdinand Forte and Pierre Mendez to create Express Publicite.

Like the Haitian-American population throughout South Florida over the last three decades, Express Publicite has grown tremendously and popularized itself among listeners around the community. When first created, the Station had over 5,000 listeners—today, the Station has nearly 900,000 dedicated listeners throughout South Florida. Pertinent information such as current events and up-to-date news in both the United States and Haiti, which was previously transferred by word of mouth or distributed through flyers at community events, is now easily accessible on the air waves. Mr. Monestime is very well-respected by those in the radio industry and also by the thousands of fans that listen to him on a daily basis.

Through his many accomplishments and creation of Express Publicite, Mr. Monestime has paved the way for other Haitians in the radio industry by providing a voice for Haitian-Americans in radio. The Station was created as a center to share vital community information. All of these accomplishments have earned Mr. Monestime the title, "Dean of Haitian Radio."

Thus Madam Speaker, I am pleased to introduce today, along with the entire South Florida community, a resolution recognizing the rich history and accomplishments of this remarkable Station and its founder on the occasion of its 30 anniversary. I urge all the Members of this body to join us in congratulating Carmelau Monestime on Express Publicite's 30th anniversary.

HONORING THE SARASOTA SOUTH ELKS LODGE #2495

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. BUCHANAN. Madam Speaker, I rise today to honor the Sarasota South Elks Lodge # 2495, which will be recognized at the Florida Elks' State Convention this month for their efforts to improve the quality of life of Sarasota area veterans.

The Elks is one of the leading charitable and service orders in the United States. Since 1917, they have pledged to never forget our nation's veterans.

For the past three years, the men and women of the Sarasota South Elks Lodge have put these words to action by giving generously of their energy and resources to improve the lives of ill, aging, and homeless veterans.

In the last three years, the Sarasota South Elks Lodge has donated $41,590 in money, clothing and personal items, given 1,390 in voluntary man hours and driven over 4,100 miles in an effort to make a difference in the lives of our veterans.

They have provided food, clothing, and employment opportunities to homeless veterans, made monthly visits with veterans hospitalized at Bay Pines, and provided transportation and companionship to more than 10 veterans who are shut-ins without family in the area. They have adopted the families of two soldiers on active duty in Iraq and Afghanistan. They have been directly involved with 21 military funerals and five flag-raising ceremonies. Finally, they have sponsored annual barbeques during which they have fed and entertained hundreds of veterans.

On behalf of the people of Florida's 13th District, I thank the members of the Sarasota South Elks for their compassionate service to our veterans. I am honored to represent this caring and hardworking organization.

RECOGNIZING ACCOMPLISHMENTS OF DON KASSING, PRESIDENT OF SAN JOSE UNIVERSITY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today along with Congressman MICHAEL HONDA to recognize the accomplishments of Don Kassing, President of San Jose State University. Mr. Kassing has served as the President of the University since 2004 and is retiring this year.

Don Kassing worked nearly three decades in higher education in Illinois, Kentucky, Colorado and California before coming to San Jose State University in 1993. Prior to his appointment as President, Mr. Kassing served San Jose State University as Vice President for the Division of Administration and Finance for eleven years and was responsible for six major administrative units on campus. As Chief Financial Officer, he held overall responsibility for all business and financial affairs of the campus.

Under Mr. Kassing's leadership, the University's department structure was revamped to improve enrollment services. For the most recent admissions cycle, the process for financial aid packaging was revitalized to provide information to students about their financial aid packages earlier, thus enabling them to make enrollment decisions earlier. In part because of these and related changes, the university had record enrollment for Fall 2007 of nearly 32,000 students. These efforts are linked to a reenergized focus on student success in class and involvement in campus life outside of class.

Typically, the University realized about $11 million annually in private gifts; however, new fundraising efforts under Mr. Kassing's leadership resulted in the doubling of gifts to the University in 2005–06, and a rise to $50 million in 2006–07, which is the single highest year of fundraising in San Jose State University's history.

Don Kassing has encouraged San Jose State University to engage in externally funded research and education-related activities that have significantly enhanced the University's academic quality while engaging faculty and students in the creation and application of new knowledge. As a result SJSU faculty successfully partner with government agencies, corporations, and private foundations to perform cutting-edge research, public service, and other specialized projects vital to this community of scholars. During Don Kassing's tenure as president, approximately $212 million has been awarded to support the University's expanding research enterprise, placing San Jose State among the top 200 universities in the country for total R&D expenditures.

Don Kassing will be missed for his work at San Jose State University, for his leadership in the community and for his commitment to excellence. I join the community of students, faculty and staff of San Jose State University in honoring Don Kassing for his contributions and in wishing Don and his wife, Amy, their three children and eight grandchildren, the best as he enters retirement.

TRIBUTE TO STEPHANIE JAMESON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Stephanie Jameson, recipient of the 2008 Dundalk Optimist Club Humanitarian of the Year Award. To be eligible for this award, the recipient must live outside of Dundalk, but be very involved with the Dundalk community.

Stephanie has been a very active member of the Dundalk Renaissance Corporation (DRC), acting as a former president of the organization as well as the current treasurer. Aside from being an active member during meetings, Stephanie volunteers her time sitting on interviewing and hiring committees, handling very difficult personnel issues with which the DRC has been confronted.

While Stephanie resides in Anne Arundel County, she owns a State Farm office located in Dundalk and has thrown herself into community renovations there. Her Dundalk community activities include sponsoring Community Assistance Network families at Thanksgiving, as well as sponsoring a drunk-driving simulator at the Community College of Baltimore County in Dundalk and a Dundalk recreation council baseball team.

Stephanie participated in the 2001 Survey for the Urban Design Assistance Team (UDAT), which was made up of architects, urban planners and residents, which published a proposed revitalization plan for Dundalk in April 2002. State Farm offered to match the DRC's $15,000 to help the DRC in promoting the UDAT plan. Thanks to Stephanie's hard work, the DRC also received a grant from State Farm for an additional $75,000, which the DRC has used for buying and renovating its first homes to sell in Dundalk.

Since 2004, the DRC has been able to purchase local homes, renovate, and sell them to promote the area, thanks to the grant money Stephanie was able to secure. The grant money has been a remarkable help to the Dundalk community.

Madam Speaker, I ask that you join with me today to honor Stephanie Jameson on being named the 2008 Dundalk Optimist Club Humanitarian of the Year. Her legacy as an active member of the Dundalk Renaissance Corporation will be forever preserved in the DRC's many community projects. It is with great pride that I congratulate Stephanie Jameson on her exemplary service to the Dundalk community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 20, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 21

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nomination of Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

S–216, Capitol

9:15 a.m.

Foreign Relations

To hold hearings to examine treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110-07), and treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110–10).

SD–419

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR–418

10 a.m.

Environment and Public Works

Business meeting to consider pending calendar business.

SD–406

Judiciary

To hold hearings to examine the skyrocketing price of oil.

SD–226

2 p.m.

Rules and Administration

To hold hearings to examine the nominations of Cynthia L. Bauerly, of Minnesota, Caroline C. Hunter, of Florida, and Donald F. McGahn, of the District of Columbia, each to be a Member of the Federal Election Commission; to be followed by a business meeting to consider and vote on the nominations, 2:45 p.m., SR–301.

SR–301

2:30 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine efforts to create jobs with climate solutions, focusing on the ways agriculture and forestry can help lower costs in a low-carbon economy.

SR–328A

MAY 22

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General David H. Petraeus, USA, for reappointment to the grade of general and to be Commander, United States Central Command, and Lieutenant General Raymond T. Odierno, USA, for appointment to the grade of general and to be Commander, Multi-National Force—Iraq.

SD–106

Foreign Relations

To hold hearings to examine the International Convention Against Doping in Sport, adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005 (Treaty Doc. 110–14).

SD–419

Indian Affairs

To hold oversight hearings to examine the status of backlogs at the Department of the Interior.

SD–562

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nomination of Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development.

SD–538

Finance

To hold hearings to examine S. 1919, to establish trade enforcement priorities for the United States, to strengthen the provisions relating to trade remedies.

SD–215

Judiciary

Business meeting to consider S. 2756, to amend the National Child Protection Act of 1993 to establish a permanent background check system, S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, S. 1210, to extend the grant program for drug-endangered children, S. Res. 563, designating September 13, 2008, as "National Childhood Cancer Awareness Day", and the nominations of Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General for the Office of Legal Policy, Department of Justice, William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona.

SD–226

10:30 a.m.

Aging

To hold hearings to examine improving Medicare for the most vulnerable, focusing on senior citizens at risk.

SH–216

2 p.m.

Judiciary

To hold hearings to examine closing the justice gap, focusing on providing civil legal assistance to low-income Americans.

SD–226

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To continue hearings to examine improving the security clearance process, focusing on reform efforts to streamline, standardize, and update the process.

SD–342

JUNE 3

9:30 a.m.

Armed Services

To hold hearings to examine the acquisition of major weapons systems by the Department of Defense.

SD–106

JUNE 4

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine systemic indifference to invisible wounds.

SR–418

JUNE 5

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine off-highway vehicle management on public lands.

SD–366

JUNE 26

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending calendar business.

SR–418

SENATE—*Tuesday, May 20, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, sovereign Lord of all, help our Senators to remember that they are here because of Your sovereign providence and are accountable to You for their work. Give them Your wisdom to wrestle with complex issues. Provide them with clarity in debate and courage of conviction as they vote. Lord, keep them from compromise that sacrifices principle, as You lead them in making just and compassionate decisions. Free them from judgmental categorizations that make them resistant to listening to people with whom they expect to differ. May Your grace guide their deliberations and Your blessings crown their efforts.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 20, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader time, there will be a period of morning business until noon, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second. At 12 noon, the Senate will proceed to executive session to consider the following nominations: Michael McGinn, of Minnesota, to be U.S. Marshal for the District of Minnesota; Ralph E. Martinez, of Florida, to be a member of the Foreign Claims Settlement Commission of the United States; and G. Steven Agee, of Virginia, to be U.S. circuit judge for the Fourth Circuit.

The time from noon until 12:30 is equally divided and controlled between Senator LEAHY and Senator SPECTER. The Senate will recess from 12:30 until 2:15 p.m. for the weekly caucus luncheons. At 2:15, there will be 15 minutes for debate equally divided and controlled between Senators WARNER and WEBB or their designees. At 2:30, the Senate will proceed to a rollcall vote on the confirmation of the Agee nomination. Upon confirmation of the Agee nomination—and I am confident that will take place—the other two nominations will be confirmed by consent.

Following executive session, we expect to consider the House message accompanying H.R. 2642, the 2008 emergency supplemental. As previously announced, the time from 11 a.m. until 12 noon tomorrow will be set aside for tributes to former President Lyndon B. Johnson on the centennial of his birth.

TEMPORARY EXTENSION OF THE HIGHER EDUCATION ACT OF 1965

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3035.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 3035) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The bill (S. 3035) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "May 31, 2008" and inserting "June 30, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, I just finished a meeting to try to lay out to a number of Senators what we are going to be doing on the supplemental appropriations bill. It is going to be extremely difficult for us to get from where we are today to completing this legislation in a timely fashion. There are some very complicated issues, some very strong feelings by a lot of different Senators.

As highly controversial as is this war and this war funding, we are going to have to work together; otherwise, we are going to walk away from here this week with nothing done. That, I assume, is one alternative. It is not one I think most want, but that is an alternative.

The other problem we have, because of longstanding commitments, including the wedding of one of our Members, is we are going to start losing Senators very quickly. Because of that, there are two Senators who are going to leave sometime Thursday. They will not be here. We have, of course, Presidentials out in the country someplace. We are going to have to try to figure out when they need to be here. Senator KENNEDY is still having tests run to determine when he can return.

So, to make a long story really short, we have a complicated path to completing our work, and we have to try to figure out a way to do the budget in this time period also.

So, Mr. President, I wish I could tell Members to just take it easy, everybody can leave, but I think what we are coming to is we are going to have to finish our work Thursday or this war funding bill will not be completed. That may not be the case; maybe we can work with less than 100 Senators trying to get it done, but it is not an easy chore. It is one that is necessary but difficult.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DEFENSE SUPPLEMENTAL SPENDING

Mr. McCONNELL. Mr. President, the supplemental spending request that was sent to Congress last year by the President was unambiguous: the funds were to be spent on forces in the field, on the men and women fighting in Afghanistan and Iraq, and on their families here at home.

Last week, the Democratic leadership of the House showed us what they thought of that request. They took it up, hollowed it out, and filled the shell with a raft of unrelated domestic spending projects and policy proposals that did not include a dime for the troops in the field. House Democrats took a request meant for the troops and used it to fuel their own domestic spending habits. Then they sent this piece of legislation over to the Senate on the eve of Memorial Day and told us to vote for it. The Senate was being asked to vote not on troop funding but on two other amendments. One included unemployment benefits and a Medicaid proposal. The other sought to undermine the constitutional powers of the Commander in Chief by proposing a withdrawal date from Iraq.

Unfortunately, our Democratic friends in the Senate made it even worse. Taking up what they got from the House, they added even more unrelated policy proposals. In the name of combat readiness, Senate Democrats also sought to restrict the ability of our military commanders to deploy forces, ignoring the fact that the surest way to degrade troop readiness is to delay the delivery of funds that are used to prepare and train our forces in the first place.

Taken together, it seems the only issue unaddressed by the Democratic leadership in the House and Senate is the only one that matters: how and when we will fund our forces in the field.

The bottom line is this: Tasked with the responsibility of funding our forces in the field, Democrats in the House and Senate neglected that task in favor of domestic spending and freelance policy proposals that we know in the end will not be signed into law—this despite the fact that the House will soon take up the Defense authorization bill, which is ordinarily the vehicle for the kind of policy proposals our friends on the other side have included in the supplemental spending request. The House has failed in its basic responsibility. It is my hope the Senate will do better.

While some of our friends on the other side seem to be counting on the fact that most Americans are distracted by the ongoing Presidential contest, the families and friends of U.S. soldiers and marines who are fighting overseas are, indeed, paying attention.

The President sent a request to fund these men and women. As long as they remain in harm's way, we have a strict obligation to give them what they need. On this point, there really should not even be a debate. The Senate must pass a bill funding our troops free of restrictions on their ability to win and free of spending unrelated to their mission. And we must try to do it by Memorial Day. In less than a month, the Defense Department will be unable to make payroll for our uniformed Army unless Congress approves the President's supplemental spending request. Less than a month after that, funds for operations and maintenance will also run dry. It may be convenient for those focused on the political calendar to ignore these pressing needs, but ignoring them really does not make them go away.

I hope the Senate will do its duty this week. The majority leader just indicated it is challenging. Of course, it is always challenging to do that. But we need to do our duty this week. Our forces in Baghdad and Ramadi will not be taking a week off for a recess.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I say respectfully to my friend that the logic of his statement is really without foundation. Keep in mind, the complaint he has is the House sent us a bill that did not have war funding in it. Bingo. Why? Because 132 Republicans walked out—did not vote. One hundred thirty-two Republicans in the House did not vote for war funding. Don't blame it on the Democrats. Had 132 Republicans voted, there would have been war funding. But they decided not to vote.

So don't blame the House for sending us only conditional aspects of the war and sending us some other things, like the GI bill of rights. We have funded this war on borrowed money, spending $5,000 a second on this war—borrowed money. The House made a decision. They said: Well, don't you think it is a good idea we spend some money on the troops coming home, as we did in World War II, so they can get an education? This bill, written by JIM WEBB, was adopted by the House overwhelmingly. And they did something else: It is paid for, not like the war. The war is not paid for. The GI bill of rights is paid for, as we have it.

So, Mr. President, I know we have a difficult road ahead of us because we do not have war funding in this bill because the Republicans in the House did not vote for it. Don't blame it on the House Democrats. There were enough of them to get a majority to do it. The Republicans walked out.

But I say, Mr. President, is it any wonder that the House Republicans have lost three special elections in districts that are overwhelmingly Republican? In Illinois, the former Speaker of the House, Dennis Hastert's district—they lost that. They lost a seat in a special election in Louisiana that was a slam dunk Republican district. And then in Mississippi, they lost one. Is it any wonder when they do tricks like this: "Democrats didn't fund the war"? "Well, don't check too closely because 132 of us just walked out and didn't vote."

So I am here, Mr. President. We are going to go to this bill this afternoon. I spoke briefly to the distinguished Republican leader yesterday. We are going to have to try to figure out some way to work together to get votes. At the end of the day, we will see what happens. In the past, war funding has been—after a lot of arm-twisting and cajoling, there have been enough votes to get that. I don't know if the votes are here this time, but we certainly recognize that we have an issue, and we are going to do the best we can with my friend, the distinguished senior Senator from Kentucky, to see what we can do to get to a point where we have this war funding over with until sometime next June. If we can't get it done, then we are going to have to worry about what we do in the next month, as he said, but hopefully we can complete it this week.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. McCONNELL. Mr. President, one additional word. The process for doing this has been offensive, I know, both in the House and in the Senate. It is my understanding that what will happen later this week is the tree will be filled and cloture will be filed. If any amendments are allowed on the floor of the Senate, it will be because my good friend, the majority leader, decided to let us have a vote. The whole process is one that doesn't immediately engender a great level of cooperation.

Having said that, the underlying legislation is important, and hopefully somehow we will find our way through this process this week, but I think it is pretty safe to say that 49 Republicans of the U.S. Senate are going to insist on being an important part of the process. Hopefully, we will be able to sort all that out and work our way through it and get this important piece of legislation out of the Senate and on the way, at least, back to the House or, hopefully, if we are lucky, back to the President for signature.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designee, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from South Dakota is recognized.

CARVING OF THE CRAZY HORSE MEMORIAL

Mr. THUNE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 496.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 496) honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial.

The Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr. President, I wish to speak today about the Crazy Horse Memorial in South Dakota. On June 3, 2008, the Crazy Horse Memorial will celebrate the 60th anniversary of its dedication. Gutzon Borglum, who was the sculptor behind Mount Rushmore, brought Korczak Ziolkowski to South Dakota to work on Mount Rushmore. It was during construction of Mount Rushmore when Lakota Chief Henry Standing Bear contacted Korczak Ziolkowski and stated "My fellow chiefs and I would like the white man to know the red man has great heroes, too." It is believed that this statement led Mr. Ziolkowski to construct this memorial.

On June 3, 1948, this memorial was dedicated and construction has continued ever since. Mr. Ziolkowski worked on this memorial until the conclusion of his own life in 1982, when his wife, Ruth, took up the job that her husband began. The Crazy Horse Memorial Foundation was established and runs entirely on gifts and donations. No government funds have ever been used for construction of this memorial. With no way to predict when completion of this memorial will take place due to cost and weather, construction continues. When it is completed, however, it will be the largest carving on earth, measuring some 641 feet long by 563 feet high. To put that in perspective, it is said that all four heads on Mount Rushmore could fit into Crazy Horse's head.

Today, I wish to honor Korczak Ziolkowski, his wife, and their family for their continued work on this monument. In addition, I would like to honor those involved with the Crazy Horse Memorial Foundation. Most importantly, I wish to honor the memory of the great Lakota warrior to whom this memorial is dedicated, Crazy Horse, as well as all Lakota people for their great many contributions to our history and culture in South Dakota. It is they that this memorial is to honor.

Mr. THUNE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 496) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 496

Whereas sculptor Korczak Ziolkowski, who never received any formal art training but nonetheless won 1st place for sculpture at the New York World's Fair in 1939, came to the Black Hills of South Dakota as an assistant to Gutzon Borglum to help carve Mount Rushmore;

Whereas Lakota Chief Henry Standing Bear contacted Korczak Ziolkowski in 1939 to encourage him to create another mountain memorial, saying in his letter of invitation: "My fellow chiefs and I would like the white man to know the red man has great heroes, too";

Whereas Crazy Horse was remembered by his people as a fierce warrior and visionary leader who was committed to preserving the traditional Lakota way of life;

Whereas Korczak Ziolkowski was inspired to honor the culture, tradition, and living heritage of North American Indians, and thus designed a metaphoric tribute to the spirit of Crazy Horse and his people;

Whereas Korczak Ziolkowski was dedicated as well to helping his country preserve freedom, enlisted in the Army, and was wounded in 1944 at Omaha Beach;

Whereas Korczak Ziolkowski returned to South Dakota after World War II in order to find a suitable mountain to carve in order to honor Crazy Horse and his people;

Whereas Korczak Ziolkowski and Chief Standing Bear dedicated the Crazy Horse Memorial on June 3, 1948;

Whereas Korczak Ziolkowski worked until his death in 1982, and his wife, Ruth, and their family have dedicated their lives to carving the mountain and continuing the mission of the Crazy Horse Memorial;

Whereas there is no way to predict when the mountain carving will be completed, owing to the uncertainty of weather, the availability of private funding, and the challenges of mountain engineering;

Whereas, when completed, the Crazy Horse mountain carving will be the largest carving in the world, at 641 feet long by 563 feet high;

Whereas Korczak Ziolkowski's parting words to his wife were, "You must work on the mountain—but go slowly so you do it right";

Whereas the Ziolkowski family and the Crazy Horse Memorial Foundation have continued to do it right, have proceeded without government financial support, and remain dedicated to making steady progress on the Memorial's humanitarian goals; and

Whereas the Crazy Horse Memorial will celebrate the 60th anniversary of the dedication of the mountain carving on June 3, 2008: Now, therefore, be it

Resolved, That the Senate, on the 60th anniversary of the commencement of the mountain carving of the Crazy Horse Memorial, honors sculptor Korczak Ziolkowski, the Ziolkowski family, and the Crazy Horse Memorial Foundation for their dedication to honoring the culture, tradition, and living heritage of North American Indians and the spirit of Crazy Horse and his people.

Mr. THUNE. Mr. President, the resolution that was adopted by the Senate is S. Res. 496, which I introduced on April 2, 2008, along with my colleague from South Dakota, Senator TIM JOHNSON. The resolution honors the 60th anniversary of the Crazy Horse Memorial.

The Crazy Horse Memorial, located in the Black Hills of South Dakota, honors the culture, the tradition, and the living heritage of Native Americans. Once completed, the memorial will stand more than 22 stories high and be the largest mountain sculpture in the world. Every year, there is an event called the Volksmarch, in which people start at the base and walk up to the very top of the monument. You cannot appreciate the size and the dimension of this great monument from a distance. It is only when you get up close that the true dimensions of this monument come into full view. I have had that opportunity on the Volksmarch, with my family, to walk up and stand next to this monument and to have an appreciation for its true dimension and for what it means to my State of South Dakota and to the Native American culture.

The sculptor of this monument, Korczak Ziolkowski, had no formal training and originally came to South Dakota to assist Gutzon Borglum in the carving of Mount Rushmore. In 1939, Chief Henry Standing Bear invited him to construct another mountain monument, this one to honor a great Native American hero. However, it was not until June 3, in 1948, that the project was officially dedicated.

Crazy Horse, a great Lakota chief, was selected as the Native American hero worthy of the mountain monument because of his courage in battle, his visionary leadership, and his commitment to the preservation of the traditional Lakota way of life. The memorial was placed in the Black Hills of South Dakota because they are sacred to the Lakota people. While Crazy Horse was never photographed, the completed monument will feature a likeness of him riding a horse and pointing with his left hand out toward the Black Hills.

Ziolkowski, who worked tirelessly and without salary on the Crazy Horse Memorial until his death in 1982, believed in individual initiative and private enterprise and worked to build the memorial without any Federal funding. As my colleagues can see from the photo we have here, the face of Crazy Horse is complete, the rest of the mountain has been roughly blocked out, and efforts are currently focused on carving the horse's head.

While there is no way to predict the date of completion because of weather, financing, and the challenges of carving a mountain, Ziolkowski's wife Ruth, who is an amazingly determined woman, and his family, along with the help of thousands of donors and visitors, continues Ziolkowski's mission of honoring Native Americans through the construction of this monument.

Therefore, today I rise to honor the 60th anniversary of the Crazy Horse Memorial and send my best wishes to all those working to make Korczak Ziolkowski's vision a reality.

I thank the Senate for its adoption of the resolution, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

TAX POLICY

Mr. KYL. Mr. President, every now and then there is an article or an op-ed in the newspaper that you find compelling by its clear logic and you want to share it with your colleagues. I wish to do that today and at the conclusion of my remarks put the full text of this op-ed in the record.

Today's Wall Street Journal carried an op-ed by David Ranson called "You Can't Soak the Rich." I find it compelling because of the proposals by some that we should raise the marginal income tax rates and thereby theoretically increase revenues to the Treasury. What Ranson points out is it is essentially a law of economics that raising tax rates not only does not bring in more revenue to the Treasury based on the historic record, but it can have precisely the opposite effect because it can harm the economy and, in fact, it is the growth in the economy that produces more revenue to the Federal Treasury.

Let me quote a couple of comments from his op-ed. He said:

> No matter what the tax rates have been, in postwar America tax revenues have remained at about 19.5 percent of GDP.

Now, there is another measure. If you go back somewhat less distance, the measure is about 1 percent less than that as a percentage of GDP, but the ratio remains the same and the point he is making remains the same, which is that raising tax rates does not raise revenue. In fact, raising tax rates can hurt the economy, which then reduces tax revenue.

There is a chart in this op-ed that makes the point. The Federal tax yield, which is revenues divided by the gross domestic product, has remained close to 19.5 percent, even as the top tax bracket was brought down from 91 percent to the present 35 percent. One would think that the difference between a 91-percent top marginal rate and 35 percent would represent a dramatic difference in revenues collected. In point of fact, it has not been. He points out why a little bit later in his op-ed. He says:

> The data show that the tax yield has been independent of marginal tax rates over this period, but tax revenue is directly proportional to GDP.

In other words, the strength of the economy.

He goes on:

> So if we want to increase tax revenue, we need to increase GDP.
>
> What happens if we instead raise tax rates? Economists of all persuasions accept that a tax rate hike will reduce GDP, in which case Hauser's Law—

The law he is citing here—

> says it will also lower tax revenue. That's a highly inconvenient truth for redistributive tax policy, and it flies in the face of deeply felt beliefs about social justice. It would surely be unpopular today with those presidential candidates who plan to raise tax rates on the rich—if they knew about it.

He goes on to answer the question I posed earlier: What makes this law work? I am quoting now:

> As Mr. Hauser said: "Raising taxes encourages taxpayers to shift, hide and underreport income. . . . Higher taxes reduce the incentives to work, produce, invest and save, thereby dampening overall economic activity and job creation."
>
> Putting it a different way, capital migrates away from regimes in which it is treated harshly, and toward regimes in which it is free to be invested profitably and safely. In this regard, the capital controlled by our richest citizens is especially tax-intolerant.

The point he is making is that if you are wealthy, you have the ability to move your income around, to hire accountants and tax lawyers to find ways to shield your income, and the bottom line is the Government never gets any more of it than if the rate remained at a lower level.

In fact, he points out that revenue collections by the Government have remained almost constant over this 40-year period and that their ratio to the GDP has remained almost constant; the point being that the revenue collected by the Government is most in relation to the state of the economy. It is mostly dependent upon the economy. As the economy grows, revenues to the Federal Treasury grow. As the economy slows, tax revenues slow, and that is exactly what we are seeing right now.

So we should take two important lessons from this. No. 1, in a time of economic downturn, which is what we are in right now, the last thing you would want to do is to raise tax rates because you are going to hurt the economy and you are not going to bring in any additional revenue. Secondly, this speaks to the point my colleague from Arizona, Senator MCCAIN, has been making, which is that, in the long term, what you want to do is reduce tax rates if you can—at least leave them where they are but not raise them—if you want to be fair both to the American family and help the economy grow and get us out of this economic downturn. Incidentally, that is what will produce the most revenue for the Federal Treasury to pay for all that the Congress and the President end up passing in legislation and passing on to American taxpayers.

So I ask unanimous consent to place this op-ed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 20, 2008]

YOU CAN'T SOAK THE RICH

(By David Ranson)

Kurt Hauser is a San Francisco investment economist who, 15 years ago, published fresh and eye-opening data about the federal tax system. His findings imply that there are draconian constraints on the ability of tax-rate increases to generate fresh revenues. I think his discovery deserves to be called Hauser's Law, because it is as central to the economics of taxation as Boyle's Law is to the physics of gases. Yet economists and policy makers are barely aware of it.

Like science, economics advances as verifiable patterns are recognized and codified. But economics is in a far earlier stage of evolution than physics. Unfortunately, it is often poisoned by political wishful thinking, just as medieval science was poisoned by religious doctrine. Taxation is an important example.

The interactions among the myriad participants in a tax system are as impossible to unravel as are those of the molecules in a gas, and the effects of tax policies are speculative and highly contentious. Will increasing tax rates on the rich increase revenues, as Barack Obama hopes, or hold back the economy, as John McCain fears? Or both?

Mr. Hauser uncovered the means to answer these questions definitively. On this page in 1993, he stated that "No matter what the tax rates have been, in postwar America tax revenues have remained at about 19.5% of GDP." What a pity that his discovery has not been more widely disseminated.

The chart, updating the evidence to 2007, confirms Hauser's Law. The federal tax "yield" (revenues divided by GDP) has remained close to 19.5%, even as the top tax bracket was brought down from 91% to the present 35%. This is what scientists call an "independence theorem," and it cuts the Gordian Knot of tax policy debate.

The data show that the tax yield has been independent of marginal tax rates over this period, but tax revenue is directly proportional to GDP. So if we want to increase tax revenue, we need to increase GDP.

What happens if we instead raise tax rates? Economists of all persuasions accept that a tax rate hike will reduce GDP, in which case Hauser's Law says it will also lower tax revenue. That's a highly inconvenient truth for redistributive tax policy, and it flies in the face of deeply felt beliefs about social justice. It would surely be unpopular today with those presidential candidates who plan to raise tax rates on the rich—if they knew about it.

Although Hauser's Law sounds like a restatement of the Laffer Curve (and Mr. Hauser did cite Arthur Laffer in his original article), it has independent validity. Because Mr. Laffer's curve is a theoretical insight, theoreticians find it easy to quibble with. Test cases, where the economy responds to a tax change, always lend themselves to many alternative explanations. Conventional economists, despite immense publicity, have yet to swallow the Laffer Curve. When it is mentioned at all by critics, it is often as an object of scorn.

Because Mr. Hauser's horizontal straight line is a simple fact, it is ultimately far more compelling. It also presents a major opportunity. It seems likely that the tax system could maintain a 19.5% yield with a top bracket even lower than 35%.

What makes Hauser's Law work? For supply-siders there is no mystery. As Mr. Hauser said: "Raising taxes encourages taxpayers to shift, hide and underreport income. . . . Higher taxes reduce the incentives to work, produce, invest and save, thereby dampening overall economic activity and job creation."

Putting it a different way, capital migrates away from regimes in which it is treated harshly, and toward regimes in which it is free to be invested profitably and safely. In this regard, the capital controlled by our richest citizens is especially tax-intolerant.

The economics of taxation will be moribund until economists accept and explain Hauser's Law. For progress to be made, they will have to face up to it, reconcile it with other facts, and incorporate it within the body of accepted knowledge. And if this requires overturning existing doctrine, then so be it.

Presidential candidates, instead of disputing how much more tax to impose on whom, would be better advised to come up with plans for increasing GDP while ridding the tax system of its wearying complexity. That would be a formula for success.

Mr. KYL. Mr. President, I urge my colleagues to review the op-ed and apply it to the lessons we have today. In fact, the legislation we will be taking up today increases taxes—increases the tax rate—by applying a 0.5-cent surcharge or surtax on the top marginal rate. This is going to be very destructive. Over 80 percent of the people who report that top marginal rate, report small business income. So we are going to be hurting the small businesses of this country, not the big businesses or the wealthy that the surcharge is intended to hit, and we will end up not increasing Federal revenues but actually decreasing them and hurting the economy in the process.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

JUDICIAL CONFIRMATIONS

Mr. HATCH. Mr. President, yesterday on the Senate floor the distinguished majority leader mentioned my name and repeated a claim about my service as chairman of the Judiciary Committee, which I once again am compelled to correct. He said: "Sixty of President Clinton's nominees were denied hearings."

In a letter to the distinguished minority leader and the distinguished ranking member of the Judiciary Committee dated April 30, 2008, he similarly stated that:

> Senator HATCH exercised the chairman's prerogatives freely during the years in which more than 60 of President Clinton's nominees were denied hearings or floor consideration.

The claim—and it has been repeated in various forms by others—is that all these nominees could have been confirmed but were not because I simply blocked them.

What is not mentioned is President Clinton came within seven of setting an all-time judicial appointment record while I was chairman. He was treated fairly. I had hearings and moved people to the floor that many on our side had real qualms about. It is true that approximately 60 of his judicial nominees were not confirmed, not in 1 year, as the distinguished majority leader said yesterday, but in all 8 years. They were not confirmed for a host of different reasons, most having nothing to do with the chairman's prerogatives.

President Clinton, for example, withdrew a dozen of those nominees himself—actually withdrew them. That was not my prerogative as chairman; it was his prerogative as President. These withdrawn nominees included a nominee to the U.S. District Court whose record as a State court judge in criminal cases was so troubling that prosecutors in her own State, led by a Democrat, opposed her. Instead of certain defeat on the Senate floor, the Republican leader at the time allowed President Clinton to withdraw her nomination. She was not denied a hearing; she had a hearing and was reported to the floor. She was not denied floor consideration; she was spared floor defeat.

The unconfirmed Clinton nominees included an appeals court nominee who, though he had raised millions for the Democratic Party, admitted in his hearing that he knew virtually nothing about such basic areas as criminal or constitutional law. President Clinton wisely withdrew him. These unconfirmed nominees included an appeals court nominee who had lied about his background, making claims that were politically potent but patently false. President Clinton withdrew him. Was he unconfirmed? Yes. Was he blocked by Republicans? No. These and others like them were not what some on the other side of the aisle have called pocket filibusters. They were not, as the distinguished majority leader has said, simply denied consideration at the chairman's prerogative.

The unconfirmed Clinton nominees include many who did not have the support of their home State Senators. Nominees in this situation did not receive hearings under the chairmen before me as well as those who succeeded me, including the current Democrat chairman who will not call them up if a home State Senator opposes them. That is the policy and tradition of the Judiciary Committee, not simply the chairman's prerogative. Nor is it a pocket filibuster. That is a phony term. Yet, these nominees were unconfirmed and are, therefore, lumped into this category. So are nominees who were not confirmed in the Congress during which they were nominated and President Clinton chose not to renominate. That was his choice, not mine. For these and other reasons, the vast majority of President Clinton's unconfirmed nominees did not make it all the way through the confirmation process for reasons having nothing to do with my chairmanship of the committee.

Now, there are always, at the end of every Presidency, those nominees who are put up too late, where you could not get the FBI work done or you could not get the investigatory work done or you couldn't get the ABA report done or there were nominees who had problems in their FBI reports. There were further reasons nominees could not make it at the end of President Clinton's term. I might add that is true of every Presidential term that I recall in my 32 years in the Senate. It is also true that I put through nominees that my side had a lot of angst over because I believed, as I always did in my chairmanship, the President had the power of nomination. We had the power to vote, up or down, against those nominees. So I brought up people who caused a lot of angst on our side because I believed the President deserved that—unlike some on our side who have been very badly mistreated. I will cite Peter Keisler as a perfect illustration.

So I had to come here and set the record straight once again. Some judicial nominees of every President are not eventually confirmed. My friends on the other side of the aisle returned more than 50 unconfirmed judicial nominees to President Bush at the close of the 102nd Congress. But when the reasons nominees are not confirmed are accurately considered, the claim that some 60 Clinton nominees were simply pocket filibustered or were blocked at the chairman's prerogative is simply not true.

I believe it to be a gross misrepresentation. I don't blame the majority leader. He is a personal friend of mine. He read from a staff-prepared speech. Nevertheless, that speech was wrong.

Let me give you an illustration. These are people sitting right now on the calendar. Peter Keisler has been waiting 691 days for a vote in the Judiciary Committee. By any measure, he is highly competent, decent, and honorable. He has the highest rating from the American Bar Association. Judge Robert Conrad has been waiting 308 days for a Judiciary Committee hearing. He also has the highest ABA rating. This body confirmed him just three years, without a dissenting vote, to the district court, where he is now chief judge. Steve Matthews has been waiting 257 days for a hearing. He too has first-rate qualifications and a positive ABA rating. Many others are still awaiting a vote, as we have been sitting in the Senate not doing very much regarding judicial nominees.

ELDER JUSTICE ACT

Mr. HATCH. Mr. President, since May is a month to honor and recognize older Americans, I would like to take a few minutes to talk about my strong commitment to having the Elder Justice Act, S. 1070, approved by Congress and signed into law before the conclusion of the 110th Congress.

Emily Dickinson once said, old age comes on suddenly, and not gradually as is thought. As someone who just celebrated a birthday a few months ago, this statement has never seemed more accurate!

Approximately 44 million people in this country are age 60 and above which tells me that caring for older Americans must be a high priority of future Congresses,

In fact, U.S. citizens 60 years of age and above will increase dramatically over the next 30 years more than 76 million baby boomers will be approaching retirement and old age over the next three decades. Let me say that one more time—more than 76 million baby boomers will be approaching retirement and old age over the next three decades.

Earlier this Congress, Senators LINCOLN, SMITH, KOHL and I introduced the Elder Justice Act. Congressmen RAHM EMANUEL and PETER KING introduced a nearly identical bill in the House. Currently, the Senate bill has 28 cosponsors and the House bill has 113 cosponsors.

One person who really deserves a lot of the credit for this bill is our former colleague from Louisiana, Senator John Breaux. He got the ball rolling over here in the Senate. I will never forget him coming to me way back in the 107th Congress and telling me that I needed to work with him on the Elder Justice Act because it would make a tremendous difference for older Americans throughout the country. He and I introduced the Elder Justice Act back in the 107th Congress and ever since then, the bill has been reintroduced each subsequent Congress.

I also want to acknowledge the fine work of the Elder Justice Coalition, led by Bob Blancato, its national coordinator.

To date, the Elder Justice Coalition has close to 550 members and has done an incredible job advocating for the passage of this legislation.

This Congress, for the first time, the Elder Justice Act has been seriously considered by the House. Last week, the House Judiciary Committee considered the Elder Justice Act and it appears that it will be voted out of that committee this week. In the Senate, the legislation has been reported unanimously by the Finance Committee in both the 109th and 108th Congress; however, it has never been approved by the full Senate. As far as I am concerned, this year is going to be different. I will do everything in my power to ensure that this legislation will pass the Senate and be signed into law before the 110th Congress adjourns.

Senator LINCOLN and I are going to work with Finance Committee Chairman MAX BAUCUS and Ranking Member CHUCK GRASSLEY to schedule a markup on this bill sometime this summer.

Over the past couple of years, I worked very closely with Health and Human Services Secretary Mike Leavitt and his staff to address the concerns that the administration has raised regarding our bill. Last Congress, I felt like we had some fruitful discussions and progress was made. Secretary Leavitt is a good friend of mine and he knows how important it is to me, Senator LINCOLN and senior citizens across the country to have this legislation signed into law. The Secretary assured me that he and his staff would continue to work with us on this bill.

So I intend to initiate discussions with the administration once again in the hope that we will be able to come to agreement. And I think we are very close.

I have had many ask why does there appear to be such a dramatic increase in elder abuse in the United States. Because there is so little data on elder abuse, it is difficult to know the answer to that question.

Quite honestly, I believe that more and more people are taking notice.

In the past, there has been no data collection of elder abuse—I find that quite disturbing. The purpose of our legislation is to make changes in the law so we have more precise numbers on how many seniors are being exploited financially, being neglected or being physically or mentally abused.

Findings from the often cited National Elder Abuse Incidence Study suggest that more than 500,000 Americans aged 60 and above were victims of domestic abuse in 1996. Studies show the amount of Federal dollars spent on abuse and neglect of elders is substantially smaller than that spent on child and domestic abuse.

Elder abuse is a profoundly personal tragedy for its victims—let me cite a case from my home state of Utah. In Utah and across the country, elderly Americans are being exploited and essentially being swindled out of thousands of dollars. A local news station in Salt Lake recently had a story that discussed check scams and how seniors are typically the target of these questionable operations.

In Utah alone, the money that people have lost due to these types of scams has quadrupled over the last 3 years. And while many of these operations have addresses in the U.S., they typically originate overseas.

For example, a check has been made out to a Salt Lake City senior for close to $4,000. The senior is told that he has been chosen to be a secret shopper and has the chance to win thousands of dollars. He is told that he may keep $500, no strings attached, but he must wire more than $3,000 back to them in order to get the $500. Because this senior sees the chance to win $500, he sends the check for $3,000 and loses all of his money.

According to the postal inspector, once a person responds to these scams, he or she is put on what is called a sucker's list and continues to be promised that hundreds and even thousands of dollars could be gained if a check is sent. In Utah, 6 to 700 checks are reported to be sent to these organizations each month.

The Elder Justice Act would help the Federal Government collect data on how many senior citizens are being financially exploited, mentally and physically abused and neglected.

This chart illustrates the dramatic difference in dollars spent on elder abuse compared to child abuse and domestic abuse.

Ninety-one percent, or $6.7 billion, is spent on child abuse, 7 percent, or $520 million on domestic abuse and only 2 percent, or $153.5 million, is spent on elder abuse. Considering the high numbers of the population above age 60, it astounds me the small percentage the Government is willing to dedicate to ending elder abuse.

The Elder Justice Act aims to address this serious problem.

Our bill would provide Federal resources to support State and community efforts on the front lines dedicated to fighting elder abuse with scarce resources and fragmented systems.

It directs the Federal Government to provide leadership to the States and takes an important first step by calling on the Federal Government to create an appropriate way to collect relevant data on elder abuse so we have a better handle on how prevalent elder abuse is among our neighbors, our friends, and our relatives.

It assures adequate public-private infrastructure and resources to prevent, detect, treat, understand, intervene in and, where appropriate, prosecute elder abuse, neglect and exploitation.

With more than 76 million baby boomers retiring over the next three decades, we cannot wait any longer for this legislation to pass. Older Americans deserve nothing less. I know that it is extremely important to folks back home in Utah.

In closing, I urge my colleagues to support this legislation so we can provide older Americans the same protections that we provide to our children and victims of domestic violence. Because we are not aging gradually, our response must be immediate—we cannot afford to wait for another Congress to end without approving this legislation.

Ralph Waldo Emerson once said, men are respectable only as they respect. May we strive to be more respectable people by showing respect to those who deserve it the most: our older Americans.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

OLDER AMERICANS MONTH

Mrs. LINCOLN. Mr. President, each May, our Nation pays tribute to the contribution older Americans have made to our great country as many communities all across our great Nation come together to celebrate Older Americans Month.

Having grown up in eastern Arkansas in a small community, the daughter of a farmer, I was within walking distance of both my grandparents. I learned incredible lessons from them that I still carry with me today. I imagine there are many of my Senate colleagues who can stop and think about a wonderful memory of growing up with grandparents or maybe an older aunt or uncle who lived nearby, perhaps it was a favorite schoolteacher or a mentor in the community or in their neighborhood.

The pride and dedication older Americans have had for our country was impressed upon me from a very early age, from all of those different figures in my life—my grandparents, obviously, but also from wonderful teachers, as well as neighbors, those who shared their stories with me, they shared their values with me, they helped me become the person I am today. Whether it was hearing about my grandfathers' service in World War I—both of them having served as infantrymen in World War I—or maybe it was the jar my grandmother left on the mantelpiece that stored the coins during the Great Depression or the story of my neighbor who, during World War II, flew over "the hump" and did tremendous feats in World War II, so many people who have affected my life. Again, I am sure that if any Senator takes the time, they will remember their lives have been affected as well by an individual just like that.

Even though I didn't know it, I was a caregiver at an early age when it was one of my and my cousin's tasks to take dinner, nightly meals over to our grandparents' house. Later in my life, when my grandmother was ill and lived with us in our home and I shared a room with her, that time spent with my grandparents and with others, other elderly people in my community and in my neighborhood—they were priceless for both of us. Not only was I able to give something of my energy and my experiences in the current time, but it was wonderful also for her, my grandmother, who lived with us, because she was able to share her experiences and values with me, and I was able to learn so many of life's lessons from her and from the others in my community.

Today's world is so much different. Even though we no longer live within walking distance of our parents or grandparents, my husband Steve and I make a very conscious effort to ensure that our children spend quality time with their grandparents. It seems appropriate, then, during Older Americans Month that I rise this morning to draw attention to a piece of legislation that I and my good friend and colleague from Utah, Senator HATCH, who has been on the Senate floor earlier this morning, have introduced that seeks to protect millions of older Americans. It is the Elder Justice Act.

I also want to note that Chairman KOHL and ranking member GORDON SMITH of the Senate Special Committee on Aging have been champions of this legislation as well, and I certainly appreciate all they do in bringing about both support as well as knowledge of this piece of legislation.

I have been a cosponsor of the Elder Justice Act since it was originally introduced in 2002, and I helped pass a version of this bill out of the Senate Finance Committee in 2004, in 2005, and again in 2006. Unfortunately, the Elder Justice Act has yet to become law despite the fact that our Nation continues to grow older and despite the fact that the tragedy of elder abuse, neglect, and exploitation continues.

It is hard for any of us to imagine that our elderly loved ones would be victim to those types of actions, the abuse or neglect or exploitation that exists in this country. We have held hearings on elder abuse for almost 25 years. Yet not one single Federal employee works full time on this issue. We are beginning to make progress. I encourage all my colleagues to join me, not only in this month when we celebrate the wonderful heritage of older Americans, but to ensure that we move a piece of legislation that will protect them.

The House of Representatives recently held its first hearing on this issue in 17 years—thanks to the hard work of Congressman RAHM EMMANUEL and PETER KING—and the Elder Justice Act is currently going through the committee markup in that body. In addition to adding cosponsors, we are looking for opportunities to pass this legislation this year in the Senate.

Abuse of our senior citizens can be physical, it can be sexual, it can be psychological, or it can be financial. The perpetrator may be a stranger, it may be an acquaintance, it may be a paid caregiver, it might be a corporation and, sadly, even a spouse or another family member. We have an obligation to the older Americans of this country not to sit around for another 25 years but to come up with the solutions that already exist for so many other Americans. Elder abuse happens everywhere and at all levels of income and in all geographic areas, whether you live in an urban area or out on a county road in rural America. No matter how rich you are, and no matter where you live, no one is immune. When we say no one is immune, it means none of our loved ones are immune from this horrific act.

Congress must make our seniors a priority and pass the Elder Justice Act as soon as possible. This bill represents a consensus agreement developed by the Elder Justice Coalition, a national coalition of 547 members, including 226 organizations and 321 individuals, dedicated to eliminating elder abuse, neglect, and exploitation in this great country of ours. This bill reminds us that Congress has already passed comprehensive bills to address child abuse and violence against women but has continued to ignore the fact that we have no Federal law enacted to date on elder abuse.

We have made great strides. I know, as cochairman of the Senate Caucus on Missing and Exploited Children, we have made great strides in how we can better protect our children from exploitation and from all the different fears and dangers that are out there. Why would we not want to do this for the wonderful elderly people of this country who have given all of us so very much?

Every older American has the right to enjoy his or her golden years free of abuse and neglect. As Americans age—and I know and many of us know from personal experience—they want to maintain their independence and their dignity and their pride. It is very difficult when they become exploited or abused or neglected. It is hard for them to reach out and ask for help and care, particularly of their children. It is not something easy for them to do. It is why we have the responsibility in the Senate to do something about elder abuse.

The Elder Justice Act will enhance our knowledge about abuse of our seniors in all of its terrible forms. It will elevate elder abuse to the national stage. We cannot solve this problem if we do not understand it, we do not know how it occurs, and we do not begin to use the tools we have already to protect the seniors of this country. Too many of our seniors suffer needlessly. Each year anywhere between 500,000 and 5 million seniors in our country are abused. They are abused, neglected, or exploited, and, sadly, most of those abuses go unreported.

This historical problem will only worsen as 77 million baby boomers begin to age. The Elder Justice Act confronts elder abuse in the same way we combat child abuse and violence against women—through law enforcement, public health programs, and social services at all levels of government. We are not talking about reinventing the wheel, we are talking about using what we have learned in the abuse of children and in the abuse of women and applying those tools to one of our greatest blessings, the elderly of this country.

The bill also establishes research projects to assist in the development of future legislation. The Elder Justice Act will take steps to make older Americans safer in their own homes, in nursing home facilities, in neighborhoods all across this country. It enhances the detection of elder abuse, and it helps seniors recover from abuse after it happens. It increases collaboration between Federal agencies and between Federal, State, local, and private entities, law enforcement, long-term care facilities, consumer advocates, and families to prevent and treat elder abuse.

I urge my colleagues, all of them, to remember those individuals in your life, certainly in your communities, and others who have given so much to this country, whether it was somebody years ago who helped to build this great Nation through education as a teacher, perhaps, an educator; maybe it was building our economy in this country by building a great company or a great effort there; perhaps it was a soldier from years past who defended the rights of this country and our freedoms today. Look back and consider the special people in your life, such as an elderly neighbor or a grandparent. I know there is not a day that goes by in my life that I don't think about those people who have so tremendously affected my life, who have taught me values, and who have shared stories with me, who have helped me become who I am. Each one of us needs to stop and think of those individuals.

Maybe it was a teacher in the first grade. Maybe it was a coach. Maybe it was a music instructor. Maybe it was a Sunday school teacher. Maybe it was a police officer. I think of all those different people who have made a difference in my life, and I want to ensure that as a nation we respect their safety and their ability to live in this country with dignity and security.

I hope all my colleagues will consider whomever those special people were in their lives, who helped support their dreams, provided wisdom, perhaps, and advice throughout their development—there are millions out there—and each one of us needs to take the time to remember them. It is time for Congress to pass comprehensive legislation to address elder abuse and protect those in their twilight of life.

I urge my colleagues to take a look in this month of May, when we look in respect and admiration to the older Americans of this country, and provide the kind of law that we have provided for children and for women to protect them from abuse and exploitation.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Ms. KLOBUCHAR. Mr. President, a few weeks ago, I came here and said that each week I was going to give a talk on the floor about another piece of the puzzle of why it is so important to pass climate change legislation this year; about how we cannot wait as we see tremendous changes to our environment and our way of life. We need to act and we need to act now.

Last summer, I took a trip to Greenland with other members of the Environment and Public Works Committee to see firsthand the effects of global climate change. One of the scientists traveling with us described Greenland as a canary in the coal mine when it comes to global warming.

Greenland has lost an amount of ice in 1 year equal to two times all the ice on the Alps. People in Greenland are planting potatoes in places where they used to run sled dogs on the ice. What we saw on that trip only confirmed for us what the scientific community has now asserted in an overwhelming consensus. Average global temperatures are up 1 degree in the last century. Now, that does not sound like much, but to put it in perspective, they are only up 5 degrees since the height of the Ice Age.

The EPA forecasts an increase of 3 to 8 degrees for the next 100 years. It is up 1 degree in the last century, estimated 3 to 8 degrees in this 100 hundred years. Ice caps are melting, ocean levels are rising, and glaciers are shrinking.

The Intergovernmental Panel on Climate Change has concluded there is irrefutable evidence of climate change on every continent, with risks to several species and the danger of increasing violent weather events.

When I arrived in the Senate a little over a year ago, people were still debating whether climate change was real; was it actually happening? The debate is over, the facts are in, and now we are finally debating solutions.

I am proud to say it is science that has affected our actions and that this shift in our thinking is because there are people now in this Chamber who are willing to look at and talk about the science.

Last year in the Energy bill, we raised fuel economy standards for cars and trucks and other vehicles for the first time in years and years, for the first time in decades. The new standard will boost fuel efficiency by 40 percent and cut millions of tons in carbon emissions. And, most importantly, as we look at how much gas costs, it is going to save the average family, depending on how many children they have, something like $1,000 a year.

So this is not only about environmental issues, this is about economic pocketbook issues as well. In the farm bill agreement the conferees approved last week and this Senate passed, we have important incentives to move farmers toward the next generation of clean, renewable biofuels, using cellulosic crops that can be grown on marginal farmland with minimal chemical input.

This is the next generation of biofuels; using other parts of the corn, looking at switchgrass, prairie grass, things that actually are consistent with conservation and can be good for our environment and can help to wean us off our dependency on foreign oil. Instead of investing in the sultans of Saudi Arabia, we can be investing in the farmers and the workers of this country.

Now it is time for us to take the next crucial step in energy and conservation policy: enact strong, comprehensive climate change legislation, the Lieberman-Warner bill, that will come before the Senate in a few weeks.

I referred a moment ago to our trip to Greenland last summer. But today I wish to discuss a second trip I took recently, that is, around my State, visiting many small towns in the State of Minnesota.

I visited the campus of the University of Minnesota-Morris, where they are building a biomass gasification plant. It turns farm and forest byproducts into gas and produces electricity. Within a year or two, it will meet the heating, cooling, and electricity needs for the entire campus without burning any carbon-emitting fossil fuels. I visited southwestern Minnesota, where I have been many times, where there is a sprawling windmill farm on the rise of land called Buffalo Ridge. You can see towering turbines for miles, and they are now supplying a significant share of Minnesota's power needs—in fact, with the standard enacted on a bipartisan basis by our State legislature, 25 percent by 2025 for renewable energy of all kinds for the provision of electricity. In tiny Starbuck, MN, 10 people left their jobs to join a solar panel factory manufacturing solar panels to make electricity from the Sun. These projects are reducing our dependence on fossil fuels and cutting our emissions of greenhouse gases.

The point I wish to discuss today as part of this week's discussion is that they are creating good jobs. I mention these examples because when we discuss climate change and solutions, too many people think it has only to do with doing without, cutting back, and doing less. It is true conservation must play a central role in a comprehensive energy policy to clean up our planet and reduce our dependency on foreign oil. This isn't the days of Jimmy Carter putting on a sweater and going on TV and looking glum. People actually see this as an economic benefit, if they conserve, because they are going to save money. It is also true that by adopting a strong, sensible policy toward reducing greenhouse gas pollution, we can open the door to a world of opportunities, which means new jobs.

As we prepare to discuss action on climate change, here is what we must remember. There is a possibility, a strong possibility, an opportunity that we can get more out of this. This means manufacturing a new generation of refrigerators, air-conditioners, and other household appliances that meet the needs of consumers while consuming less electricity. It means designing buildings with "smart glass" and rooftop gardens that conserve energy and water. Some people think these rooftop gardens are some kind of landscaper's lark, but they aren't. They keep buildings warmer in the winter and cooler in the summer and capture airborne pollutants that otherwise would enter the air we breathe. JPMorgan, a huge investment bank, recently redesigned its Manhattan headquarters with a rooftop garden and estimates it will save 30 percent on its utility bills.

Since cars and trucks are a major source of our greenhouse gas emissions, this next generation of looking at the world differently means exploiting the full potential of hybrid automotive technology. Hybrid cars and trucks, however, have already shown themselves to be a great success story, on the sales lot and in the engineering laboratory. The old version required you to plug in the car and carry around extra batteries. Because we invested in research and provided some limited Federal incentives, we are not only seeing a better product; we are also seeing an explosion in consumer demand that would have been unthinkable a few years ago.

Now Chevrolet has developed another breakthrough, the Chevy Volt, a battery-powered car which could be on the market in less than 2 years. You will be able to plug the Volt into an ordinary household outlet and then drive up to 40 miles without using a drop of gasoline. Your car isn't going to stop when it finishes up 40 miles. It converts over to fuels and biofuels. The waiting list for hybrid vehicles shows consumers welcome efficient designs and are buying vehicles that will create good jobs for autoworkers and other people in manufacturing.

Taken together, this sort of technology has the potential to create thousands, perhaps millions, of good jobs and spur millions of dollars in productive new investment.

Consider the potential of biomass, burning dedicated crops to produce electricity. The U.S. Department of Energy estimates that a concerted effort to develop dedicated energy crops for biomass powerplants could generate 120,000 new jobs over the next 15 years. Consider the potential of wind energy. Each large utility-scale wind turbine that goes on line generates over $1.5 million in economic activity. Each turbine provides up to $5,000 in lease payments per year for 20 years or more to farmers, ranchers or other landowners.

When we start putting all the pieces of this puzzle together, a whole new vista for the economy opens. The Union of Concerned Scientists estimated last year that merely adopting a strong national renewable energy standard, one important step toward reducing greenhouse gas pollution, would create 185,000 jobs in industries such as wind and solar by the year 2020.

Daniel Kammen, who runs the Renewable and Appropriate Energy Laboratory in California, points out that $1 invested in renewable energy creates three to five more jobs than $1 invested in fossil fuels, as we can see here. That is because renewables create jobs in engineering and manufacturing and because that money is invested here at home, instead of being shipped overseas for foreign oil producers.

This institute estimates that if our country met 20 percent of its electricity needs from wind power, solar, biomass, and other renewables, those industries would employ more than 250,000 people every year, compared to fewer than 100,000 jobs if we continue to get all our electricity from fossil fuels.

This week, the U.S. Department of Energy estimated that by the year 2030, it would be feasible for wind power to supply 20 percent of our country's electricity needs, matching the output of nuclear powerplants.

Finally, the Apollo Alliance estimates that if we made a full-bore national commitment to climate change through energy-conserving technology, building design, more efficient vehicles, and renewable fuels, we could create 3 million new jobs and an additional $1 trillion of economic output in the next decade. This is our opportunity. But it is only that. It is only an opportunity unless we seize it because our country will not mobilize the automobile engineers, the landscape architects, the building designers, the appliance manufacturers, the power companies, unless we send the right signal to the economy as a whole, the signal that our country is committed to technologies that will help us battle climate change.

Consider this: Despite the wind farms and solar energy companies cropping up here and there across the country, the United States is no longer a leader in these clean energy technologies. We rank third in wind power, third in photovoltaic power installed. Ironically, our country has been surpassed by countries that took the technology developed in the United States, and it has allowed foreign competition to leapfrog over American businesses.

Here is my answer: We need leaders. We need American leaders, not followers. The private sector has read the evidence and is waiting for us to show leadership. Last winter, the Environment Committee heard from the chief executives of 10 major corporations, including General Electric, DuPont and Duke Energy. They have formed the United States Climate Action Partnership. They seek a mandatory, market-driven approach to reducing greenhouse gas emissions, an approach they believe will drive development of new greener technology and become an engine for new economic growth and job creation. They are waiting for leadership from Washington. In a few weeks, we will have the opportunity to demonstrate that leadership. My colleagues, Senators LIEBERMAN and WARNER, have written climate change legislation that is bold but practical, forward thinking but pragmatic. They recognize that the time for study is over, the time for hesitation has passed. The time for action is upon us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

JIMMY STEWART'S 100TH BIRTHDAY

Mr. CASEY. Mr. President, I rise to pay tribute to a native Pennsylvanian. Today we honor what would have been the 100th birthday of one of Pennsylvania's most famous sons, Jimmy Stewart. The fact that we call him Jimmy tells a lot about who he was, what he meant to our State, what he meant to America. Jimmy Stewart is most famous for his unforgettable roles in movies such as "Mr. Smith Goes to Washington," "It's a Wonderful Life," and on and on, so many great movies to remember him by. But Jimmy Stewart never forgot his Pennsylvania roots.

He was born in Indiana, PA, on May 20, 1908. His family owned the hometown hardware store where the Stewart family could trace their roots in Indiana County back to 1772. Stewart attended Princeton University, where he studied architecture and graduated in 1932. Because of the stock market crash of 1929 and the Great Depression that followed, Jimmy Stewart questioned whether he would find employment as an architect, and he accepted a position in an acting troop. Shortly after joining, Stewart began working on Broadway, which eventually led to screen tests with major motion picture production companies. His work in "Mr. Smith Goes to Washington," in which he played a freshman Senator, earned him his first nomination for an Academy Award. He was also nominated for Oscars for best actor for "It's a Wonderful Life," released in 1946; "Harvey," released in 1950; and "Anatomy of a Murder," released in 1959. He won his only Academy Award for best actor in 1940 for his role in "The Philadelphia Story."

I have to say, in a personal way, that every December, during the holiday season, I think I join a lot of Americans in trying to watch, yet again, "It's a Wonderful Life." The reason I watch it—plenty of reasons—principally is because it is an American story, an American story of struggle, of family love, and the positive impact one person's life can have on an entire community.

We all know Jimmy Stewart served his country in World War II but was initially rejected from service because he was 5 pounds underweight. But he wouldn't let that stop him from serving. He went home to Indiana, added some weight, and enlisted in the Army Air Corps. He got a whole series of commendations for his service in the Army Air Corps. He retired from the Air Force in 1968, at the mandatory retirement age, and received the Distinguished Service Medal. The signature charity event he started, the Jimmy Stewart Relay Marathon Race, held each year since 1982, has raised millions of dollars for the Child and Family Development Center at St. John's Health Center in Santa Monica, CA.

Jimmy Stewart received the Lifetime Achievement Award from the Academy of Motion Picture Arts and Sciences and the Life Achievement Award from the American Film Institute for fundamentally advancing the art of American film. The American Red Cross presented Jimmy Stewart with their humanitarian award for service to his fellow man. On his 74th birthday, his hometown of Indiana unveiled a statue of their native son in front of the Indiana County Courthouse.

Jimmy Stewart passed away on July 2, 1997. He was mourned by fans worldwide. Perhaps the greatest tribute of the American Film Institute was the observation that James Stewart is an actor "so beloved by the movie going public that they call him Jimmy, just like a member of the family."

His was truly a remarkable life. In Pennsylvania and across America today, we say happy 100th birthday, Jimmy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

ENERGY PRICES

Mr. WHITEHOUSE. Mr. President, first, let me say how pleased I am to follow the distinguished Senator from Pennsylvania, hearing him talk about his native son, to whom I think it is fair to say he bears some resemblance.

But I have another topic today, which is the cost of gasoline in Rhode Island. In Rhode Island today, a gallon of regular unleaded costs $3.84 on average, according to AAA's daily report. That price is nearly 40 cents higher than it was 1 month ago. It is almost 77 cents higher than it was a year ago. I had a Rhode Island visitor to my office last week who runs a little oil company in Bristol. He reported his oil supply costs have gone up 60 cents in 2 weeks. By the way, it is springtime.

When I was home over the weekend, I saw prices for regular gas at $3.89 and super at $4.12. High gas prices have been over all the news in the last several weeks in Rhode Island and across the country. But this problem did not emerge overnight. It has built up over the 7½ years of the Bush administration.

Since President Bush took office in 2001, gas prices in Rhode Island have more than doubled—a price hike of more than $2 for every gallon. Seven years of two oil men in the White House has left Rhode Islanders facing the highest gas prices they have seen since the fuel crisis days of 1981.

The steady and steep rise in the price of gasoline is forcing many working families in Rhode Island to make choices that would have seemed unimaginable only a few months ago, choices that are harsh and cold: A mother walks home from work through pouring rain because she can only afford to spend $10 a week on gasoline; a man cuts down on buying gas so he will have enough to pay for his prescriptions. Families in South County are hungry but have to think twice about the gas to drive to the food pantry to pick up food for their families.

One man told the Providence Journal:

> The food is expensive, the clothes are expensive—I've got medication. I don't know what will happen—every week, everything is more expensive.

For too many families in our Ocean State, when everything is more expensive, some things get left out: Only half a tank of gas this week, less money for groceries, no new clothes for the kids.

Working Rhode Island families do not have an extra $2,000 in their annual family budget to spend on gas, and that is how much more they are paying now than they did in 2001 when Bush took office. Bush-McCain economics have left these families struggling to make ends meet, wondering how they will pay the bills if a child gets sick or the plumbing breaks. They do not have an extra $30 or $40 or $50 to pour into their gas tanks every week. But still gas prices go up, and families already stretched to the limit are stretched even further.

These Rhode Islanders and millions like them all across this country need help, and they need it now. They are looking to us in Congress for answers.

Last week, Congress passed legislation taking a key first step—shutting off the gush of oil flowing into the Strategic Petroleum Reserve. This massive stockpile of crude oil owned by the Federal Government, maintained in the event of a disruption in fuel supplies or other such emergency, has a capacity of 727 million barrels of oil. Right now, the Strategic Petroleum Reserve is about 97 percent full. Yet the Bush administration continues to pump between 70,000 and 80,000 barrels of oil every day into massive underground caverns. Unsurprisingly, the administration actually wants to double the size of the Strategic Petroleum Reserve to 1.5 billion barrels, even as millions of Americans struggle with record fuel prices. Amazing. At a time when American families are cutting back on food and other necessities in order to fill their gas tank, President Bush wants to reduce the supply of oil into the open market, jack up the cost of fuel, and further line the pockets of the big oil companies. With the price of gas hitting nearly $4 a gallon, those 70,000 to 80,000 barrels should flow into the market, not into the ground. And let's not forget that at today's price of over $129 a barrel—a new record price for crude oil as of this morning—pouring oil into the Strategic Petroleum Reserve costs our Government millions of our precious tax dollars every day.

There are a number of things we can do right now to help provide some short-term relief at the pump. I have cosponsored our majority leader Senator REID's Consumer First Energy Act, a plan that gets at some of the immediate root causes of these staggeringly high prices.

First, we must take steps to protect American consumers from market speculation and price gouging. The administration's failure to regulate the oil futures market has left it fertile ground for speculators who game that market to reap high payoffs for themselves, while consumers pay the price.

Commodities traders take advantage of lax margin requirements that allow them to buy oil futures for only 5 to 7 cents on the dollar rather than the 50-percent downpayment required for purchases of stock futures. Many experts have pointed to rampant speculation as one of the principal reasons for the inflated price of crude oil in the market.

The Consumer First Energy Act would prevent traders of U.S. crude oil from routing transactions overseas to evade our limits on speculation, and it would require the Commodity Futures Trading Commission to substantially increase the margin requirement for oil futures trading.

I particularly applaud my colleague from the State of Washington, Senator CANTWELL, for her leadership in calling for an oil and gas market task force to investigate irregularities in the price of energy.

Our bill would also prevent price gouging by giving the President the authority to declare an energy emergency in cases of supply disruption, shortage, or significant price anomalies in the market. Once such an emergency has been declared, it would be unlawful to set an "unconscionably excessive price" for gasoline. The Federal Trade Commission would have the authority to enforce this provision while State attorneys general would have new authority to bring civil actions against price gougers at home.

Outside our borders, we need to make it clear to oil-producing countries that colluding to fix the price of oil will not be tolerated. The Bush administration has failed to stand up to the nations that control the price of crude oil—nations such as Saudi Arabia, Iran, Nigeria, Venezuela, and others that do not have America's best interests at heart. OPEC nations, which produce about a third of the world's oil supply, stubbornly refuse to produce more oil to curb the rising prices, and now OPEC has said the price of a barrel of oil could reach $200 this year.

With the American family now spending 10 percent of their income on gasoline, we cannot afford to let OPEC continue to manipulate world oil markets. Our plan makes it clear that colluding to fix the price of oil is illegal under U.S. law. The Consumer First Energy Act gives the Attorney General of the United States the power to bring an enforcement action against any company or country engaging in such conduct.

Finally, we need to turn the tables on the big oil companies, which now pocket not only recordbreaking profits but huge taxpayer-funded subsidies that they just do not need.

As this chart shows, the dollars we pay at the gas pump flow right into big oil's pockets. Last year alone, the five biggest oil companies—ExxonMobil, Royal Dutch Shell, BP, Chevron, and ConocoPhillips—made $116 billion in profits. That is almost twice the entire budget of the U.S. Department of Transportation. Imagine if we were spending twice as much on our roads and bridges and public transit systems. ExxonMobil alone earned $40.6 billion last year—more than the entire Federal Highway Administration budget for 2007 and almost as much as the profits of the entire American credit card industry. Isn't it telling that as American families have struggled with the highest fuel costs in a generation, the biggest oil companies have celebrated recordbreaking profits? As our Nation slides deeper into recession, the oil companies' profits keep going up.

While the oil companies are gorged with profit, stuffed with profit, choking on profit, the Bush administration and their Republican friends in Congress insist on funneling to them huge tax breaks. With profits exceeding $116 billion last year alone, I cannot think of a single industry that needs extra money less than big oil, especially when that industry still resists making major investments in new technology or renewable fuels.

The Consumer First Energy Act will eliminate $17 billion in tax breaks for oil and gas companies and reallocate those tax dollars to renewable energy and new energy efficiency technology and would also create a 25-percent windfall profits tax on oil companies that do not invest in increased capacity and renewable energy sources. If they will not use their obscene profits to invest in America's energy future, well, we will have to, and we will.

We know this is short-term action. We know we need to liberate ourselves from our dependence on oil with new energy sources and technologies. We know we need something along the lines of a new Manhattan Project or a new Apollo project. It is a matter of national urgency. But the American people need action now. We cannot stand by as millions of families struggle under the weight of skyrocketing gas prices. For the woman walking home from work in the rain, for the man on the bus to his doctor, for the student hoping one day for a hybrid car, for the families going without food because they cannot buy gas, we must take action.

I urge my colleagues to support legislation to ease Americans' pain at the pump.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATIONS OF MICHAEL G. McGINN TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA, RALPH E. MARTINEZ TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES, AND G. STEVEN AGEE TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH DISTRICT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota; Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States; and G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 shall be equally divided and controlled between the chairman and ranking member or their designees.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, the Senate continues to make progress by confirming another lifetime appointment to one of our important Federal circuit courts. The circuit court nomination we consider today is that of Justice G. Steven Agee of Virginia.

His nomination to a long-vacant circuit court seat is the result of a breakthrough with the White House. Even more important, it fills a vacancy listed as a judicial emergency on the U.S. Court of Appeals for the Fourth Circuit. I commend the Senators from Virginia, Senator WARNER and Senator WEBB, for their work in bringing this forward. It was a bipartisan exercise on their part. I thank Senator CARDIN of Maryland for taking the time to chair the hearing on this nomination.

It is interesting that Judge Agee's nomination gives us an opportunity to be productive even in a Presidential election year, where following normal history we tend to be far less productive.

There has been a string of controversial nominations from Virginia. Until recently, President Bush had insisted on confrontation with the Senate by nominating Jim Haynes, who contributed to the torture memos, Claude

Allen, and Duncan Getchell. I think he became aware they were not going to go anywhere.

When Republicans come to the Senate to discuss the pace at which we are considering judicial nominations, I am almost amused watching them because something is always wrong. It is sort of like Goldilocks. It is kind of like Goldilocks in the fairly tale—the porridge is too hot; the porridge is too cold. When I schedule hearings and even break into my recess where I should be in Vermont and come back because they are so insistent that they need to have hearings on this, and I come back and hold a hearing for nominees of President Bush, oh, golly, I am moving too quickly. They have actually criticized me for doing that. Of course, if we slow the pace down, well, then we are criticized for moving too slowly. I was thinking of that situation when I was reading "Goldilocks" to one of my grandchildren the other night. Of course, "Goldilocks" is a child's story, and they should not play childish games here.

One thing has been apparent from the outset of the year: My friends on the Republican side hope that by ignoring their own history—pocket filibustering more than 60 of President Clinton's judicial nominations while they were in the majority—that somehow they can rewrite history.

Democrats, to their credit, have not retaliated. I think of pocket filibustering 60 of President Clinton's nominees. But they say, after voting one of those 60 out of committee, they allowed him to come to a vote on this floor. This was a very prominent African-American justice of the Missouri Supreme Court, who later became chief justice. It is obvious why they let this African-American justice come to a vote on the floor of the Senate. Every single Republican, including those Republicans who had voted for him in the Senate Judiciary Committee, came on the floor in a humiliating gesture and voted down his confirmation. It was one of the low marks of this body.

As I said, we have not retaliated. But also the Democratic majority has a responsibility not to push through the confirmation process nominations who are there simply to advance a political agenda instead of there to maintain the impartiality of our Federal judiciary.

In fact, in contrast with the Republican Senate majority that more than doubled circuit court vacancies during the Clinton administration, we have reduced vacancies by nearly two-thirds. We have reduced them in nearly every circuit during the Bush administration. With the confirmation of Steven Agee today, the Fourth Circuit will have fewer vacancies than at the end of the Clinton administration, and that, of course, was when the Senate Republican majority pocket filibustered five Fourth Circuit nominees. In fact, they refused to consider any Fourth Circuit nominees during the last 2 years of President Clinton's Presidency.

Today, we will reduce vacancies among the 13 Federal circuit courts throughout the country to 11. That, incidentally, is the lowest number of vacancies in more than a decade. When Republican Senators are ready to allow us to consider and confirm the President's nominations to fill the last two remaining vacancies on the Sixth Circuit, if Republicans will allow us to go forward with President Bush's nominees there, we can reduce the total number of circuit court vacancies to single digits for the first time in decades. So for all the smoke and mirrors on the other side, the fact remains that we have succeeded in lowering circuit court vacancies to a historically low level.

Let's take a moment and go to the charts. These are circuit court vacancies. For most of the time when President Clinton was President, the Republicans were in charge. Look what they did. By their use of pocket filibusters, they pushed the number of vacancies in the circuit courts from 16 up to 32. Were there nominees for those seats? Of course there were, but they were pocket filibustered.

I use one example, one nomination that was pocket filibustered: Well, we don't know if she is really qualified. She is now the dean of the Harvard Law School, the most prestigious law school in this country.

When we came in halfway through the first year of President Bush's term, people thought that maybe the Democrats might retaliate and do the same thing to him. We did just the opposite. We started bringing down the number of circuit court vacancies, and we continued. When I became chairman for the first time, in the summer of 2001, we quickly and dramatically lowered vacancies. We confirmed 100 nominations in only 17 months. We set an all-time record for the Senate being controlled by one party and the Presidency by another. We confirmed 100 nominations in only 17 months. That was with an uncooperative White House. And we reduced vacancies by 45 percent.

Look at the numbers. Look how the vacancies went up when the Republicans were in charge with a Democratic President, and when Democrats were in charge with a Republican President, they came down. It is the Democratic Senate majority that has worked hard to lower them in this Congress. We have gone from more than 110 vacancies to less than 50. We have reversed course from the days when the Republican Senate majority more than doubled circuit vacancies. We have lowered the circuit court vacancies that existed when I became chairman of the Judiciary Committee in the summer of 2001—32 vacancies—we lowered them to 12. Today, we lower it to 11. Of the 178 authorized circuit court judgeships, after today's confirmation, only 11 will remain vacant. We took the vacancy rate Republicans gave us of 18 percent and brought it down to 6 percent. With 166 active appellate judges and 104 senior status judges serving on the Federal courts of appeals, there are 270 circuit court judges. I think that is the most in our history.

In fact, our work has led to a reduction in vacancies in nearly every circuit. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate. Both the Second Circuit and the Fifth Circuit now are without a single vacancy. We have already succeeded in lowering vacancies in the Second Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit and the Federal Circuit. With the confirmation of Justice Agee, the Fourth Circuit will join that list. Circuits with no current vacancies include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. When we are allowed to proceed with President Bush's nominations of Judge White and Ray Kethledge to the Sixth Circuit, it will join that list of Federal circuits without a single vacancy.

Less than 2 weeks ago, President Bush nominated Judge Glen E. Conrad to the second and final Virginia vacancy on the Fourth Circuit. With the support of Senator WARNER and Senator WEBB, we may still have time this year to proceed to that nomination and resolve another longstanding vacancy, further reducing vacancies on the Fourth Circuit and on Federal circuit courts in general.

I remain determined to prioritize progress and focus the Judiciary Committee on those nominations on which we can make progress and, in particular, on those in which the White House has finally begun to work with the Senate.

However, when I tried to expedite consideration of two Sixth Circuit nominations of President Bush's this month, all I got was criticism from the Republican side of the aisle. In fact, at the hearing on May 7, Republican Senators all but attacked one of the President's nominees. Senator BROWNBACK publicly apologized for his actions at the hearing, and I commend him for doing so. His apology was in the best tradition of the Senate.

Of course, last Wednesday, the same Republicans who were saying hurry up with these nominees sent scores of time-consuming questions to the nominees, all but ensuring the nominees cannot be considered this month. We will not hear them until they answer the questions. We will get the ABA reports.

Disputes over a handful of controversial judicial nominations have wasted valuable time that could be spent on the real priorities of every American. I have sought, instead, to make progress where we can. The result is the significant reduction in judicial vacancies. By turning today to the Agee nomination, we can make additional progress.

The alternative is to risk becoming embroiled in contentious debates for months and thereby foreclose the opportunity to make progress where we can. The most recent controversial Bush judicial nomination took 5½ months of debate after a hearing before Senate action was possible. We also saw what happened during the last several months of the last Congress, which was not even a Presidential election year. There were many hearings on many controversial nominations. That resulted in a great deal of effort and conflict but not in as many confirmations as might have been achieved. I prefer to make progress where we can and to work together to do so.

I am sure there are some who prefer partisan fights designed to energize a political base during an election year, but I do not. I am determined to prioritize progress, not politics, and focus the committee on those nominations on which we can make progress. The Republican Senate majority during the last 5 years of the Clinton administration more than doubled vacancies on our Nation's circuit courts, as they rose from 12 to 26. Those circuit vacancies grew to 32 during the transition to the Bush administration. The statistics are worth repeating: we have been able to reverse that trend and reduce circuit vacancies by almost two-thirds. Today there are fewer circuit court vacancies than at any time since the 1996 session. In fact, our work has led to a reduction in vacancies in nearly every circuit. We are heading toward reducing circuit court vacancies to single digits for the first time in decades.

I have been speaking during the last several weeks about the progress we are making in repairing the terrible damage done to the confirmation process and about our progress in reducing judicial vacancies.

We can do a number of things. We can work as the White House finally did after three strikes; they finally worked with the Senators from Virginia, and we have a circuit court of appeals judge going through. There are other circuits where they could do the same thing, work with Republican Senators, work with Democratic Senators, and they could get them through. If they want to simply continue and have judges who are obviously nominated to carry out a political agenda, obviously nominated to politicize the Federal court, these people are not going to go through. What a waste of time. Why not realize that the American people do not want judicial nominations rooted in partisan politics? They want Federal judges who understand the importance of an independent judiciary. Our independent courts are a source of America's strength, endurance, and stability. Our judicial system has been the envy of the world. The American people expect the Federal courts to be impartial forums where justice is dispensed without favor to the right or the left or to any political party or faction. The only lifetime appointments in our government, these nominations matter a great deal. The Federal judiciary is the one arm of our government that should never be political or politicized, regardless of who sits in the White House.

With the Agee confirmation today, the sixth so far this year and the second circuit court confirmation, the Senate is ahead of the pace the Republican Senate majority established during the 1996 session, a Presidential election year, in which no judicial nominations were considered or confirmed by the Senate before July. That is right—today we stand six confirmations, including two circuit court confirmations, ahead of the pace Republicans set in the 1996 session. In fact, with the Agee confirmation we are already two circuit court confirmations beyond the total the Republican Senate majority allowed for that entire session, when they refused to proceed on any circuit court nominations.

So today we demonstrate progress about which I have been speaking and on which I have been working. I continue in this Congress and I will continue with the new President in the next Congress to work with Senators from both sides of the aisle to guarantee we have nonpartisan judges.

Justice Agee has 7 years of judicial experience on the State bench as a Justice on the Supreme Court of Virginia and a former judge on the Court of Appeals of Virginia. For more than 20 years prior to his judicial service, Justice Agee worked in private practice in the Commonwealth of Virginia. He was elected by the people of Virginia as a Delegate to the Virginia General Assembly where he served for over a decade. Justice Agee graduated from Bridgewater College with a B.A. and he received his J.D. from the University of Virginia School of Law. He received an L.L.M. degree in taxation from New York University School of Law.

I congratulate Justice Agee and his family on his confirmation today, and I look forward to making further progress by working together on judicial nominations.

The Virginia and Michigan vacancies on the Fourth and Sixth Circuits, respectively, have proven a great challenge. I want to commend Senator WARNER and Senator WEBB, and Senator LEVIN and Senator STABENOW for working to end these impasses. I have urged the President to work with the Virginia and Michigan Senators and, after several years, he finally has. During the last 3 months, our extensive efforts culminated in significant developments that can lead to filling two Virginia vacancies on the Fourth Circuit and two Michigan vacancies on the Sixth Circuit, three of which have been classified as judicial emergencies.

This accomplishment stands in sharp contrast to the actions of Senate Republicans who refused to consider any of the highly qualified nominations to the Fourth Circuit Court of Appeals during the last 3 years of the Clinton administration or to consider any of the highly qualified nominations to the Sixth Circuit Court of Appeals during the last 2 years of the Clinton administration. The Republican Senate majority left open five vacancies on the Fourth Circuit and four on the Sixth Circuit at the end of the Clinton administration.

The Fourth Circuit is a good example of how much time and effort we have wasted on controversial nominations by President Bush. For example, there was the highly controversial and failed nomination of William "Jim" Haynes II to the Fourth Circuit. As General Counsel at the Department of Defense, he was the architect of many discredited policies on detainee treatment, military tribunals, and torture. Mr. Haynes never fulfilled the pledge he made to me under oath at his hearing to supply the materials he discussed in an extended opening statement regarding his role in developing these policies and their legal justifications.

The Haynes nomination led the Richmond Times-Dispatch to write an editorial in late 2006 entitled "No Vacancies," about the President's counterproductive approach to nominations in the Fourth Circuit. The editorial criticized the administration for pursuing political fights at the expense of filling vacancies. According to the Times-Dispatch, "The president erred by renominating . . . and may be squandering his opportunity to fill numerous other vacancies with judges of right reason."

The Times-Dispatch editorial focused on the renomination of Mr. Haynes, but could just as easily have been written about other controversial Fourth Circuit nominees.

The President insisted on nominating and renominating Terrence Boyle over the course of 6 years to a North Carolina vacancy on the Fourth Circuit. This despite the fact that as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments.

The President should have heeded the call of North Carolina Police Benevolent Association, the North Carolina Troopers' Association, the Police Benevolent Associations from South

Carolina and Virginia, the National Association of Police Organizations, the Professional Fire Fighters and Paramedics of North Carolina, as well as the advice of Senator JOHN EDWARDS. Law enforcement officers from North Carolina and across the country opposed the nomination. Civil rights groups opposed the nomination. Those knowledgeable and respectful of judicial ethics opposed the nomination. This President persisted for 6 years before withdrawing the Boyle nomination.

I mention these ill-advised nominations because so many Republican partisans seem to have forgotten this recent history and why there are continuing vacancies on the Fourth Circuit. The efforts and years wasted on President Bush's controversial nominations followed in the wake of the Republican Senate majority's refusal to consider any of President Clinton's Fourth Circuit nominees. All four nominees from North Carolina to the Fourth Circuit were blocked from consideration by the Republican Senate majority. These outstanding nominees included U.S. District Court Judge James Beaty, Jr., U.S. Bankruptcy Judge J. Richard Leonard, North Carolina Court of Appeals Judge James Wynn, and Professor Elizabeth Gibson. The failure to proceed on these nominations has yet to be explained. Had either Judge Beaty or Judge Wynn been considered and confirmed, he would have been the first African-American judge appointed to the Fourth Circuit.

In contrast, I worked with Senator EDWARDS to break through the impasse and to confirm Judge Allyson Duncan of North Carolina to the Fourth Circuit when President Bush nominated her. I worked to reduce Federal judicial vacancies in North Carolina by confirming three judges last year Judge Schroeder, Judge Reidinger and Judge Osteen. Previously during the Bush administration, I cooperated in the confirmation of Judge Whitney, Judge Conrad, Judge Dever, Judge McKnight, and Judge Flanagan. That totals nine Federal judges in North Carolina, including a Fourth Circuit judge, during the Bush Presidency. By contrast, during the entire eight years of the Clinton administration, only one district court judge was allowed to be confirmed in North Carolina.

We have also made progress in South Carolina. Senator GRAHAM follows Senator Thurmond as South Carolina's representative on the Judiciary Committee. Despite the controversy that accompanied the nomination of Judge Dennis Shedd, and my own opposition to it, I presided as chairman when we considered that nomination and when the Senate granted its consent. I also presided over consideration of the nomination of Terry Wooten. More recently, we acted favorably on the nominations of Harvey Floyd and Robert Bryan Harwell.

While I chaired the Senate Judiciary Committee from the summer of 2001 to the end of 2002, I presided over the consideration and confirmation of three Fourth Circuit judges nominated by President Bush. All together, President Bush has already appointed five judges to the Fourth Circuit. By contrast, President Clinton was allowed by Senate Republicans to appoint three and left office with five vacancies existing on that court.

Of course, during the Clinton administration, Republican Senators argued that the Fourth Circuit vacancies did not need to be filled because the Fourth Circuit had the fastest docket time to disposition in the country. If the Agee nomination is confirmed, as I expect it will be, the Fourth Circuit will have fewer vacancies than it did when Republicans claimed no more judges were needed.

Judge Agee will succeed Judge Michael Luttig, who retired a few years ago to take a more lucrative position in the private sector. Judge Luttig was known as a very conservative judge on the Fourth Circuit. He was involved in the Padilla case a few years ago and condemned the shifting legal positions of the Bush administration in that case involving an American citizen. He noted that the Bush administration's maneuvering had consequences "not only for the public perception of the war on terror but also for the government's credibility before the courts in litigation ancillary to that war." Judge Luttig went on to note that the administration's behavior in "yield[ing] to expediency" left an impression that "may ultimately prove to be [at] substantial cost to the government's credibility." In those independent observations, Judge Luttig performed a public service.

I have likewise urged the President to work with the Michigan Senators, and, after 7 years, he finally has. Last month, our extensive efforts culminated in a significant development that, unless partisanship interferes, can lead to filling the last two vacancies on the Sixth Circuit before this year ends. This accomplishment stands in sharp contrast to the actions of Senate Republicans who refused to consider any nomination to the Sixth Circuit Court of Appeals during the last 3 years of the Clinton administration. Ultimately, the Republican-led Senate left open four vacancies on that circuit.

Mine has been a different approach and one that has led to significant progress. I am glad to see that progress continue today with our confirmation of the nomination of Justice G. Steven Agee of Virginia to the U.S. Court of Appeals for the Fourth Circuit.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the nomination of Justice Steven Agee is pending for the Court of Appeals for the Fourth Circuit. Justice Agee has an outstanding record; he has been a judge on the Court of Appeals for Virginia for 2 years, from 2001 to 2003, and a Justice on the Supreme Court from 2003 until the present time.

The record of Michael G. McGinn, to be a U.S. Marshal for the district of Minnesota, is also outstanding.

The record of Ralph Eduardo Martinez, to be a Commissioner for the Foreign Claims Settlement Commission, also exceptional, is notable in part because his brother is Senator MEL MARTINEZ.

I ask unanimous consent that their resumes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MICHAEL G. MCGINN

UNITED STATES MARSHAL, DISTRICT OF MINNESOTA

Birth: 1947; St. Paul, Minnesota.

Legal Residence: Minnesota.

Education: B.A., University of St. Thomas, 1979.

Experience: St. Paul Police Department, St. Paul, Minnesota, 1968–1998: Police Officer, 1968–1975; Sergeant, 1975–1980; Lieutenant, 1980–1984; Captain, 1984–1992; Commander, 1992–1998. Independent Contractor, McGinn & Associates, 1999. State Senator, Minnesota State Senate, 2003-2006; Assistant Minority Leader, 2005–2006.

Selected Activities: Board Member, Boys & Girls Club of St. Paul, 1997–1998. Board Member, St. Paul Police Foundation, 2006–Present. Board Member, Minnesota State Board of Public Defense, 2007–present.

Honors & Awards: Team Achievement Award, City of St. Paul, 1995. Outstanding Legislator, Minneapolis Police Federation, 2004. Seven Department Letters of Commendation. Eight Unit Citations.

RAFAEL (RALPH) EDUARDO MARTINEZ

COMMISSIONER, FOREIGN CLAIMS SETTLEMENT COMMISSION

Birth: 1950; Sagua La Grande, Villa Clara, Cuba.

Legal Residence: Florida.

Education: J.D., Florida State University College of Law, 1976. B.S., University of Florida, 1973.

Employment: Attorney, Gurney, Gurney & Handley, 1976–1981. Shareholder, McEwan, Martinez & Dukes, PA, 1981–Present. Chairman, CNL Bank, 2003–Present.

Selected Activities: U.S. Public Delegate to the 57th UN General Assembly, 2003. Board of Trustees, University of Richmond, 2003-2007.

Honors & Awards: Award of Merit, Orange County Bar Association, 1991, 1992. "John Sterchi "Lifetime Achievement Award, Central Florida YMCA, 2000.

G. STEVEN AGEE

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Birth: 1952, Roanoke, Virginia.

Legal Residence: Virginia.

Education: B.A., Bridgewater College, 1974. J.D., University of Virginia School of Law, 1977. LL.M., New York University School of Law, 1978.

Employment: Associate, Martin, Hopkins & Lemon, P.C., 1977–1979. Associate, Rocovich & Dechow, P.C., 1979–1980. Shareholder, Osterhoudt, Ferguson, Natt, Aheron and Agee, P.C., 1980–2000. Member, Virginia House of Delegates, 1982–1994. Judge, Court of Appeals of Virginia, 2001–2003. Justice, Supreme Court of Virginia, 2003–Present.

Military Service: United States Army Reserve, Judge Advocate General's Corps, 1986–1997.

Selected Activities: Member, Virginia Criminal Sentencing Commission, 1997–2000. Board of Trustees, Bridgewater College, 1988–Present. Member, Salem Rotary Club, 1984–Present; Board of Directors, 1995–1996. Board of Directors, Bradley Free Clinic, 1988–Present. Recipient, Outstanding Legislator Award, Virginia Chamber of Commerce, 1993. Recipient, Outstanding Young Alumnus Award, Bridgewater College, 1986. Member, Virginia State Bar, 1977–Present; Member, Board of Governors, Education of Lawyers Section, 2007–Present. Member, St. Paul's Episcopal Church, 1995–Present; Member of Vestry, 1998–2000.

ABA Rating: Unanimous "Well Qualified".

Mr. SPECTER. Mr. President, I will use the balance of my time on the pending issue to discuss the agreement made between the Democratic and Republican leaders to have three circuit judges confirmed before Memorial Day. The concerns, which I expressed at some length yesterday, but will summarize very briefly today, are that there simply has been insufficient time to process the nominees the majority chose according to standard Committee procedures. I refer specifically to the nomination of Michigan Court of Appeals Judge, Helene White, who was nominated on April 15, with only 22 days elapsing between the time of her nomination and her hearing.

The average time between a circuit court nominee's nomination and hearing has been 162 days during the Bush presidency. When a hearing was scheduled for Peter Keisler 33 days after his nomination, there was an objection made by all of the Democratic Senators on the Committee. This happened in 2006. At Mr. Keisler's hearing Senator SCHUMER had this to say:

> Let me reiterate some of the concerns we expressed about proceeding so hastily on this nomination. First, we barely had time to consider the nominee's record. Mr. Keisler was named to the seat 33 days ago, so we are having this hearing with astonishing and inexplicable speed. The average time for a nomination to hearing for the last seven nominees to that court is several times that long.

Well, the nomination of Peter Keisler was much easier with respect to the pending record than the record for Judge White who has been on the bench for many years.

First, an issue arose with Judge White because her questionnaire was incomplete. For example, she did not provide reversed opinions that had not been published, as required. During the course of the hearing, there was considerable concern about what Judge White had done while sitting on the Michigan court with respect to the soundness of her judicial scholarship. Then, yesterday, an objection was raised by Senator REID that so many questions were submitted for Judge White. However, the fact is, the number of questions is relatively modest by comparison—73 questions for Judge White. Last year, Judge Jennifer Elrod, nominee to the Fifth Circuit, had 108 questions submitted by the Democrats. Last year, Judge Leslie Southwick had 80 questions submitted by Democrats. Grace Becker, a nominee for the Department of Justice, Civil Rights Division, had 250 questions submitted by the Democrats. These are just a few examples. So the number Judge White received is relatively modest in comparison to others.

Next, you have the situation that there is the absence of the report of the American Bar Association, which is still not in on Judge White, and is not expected until the end of the month.

It is unprecedented to have a hearing on a circuit judge without having the ABA report in hand—absolutely unprecedented.

Yesterday, I spoke at some length about the importance of a court of appeals judge. The courts of appeals are the last appeal before the Supreme Court, meaning that in virtually all of their cases, their decisions are final. If there is a 2-to-1 decision and Judge White is one of the two in the majority, then that is the law, and it has very profound effects. So, it is a very serious obligation of the Senate, under our constitutional responsibility, to advise and consent, and to be sure we take adequate time for deliberation on the matter.

The concern that I expressed yesterday, and will comment on very briefly today, is that there were other nominees waiting who could have been processed in this time without this rush to judgment and without this unprecedented practice. For example, Peter Keisler has had a hearing and has been waiting over 690 days for a committee vote. He could have been processed without this rush to judgment. Judge Conrad has been waiting for 308 days for a hearing and could have been processed without this rush to judgment. Steven Matthews has been waiting 257 days and could have been processed without this rush to judgment.

There were ample nominees available. The majority did not have to proceed with Judge White's nomination. Yesterday, the Senator from Nevada commented that nobody presumed to tell ARLEN SPECTER, when I was chairman of the Judiciary Committee, what the scheduling should be or what the order of business should be. But, as I pointed out at some length yesterday, the White House wanted to have the hearing on Chief Justice Roberts starting in August of 2005. I consulted with Senator LEAHY in advance. He objected to it. I thought he was right. I, frankly, thought he was right in advance of consulting him, but I still consulted him. The hearing didn't start until September. Similarly, the White House wanted to have the hearing of Justice Alito concluded before Christmas. I consulted with Senator LEAHY again, and Justice Alito's hearing started in January. Later, the President told me personally that he thought my judgment was right.

The point I raise is—there was always consultation when I was chairman. But, on these matters, regrettably, there has been none. It is still my hope that we will be able to find some way through this morass. Senator LEAHY and I have had a very good record of working on a bipartisan basis. It is my hope that we will establish a protocol for consideration of judicial nominees that so many days after a nomination, there will be a hearing, then so many days later, there will be action by the Judiciary Committee, and then so many days later, there will be floor action. That protocol would prevent this morass, which has engulfed this Senate. I look forward to working with Senator LEAHY to accomplish that.

On the state of the record, I feel constrained to say that the facts speak for themselves. Processing Judge White in this manner, breaking all of the precedents and rules, is simply not the way to conduct the business of the Senate. The deal could have been completed with the other nominees who are waiting in the wings. That is the way the Senate ought to function.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I yield myself 3 minutes.

First, let me express my support for Judge Agee's confirmation. I had the opportunity to chair Judge Agee's confirmation hearing. I thank Senator WARNER and Senator WEBB for the manner in which they worked with the White House to get an appointment that could go through the confirmation process, and one which I hope my colleagues will support.

I support Judge Agee because of his experience. I am pleased he has legislative experience. I think that will help him on the court. He respects the rule of law and precedents, and he believes in the independence of the judiciary. He has expressed concerns at times with political interference within the judicial branch of Government. I think he is well qualified to be confirmed to the circuit court.

Let me comment very briefly on the comment made by my colleague, Senator SPECTER. Let me point out that Judge White was first appointed on January 7, 1997. She then waited 4 years for action in this body and received none because of being held up by the Republicans. So when we say we are "rushing to judgment," I think waiting 4 years without any action is not rushing to judgment. It seems as though the majority leadership is being criticized at times for moving too fast and also too slow. You cannot have it both ways.

In regard to circuit court appointments, there have been three I have opposed—two because of lack of experience, and one because of his record. I was joined by other Members who opposed those nominations. None of us sought to delay those confirmation votes. In fact, on one, the Republican leadership asked that we hold the confirmation vote in committee until they could get some more support.

So I think you should be judged by the record. Let me point out the record very clearly. If you look at the record on vacancies in circuit courts, starting with President Clinton, there was 17. At the end of his term, it grew to 32. The record by the Democrats has been consistent to reduce that so that we now have 12 vacancies. I think the record speaks for itself.

Obviously, we want to get as many judges confirmed as possible. I hope we can work in a bipartisan manner to make sure these vacancies are filled. If the White House would work with the local Senators and with us, I think we can get more confirmations to our circuit courts.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAIR CREDIT REPORTING ACT AMENDMENTS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4008, which was received from the House.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 4008) to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4008) was ordered to a third reading, was read the third time, and passed.

Mr. SCHUMER. Mr. President, I am glad we have just passed H.R. 4008. I thank all of my colleagues and Representative MAHONEY in the House, who authored the Credit and Debt Card Receipt Clarification Act. I introduced an identical bill on the Senate side, which was S. 2978. The House passed this bill last week by the unanimous vote of 407 to 0.

H.R. 4008 is a narrow, commonsense bill that will smooth the transition to new rules for printing credit card receipts under the Fair and Accurate Credit Transaction Act, or FACTA.

FACTA says the credit card receipts can only display one of two things: either the last five digits of the credit card account number or the expiration date.

Unfortunately, the law was not as clear as it could have been, and many companies misunderstood this requirement. They redacted account numbers in order to comply with FACTA but mistakenly left expiration dates in place.

But unlike the State laws after which it is modeled, FACTA is tied to a statutory damages provision that sparked the filing of hundreds of class action lawsuits against companies whose sole error was printing expiration dates on receipts.

Let's be clear. These lawsuits are not alleging that consumers were harmed in any way. I will repeat that. The lawsuits are not alleging that consumers were harmed in any way. In fact, experts on identity theft will tell you that printing the expiration date doesn't present any risk of fraud or identity theft, as long as the account number is truncated.

Yet companies are facing sky-high liability of up to $1,000 per receipt. Some of them are large retail businesses; most of them are small mom-and-pop stores. The damages in these cases are so huge that judges have refused to certify class actions because the lawsuits could actually destroy the companies—small and large.

The long list of defendants in these cases includes many major corporations—we have all heard of the hotels, restaurant chains, et cetera—as well as little mom-and-pop stores.

It is fair to say that these lawsuits will actually hurt consumers because companies will be forced to raise prices, or even close stores, in order to cover the cost of legal fees and expensive settlements. This is at a time when our economy and businesses—particularly those dealing with retail—are already struggling to rebound from tough times.

So the bill is a win-win proposition for everyone. It stops destructive lawsuits against companies that made a harmless error in the past, but it also ensures that consumers can still sue in any case where they were actually harmed.

Going forward, companies will still have to meet the same strict rules Congress originally passed in fact. I am glad the Senate was able to take quick action on this important bill.

EXECUTIVE SESSION

Mr. SCHUMER. Mr. President, I now ask unanimous consent that the Senate resume executive session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I wish to speak on the executive business of the Senate. I am proud today to speak on behalf of my brother, Ralph Martinez, who has been nominated by the President.

The ACTING PRESIDENT pro tempore. The minority has no time remaining.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, my brother, Ralph Martinez, has been nominated by the President to be a member of the Foreign Claims Settlement Commission of the United States.

I am extremely proud of Ralph. He is someone, such as myself, who has adopted this country as his own and who, after the struggles of all immigrants, succeeded in life. He is the proud father of three wonderful children and has raised a wonderful family. He also has excelled in the practice of law in central Florida. I am delighted he is going to have an opportunity to serve this Nation in this very important capacity.

I am also delighted to thank Leader REID and Leader McCONNELL for expediting his confirmation, as well as Chairman LEAHY and Ranking Member SPECTER for their courtesies throughout this process for Ralph Martinez.

I know he will serve this Nation well. I am proud to second his nomination and urge the Senate to confirm him swiftly.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold?

Mr. MARTINEZ. Yes.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

EXECUTIVE SESSION

NOMINATION OF MICHAEL G. McGINN TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA, RALPH E. MARTINEZ TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES, AND G. STEVEN AGEE TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH DISTRICT—CONTINUED

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes equally divided and controlled between the senior Senator from Virginia, Mr. WARNER, and the junior Senator from Virginia, Mr. WEBB, or their designees.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I will take the time allotted on the Democratic side to Senator WEBB.

Mr. President, we have heard the sad news about our friend TED KENNEDY. Those of us who stood by his side know that there is no better ally and no more determined fighter. Now, as TED KENNEDY faces another great fight, we know he will bring the same courage and determination to the battle. We also know TED has spent his entire life caring for those in need. It is time for those of us who love TED and his family to care for them and join in prayer to give them strength.

Mr. President, at 2:30 we will consider the nomination of Steven Agee of Virginia to serve on the U.S. Court of Appeals for the Fourth Circuit. It is a lifetime appointment. He is a consensus nominee. Both Senators WARNER and WEBB support him. Of the 11 appellate court nominees pending before the Senate, only 6 can claim the same home State Senator support. That is one of the reasons some of them have been delayed. If we work more toward bipartisan consensus, more nominations would be approved.

Also, it is difficult to hear criticisms that these nominations have been delayed. The Republican minority has delayed so many bills and so many matters in this Congress, they have set a new record for filibusters and delay. That is a fact.

The Senate has confirmed 303 judges for lifetime appointments during the Bush Presidency. President Bush has had 86 percent of his judicial nominees confirmed; President Clinton, only 75 percent. When it comes to circuit court nominees, President Bush has even had a higher confirmation rate than President Clinton—71 percent to 57 percent. There has been no mistreatment here when it comes to the nominees sent to us by the Bush White House. Under President Clinton, 61 judicial nominees were not even given the courtesy of a hearing and a vote.

One of the problems that faces the analysis on the Republican side is that there have been fewer judicial vacancies. President Clinton had 377 judges confirmed; President Reagan, 382, but at the present time, with the 303 already confirmed, if every vacancy were filled—every one of them—then President Bush would have fewer than President Clinton or President Reagan had confirmed. In other words, the fact that President Bush will have appointed fewer judges than his predecessors is a function of math, not political mischief.

Another complaint we have heard from my Republican colleagues is that we are moving on Sixth Circuit nominee Helene White ahead of three circuit court nominees whom they would prefer. Senator LEAHY, chairman of the Judiciary Committee, and the majority leader have already addressed this point, but I think the record should be abundantly clear. Helene White was originally nominated in January 1997 and was pending as a Clinton nominee for 1,532 days—over 4 years—until March 2001. You can even argue that she has been pending for over 11 years. So in terms of a place in line, she certainly deserves consideration for her patience.

I hope these battles will be resolved and resolved soon, but most importantly I hope they are resolved with good men and women who come to these lifetime appointments with the appropriate background and appropriate temperament to serve this Nation well. I hope the Senate will join on a bipartisan basis in approving this afternoon's pending nomination.

I reserve the remainder of my time.

Mr. WEBB. Mr. President, today it is my distinct pleasure to offer my support—along with my colleague, Senator WARNER—for the nomination of Justice G. Steven Agee to be a judge on the U.S. Court of Appeals for the Fourth Circuit.

Justice Agee is regarded as a jurist of superior intellect and judicial temperament who exhibits the highest degree of integrity and professionalism. After graduating law school, Justice Agee began his legal career as an associate with Martin, Hopkins & Lemon, 1977 to 1979. In 1979, Justice Agee joined Rocovich, Dechow, Parvin & Wilson, P.C., where he did additional work as an associate. From 1980 to 2000 Justice Agee was a shareholder and director with Osterhoudt, Ferguson, Natt, Aheron & Agee. In 2001, Justice Agee began serving as a judge on the Court of Appeals of Virginia and has been a justice on the Supreme Court of Virginia since 2003.

Justice Agee has unparalleled support from the entire legal community in the Commonwealth of Virginia. Justice Agee served for 12 years in the Virginia House of Delegates—1982 to 1994—and served as an appointed member of the Virginia Criminal Sentencing Commission, 1997 to 2000. The ABA Standing Committee on the Federal Judiciary has rated Justice Agee "well qualified" to sit on the U.S. Court of Appeals for the Fourth Circuit. He is active in myriad community and civic organizations. Justice Agee received his B.A., magna cum laude, from Bridgewater College in 1974, his J.D. from the University of Virginia School of Law in 1977, and his L.L.M. in Taxation from New York University School of Law in 1978. He is married to Nancy Howell Agee, the chief operating officer and executive vice president of Carilion Clinic, and together they have one child.

I am acutely aware of the vitally important role that the Constitution assigns to the Senate in the advise and consent process related to Federal judges. Judgeships on our Nation's Circuit Courts of Appeal are critical to the American system of jurisprudence. Senator WARNER and I undertook a careful and deliberative process to find the most qualified nominees. Our collaborative process involved a thorough records review and rigorous interviews. We are of the opinion that Justice Agee not only met our high standards for selection but exceeded them. Justice Agee was on the joint list of recommended nominees that we submitted to President Bush last year. We are pleased that President Bush has chosen to respect our diligent bipartisan work.

I want to thank you for the opportunity to make these remarks about Justice Agee today and for the expeditious way the Senate has moved his nomination through the process during the 110th Congress. Again, it is with pride that I join Senator WARNER in commending Justice Agee to each of my colleagues in the Senate, and I ask my fellow Senators to vote to confirm his nomination to the U.S. Court of Appeals for the Fourth Circuit.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, how much time remains that is controlled by the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 3 minutes 40 seconds remaining.

Mr. LEAHY. Mr. President, I yield myself 30 seconds.

I would note, in all these numbers, we Democrats have worked very hard to erase what was done by the Republicans when there was a Democratic President. They pocket filibustered over 60 of President Clinton's nominees. They let one go through—actually voted for him in committee, one of the most distinguished African-American jurists in this country. Then, in lockstep, every single Republican voted against him—a humiliation for him. He went on to become chief justice of the Missouri Supreme Court.

We have not done that.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, I rise to express my strong support for an extraordinary nominee to the federal bench. I welcome the opportunity today to vote in favor of confirmation for the Honorable G. Steven Agee to a seat on the U.S. Court of Appeals for the Fourth Circuit.

Justice Agee currently serves with distinction on the Supreme Court of Virginia. It was my privilege to introduce him to the Senate Judiciary Committee on May 1, and, as I expressed to the committee, Justice Agee's qualifications to serve on the Fourth Circuit are as impressive as any circuit court nominee for whom I have voted in my 30 years in the Senate.

Further, I am pleased to note that the American Bar Association concurs with my assessment of this nominee. The ABA gave Justice Agee its highest recommendation: unanimously well-qualified.

Justice Agee's nomination is a product of a collaborative process between the administration and Virginia's two U.S. Senators. In early 2007, Senator WEBB and I personally, extensively interviewed more than a dozen individuals to serve on the Fourth Circuit, and ultimately, in June 2007, we submitted to the President a list of five individuals that both of us would strongly support for confirmation. Justice Agee was one of those five individuals.

A magna cum laude graduate of Bridgewater College in Virginia, Steve Agee subsequently earned his law degree from the University of Virginia School of Law and an L.L.M. in Taxation from New York University. For the past 30 years, he has been engaged in the Virginia legal community as either a practicing lawyer or as a jurist.

In addition to his remarkable legal career, Justice Agee has been actively engaged in public service through the military, elected office, the state bench, and other civic and volunteer causes.

For 11 years during his career in private practice, he served in the U.S. Army Reserve, Judge Advocate General Corps, completing his service at the rank of major in 1997.

From 1982 to 1994, Steve Agee was a member of the Virginia House of Delegates, representing the city of Salem; the Counties of Craig, Montgomery, and Roanoke; and the towns of Christiansburg, New Castle, and Vinton to Virginia's General Assembly.

In 2000, the Virginia General Assembly unanimously confirmed Steve Agee to the Virginia Court of Appeals. In January 2003, the General Assembly once again unanimously confirmed Judge Agee—this time to one of seven seats on the Virginia Supreme Court.

For many years, he has been a member of the Board of Trustees for Bridgewater College; a member of the Board of Directors for the Bradley Free Clinic of Roanoke; a member of the Salem Rotary Club; and he has also contributed his time to the Western Virginia Foundation for the Arts and Sciences and the Governor's Regional Economic Development Council for the New Century Region.

Justice Agee is obviously a very accomplished American. I appreciate the Senate Judiciary Committee's prompt consideration of this nominee, as the seat to which he has been nominated is designated as a judicial emergency by the Administrative Office of the United States Courts.

I am confident that Justice Steve Agee will serve on the Fourth Circuit with distinction, and I urge my colleagues to join me in voting in favor of his confirmation today.

I see my colleague. I would like to add just one more word, if I may.

We just received the news with regard to a dearly beloved Member of this Chamber, Senator KENNEDY of Massachusetts. It has been my privilege to know the Kennedy family for many years. In 1949, when I went to the University of Virginia Law School, his brother Bobby was there. I first met TEDDY KENNEDY in conjunction with the things we did in those days at Virginia Law School. We have been very close friends all these ensuing years.

I send forth my prayers for his recovery. You know, as Churchill once said in the darkest days of the Battle of Britain: Never, never, never give in. Those are the words that I know to be in TED KENNEDY's mind now. He will take on this challenge. How many times have we been privileged, in this Chamber, to listen to our colleague speak from that back row? He really doesn't need the microphone; his voice resonates to the rafters in this Chamber. That great strength that propels his voice to reverberate throughout the Senate Chamber will be the same strength that he will draw upon again in his recovery, for which we all pray.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, just before entering the Chamber, I heard the devastating news about Senator KENNEDY's diagnosis with a malignant brain tumor. I have been there. A few years back, I was diagnosed with a malignant brain tumor and given 3 to 6 weeks to live.

I note in the press release that it says:

> How well patients fare depends on what specific tumor type is determined by further testing.

The diagnosis for me, for a malignant brain tumor, turned out to be incorrect.

I note Senator KENNEDY will be receiving chemotherapy and radiation. I know something about chemotherapy myself. I am in the middle of it right now for Hodgkin's.

But Senator KENNEDY is a real fighter. We all know that. I am betting on Senator KENNEDY. He has been such a champion on so many causes—civil rights, health, education, labor reform, and the judiciary, where he served as chairman of the Senate Judiciary Committee with great distinction.

It would be my hope that what has happened today would provide some motivation for both parties to find a bipartisan way to cross the aisle and to stop the bickering which has characterized the confirmation process for so many years. Senator KENNEDY has been an example, a shining example. He has crossed the aisle and sponsored so many legislative enactments. I have had the opportunity to cosponsor the Kennedy-Specter bill, for example, on hate crimes and the civil rights bill that has been so often cited.

I have said all I had to say about the current matter. I spoke at length yesterday and again today on Justice Agee. There is no doubt he is well qualified—the other two nominees are as well.

When you cite the statistics, you can cite them both ways. You can cite them in all directions. When you talk about fault, it is equal; the blame is on both sides. The conduct of both parties in this Chamber has been disgraceful in the last 20 years—both sides, first one side and then the other, and each time it exacerbates.

I worked very closely with Senator LEAHY over the years, and we have had some real bipartisan agreements. My hope is that he and I can get together again and find a way to solve this partisan morass and to establish a timetable that once a nomination comes in, so many days later, there is a hearing; so many days later, it comes out of committee; and so many days later, it comes to the floor.

In the middle of the battle over this so-called deal, which I have spoken on at length yesterday and today, the news of what has happened with Senator KENNEDY perhaps will give us some motivation to follow Senator KENNEDY's lead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I rise principally to associate myself with the remarks of Senator WARNER, our senior Senator from Virginia, and to recommend to this body the qualifications of Steven Agee for this position and to emphasize that I believe Senator WARNER and I have been able to accomplish some things in the last year and a half that I hope we can sort of spread out in a broader way to the body here. We found the issues on which we can work together in terms of governing this country in a responsible way. The judicial nominees are one of them. We have worked not only closely together, we worked in the same room, interviewing people who would be potential judges, recommending them jointly to the White House, and supporting them thereafter.

I highly recommend this candidate.

I also would like to take a moment and associate myself with the remarks of others who expressed their concern about Senator KENNEDY. He is truly a lion of the Senate.

Incidentally, I wish to also express my profound respect for the senior Senator from Pennsylvania for the way he has addressed his own health challenges over the years and the example he has set for all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I say to my distinguished colleague, the junior Senator from Virginia, and my partner, I thank him so much for the way in which, from the moment he has arrived at the Senate, we have worked together on behalf of the interests of our Nation and our State. I think this is a very clear manifestation of how two Senators of different parties can come together and find that candidate they judge to be eminently qualified to serve—not only the State of Virginia but the other States served by the Fourth Circuit. As we know, circuit court opinions are binding on a wide realm of cases throughout the Nation.

I thank my colleague from Virginia for his participation with me as a full partner in bringing this nomination to the floor.

Mr. WEBB. I thank the Senator. I thank him also for the leadership and example he has set for this body over the 30 years.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. One and one half minute remains for Senators to speak.

Mr. LEAHY. Mr. President, I sat here, discussing with the distinguished ranking member, Senator SPECTER, health matters. Senator SPECTER is a longtime friend. He has gone through some terrible health issues. We were discussing that. I will not go further into that because it was a private conversation, except that he knows how much I pray for his well-being and his continued health.

I would also say I thank Senator WARNER and Senator DURBIN and Senator SPECTER and others for what they said about Senator KENNEDY.

We in New England especially feel extraordinarily close to Senator KENNEDY. I have known him for more than a third of a century. We have all heard bad news on the Senate floor. This is one of the most difficult things I have heard in my 34 years here. I said to the people in my office, this is one of the worst days I have spent in the Senate, to hear this news.

Marcella and I will keep not only Senator KENNEDY but his wonderful family in our prayers and will continue to pray for a full recovery.

The PRESIDING OFFICER. There is 22 seconds remaining under the control of the minority.

Mr. GREGG. I yield back the time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is, Will the Senate advise and consent to the nomination of G. Steven Agee, of Virginia, to be U.S. circuit judge for the Fourth Circuit?

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—96

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—4

Clinton
Kennedy
McCain
Obama

The nomination was confirmed.

NOMINATIONS OF MICHAEL G. MCGINN AND RALPH E. MARTINEZ

The PRESIDING OFFICER. Under the previous order, Calendar Nos. 537 and 538 are confirmed, and the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

Who seeks recognition?

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. ENZI. Mr. President, I rise to talk about one of the great icons of the American West, the cowboy. The cowboy is an enduring symbol of strong character, honesty, integrity, respect, and patriotism. I am proud to carry on a tradition started by my late colleague and friend, Senator Craig Thomas, by sponsoring S. Res. 483 which honors the men and women called cowboys, designating July 26, 2008, as the national day of the American cowboy. I am an accountant and one of the few elected officials from Wyoming who isn't known for riding a horse. But when anyone mentions my home State, the first image that comes to mind is a cowboy and a horse.

For many of us in the Senate, no one fits that image as well as my friend Craig Thomas. As he went through his leukemia treatments and still worked, he showed us what it was to cowboy up, to focus around pain, and to do the job at hand. Having lived in Wyoming most of my life, I have gotten to know the best cowboys in our country, and Craig surely showed us what it meant to be a cowboy.

When Senator Thomas first began the tradition of designating a National Day of the American Cowboy in 2005, he told us "Cowboys come in any age, race, marital status, and gender." He knew the cowboy spirit was not about getting dressed in cowboy boots and a cowboy hat. He said:

> Trying to define a cowboy is like trying to rope the wind, but you certainly recognize one when you see one.

We all recognized the cowboy spirit in Craig. It is about strength of character, sound family values, courage, respect, and good common sense.

Since it was first established in 2005, the National Day of the American Cowboy has been celebrated at rodeos across the Nation, including Cheyenne Frontier Days, known as the "daddy of 'em all."

Senator Thomas would find me remiss if I did not invite all of you to Cheyenne Frontier Days at the end of July—or call my office to know about other rodeos in our State.

Sadly, Senator Thomas passed away after finishing the resolution for the National Day of the American Cowboy last year. But I am proud to continue the tradition he started to recognize the accomplishments and contributions of all American cowboys.

The cowboy way of life has been passed down for generations, since the first cowboys settled the American West. They were true pioneers who came west to settle an untamed frontier. Many of the cow towns that sprung up around the cattle business when the West was being settled are still there now. They continue to live their western heritage.

The first cowboys relied on hard work and persistence and loyalty to make their living in a tough country. Today's cowboys have not changed all that much from when the first wranglers and ranch hands started herding cattle on the Great Plains. Today's cowboys continue to rope and ride across the United States. There are about 720,000 ranchers in our Nation. They live and work in every State to manage nearly 100 million cattle. They are an integral part of Wyoming and many other Western States, and they undoubtedly improve our way of life.

Now, you can be assured that cowboys work hard, but they also play hard. Rodeo is a sport that tests skill with a rope or challenges a cowboy's ability to stay on the back of a bucking rough stock for 8 long seconds. One of the best parts of watching a rodeo is seeing the amazing partnership between the cowboy and the horse. Rodeos across the Nation, from big events such as Cheyenne Frontier Days and the National Finals Rodeo in Las Vegas, to weekly jackpots in rural communities such as Kaycee or Cody, WY, attract more than 27 million fans annually, making rodeo one of the most watched sports in America. The Professional Bull Riders circuit, with its TV coverage, has expanded the audience dramatically.

The cowboy legend still lives in our culture and our imaginations. John Wayne made cowboys larger than life in movies such as "How the West Was Won" and "She Wore a Yellow Ribbon," and "The Cowboys." Gene Autry, Roy Rogers, and Dale Evans entertained millions with their music, television, and movies, and Louis L'Amour's cowboy stories are read across the country. Audiences today continue to enjoy western novels, cowboy movies, and country music.

We look up to cowboys because they are examples of honesty, integrity, character, patriotism, and self-reliance. Cowboys have a strong work ethic, they are compassionate, and they are good stewards of the land. We look to cowboys as role models for how to live up to the best American qualities.

Craig Thomas told us that those of us from the West could always feel at home in Wyoming because we know it is, and always will be, cowboy country. I am proud to be from a State that continues to live the cowboy tradition every day. Their contributions have helped shape what it means to be an American and have created a high standard we can all strive to meet.

Senator Thomas left some big cowboy boots to fill, and I am proud to be able to continue his tradition of recognizing the many contributions cowboys have made to our country as we designate July 26 as National Day of the American Cowboy for 2008.

I thank Senator Thomas for living the legend and involving us and America.

I have a unanimous consent request to read.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 482.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 482) designating July 26, 2008, as "National Day of the American Cowboy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 482) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 482

Whereas pioneering men and women, recognized as "cowboys", helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off of the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of approximately 727,000 ranchers in all 50 of the United States that contribute to the economic well-being of nearly every county in the Nation;

Whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans and rodeo is the 7th most-watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of a cowboy span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 26, 2008, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

SENATOR TED KENNEDY

Mr. REID. Mr. President, first of all, let me say this, before we get into Senate business. I made some remarks outside the Senate Chamber, as I always do, following our Tuesday caucus. I had with me Senator CHRIS DODD and Senator JOHN KERRY. The purpose of our being there was to talk about Senator KENNEDY; and we did that.

Amidst the politics and partisanship that takes place in the Senate, the casual observer may not realize how the Senate is a family. We are 100 men and women who work hard during the day, each of us doing our very best to make the country a better place. We argue, we debate, but we approach each other with deep respect and friendship.

That is why, in the heat of battle, I always refer to my Republican counterpart as my friend. That is just not something we do for protocol. That is because MITCH MCCONNELL is my friend. We say that as we proceed through our debates.

But just as we, as Senators, celebrate joyous occasions—birthdays, weddings, new children and grandchildren—we also face hardship together.

Today, we learned the concerning news about our friend, an American icon, an American legend, Senator TED KENNEDY. I know I speak for every Senator that our thoughts and prayers are with TED and his family.

I had a conversation on the floor with Senator MCCONNELL. He told me during the Republican caucus today they paused to say a prayer for Senator KENNEDY, as we did in our caucus.

One of Senator KENNEDY's brothers was killed in combat in World War II. Of course, we all know his brother, President Kennedy, was assassinated. We all know Attorney General Robert Kennedy, Senator Robert Kennedy, was assassinated.

As I said outside, the thing I remember and will always remember about Senator TED KENNEDY is the speech he gave at his brother's funeral. I was not a Member of Congress at that time, but I watched on national television the speech he gave. It was remarkable what he said and how he delivered it. I will never forget that.

But in addition to that, we know one thing—all of us who know TED KENNEDY--he is a fighter. We have heard this lion roar on the Senate floor on so many occasions. His work ethic is unsurpassed. His effectiveness is legendary. The challenge Senator KENNEDY now faces will not be easy, but I think no one is more prepared to fight and beat it.

I spoke at 1 o'clock to Vicki, his wonderful wife, and she said he has approached this like he does everything: with determination that he is going to beat it. She said he has a bounce in his step today that he has not had in a long time.

So he is in good spirits. He is full of energy. If TED happens to be watching on C-SPAN, I want him to know all his brothers and sisters in the Senate are thinking of him, cheering, and praying for him.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, the Republican conference, at noon today, paused for a prayer for our friend and colleague, TED KENNEDY. As the majority leader has indicated, we are, in spite of our political differences, one large family.

Senator KENNEDY enjoys great respect and admiration on this side of the aisle. He is, indeed, one of the most important figures to ever serve in this body in our history, and Republican Senators recognize that as well.

On a personal basis, he came down to the University of Louisville, at my request, a couple years ago to speak to students and the general public on the campus. It was a speech of Presidential quality. He knew I had been an intern in the office of Senator John Sherman Cooper, who represented my State in the Senate for almost 20 years and who was a fast friend of his brother, President Kennedy, and of his. He brought down with him to U of L that day a framed picture of his brother with Senator Cooper, carefully inscribed at the bottom with the most appropriate inscription you can imagine. He did not miss a thing.

Our prayers go out to Vicki and to the family.

On behalf of every member of the Republican conference of the Senate, I say to you, TED, you enjoy our admiration and our respect, and our wishes for a speedy recovery.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 2642, the supplemental appropriations bill.

The PRESIDING OFFICER. The clerk will report the message.

The assistant legislative clerk read as follows:

H.R. 2642

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2642) entitled "An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes", with the following House amendments to Senate amendment:

(1)Page 60 of the Senate engrossed amendment, after line 3, insert the following:

TITLE X—POLICY REGARDING OPERATIONS IN IRAQ

SENSE OF CONGRESS REGARDING UNITED STATES MILITARY PERSONNEL

SEC. 10001. It is the sense of the Congress that the performance of United States military personnel should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately.

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 10002. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220–1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 10003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days and that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 10004. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a

report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

LIMITATION ON INTERROGATION TECHNIQUES

SEC. 10005. (a) No individual in the custody or under the effective control of an element of the intelligence community or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

(b) In this section, the term "instrumentality", with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

REGISTRATION WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 10006. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community or an instrumentality thereof unless the International Committee of the Red Cross is provided notification of the detention of and access to such person in a timely manner and consistent with the practices of the Armed Forces of the United States.

(b) For purposes of this section, the term "instrumentality", with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(c) Nothing in this section shall be construed to create or otherwise imply the authority to detain, or to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 10007. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 10008. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement any agreement with the Government of Iraq that includes security assurances for mutual defense, unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by a law enacted after the date of enactment of this Act.

(b) For purposes of this section, an agreement shall be considered to include security assurances for mutual defense if it includes provisions addressing any of the following:

(1) A binding commitment to deploy United States Armed Forces in defense of Iraq, or of any government or faction in Iraq, against any foreign or domestic threat.

(2) The number of United States Armed Forces personnel to be deployed to, or stationed in, Iraq.

(3) The mission of United States Armed Forces deployed to Iraq.

(4) The duration of the presence of United States Armed Forces in Iraq.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 10009. None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REQUIREMENT FOR MATCHING FUNDS FROM GOVERNMENT OF IRAQ

SEC. 10010. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act for assistance for Iraq, including training, capacity building, and construction and repair of infrastructure, shall be available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(b) subsection (a) shall not apply to—

(1) grants and cooperative agreements for programs to promote democracy and human rights;

(2) the Community Action Program and other direct assistance to non-governmental organizations;

(3) humanitarian demining;

(4) assistance for refugees, internally displaced persons, and civilian victims of military operations;

(5) intelligence or intelligence-related activities; or

(6) projects with an estimated cost of less than $750,000 undertaken through the Commander's Emergency Response Program.

(c) The Secretary of State and the Secretary of Defense shall certify to the Committees on Appropriations of the House of Representatives and Senate, prior to the initial obligation by their respective Departments of funds covered by the limitation in subsection (a), that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary of State shall submit a report to the Committees on Appropriations not later than September 30, 2009 detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(d) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(e) As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 10011. (a) None of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

TIMETABLE FOR REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ

SEC. 10012. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this Act may be used to plan and execute a safe and orderly redeployment of United States Armed Forces from Iraq.

(b) Within 30 days after enactment of this Act, the President shall commence an immediate and orderly redeployment of United States Armed Forces from Iraq, with a goal of completing such redeployment within 18 months. The President shall endeavor to begin such redeployment with units of the Armed Forces that have been deployed in excess of 365 days, except to the extent those units are needed to provide for the safe withdrawal of other units of the Armed Forces or to protect United States and Coalition personnel and infrastructure.

(c) After completion of the redeployment required by subsection (b), members of the United States Armed Forces may be deployed to, or maintained in, Iraq only to the extent necessary to carry out the following missions:

(1) Protecting the diplomatic facilities, Armed Forces, and citizens of the United States in Iraq.

(2) Conducting limited training of, equipping, and providing logistical and intelligence support to, Iraqi security forces.

(3) Engaging in targeted counterterrorism operations against al-Qaeda, groups affiliated with al-Qaeda, and other terrorist organizations in Iraq.

(d) Not later than July 1, 2008, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The current plan for and the status of the reduction of United States Armed Forces in Iraq and the transition of the Armed Forces in Iraq to a limited presence whose missions do not exceed the missions specified in subsection (c), including the associated force reductions and adjustments and expectations with respect to timelines and the force levels anticipated to perform those missions.

(2) A comprehensive current description of efforts to prepare for the reduction and transition of United States Armed Forces in Iraq in accordance with this section and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and countries in the region toward that objective.

(e) Not later than 45 days after enactment of this Act, the Secretary of State shall provide to the Committees on Appropriations of the House of Representatives and Senate a strategy for civilian-led post-conflict stabilization and reconstruction assistance for Iraq. The strategy (which may be provided in classified form if necessary) shall include—

(1) the plans and timetable for transfer of all responsibility for United States post-conflict stabilization and reconstruction assistance from the Department of Defense to the Department of State and the United States Agency for International Development; and

(2) the staff, security and resource requirements for United States diplomatic efforts and assistance programs in Iraq.

TITLE XI—REFORMS RELATED TO WAR PROFITEERING AND CONTRACTORS

CHAPTER 1—ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS

ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS

SEC. 11101. Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))," after "is at war";

(2) by inserting "or directly connected with or related to the authorized use of the Armed Forces" after "prosecution of the war";

(3) by striking "three years" and inserting "5 years";

(4) by striking "proclaimed by the President" and inserting "proclaimed by a Presidential proclamation, with notice to Congress,"; and

(5) by adding at the end the following: "For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).".

CHAPTER 2—WAR PROFITEERING AND FRAUD

WAR PROFITEERING AND FRAUD

SEC. 11201. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1041. War profiteering and fraud

"(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

"(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

"(B) materially overvalues any good or service with the intent to defraud the United States or that authority;
shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

"(2) in connection with the contract or the provision of those goods or services—

"(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(B) makes any materially false, fictitious, or fraudulent statements or representations; or

"(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;
shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

"1041. War profiteering and fraud.".

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1041".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1041 (relating to war profiteering and fraud)," after "liquidating agent of financial institution),".

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting "section 1041 (relating to war profiteering and fraud)," after "in connection with access devices),".

CHAPTER 3—MILITARY EXTRATERRITORIAL JURISDICTION

SHORT TITLE

SEC. 11301. This chapter may be cited as the "MEJA Expansion and Enforcement Act of 2008".

LEGAL STATUS OF CONTRACT PERSONNEL

SEC. 11302. (a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

"(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,".

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

"(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);"; and

(B) by adding at the end the following new paragraphs:

"(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

"(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

"(i) a civilian employee;

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);

"(B) present or residing outside the United States in connection with such employment; and

"(C) not a national of or ordinarily a resident in the host nation.

"(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

"(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

"(i) a civilian employee;

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);

"(B) authorized in the course of such employment—

"(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

"(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this chapter;

"(iii) to use force against another; or

"(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

"(C) present or residing outside the United States in connection with such employment; and

"(D) not a national of or ordinarily resident in the host nation.

"(7) The term 'qualifying military operation' means—

"(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

"(B) a contingency operation (as defined in section 101 of title 10); or

"(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.".

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT

SEC. 11303. (a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 11302(a) of this chapter); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this chapter. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this chapter and the amendments made by this chapter and chapter 212 of title 18, United States Code.

REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS

SEC. 11304. (a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

"(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.".

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3261(a)—

(i) by inserting "against the United States" after "offense" the first time it appears; and

(ii) by inserting "within the United States or" after "had been engaged in";

(B) in section 3262—

(i) in subsection (a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

"(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).";

(C) in section 3263(a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(D) in section 3264(a), by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested";

(E) section 3265(a)(1) by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested"; and

(F) in section 3266(a), by striking "under this chapter" and inserting "described in section 3261(a)(1) or 3261(a)(2)".

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking "section 3261(a)" and inserting "section 3261(a)(1) or 3261(a)(2)".

RULES OF CONSTRUCTION

SEC. 11305. (a) IN GENERAL.—Nothing in this chapter or the amendments made by this chapter shall apply to authorized and otherwise lawful intelligence activities carried out by or at the direction of the United States.

(b) DEFENSES.—Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(c) EXISTING EXTRATERRITORIAL JURISDICTION.—Nothing in this chapter or the amendments made by this chapter shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this chapter.

DEFINITION

SEC. 11306. For purposes of this chapter and the amendments made by this chapter, the term "Executive agency" has the meaning given in section 105 of title 5, United States Code.

EFFECTIVE DATE

SEC. 11307. (a) IMMEDIATE EFFECTIVENESS.—The provisions of this chapter shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this chapter applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this chapter.

(2) Page 1 of the Senate engrossed amendment, strike line 1 and all that follows through the end of line 21 on page 59, and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $850,000,000, to remain available until expended.

For an additional amount for "Public Law 480 Title II Grants", $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $92,169,000, to remain available until September 30, 2009.

For an additional amount for "Salaries and Expenses", $82,600,000, to become available on October 1, 2008, and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $12,166,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $9,100,000, to remain available until September 30, 2009.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,432,700,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $73,400,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds made available under this heading, $72,000,000 shall not be obligated or expended until after that date on which the Secretary of Defense submits a detailed spending plan, including a 1391 form for each facilities replacement project, to the Committees on Appropriations of the House of Representatives and Senate: Provided further, That of the funds provided under this heading, $533,700,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $423,357,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $15,843,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $409,627,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $36,427,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds provided under this heading, $58,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $1,009,600,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided, $982,000,000 shall be for medical treatment facilities construction (including planning and design) and shall remain available until September 30, 2012.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Construction, Navy and Marine Corps," $11,766,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,354,634,000, to remain available until expended: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $100,000,000, to remain available until September 30, 2009.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $20,000,000, to remain available until September 30, 2009.

GENERAL PROVISION, THIS CHAPTER

SEC. 1301. None of the funds appropriated in this or any other Act may be used to terminate, reorganize, or relocate the Armed Forces Institute of Pathology until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,606,808,000, to remain available until September 30, 2009, of which $210,508,000 for worldwide security protection is available until expended: Provided, That not more than $1,295,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: Provided further, That of the funds appropriated under this heading, not more than $30,000,000 shall be available to establish and implement a coordinated civilian response capacity at the United States Department of State.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $7,500,000, to remain available until September 30, 2009: Provided, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $53,000,000 to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $333,600,000, to remain available until September 30, 2009, for the United Nations–African Union Hybrid Mission in Darfur.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $142,000,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, not more than $20,000,000 shall be available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,747,000,000, to remain available until September 30, 2009, of which not more than $440,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be available for energy-related assistance for North Korea, notwithstanding any other provision of law: Provided, That not more than $100,000,000 of the funds appropriated under this heading shall be made available for assistance for the West Bank and none of such funds shall be for cash transfer assistance: Provided further, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico: Provided further, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $75,000,000, to remain available until September 30, 2009, for democracy programs in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $419,300,000, to remain available until September 30, 2009: Provided, That not more than $25,000,000 of the funds appropriated by this subchapter shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $300,000,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $25,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $11,200,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $72,500,000, to remain available until September 30, 2009, of which up to $66,500,000 shall be made available for assistance for Mexico.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $737,900,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: Provided further, That not more than $581,500,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That $46,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance,": $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $8,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: Provided, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: Provided further, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: Provided further, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund," $1,147,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $100,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: Provided, That not more than $150,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $204,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That not more than $50,000,000 of the funds made available by this subchapter shall be made available for security assistance for the West Bank and up to $53,500,000 shall be made available for assistance for Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $170,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan and up to $50,000,000 shall be made available for assistance for Mexico: Provided, That section 3802(c) of title III, chapter 8 of Public Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

AFGHANISTAN

SEC. 1402 (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTICORRUPTION.—Not later than 90 days after enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WEST BANK

SEC. 1403. Not later than 90 days after the date of enactment of this Act, and 180 days thereafter, the Secretary of State shall submit to the Committees on Appropriations a report on assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of the training, curriculum, and equipment provided; an assessment of the training and the performance of forces after training has been completed; and a description of the assistance that has been pledged and provided to Palestinian security forces by other donors: Provided, That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations, in classified form if necessary, on the security strategy of the Palestinian Authority.

MEXICO

SEC. 1404. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund" in this chapter, not more than $296,500,000 of the funds appropriated in subchapter A and $103,500,000 of the funds appropriated in subchapter B shall be made available for assistance for Mexico, only to combat drug trafficking and related violent crime, and for judicial reform, institution building, and rule of law activities, of which not less than $73,500,000 shall be used for judicial reform, institution building, and rule of law activities: Provided, That none of the funds made available under this section shall be made available for budget support or as cash payments: Provided further, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that relevant members and units of the Mexican armed forces and police forces that may receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—25 percent of the funds made available by this chapter for assistance for Mexico under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations on the requirements described in subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (b) are the following:

(1) The Government of Mexico is—

(A) improving the transparency and accountability of Federal police forces and engaging with state and municipal authorities to improve the transparency and accountability of state and municipal police forces through mechanisms such as police complaints commissions;

(B) ensuring meaningful engagement with civil society to monitor efforts to combat drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities to ensure due process and the protection of freedom of expression, association, and assembly in accordance with Mexican and international law; and

(C) ensuring that, in accordance with applicable Mexican law, the Mexican armed forces and the Federal police forces are cooperating with civilian prosecutors and judicial authorities in investigating and prosecuting in the civilian justice system those individuals, including military personnel, who have been credibly alleged under Mexican law to have committed violations of internationally recognized human rights, and, consistent with Mexican and international law, is vigorously enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment.

(2) The Federal Public Security Secretary and the Minister of Defense, respectively, in accordance with applicable Mexican law, are suspending or placing on administrative duty, those members of the Federal police and armed forces who have been credibly alleged under Mexican law, to have committed violations of internationally recognized human rights or participated in corrupt acts and have established policies that reward respect for human rights, in particular regarding the use of force.

(3) The Attorney General and other relevant authorities of the Mexican Government are investigating and prosecuting members of the Mexican armed forces and police forces who have been credibly alleged under Mexican law to have committed violations of internationally recognized human rights.

(d) EXCEPTION.—Notwithstanding subsections (b) and (c), of the funds appropriated by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement", $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry encompassing Federal, state, and municipal police officials, and $5,000,000 may be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases: Provided, That section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)) shall not apply with respect to assistance for Mexico made available by this chapter.

(e) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (c) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(f) VETTING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, in classified form if necessary, detailing the procedures used to vet Mexican armed forces and police forces for eligibility to receive assistance under this section.

(g) NOTIFICATION.—Funds made available for Mexico by this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(h) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico by this chapter, which shall include a strategy for combating drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(i) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (c).

CENTRAL AMERICA

SEC. 1405. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", and "Economic Support Fund", $61,500,000 shall be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violent crime, and for judicial reform, institution building, rule of law activities, and maritime security: Provided, That of the funds appropriated under the heading "Economic Support Fund", $15,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for the countries of Central America: Provided further, That of the funds appropriated under the heading "International Narcotics Control and Law Enforcement", $2,500,000 shall be made available for assistance for Haiti and $2,500,000 shall be made available for assistance for the Dominican Republic: Provided further, That none of the funds shall be made available for budget support or as cash payments: Provided further, That none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that Federal and municipal police forces and the armed forces of the countries of Central America that may receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—(1) Up to 75 percent of the funds appropriated under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" in subchapter A that are available for assistance for the countries of Central America may be obligated prior to the certification and report by the Secretary of State required in paragraph (2).

(2) The balance of the funds may be obligated not less than 120 days after the date of the enactment of this Act if, before such obligation, the Secretary of State determines and reports to the Committees on Appropriations that the requirements in subsection (c) have been met.

(c) REQUIREMENTS.—The requirements referred to in subsection (b)(2) are the following:

(1) The International Law Enforcement Academy (ILEA) in San Salvador, El Salvador is establishing a vetting procedure for police and other public security officials attending programs at the ILEA.

(2) The countries of Central America are—

(A) vetting members and units of Federal and municipal police forces and the armed forces that may receive assistance to ensure such members and units have not been involved in human rights violations or corrupt acts;

(B) strengthening law enforcement capabilities, developing effective systems information exchange, improving demand reduction, and expanding public education, prevention, and treatment programs;

(C) improving controls on chemical precursors;

(D) adopting and implementing reforms that improve the capacity and protect the independence of the judiciary;

(E) reforming criminal procedures to ensure due process and training Federal and municipal police leadership in modern policing to curb police abuses;

(F) targeting organizational structures and financial and other assets of drug cartels;

(G) taking steps to curb corruption in law enforcement agencies; and

(H) suspending, prosecuting, and punishing members of the police forces who have been credibly alleged to have committed violations of human rights and corrupt acts, and establishing policies for members of such forces that reward respect for human rights, in particular regarding the use of force.

(d) REPORT.—The report required in subsection (b)(2) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(e) VETTING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, in classified form if necessary, detailing the procedures used by the Government of the United States to vet the Federal and municipal police and the armed forces of the countries of Central America for eligibility to receive assistance under this section.

(f) NOTIFICATION.—Funds made available for the countries of Central America in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(g) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities, with concrete goals, actions to be taken, budget proposals and anticipated results.

(h) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (c).

(i) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1406. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": Provided, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

RESCISSIONS

SEC. 1407. (a) WORLD FOOD PROGRAM.—(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior Acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) Section 8002 of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1408. (a) Funds provided in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement printed in the Congressional Record accompanying this Act:

"Diplomatic and Consular Programs"

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the explanatory statement printed in the Congressional Record accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1409. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1410. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1411. Unless otherwise provided for in this Act, funds appropriated or otherwise made available by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), except that section 699K of such Act shall not apply to funds in this chapter.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: Provided, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: Provided further, That not less than $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

CHAPTER 2—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,835,000,000, to remain available until expended: Provided, That such sums shall not be available until October 1, 2008: Provided further, That the Secretary of the Army is directed to use $1,997,000,000 of the funds provided herein to modify authorized projects in southeast Louisiana to provide hurricane, storm and flood damage reduction in the greater New Orleans and surrounding areas to the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of enactment of this Act, and shall use $1,077,000,000 of those funds for the Lake Pontchartrain and Vicinity project and $920,000,000 of those funds for the West Bank and Vicinity project: Provided further, That, in addition, $838,000,000 of the funds provided herein shall be for elements of Southeast Louisiana Urban Drainage project within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and

Vicinity projects, to provide for interior drainage of runoff from rainfall with a ten percent annual exceedance probability: Provided further, That the amounts provided herein shall be subject to a 65 percent Federal / 35 percent non-Federal cost share for the specified purposes: Provided further, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,926,000,000, to remain available until expended: Provided, That such sums shall not be available until October 1, 2008: Provided further, That funds provided herein shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for the following: $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; and $359,000,000 shall be used to complete the authorized protection for the Lake Pontchartrain and Vicinity Project and for the West Bank and Vicinity Project: Provided further, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Assistant Secretary of the Army for Civil Works requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of completed elements and to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized, subject to the approval of the House and Senate Committees on Appropriations.

CHAPTER 3—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

CHAPTER 4—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California, $169,300: Provided, That section 8002 shall not apply to this appropriation.

TITLE III—VETERANS EDUCATIONAL ASSISTANCE

SHORT TITLE

SEC. 3001. This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

FINDINGS

SEC. 3002. Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001

SEC. 3003. (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§ 3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

"(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or

"(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

"(8) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 6 months; or

"(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

"(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

"(1) A discharge from active duty in the Armed Forces with an honorable discharge.

"(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

"(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) A discharge or release from active duty in the Armed Forces for—

"(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

"(B) hardship; or

"(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

"(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

"(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

"(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

"(3) A period of service that is terminated because of a defective enlistment and induction based on—

"(A) the individual's being a minor for purposes of service in the Armed Forces;

"(B) an erroneous enlistment or induction; or

"(C) a defective enlistment agreement.

"(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

"§3312. Educational assistance: duration

"(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

"(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

"(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

"(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§3313. Educational assistance: amount; payment

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

"(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the

monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education,

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§3314. Tutorial assistance

"(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§3315. Licensure and certification tests

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In

the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 3003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§3323. Administration

"(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

"(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

"(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

"(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

"(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

"(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting "33," after "32,"; and

(ii) in subsection (c), by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30,.32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount

equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

SEC. 3004. (a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS

SEC. 3005. Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 4001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 4002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 4002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 4003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the

Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 4005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 4006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 4007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 4002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE V—MEDICAID PROVISIONS

SEC. 5001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110-28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(B) in subparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)"; and

(C) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110-173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking "June 30, 2008" and inserting "April 1, 2009";

(B) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(C) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(3) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B), (C), or (D) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (E) for such provision.

(B) PORTION OF INTERIM FINAL REGULATION RELATING TO MEDICAID TREATMENT OF OPTIONAL CASE MANAGEMENT SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the interim final regulation relating to optional State plan case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portion of such regulation as relates directly to implementing section 1915(g)(2)(A)(ii) of the Social Security Act, as amended by section 6052 of the Deficit Reduction Act of 2005 (Public Law 109-171), through the definition of case management services and targeted case management services contained in proposed section 440.169 of title 42, Code of Federal Regulations, but only to the extent that such portion is not more restrictive than the policies set forth in the Dear State Medicaid Director letter on case management issued on January 19, 2001 (SMDL #01–013), and with respect to community transition case management, the Dear State Medicaid Director letter issued on July 25, 2000 (Olmstead Update 3).

(C) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(D) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section

1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(E) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is December 3, 2007;

(ii) subparagraph (C) is September 27, 2007; or

(iii) subparagraph (D) is February 21, 2008.

(b) FUNDS TO REDUCE MEDICAID FRAUD AND ABUSE.—

(1) IN GENERAL.—For purposes of reducing fraud and abuse in the Medicaid program under title XIX of the Social Security Act—

(A) there is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $25,000,000, for fiscal year 2009; and

(B) there is authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2010 and each subsequent fiscal year.

Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to the Secretary for such purposes with respect to the Medicaid program.

(2) ANNUAL REPORT.—Not later than September 30 of 2009 and of each subsequent year, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the activities (and the results of such activities) funded under paragraph (1) to reduce waste, fraud, and abuse in the Medicaid program under title XIX of the Social Security Act during the previous 12 month period, including the amount of funds appropriated under such paragraph for each such activity and an estimate of the savings to the Medicaid program resulting from each such activity.

(c) STUDY AND REPORTS TO CONGRESS.—

(1) SECRETARIAL REPORT IDENTIFYING PROBLEMS.—Not later than July 1, 2008, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—

(A) outlines the specific problems the Medicaid regulations referred to in the amendments made by paragraphs (1) and (2) of subsection (a) and in the provisions described in subparagraph (B) through (D) of paragraph (3) of such subsection were intended to address;

(B) detailing how these regulations were designed to address these specific problems; and

(C) cites the legal authority for such regulations.

(2) INDEPENDENT COMPREHENSIVE STUDY AND REPORT.—

(A) IN GENERAL.—Not later than July 1, 2008, the Secretary of Health and Human Services shall enter into a contract with an independent organization for the purpose of—

(i) producing a comprehensive report on the prevalence of the problems outlined in the report submitted under paragraph (1);

(ii) identifying strategies in existence to address these problems; and

(iii) assessing the impact of each regulation referred to in such paragraph on each State and the District of Columbia.

(B) ADDITIONAL MATTER.—The report under subparagraph (A) shall also include—

(i) an identification of which claims for items and services (including administrative activities) under title XIX of the Social Security Act are not processed through systems described in section 1903(r) of such Act;

(ii) an examination of the reasons why these claims for such items and services are not processed through such systems; and

(iii) recommendations on actions by the Federal government and the States that can make claims for such items and services more accurate and complete consistent with such title.

(C) DEADLINE.—The report under subparagraph (A) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate not later than March 1, 2009.

(D) COOPERATION OF STATES.—If the Secretary of Health and Human Services determines that a State or the District of Columbia has not cooperated with the independent organization for purposes of the report under this paragraph, the Secretary shall reduce the amount paid to the State or District under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) by $25,000 for each day on which the Secretary determines such State or District has not so cooperated. Such reduction shall be made through a process that permits the State or District to challenge the Secretary's determination.

(3) FUNDING.—

(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary without further appropriation, $5,000,000 to carry out this subsection.

(B) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to subparagraph (A) shall—

(i) remain available until expended; and

(ii) be in addition to any other amounts appropriated or made available to the Secretary of Health and Human Services with respect to the Medicaid program.

(d) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are material to the determination of the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

(e) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,940,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,750,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 6101. This chapter may be cited as the "Close the Contractor Fraud Loophole Act".

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 6102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 6103. In this chapter, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 6201. This chapter may be cited as the "Government Funding Transparency Act of 2008".

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 6202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VII—GI BILL FINANCING PROVISION

GI BILL FINANCING PROVISION

SEC. 7001. (a) IN GENERAL.—Part I of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 1 the following new section:

"SEC. 1A. INCREASE IN TAX ON HIGH INCOME INDIVIDUALS TO FINANCE THE GI BILL.

"(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.47 percent of so much of modified adjusted gross income as exceeds $500,000 ($1,000,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)).

"(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, a rule similar to the rule of section 67(e) shall apply for purposes of determining adjusted gross income for purposes of this section.

"(c) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed by section 871(b) shall be taken into account under this section.

"(d) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 7703.

"(e) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 1 the following new item:

"Sec. 1A. Increase in tax on high income individuals to finance the GI bill.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE VIII—GENERAL PROVISIONS

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SHORT TITLE

SEC. 8003. This Act may be cited as the "Supplemental Appropriations Act, 2008".

AMENDMENT NO. 4789

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I move to concur in the House amendment—that is amendment No. 2—with an amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment No. 2 with an amendment numbered 4789.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4790 TO AMENDMENT NO. 4789

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4790 to amendment No. 4789.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

I ask unanimous consent to speak from my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair, Mr. President.

SENATOR TED KENNEDY

Mr. President, before we begin consideration of this important spending bill, I wish to take a moment to say how distraught and terribly shaken I am over the news of my dear friend, my dear, dear friend, TED KENNEDY. My thoughts and my humble prayers are with Senator KENNEDY, my dear friend, TED; with his wife Vicki; and with the members of the Kennedy family.

I hope and pray that an all-caring, unlimited God will watch over TED and keep TED here for us and for America. TED, TED, my dear friend, I love you and I miss you. And Irma, Irma, my darling wife Irma, would say: Thank God for you, TED. Thank God for you.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this afternoon we take up legislation making emergency supplemental appropriations for the wars in Iraq and Afghanistan and to help Americans cope with a sagging economy. One year ago, Congress sent the President a war funding supplemental that included clear direction to bring our troops home, home, home, sweet home, from Iraq by December of 2007. The President chose to do what? Shame. He chose to veto that bill. If he had signed that bill, most of our troops would be home, home, home, sweet home today. Instead of bringing our troops home, the President demanded an increase in our commitment of U.S. troops—shame—and treasure to this terrible, awful war that has now entered its sixth year—sixth year. How long? How long, O Lord, how long?

Mr. President, 4,081 American soldiers have died—died. One can only die once. Over 30,000 U.S. soldiers have been wounded. By the end of 2008, the war in Iraq will have cost over $608 billion—over $608 billion. That is more than $608 for every minute since Jesus Christ was born.

Today we are considering the President's request for another $178 billion—another $178—billion for the wars at a time when the U.S. economy is in trouble. Well, one thing is clear. Yes, I am sorry to say one thing is clear in this request: American fighting men and women—your brothers and sisters and mine—will continue to be in Iraq when the Presidency of George W. Bush ends on January 20, 2009. Shame. I was against that terrible, horrible war from the beginning and so stated on this floor time after time after time.

Long after our military fulfilled its mission in Iraq, the White House failed to advance a viable strategy for establishing long-term stability in Iraq. In response, we in the Congress will support our troops—your troops, my troops, our troops—but we will also continue our efforts to get our troops out—O-U-T—of Iraq with honor and take care of our troops after they come home.

In the third committee amendment, we set a goal for reducing the scope of the mission in Iraq by June of 2009. We ensure our troop readiness levels are maintained. We limit the time our troops will serve in Iraq. We require Iraq to use more of its surplus oil revenues for reconstruction costs, and we require that any long-term commitments this lameduck President may make with the Government of Iraq be considered as treaties, subject to approval by this Senate.

While the war continues in its sixth year—shame—our economy at home is in trouble. Because of President Bush's failed fiscal leadership, in the last 7 years the U.S. Government has amassed the five largest deficits in the history of this great Republic. President Bush has more than doubled the U.S. debt held by China, Japan, and other countries. Economic growth almost came to a halt at the end of last year, with the gross domestic product falling from 4.9 percent in the third quarter to 0.6 percent—0.6 percent—in the fourth quarter.

Growth remains at a paltry 0.6 percent this year. Since March 2007, the number of unemployed has increased by 1.1 million workers up to 7.8 million workers. In April, the number of Americans who were out of work for at least 27 weeks rose to 1.35 million.

Yet the President—your President, my President, our President—is satisfied to allow unemployment benefits to expire after just 26 weeks. Did you hear that? Shame. I have reviewed the President's request carefully, and there is no evidence—none—of the President asking for funding to invest in America or to help struggling Americans deal with the faltering economy.

Yet the President—your President, this President, our President—has already thrown down the gauntlet by threatening to veto the supplemental bill if the Congress has the temerity—did you hear that—to add one thin dime above his request in order to help our citizens at home.

Thirty-two months after Hurricane Katrina, the President continues to resist efforts to help the victims of that terrible storm. The homeless population in New Orleans has doubled to nearly 12,000 since Hurricane Katrina. Only 48 percent of the pre-Katrina hospital beds in the region were staffed as of November of 2006. Violent crime in Louisiana grew 53 percent last year.

In the last 18 months, the President has designated 61 disasters for floods in 32 States. Yet the President has not—n-o-t, not—you know, there was a duel between John Shot and John Not. In this case, it was better to be Shot than Not. The President has not requested funds to repair levees or other flood prevention efforts, leaving our citizens in Arkansas—did you hear that—Missouri, Louisiana, and other States, vulnerable to more flooding. But when it comes to Iraq, the President wants the dollars to flow, flow, flow.

Congress has already approved $45 billion requested by the President for reconstruction projects in Iraq. Despite the fact that the Iraqi Government is running a huge surplus due to excess oil revenues, our President—your President, my President, the American President—is asking this Congress—the buck stops here—asking you and me and the people in this Congress to approve another $5.6 billion of American taxpayer dollars for reconstruction in Iraq.

The President claims that by adding funding for America to this bill we are holding hostage money for the troops. Oh, my heavens, what hogwash. What hogwash. Last year, we sent the President a war supplemental that increased funding to provide better health care for our soldiers, better health care for our veterans, more funding to equip and train the National Guard and Reserve, more funding for mine resistant vehicles, and clear direction to bring our troops home—home sweet home. This year, we once again take care of our troops, but we also invest in America.

Last week, the Senate Appropriations Committee met and approved amendments that meet these objectives. Based on the committee action, the Senate will consider amendments that fully fund the President's request for the war. In fact, the legislation increases funding above the President's $168 billion request for the Department of Defense. We include increases for the health care of our troops, for Guard and Reserve equipment, for repairing and constructing barracks, for the mission in Afghanistan, for military childcare facilities, for improving contract management, and for helping—yes, Senator WEBB—wounded troops returning home—home sweet home.

We honor those who have served America by increasing educational benefits for our veterans. We extend unemployment benefits by another 13 weeks. We honor promises made to the victims of Hurricane Katrina by funding a 100-year levee in Louisiana, restoring barrier islands in Mississippi, and by rebuilding hospitals, helping the homeless, and fighting crime. We roll back Medicaid regulations that our Nation's Governors believe disrupt health coverage for vulnerable citizens. We respond to dramatic increases in food prices by increasing funding for the global food aid program.

We are also generous in providing humanitarian relief to disaster victims in China, Bangladesh, and Burma. We reduce funding for reconstruction in Iraq. We limit the size of taxpayer-financed reconstruction projects. And we require Iraq to match our tax dollars with their surplus oil revenues.

This legislation includes provisions that have broad bipartisan support. The veterans legislation has 58 cosponsors. The Medicaid legislation passed the House by a vote of 349 to 62. I have a letter from 56 Senators seeking additional Byrne crimefighting funding. We fund the Rural Schools Program, which runs out of money on June 30, 2008.

In total, the amendments include $194 billion for programs under the jurisdiction of the Appropriations Committee, $10 billion above the President's request. This increase is less than what we spend in Iraq in 1 month.

So I say to my fellow Senators, Mr. President, this is responsible legislation that supports our troops, responsible legislation that honors our veterans, responsible legislation that helps our citizens cope with a troubled economy.

I urge the adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi, Mr. COCHRAN.

Mr. COCHRAN. Mr. President, we are still wrestling with the challenge of what to do about the supplemental appropriations that have been requested by the administration.

This morning, in our Appropriations Subcommittee on Defense, chaired by the distinguished Chair's State colleague, Mr. INOUYE, and also led on the Republican side by the distinguished Senator from Alaska, Mr. STEVENS, we heard testimony from the Secretary of Defense, Mr. Gates, and the Chairman of the Joint Chiefs of Staff, Admiral Mullen. They drew a very frightening picture of what is happening to the military forces, not just in Iraq and Afghanistan and deployed elsewhere in the world, but also in our training accounts, many other support activities for our military, pay and allowances—all the accounts that fund the Department of Defense that have been included in the supplemental budget request are suffering and many are running dry. The accounts are running dry.

We are at a point that is past serious. I am not going to say it is desperate, but it certainly concerns this Senator that we continue to wait and wait and wait on Congress to act on the President's request for supplemental appropriations for our military forces at a time when they are engaged in military action overseas and protecting our security interests here at home. So I am pleased the Senate is taking up this request to fund activities in Afghanistan and Iraq and to respond to domestic natural disasters.

It is important that we act expeditiously to consider this legislation so we can reconcile our differences with the other body and with the President. The President submitted the bulk of his supplemental request in February 2007 in conjunction with his regular fiscal year 2008 budget submission. He did so because Congress clearly expressed its desire for a full-year estimate of war costs. But Congress did not appropriate a full year's funding. Instead, Congress approved a $70 billion bridge fund to support our operations in Iraq and Afghanistan. Enacting even that amount required a protracted struggle among the House, the Senate, and the President. As a result, the Department of Defense had to issue furlough notices, make a series of inefficient transfers and reprogrammings, and generally function in ways that detracted from its primary duties.

We find ourselves today facing a very similar situation. It has been more than 15 months since the President submitted this request. We have not approved or otherwise acted upon some $108 billion of that request.

The personnel and operations and maintenance accounts that support our activities in Iraq and Afghanistan are running low. This morning, Secretary Gates was asked about the consequences of this situation, and I am going to read into the RECORD, with the permission of my colleagues, some comments directly from that hearing this morning. This is Secretary Gates:

> There is, however, a more immediate concern. Congress has yet to pass the pending $102.5 billion global war on terror request for fiscal year 2008. And as a result, the Defense Department is currently using fourth quarter funds from the base budget to cover current war costs. Shortly, two critical accounts will run dry. First, Army military personnel after June 15. We will run out of funds in this account to pay soldiers, including those in Iraq and Afghanistan. Second, operations and maintenance accounts. Around July 5, O&M funds across the services will run out, starting with the Army. This may result in civilian furloughs, limits on training, and curbing family support activities.
>
> If war funds are not available, the Defense Department can transfer funds from Navy and Air Force military personnel accounts to pay soldiers, but that would get us only to late July. Using the limited transfer authority granted by Congress would also help get us to late July. Doing so, however, is a shell game which will disrupt existing programs and push the services O&M accounts to the edge of fiscal viability.

I could go on. He went on into some more detail about other accounts. I think we get the picture. I got the picture.

Our full subcommittee membership was in attendance for most of the hearing. I was disappointed that I was sitting there listening to the consequences of deliberate actions by the Congress to delay the availability of funding for our national defense, not just war funding for Iraq and Afghanistan; it has implications across the Department of Defense and into other accounts in other departments that are likewise affected by this denial of funding for our forces at a time when we need them to be fully prepared, fully trained, and fully engaged to help win the war against terror.

According to an earlier letter, so you won't get the impression that we have not been forewarned, the Deputy Secretary of Defense, Gordon England, wrote us a letter on May 15 advising us that the Army would run out of military personnel funds by mid-June. He said if the supplemental legislation is not enacted by Memorial Day, the Department of Defense will be compelled to borrow funds from other services to finance Army operations into July and the Army would be out of options to pay its soldiers. He said the Department would be compelled to constrain expenditures from the Army operations and maintenance accounts. He said it will have to issue notices of potential furloughs of civilians funded from this account.

So we have been on notice from the Deputy Secretary and now this morning from the Secretary himself, as well as the Chairman of the Joint Chiefs of Staff.

We have been advised that the operations and maintenance accounts also fund the Commander's Emergency Response Program, a program that is critical to the success of our military commanders in Iraq and Afghanistan. He said those funds will run out in June.

I ask unanimous consent, Mr. President, to have printed in the RECORD the letter from Secretary England.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE
Washington, DC, May 15, 2008.

Hon. THAD COCHRAN
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: I am writing you to follow up on the Secretary's letter of May 5 regarding the Department's financial posture and the urgent need for Congress to pass supplemental funding legislation for the Global War on Terror (GWOT).

As briefed to senior Congressional staff last week, absent additional Congressional action, the Army will run out of Military Personnel funds by mid-June and Operation and Maintenance (O&M) funds by early July. Funding for civilian personnel is included in the O&M account. Also included within the O&M account is the authority to continue the Commander's Emergency Response Program (CERP) activities in Central Command. CERP funding is a critical enabler that our ground force commanders are using on a daily basis in Iraq and Afghanistan to shape the strategic environment. This authority will be fully expended in June, and reprogramming actions cannot extend this particular authority.

If GWOT supplemental legislation is not enacted by Memorial Day, then the Department will submit to the Congress two reprogramming actions on May 27. These reprogramming actions for personnel and for O&M accounts will finance Army operations until late July by borrowing money from other Services. By that point in late July, the entire Department will be in extremis, having exhausted all avenues of funding and will be unable to make payroll for both military and civilian personnel throughout the Department. Service members, including those engaged in Iraq and Afghanistan, would continue to serve but without pay since military personnel accounts would be exhausted.

Further, at that time, O&M funding would also be depleted, and DoD activities around the globe would be reduced to essential activities. Additionally, other measures would need to be taken, such as civilian furloughs and limits on non-essential operations. These highly disruptive steps would have to begin well before late July.

While the Department has the reprogramming recourse on May 27th as discussed, if legislation is not passed by Memorial Day, the Department will still be operating with less than the desired effectiveness and efficiency. Therefore, I urge you to provide the essential GWOT funding before the Memorial Day recess.

Sincerely,

GORDON ENGLAND,
Deputy Secretary of Defense.

Mr. COCHRAN. Mr. President, what are we going to do? Are we going to let our men and women in the field stop their activities? Is that what Congress is urging be done, just sit down, stop what you are doing in Iraq and Afghanistan? I don't believe that. That is not the message this Senate wants to send or intends to send. But we should not put the men and women of our Armed Forces and their families here at home through such an ordeal and a period of such unnecessary uncertainty. We should not cause the Department of Defense to operate at less than peak efficiency or take actions that are demoralizing for Department personnel simply because Congress fails to act in a timely manner.

I don't know why it has taken Congress so long to act. I do know the request has been before the Congress for more than 15 months. Think about it: an emergency supplemental request for funds for national security languishing in Congress for 15 months. Most people don't know that.

We have held hearings, we have had meetings with administration officials, we have heard testimony from General Petraeus, our commander in Iraq. Our Ambassador in Iraq has testified about the consequences on accounts for the Department of State which are also included in the legislation. But instead of marking up a supplemental bill to respond to the request a month ago, as had originally been planned, the majority chose to spend weeks talking with the majority in the other body, trying to decide what to do, when to do it, negotiating with themselves.

I would have hoped that the legislation could have been brought up under a better parliamentary scheme designed to get the job done, not to just create political advantage, not just to put off the inevitable day of reckoning. That is an unfortunate choice to make. The fact is, had we followed the regular order, we could have had a bill to the President by now. Had he chosen to veto the bill, we might well be working this week to resolve differences with the administration and produce a bill that could be signed or whatever the Congress decided to do to work its will, but to act. Instead, we are facing the approach of a Memorial Day recess with no clear path, no clear plan to enactment of legislation and little prospect for meaningful input by Members of the Senate.

I applaud the chairman of the Appropriations Committee, my good friend from West Virginia, for calling our committee to a markup of the supplemental. When it became apparent that the leadership plan was to bypass the Appropriations Committee in both Houses, our side wrote a letter to the chairman expressing our preference for a committee markup. I suspected that was consistent with his views, too, and that was correct.

We know about the prerogatives of the Appropriations Committee and how the chairman safeguards those and how he respects all members of our committee. So he honored that request. But the other body has not acted in this way. There still has been no markup in the other body.

So we are in this dilemma. We are asked by our respective Houses—the Appropriations Subcommittee on Defense—to make recommendations, to produce legislation to take care of our country, to defend our interests, but we have not found a pathway to enacting a bill or responding in a professional way to the wishes of our Members.

As it stands now, the Senate amendments contain a number of legislative provisions and appropriations that were not included in the President's request. The President has said very clearly he will veto this bill if it includes language that unduly constrains our military commanders in the field in Iraq and Afghanistan or which imposes artificial timelines for withdrawal. He has also said he will veto a bill that is too costly.

I am not one who thinks an appropriations request submitted by this President or any other President is written in holy tablets, somehow immutable and not subject to improvement or change during the legislative process. The Senate and the House have a right to work their will. Since the President saw fit to recommend certain measures to protect the State of Louisiana from future hurricanes in response to Members' requests for those funds, I thought it appropriate to recommend certain projects that would similarly be helpful to my State, which was also a victim of Katrina, to deal with the continuing challenges to the security and the well-being of the citizens of that region if other hurricanes strike in the future.

The President has every right to look at those requests and make his decision. But I do not think he is going to veto this bill because of those requests that are included in the bill. I think he is sympathetic to the needs of the Mississippi and Louisiana gulf coasts and elsewhere in the country, so accounts that were depleted because of the destruction of the hurricane can be renewed and resupplied in this supplemental. The committee has approved including those funds.

We need to find common ground. This is what I am saying. We have had differences of opinion with the administration—Members on my side have; some on the other side have—for various reasons. But let's get to a point where we can work out our differences. If he wants to veto the bill, he will veto the bill, and we will see whether we have the votes to override it. If we do not, we can try again. Eventually these funds have to be made available. These requests are too important to be ignored any longer. We need to find common ground. That is what I am saying. And we need to do it now.

We do not need to prolong this activity—describe it however you want to—any longer. We need to get down to brass tacks. We cannot allow political maneuvering on either side to obscure our core duty in this matter. We need to provide our men and women in the field with the resources necessary to conduct successfully the mission assigned to them by our Government, and to do it without undue delay.

I do not think the exchange of messages—strategy, or whatever you want to call it—is appropriate or necessary as a substitute for legislation. I do not think it will result in an enacted bill any sooner than had we simply acted in the regular order. But that choice has been made, and we must deal with it. I will do my best. I commit myself to work with the Senate leadership, with our colleagues in the other body, and with the President to find a way to get the job done in a timely manner.

I yield the floor.

Mr. BYRD. Hear, hear.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank Senator COCHRAN for his views and his many courtesies. Last week the Senate Appropriations Committee had a 3½-hour markup of the important legislation that is now before the Senate. I hope the Senate can approve this legislation to support the troops and to help Americans cope with the sagging economy—this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent I be allowed to engage in a colloquy with the senior Senator from Nebraska and the senior Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I would like to join two of my three principal cosponsors on S. 22 in speaking about how important this piece of legislation is, and how appropriate it is to have it be placed on the supplemental appropriations measure. The senior Senator from Virginia has an amendment we are going to offer. Hopefully, in the spirit of what the Senator from Mississippi just said, we will try to lay some of these arguments by the wayside and get a bill that will truly provide the right kind of readjustment benefits to those who have been performing such exemplary service since 9/11.

S. 22 was introduced on the first day of this Congress. From that point we have had strong bipartisan and bicameral support. We now have 58 cosponsors in the Senate, including 11 Republicans. Among those Republicans is the senior Senator from Virginia, the former chairman of the Armed Services Committee, and the senior Senator from Nebraska, the only Member of this body to have served in a high-ranking position in the Department of Veterans Affairs.

Just last week in the House, in spite of some of the debates that went into pay-for provisions and tax provisions, we saw a strong vote. We had 300 sponsors of this provision in the House, including more than 90 Republicans. Even on what was largely viewed as a partisan vote in other areas, we had 33 Republicans vote for this bill.

This bill is supported by the current chairman of the Armed Services Committee; as I mentioned, Senator WARNER, the former chairman of the Armed Services Committee and the former Secretary of the Navy; the serving chairman of the Veterans' Committee, Senator AKAKA, who was just in the chair; the former chairman of the Veterans' Committee, Senator SPECTER. It has the strong support of all of our leading veterans organizations, including the American Legion, the Veterans of Foreign Wars, the Iraq-Afghanistan Veterans. The Disabled American Veterans have taken a firm position, as have many more.

We have, I would say, at least 15 of the top veterans organizations having participated in the modification of this bill and strongly supporting it. Many major higher educational institutions and associations have endorsed this bill, including the American Council on Education, the National Association of Independent Colleges and Universities, and the National Association of State and Land Grant Colleges.

This bill is carefully crafted. It has been substantially improved by the participation of all of the groups that I just mentioned plus many of our Members. It is appropriate on this legislation as a cost of war.

There are people who discuss this in terms of cost. This is a bill that closely resembles the benefits that we gave to our returning veterans in World War II—a series of educational benefits which leveled the playing field in America and allowed those who served a first-class opportunity to move into the future. We owe these young men and women who have been serving since 9/11 no less. We owe them no less. This is emphatically a cost of war.

When we can spend $600 billion and, by some estimates, $3 trillion in a life cycle as a result of this war, the least we can do is spend the money in this bill to allow these people the best opportunity they have to succeed in their lives.

There has been some resistance from some of the Members of this body—some of the Republican Members of this body—and also from the administration to this bill. Some have said it is too generous. I just discussed that. We worked very hard to make it fair and relevant to the priorities we should be having. Some have said it would be difficult to administer. We have worked with the Department of Veterans Affairs and with the Department of Defense on areas where they had concerns, and we addressed those concerns. It is interesting to point out, for those who talk about the potential difficulty of administering a bill such as this, that the U.S. Department of Veterans Affairs was able to administer a very similar bill after World War II in a day where we didn't have computers, and they were able to do it for 8 million people. We are not talking anywhere near that number, so I believe we have addressed all of those concerns.

The last issue that has been discussed, and it has come up again and again, is the concern that provisions such as are contained in this bill would affect retention in the Active-Duty military. As someone who has spent 5 years in the Pentagon, 1 as a marine and 4 as a defense executive working on manpower issues—and I am sure Senator WARNER who spent more time in the Pentagon than I have would share this commentary—I believe the provisions of this bill actually will dramatically increase recruitment and that the manpower model would benefit from it.

With respect to retention itself, the discussion has been made that a bill like this should have, as a part of it, a concept called transferability, which would allow Active-Duty military people to transfer this educational benefit to family members.

I want to make a clarification as to where the main target of this bill is, then I want to speak very briefly about transferability, and then I would like to recognize my colleague from Nebraska.

I believe there is a misperception in this country that because we have an all-volunteer system, we actually have an all-career military. We do not. A lot of people come to the military in the United States because they love their country, because they have a family tradition, because they want to soldier for a while and then move on to other things. Frankly, these are the people who have not been properly taken care of in the years since 9/11, and they are the principal target of our legislation.

The U.S. military has done a very good job taking care of its career force. When you hear arguments about entitlement to transferability, again, they are talking about managing the career force. But these are the actual numbers that have been given to us by the manpower chiefs in the Department of Defense.

In the U.S. Army, by the time a cohort group has finished its first enlistment, 75.5 percent of them have left or will leave the U.S. Army at the end of a first enlistment. In the Marine Corps, 70 percent of the people who enlist will leave by the end of their first enlistment, either through attrition or deciding not to reenlist. For approximately 50 percent of the Air Force and the Navy it is the same.

If you look at the Active-Duty military on the enlisted side, an overwhelming majority of them leave the military by the end of their first enlistment. These are the people who have had readjustment difficulties that we have talked about. These are the people who deserve to have a first-class education in order to move them into the future.

This group over here, about a quarter of the Army, about 30 percent of the Marine Corps, and about half of the Air Force and the Navy, are the people who reenlist at least for one term. This is the group that has received so much of the argument of this administration on issues of retention. We need to take care of this group. We are prepared today to discuss a way to address this transferability issue with this smaller but very important group.

I point out with the issue of transferability that Senator WARNER had introduced a provision that was enacted into law about 6 years ago that allowed the Service Secretaries to provide transferability to military people at the discretion of the Service Secretaries as a retention device. This has been in the law for 6 years with respect to the Montgomery GI bill, the bill we are going to replace. It has almost never been used.

On the one hand, we hear all this talk from the Department of Defense about how important this is and how they hear about it every day when they go out to their meetings and their townhall meetings, but the Service Secretaries have almost never used this benefit that has already been on the books. So I am concerned about how widely this benefit would actually be used.

At the same time, I believe it is important, and our principal sponsors believe it is important, that we continue the existing law with some modification to give the U.S. Department of Defense the opportunity to test it again, to put it in this bill, continue it as law with some tweaks on it. As the Senator from Mississippi had said earlier, I hope with this gesture that we can get full support for this legislation and get it into law. The clock ticks for young people after they leave the military in terms of how they are going to readjust to the rest of their lives. The clock has been ticking for a lot of people since 9/11, and it is our duty to do something about it this year.

With that, Mr. President, I yield to my colleague from Nebraska, my longtime friend, Vietnam combat veteran, and former official in the Department of Veterans Affairs.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I am grateful to my colleague, the junior Senator from Virginia, for his continued leadership and years of contributions to our country, especially on behalf of our veterans. I would like to make some remarks focused on the general scope of what this effort is about.

The Senator from Virginia has laid out very concisely, cogently, some of the realities of the force structure we have today and why it is important and in the opinion of almost 60 Senators and over 300 House Members that we take the so-called GI educational benefits this country committed to beginning in 1944 when President Truman signed the first bill and roll those forward into the 21st century, because what has happened is that we are now caught in a different kind of a world, different kinds of wars, different kinds of requirements. But what has not changed is the absolute necessity that we rely on quality individuals to man our force structure. In a world that is far more complicated, combustible, and dangerous than ever before, it has required new sets of skills, obviously technologies, to defend our country, our interests in the world. It is that reality that we must adjust to within the framework of all of our policies.

What we are doing here is not adding a new benefit, we are not adding a welfare program; what we are doing is we are bringing up to date the benefits earned by men and women who have committed a good part of their lives to our country. We had that debate a long time ago, whether America wants to do that. Now, unless there are some individuals in the Congress or in America who want to go back and reengage that issue, we can do that, but I do not think that is the case. I think we recognize those who serve. I think we also, in recognizing their service, understand they have earned certain benefits.

So we are rotating a GI educational benefit system forward into the 21st century, a system that has not been changed for 25 years. And as reflected in Senator WEBB's charts—these, by the way, I remind our colleagues, as was noted by the junior Senator from Virginia, these are not his numbers, these are numbers from the Defense Department. So if we are to take care of our people, because we rely on our people to take care of us, if we rely on that rifleman, that person at the bottom who has always been the one whom we have asked to fight the war—fight the war, die in the war, sacrifices by their families, those who do not come back, many who come back are seriously scarred, wounded, will never recover. That is the reality of the world in which we are living. So we are talking about a relevant system, relevant to today's costs for an education.

I benefited from the GI bill when I came back from Vietnam, as did the junior Senator from Virginia, as did the senior Senator from Virginia when he came back from World War II, the Korean war, as did almost every veteran in this body who has fought in a war benefitted from this program. So it is important that we get something very clear; that is, this is not a new program.

Now, as the Senator from Virginia noted, this then fits into the larger framework of a cost of war. Unless we are going to just discard the people whom we count on, that rifleman at the bottom who does not have much say in all of this, by the way—he is told to take the hill; he takes the hill. He doesn't set policy. Our military doesn't set our war policy. They have input and influence into the strategy, into the tactics, but we, the elected officials of America, starting with the President, his team, and the Congress, we are the ones who set policy, we are the ones who engage our Nation in war.

By the way, just as an aside, I think we should go back to a day in this country when we wanted and did, in fact, commit our Nation to war, we should declare that in the Congress of the United States, we should declare war rather than these skirmishes that we kind of on the side fund and we on the side deal with. We on the side never really come clean with the reality.

Here is an opportunity for us to do what is right and what is wise—what is right and wise; that is, to bring this educational benefit program forward.

The Senator from Virginia noted something that is very important—the administration of this program. That is always important, who administers the program, how will it work, can it work?

We have worked very diligently—our staffs, with many Members involved—with the Veterans' Administration, the Department of Defense, to make this work. We have ample testimony, recent testimony before the Veterans' Committee in the Senate from senior Veterans Administration' officials saying: This can work. We can now do this. We can implement this.

The cost. The cost is an interesting debate, in my opinion, because if, in fact, we are a nation that can afford the cost of war, we can afford $12 billion a month waging the war in Iraq, we can afford all the requirements it takes for a nation to go to war, but somehow we are disconnected from the obligation and responsibility of taking care of those who fight the wars? We somehow can't find the money for that? We somehow want to look the other way? I don't think so. I don't think the American people—and they never have been—are in agreement with that.

As to the retention issue, the Senator from Virginia again addressed this. Even taking the Senator's arguments, as clearly as the Senator from Virginia did, and making those arguments—and I can make them again, and others will—I am not sure that is even necessary because this is not a retention bill. There is a consequence to this bill, of course. We should frame within the text and the context of this bill a dynamic of retention: How can we make it attractive for our young people to serve aside from the fact that they love their country, they want to be part of something larger than their own self-interest, they want to make a noble contribution to freedom, to the world, to peace, to their families, to their future? And you can't substitute that. That is bigger than any benefit. Of course it is.

But the reality is, just as Harry Truman and just as our leaders back during World War II understood, just as every leader has understood since then, as we have continued to commit to our veterans, those who fight the wars and their families, it is wise to reinvest in our society.

How do you reinvest in our society? Well, one way, certainly an important way, is education. It is assuring these men and women who give of themselves—in a very selfless way that very few people do, by the way, especially today, when you look at less than 1 percent of the society, the American society, our population, less than 1 percent is bearing all of the burden. They are carrying it all for the rest of us. What do I mean by that? Because they are the few who are serving in two wars, rotation after rotation in Afghanistan and Iraq and on duty all over the world and in this country. So when they are finished, just as the Senator from Virginia has noted, in the Army and Marine Corps, it is more than 50 percent, after the first enlistment, that leave. Would it not be smarter, would it not be wise to reinvest in these people, to help them get an education so they can continue to contribute to America and strengthen America in every way?

National security is not only about the military. In fact, I think we can make a pretty strong argument that the military is obviously an essential component, but just as important is the economic vitality, this culture, the society, the commitment, the education of a society. That all has an awful lot to do with the national security of a nation.

This makes sense. This bill makes sense. It makes sense on this supplemental. This isn't divorced from that. This isn't an add-on to that. This isn't something we just invented. This is part of a larger context of service and earned benefits for those who serve.

I am very pleased that we are finding more and more ways to enlist more individuals in this effort. I think with what the Senator from Virginia noted as to an add-on on transferability, it makes it more attractive. The senior Senator from Virginia, I assume, is going to speak to that when he takes the floor in a moment. I think when we frame up all of this, as the Senator from Virginia noted, this is the product of a composite of contributions from many individuals, from almost every veterans group I am aware of, from people who care about their country, who care about the veterans who serve this country, and care about our future.

I appreciate the leadership of the junior Senator from Virginia.

I understand in our series of colloquies that the senior Senator from Virginia is prepared to make some comments.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague, Senator HAGEL, and I thank my distinguished partner in the Senate, Mr. WEBB. We have known each other for a very long time, over 30 years. When I was in the Pentagon, we were associated together at that time. He had a long and distinguished career in the U.S. Marine Corps and following that in the Department of Defense in two very senior—including Secretary of the Navy—positions of civilian leadership. He has shown that same leadership from the day he crossed the threshold of the Senate, that this is his No. 1 priority. And how pleased and, indeed, humbled I am to join him and my good friend, Senator HAGEL, in making this possible.

What we are trying to do, very simply, is to enable this generation of young men and women to have, as nearly as possible, the same benefits as former generations—most specifically, the generation from World War II and the Korean War generation of which I was a part.

Both of these gentlemen are highly decorated combat veterans. I have a less significant career in the service. But all three of us bring our own experience to bear on thinking this is essential for this generation who is going out and fighting as courageously as any servicemember in the history of this country and, in fact, perhaps with an added measure of courage because they are fighting an enemy that is so difficult to define, an enemy that does not have any state-sponsored nation attached to it, which is the form of the terrorism today.

I wish to thank the distinguished chairman of the Appropriations Committee, who has graced us on this floor for the purpose of listening in on this debate, for guiding it through the current supplemental bill in the Senate, and including Senator WEBB's bill in it. Indeed, I saw Senator MURRAY here and Senator INOUYE, who both helped us get that done.

Now, much has been said by my colleagues about how we are trying to bring up the level of funding for the GI bill from the current existing Montgomery GI bill.

Mr. President, I ask unanimous consent to have printed in the RECORD this document which traces the history of what is known as the Pell Grant Program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PELL GRANT FUNDING, FY2000–09

Fiscal year	Academic year	Maximum award	Recipients	Average award	Appropriation
2000	2001–01	$3,300	3,899,433	$2,040	$7,639,717,000
2001	2001–01	3,750	4,812,000	2,411	8,756,000,000
2002	2002–03	4,000	4,778,507	2,434	11,314,000,000
2003	2003–04	4,050	5,139,638	2,469	11,364,647,000
2004	2004–05	4,050	5,308,433	2,473	12,006,738,000
2005	2005–06	4,050	5,164,000	2,455	12,364,997,000
2006	2006–07	4,050	5,159,139	2,480	17,345,230,000
2007	2007–08	4,310	5,427,611	2,650	13,660,711,000
2008 Discretionary		4,241			14,215,000,000
2008 Mandatory		490			2,030,000,000
2008 Total	2008–09	4,731	5,577,937	2,945	16,245,000,000
2009 Request		4,310			13,851,059,000
2009 Mandatory		490			2,090,000,000
2009 Total Request	2009–2010	$4,800	5,764,108	$3,154	$18,941,059,000

Source: Compiled by CRS from Department of Education tables, based on December 2007 assumptions.

Note: Appropriations may include funds to retire previous year shortfalls. This amount inlcudes $4.3 billion in mandatory funding to eliminate the program's accumulated funding shortfall.

Mr. WARNER. That is a very fine program enabling individuals who are qualified to go to colleges and universities all across America—all across America—to any college or university that accepts them, to obtain a grant from the United States of America to help him or her with their tuition and other expenses.

This is the interesting thing. The program was initiated in 2000, but I use as a benchmark the year 2001. There were 4.8 million individuals who accessed this program. The Congress appropriated $8.7 billion to defer their expenses. Fast forwarding from 2001 until 2009, the total request is as follows: roughly, a 20-percent increase in the number of individuals going. It goes from 4.8 million to 5.7 million, a little under 1 million. Now here is the astonishing thing. The amount of money Congress appropriates for the 2009 class of 5.7 million is $18.9 million.

Mr. WEBB. Will the Senator yield?

Mr. WARNER. Yes.

Mr. WEBB. My understanding of the program is that would be $18 billion.

Mr. WARNER. I thank the Senator for correcting me. In the year 2009, it is $18.9 billion. That is over a 100-percent increase, keeping up with inflation, keeping up with added expenses. But that is not the case with the existing GI bill. Although there has been a CPI adjustment, it doesn't compare to how Congress has treated the category, a well-deserving category, of the Pell grants. So this is essentially what we are trying to do.

My colleagues, the three of us, have worked together on the question of transferability. I wish to go back and acquaint the Senate with some history. I was chairman in 2001 of the Armed Services Committee, and I worked with a distinguished former colleague, Senator Max Cleland. He introduced, along with myself, on May 23, 2001, an amendment on the ability of a service person, after stipulating periods of time, to have some transferability to his family. The cosponsors, at that time, of the original amendment were Senators BINGAMAN, DAYTON, KENNEDY, LEVIN, and myself. I was the only Republican. There were several other Senators, four more. I was the only Republican who stepped up at that time. Later it became a bipartisan effort. In the evolution of events that year, we marked it up. But here is the interesting thing. On June 28, 2001, in the Senate Committee on Veterans' Affairs, at a full committee hearing, there was no markup or no action taken on the bill. So then we decided, on the Armed Services Committee, we would act. In September of 2001, our bill was accepted by the full Senate and became law on December 28, 2001.

I pay my respect to those who formulated the concept of transferability originally in the Senate. It is the law today. I will send to the desk later today an amendment, which Senator WEBB, Senator HAGEL, and I worked on. We are joined by two other original cosponsors, Senator LEVIN, current chairman of the Armed Services Committee, and Senator AKAKA, current chairman of the Veterans' Affairs Committee. This amendment will be filed at the desk this afternoon. We are going to make a technical adjustment to it. The purpose of this amendment is to provide a 2-year pilot program of transferability. We track as closely as possible the original law I recited that was enacted on December 28, 2001. The details will be provided to the full Senate when we file the amendment.

Essentially, we are asking an individual to complete his or her first 4-year term of enlistment and then, if they enlist for another 6 years, there is a vesting over a period of time of the full transferability of their benefits, as a sequence of time, to their family.

In the letter from the Secretary of Defense to the Senate, which talked about the need for transferability—and I am not sure at that time whether he was referring to the existing law or a new law—he said: "Transferability supports military families, thereby enhancing retention."

There it is. We are meeting the Secretary of Defense's letter to the Senate expressing the need for this transferability.

In my career, winding up 30 years in the Senate, I can't think of a piece of legislation in which I have had a greater emotional involvement. I am so pleased to share it with my good friend, the junior Senator from Virginia, and my friend from Nebraska. As I said when we first began to debate this bill, with a deep sense of humility, it is highly unlikely I would have ever achieved the opportunity to come to the Senate had it not been for the GI bill given to me by the United States in return for modest service in the last year of World War II and then a second period of active duty service during the Korean War, this time in the Marine Corps. I feel it so strongly in my heart. I don't know of any time I have felt more strongly the need to do something than this today.

Through the years, I have been to Iraq many times, Afghanistan. Throughout the intervening period, I visited military bases and spent as much time as I could with the men and women of the Armed Forces today. Each of us does the same thing, works with our military. On Monday, I was privileged to go into the State that Senator WEBB and I are privileged to represent. We worked together to get funding in years past—and he is supporting it today—to build a new armory for the National Guard in Virginia, a famous regiment that fought in World War I and World War II. Members of that regiment were the first to go in on D-Day. They fought subsequently. I felt at that time that we are doing the right thing with this bill, taking care of those future guardsmen and reservists and active-duty individuals. This is the right thing for the Senate to do.

I understand there are honest differences of viewpoints and approaches. That is true with all legislation. Other colleagues have put in a different bill. It had a section on transferability. In some ways, it tracked what is existing law but not in the way we are doing this. This amendment, this bill, if amended, will bring forward existing law, incorporate it into the underlying amendment sponsored by Senator WEBB and ourselves, and that will become, hopefully, at some point in time the new law that will govern future benefits of our GIs and sailors, airmen and marines. We file it today because I do not know exactly how this supplemental will go through. I don't know if there will be a window of opportunity put on it. If there is, we will exercise that opportunity. But if it is not, we are going to, as a team, bring it to the attention of the Armed Services Committee in the context of the annual authorization bill, which I presume will be done just before the Fourth of July recess.

We will affix to it that bill so it will eventually be amending the underlying bill, which I hope becomes law very soon as a component of the supplemental process now being undertaken by the Senate and the House.

Again, I salute my colleague from Virginia and my colleague from Nebraska. We have been here together. We have shared many opportunities to do something such as this together but none as important as this one.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Senator WEBB, Senator WARNER, and Senator HAGEL for their leadership on this extremely critical issue of providing education benefits to our veterans. I am a cosponsor of their legislation and was happy to include it in the emergency supplemental legislation, approved by the committee last week and now pending before the Senate.

On another subject, for purposes of compliance with Senate rule XLIV, I certify that the information required by Senate rule XLIV related to congressionally directed spending has been identified in the committee explanatory statement filed on May 19, 2008, and that the required information has been available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill.

Mr. WARNER. Mr. President, I thank my longtime friend and Member of this institution, Senator BYRD, for endorsing this bill and becoming a cosponsor. I also thank the Senator from Washington, Mrs. MURRAY, who worked on this legislation and seeing that it was put into the supplemental.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR TED KENNEDY

Mr. DOMENICI. Mr. President, I do not wish to use much of the Senate's time—just a few moments—but I came to the floor to say some words to my good friend, Senator KENNEDY, and his family.

We heard the early news, and then we heard the late news, in which you have been described as being a little bit more ill than we thought. I wish to say to you and your family, as a fellow Senator from the other side of the aisle: I wish for you the best and hope the Good Lord intends for you to get well so you can come back and accomplish some more things and so you and I can have some more arguments and so you and I can have red faces when you argue and I argue and my wife calls up and says: You both are arguing so much that your faces are so red nobody will listen to you.

That happened once, and I did communicate to Senator KENNEDY that my wife had told me I was getting too red in the face because I was yelling. I asked her: What about Senator KENNEDY? And she said: Well, that is not your business, but he is yelling too much too. So I told him that, and he had a big laugh.

I wish to say to him that this great big bill we are working on—parity for the mentally ill by the insurance companies of America; about a 6-year project of his and mine—the House sent us back the bill today, Senator KENNEDY, believe it or not. After all these days we have been wishing we could get something, they sent us that bill today. They did not send us exactly our bill, so who knows how much longer we will have to work at it. But this one, big bipartisan bill you started helping me with when I was in the majority, we have not got it there yet, but we will. It has been a pleasure working with you on that and many other things.

But most of all, I came to the floor knowing it is not easy to get a hold of you, and I do not intend to try to bother anybody, but at least in the Senate, we are free to speak, so I am speaking how I feel: that I hope you get well, and I hope the Dear Lord blesses you and your wonderful wife, whom I have known, not as well as I know you, but what a nice lady she is. On behalf of Nancy and myself, we say to her, we hope everything goes the very best it can. You are in the best of care—and that is what you should have—and we hope you get well.

Thank you. I thank the Senate for the few moments yielded to me.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. DORGAN. Madam President, midday today during our Democratic Caucus, when we learned our colleague Senator KENNEDY is now facing some very serious health problems, it is an understatement to say we were all shocked by that news and saddened by it.

Senator KENNEDY has for decades been a major presence in this Senate Chamber. He is a friend, a colleague, and all of us have said prayers today for his recovery.

Senator KENNEDY has faced much adversity in his life, but he has also contributed so much to this country. I know he will meet this challenge with the same strength and the same grace he has met other challenges. It is my purpose today to say it is my prayerful hope, and I know the prayerful hope of all Members of this Chamber, that in the row behind me and four desks to my left we will once again at some point in the future see Senator KENNEDY among us to continue his service to his country.

My thoughts and prayers are with our colleague for a full recovery.

Madam President, I wish to visit for a few moments on the piece of legislation in front of us which includes the GI bill. We have had a GI bill in this country for many decades. There is a new GI bill in the underlying legislation that is brought to the floor of the Senate. I am so proud to be a cosponsor of it and to be a part of what so many in this Chamber have put together. The GI bill is such an important part of what this country does and says to those who serve this country.

This weekend I traveled, and at an airport in Minneapolis there was a family—a man, a woman, and three children; three very young children—getting on the same plane I was boarding. They were from North Dakota but they lived on a military base in Georgia. The wife came up to me and said hello. She said: My husband has done three deployments in Iraq. I hope—I so hope—that you can find a way to end this war.

This is a woman who has watched her husband leave for Iraq three times; a woman who is taking care of her three young children while her husband is deployed three times to the country of Iraq. I visited with her husband and her children, and I know that family is proud to serve their country. I know the entire family is proud of that soldier's service. But I also know the costs of that service, because you could see it in the eyes of that soldier's spouse.

Also on Saturday morning I went to an event in one of our cities. It was a homecoming event for 35 soldiers who had just come back from deployment in Afghanistan. These were National Guard soldiers. They too were so proud to have served their country, and some of them had been deployed twice; two deployments to Iraq or Afghanistan. One or two had been on their third deployment. Their families were there and all of them were enormously relieved and pleased to have their loved ones home.

I was thinking about those events: meeting a family at an airport, a soldier who is stationed in Georgia but who is a North Dakota native, and visiting with the family members at the National Guard event and saying thank you to them from a grateful nation.

I was thinking about a day much earlier when I was asked to present medals earned by an American Indian who served in the Second World War but had never received his medals. His name was Edmund Young Eagle. He was a Standing Rock Sioux Indian. He was someone who enlisted in the Army in the Second World War and went to war. He served in northern Africa, Normandy, and across Europe. He served with great distinction as an American soldier in some very difficult fighting.

He then came back to the Indian reservation and lived kind of a tough life. He never had very much. He never married. He never had very much in his life, but he lived a good life nonetheless. At the end of his life, he was in the veterans home and then got sick and was put in the veterans hospital in Fargo, ND. His sister contacted my office and asked if her brother could receive the medals he had earned during the Second World War but had never received. We said of course. On a Sunday morning in Fargo, ND, I went to the veterans hospital with the medals for Edmund Young Eagle. The doctors and the nurses and others from the hospital crowded into his hospital room that Sunday morning. Edmund was sick with lung cancer. I didn't know it at the time, but he didn't have many days left. He died about a week later of lung cancer. But on that morning he was fully aware of what was happening, and I was there granting the wish of his sister to get the medals from the Department of Defense that Edmund Young Eagle had earned in the Second World War. We cranked his hospital bed up to a seated position and then I pinned a row of medals on Edmund

Young Eagle's pajama top there at the veterans hospital and told him: Thank you from a grateful nation for serving this country in the Second World War. This very sick man looked up at me and said: This is one of the proudest days of my life. He died about a week later. But he served his country and was enormously proud of it.

There are so many circumstances around this country where one by one or in groups we honor our soldiers because they put on America's uniform. This morning, soldiers halfway around the world not only put on a uniform, but put on body armor and went out in harm's way, some to be shot at. They didn't ask why; they just did what their country asked them to do.

Now the question is: When it is all over, when they come home and their service is done, what will their country say then? What will their country say to them, other than thank you?

What we said in the Second World War with a GI bill was when those soldiers came home, we offered them an opportunity to go to college, to help them to be able to purchase a home. So a substantial number of returning soldiers went to college and got a college degree. They went back home and married their sweetheart. They built a home. They built a community. They built their churches. They expanded the middle class. They created an economic boom in this country. Later, it was estimated that for every dollar we spent on the GI bill, $7 was returned because it was an unbelievably good investment for our country.

Senator WEBB, Senator WARNER, Senator HAGEL, Senator MURRAY, and so many others—myself included—as cosponsors of this bill have said it is time again to write a GI bill that is appropriate for wartime and for returning veterans. When soldiers return and become veterans, the question is: What will the GI bill offer for them? How will we invest in their lives, and thereby invest in this country?

The previous GI bill was the Montgomery bill written during peacetime. Frankly, it does not do what we have historically been able to do and willing to do for those who serve our country, in addition to saying thank you. The Montgomery bill existed—and we are pleased it did—but this new GI bill is something very different. It tries to say to soldiers, as we did some 60 years ago, not only thank you, but we want to invest in your lives and invest thereby in this country. It is a new GI bill. It allows an opportunity to go to college and to be able to pay the in-State cost of college with a stipend for living during that period of time that you get your college degree. It invests in the lives of those who have invested their lives in this country. This is a very important piece of legislation.

I am told there are some who now come to the floor of the Senate, nearing three-quarters of a trillion dollars having been spent on emergency supplemental appropriations bills requested by President Bush to prosecute the war in Iraq and in Afghanistan, and say: Well, we can afford that and we have to do that on an emergency basis, but we don't have the money to try to help veterans when they come home. A veterans program is the cost of war.

It is the cost of war. How does anyone say that somehow the three-quarters of a trillion dollars for so many hundreds and thousands of different accounts and contractors and replenishment of various accounts is more important than the single account of the GI bill, which says we want to invest in our soldiers? How does anybody say those myriad other accounts are more important than investing in our soldiers when they become veterans? I don't understand that. It makes no sense.

It is a significant claim and priority for this country to understand that part of the cost of war is to provide health care that is promised to veterans and a GI bill this country can be proud of, which invests in those veterans and our country. That is what this bill is about. This new GI bill is every bit as important—perhaps more important—than any other provision that exists in this large emergency supplemental requested by this President.

The Congress undoubtedly, at some point, in some way, will enact this legislation providing for some supplemental appropriations. When it does, in my judgment, it must do more than just say thank you to veterans, as we do, but it must invest in veterans, which this new GI bill will do. This makes a lot of sense for our country.

I commend especially those I have mentioned previously, including Senators WEBB, WARNER, HAGEL, MURRAY, and so many others. I am proud to be one among them to say that this too is a priority for this country. I hope when the sun sets at the end of this week, if we have passed this legislation called the emergency supplemental appropriations bill, it will include something that ought to give all of us a reason to be proud and that it will include a new GI bill to say to veterans in this country: You matter. It matters to us what you did for our country. I hope we manifest that by passing a new GI bill in the name of their service.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Madam President, I know we are on the emergency supplemental bill. However, I want to talk a bit about the energy issue, so I will begin on that. I want to make a couple of points.

First, we sent a bill that the President signed, I believe, this morning, which I offered here along with my colleague Senator REID in the Senate last week. We passed it on Thursday. It said stop putting oil underground when oil prices are bouncing around at $128 a barrel or so. We told the Department of Energy stop putting 70,000 barrels a day underground. We have a Strategic Petroleum Reserve—which makes sense to me because if you run into trouble, you will have oil you have put away. But we have put that oil away, and it is now 97 percent full. Yet the DOE and the Bush administration are topping it off by putting 70,000 barrels a day every day underground.

Our legislation says stop that. When oil is going through the roof and the price of gasoline is so high, stop putting it underground. It makes no sense. You are putting upward pressure on prices, which is the last thing we should do.

I am pleased the President signed the bill today. Some have said it won't make any difference, that there are factors other than the 70,000 barrels going underground that are at play here, and I will talk about them. But it certainly doesn't hurt to put additional oil, and therefore gasoline, into the supply pipeline. That ought to bring prices down. It is common sense.

I used to teach a little economics and the supply/demand curve hasn't changed. If demand remains unchanged and supply is increased, prices are going to be lower. So I never understood why they decided when the Strategic Petroleum Reserve is 97 percent full, why they are taking sweet light crude from the Gulf of Mexico and sticking it underground for a rainy day. It is raining at the gas pumps these days. Stop that and put it into the supply chain and put downward pressure on oil and gas prices.

I am pleased that we finally did it last week. The House passed the bill. We got it to the President and he signed it. That is one step in the right direction. A big step, giant step? Probably not, but it is a step in the right direction in dealing with the question of the price of gasoline.

Now, there is something curious going on in this country. It is not explainable, frankly. This chart says oil prices nearly doubled in 1 year—up, up, up, and up. They doubled in 1 year. What would cause that? Well, here is speculators' activity in the oil futures market. It looks like oil prices, doesn't it? It also goes up, up, and up. There is more and more speculation in the oil futures market. These are not people who want to buy oil—oh, no. They want to buy a contract. They don't ever want to take delivery or get their hands dirty with oil; they want to speculate and gamble in the oil futures market. They want to buy what they will never get from people who never had it, and walk away grinning and deposit their money in the bank—big profits, by the way. It doesn't matter what the consequences are. The wreckage can lie in the gas pump lines, on the family farms, and elsewhere, because they push up prices with this speculation. As you can see on the chart, the speculation looks exactly like the runup in the prices.

The senior vice president of ExxonMobil Oil, on April 1, last month, said:

> The price of oil should be about $50 or $55 per barrel.

But it is not. It is $128 a barrel, $129 a barrel today, and is headed north. So an oil company senior vice president said it ought to be $50 or $55 a barrel.

Clarence Cazalot, CEO, Marathon Oil, said:

> $100 oil isn't justified by the physical demand in the market.

He is president of an oil company.

In January, the Newark Star Ledger said:

> Experts, including the former head of ExxonMobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent, or more, to the price of a barrel of oil.

Fadel Gheit, 30 years with Oppenheimer Company, senior energy trader, said this:

> There is absolutely no shortage of oil. I am absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. I call it the world's largest gambling hall. It's open 24/7. Unfortunately, it is totally unregulated. This is like a highway with no cops and no speed limits, and everybody is going 120 miles an hour.

Andrew Hall—I don't know him. I have said I would not know him from a cord of wood. All I know is that the Wall Street Journal reports this trader hit the jackpot on oil as the commodity boom roars on. When they say commodity boom, they are not talking about oil wells, or drilling rigs, or oil tanks; they are talking about the commodities market. Again, it is a market in which speculators abound—an orgy of speculation, with people buying things they will never get from people who never had it, nobody wanting the oil, but wanting to speculate in this class called speculators. Mr. Hall earned a quarter of a billion dollars—$250 million—in 5 years. That is a pretty big payout, actually.

All of these folks who are neck deep in futures markets include hedge funds, investment banks, unbelievable speculation in the futures market, which is driving up the price of gasoline and the price of oil.

Now, it is interesting to me, and I think important for us to understand, that as the price is going up, and it is going up again today, that more pressure will push prices higher. In this country, people will drive to the pumps tonight and try to figure out, how do I pay for this tank of gas? I need it and I have to drive to work. Or as the farmer tries to figure out, how do I fill that farm gas tank and pay for that? Or a small family trucking company tries to figure out how do I make ends meet, or will I have to close the doors, perhaps, like one of the CEOs of the five airlines that have filed bankruptcy at this point because of fuel prices?

As all of this is happening, let me make a couple of points. One, we have more oil in our inventory and more fuel in our inventory right now than we did in January of this year. We are somewhere over 30 million to 40 million barrels of oil in inventory above where we were in January. So go figure. Inventory is up. Shouldn't prices come down a bit? You would think so. Not only is inventory up but demand is also down because our economy slowed down some, and because the price of gasoline and fuel is very high, people are driving a bit less. Some estimate that demand has dipped around 4 or 5 percent. So our inventories are up, demand is down, and what is happening to oil prices? They are continuing to go up.

Refiners are actually refining less at the moment, by their own design, because they believe there is an excess of inventory, so they want to catch up a bit, or allow the inventory to catch up with demand. So they are refining less than they previously refined. You would think, then, if supply is up, with millions more barrels of oil in inventory, the supply of gasoline having increased sufficiently so that refiners are cutting back refining capability, that the price of gasoline and oil would begin to come down. But it is not true. What is happening today is it is reaching record highs. So what does that tell us? It tells us there is this unbelievable amount of speculation in which speculators have taken over the commodity markets and driven oil prices to levels that are doing great damage to this economy, great damage to this country, great damage to America's families, and great damage to businesses in this country. They don't care much about that. All they care about is going to the bank with a pile of money. All they care about is making all this money.

I am telling you, at the top, take a look at the compensation of the top hedge fund managers in this country. It is unbelievable. It almost makes you ill. They are all making a lot of money, and they are doing it by speculating in a market that is driving up prices beyond where the fundamentals of oil and gas supply and demand would justify. There is no justification for this at all.

American families have a right to ask the question of this Congress: What on Earth are you going to do about it? Does anybody care? Or are the consumers just pawns in this big game while the speculators run off with all the money?

It seems to me, when markets don't work we have a responsibility to do something about it. If you have a computer handy, you can find a search engine and find excesses of speculation. In fact, over the last decade and a half, we have seen two bubbles already, and now a third. We saw the tech bubble, and it burst. We saw the housing bubble, and it burst. Now we see a bubble on the commodities exchanges, and it will burst at some point. The question is when and what damage will be done between now and then.

These exchanges are supposed to be regulating certain kinds of activities. I have a little experience in this—not a lot, but a little. I chaired the hearings in the Senate on Enron. We did it in a Commerce subcommittee. I had Ken Lay come in front of me in my committee. He raised his hand and swore an oath to tell the truth, sat down, and took the fifth amendment. We had Jeffrey Skilling come. He is now in prison. He wouldn't stop talking, by the way. Through it all, the suggestion was, there is nothing going on here.

There was this unbelievable runup of wholesale electricity prices on the west coast during that period. We now know it was criminal activity, a criminal enterprise. We now know they were fixing things. They were shutting down plants. They were manipulating supply. They were speculating.

I am not suggesting speculation is necessarily, or even in most cases, criminal behavior. It is not. But the combination, going back to Enron, of not being able to see the dark money, the money that moves in the shadows behind the regulatory opportunities that some agencies have, means consumers can be manipulated and injured dramatically.

There is a lesson, it seems to me, as we take a look at what is happening in energy. I remember when President Bush came to town. He appointed a new Chairman of the Securities and Exchange Commission. I believe his name was Harvey Pitt. He said when he took office there is going to be a new attitude around here. This was the Securities and Exchange Commission, a regulatory body.

He said: There is going to be a new attitude around here, a business-friendly attitude. And sure enough, it sure was business friendly, and not just there but virtually every agency. We don't want to regulate. Yes, we are a regulatory body, but we don't want to regulate. Yes, regulators are supposed to be the referees, wear the striped shirts, call the fouls; we don't want to do that. We don't even like Government very much. We just come here and say it is business friendly, so do what you want.

Over the past 7 years we have seen an unbelievable amount of avarice and greed and speculation. Is it any wonder that we saw the bubble burst with respect to housing? Who wasn't minding the store? We know what happened then.

We had ads on television from these mortgage companies. Anybody who watched one of them would have known this doesn't work.

The ads said: Hey, you have been bankrupt, you can't pay your bills? Are you missing your house payments? Come over here. We will give you a new mortgage. You don't have to worry about all that. You have bad credit? Come to us. We will give you credit. In fact, we will give you a mortgage where you don't even have to pay all the interest. In fact, we will give you a mortgage loan where you don't have to pay any interest the first year; we will pay the interest for you, and the principal. We will say to you: You don't even have to document your income to us. You have to pay a slightly higher interest rate, but you get a mortgage with us, and you don't even have to document your income. It is called a no doc loan.

So, no documents, no interest payment for the first year and no principal payment for a long while. And by the way, when we set your interest rate, you pay an incredibly low interest rate.

I saw an advertisement that said pay one-fourth of 1 percent interest rate—not telling them, of course, it is going to reset at 10 percent in 3 years. They don't have a ghost of a chance of making those payments, and they are going to lose their house. We are sorry. They never tell them that.

Where were the regulators? Were they watching? No, they weren't watching. They didn't care.

So you have this buildup of speculation, mortgages, housing, and now the entire economy pays a price for that.

On top of that, we have this unbelievable buildup of speculation in the commodities market and oil, which is an essential commodity for every part of this economy, and the cost is going through the roof. Today it is setting a record.

Think of this economy and the national result. Does it matter that oil is different? Sure does. We suck 85 million barrels of oil out of this world every single day. We take 85 million barrels and suck it out of this planet. We need to use one-fourth of it in this country. We use 25 percent of all oil pulled out of this planet every day, and we only produce 10 percent. We use 25 percent of the world's oil, and we produce only 10 percent. That means we have to get a lot of it from elsewhere, and we do. Mr. President, 60 percent plus comes from offshore, much of it from troubled parts of the world.

We have a major issue with respect to oil. We have to deal with it. In the short term, though, we have to deal with this. John Maynard Keynes said in the long run, we are all dead. In the short run, we drive to the gas pumps and say: How can we possibly afford this? How can we pay this price? Then we understand this price isn't even justified. There is nothing in supply and demand that justifies this price. The supply is up, demand is down, and the price of oil is going through the roof. That is not about market system. Those are arteries clogged in the free market system, and this Congress has a responsibility to do something about it.

What do we do? There are a number of approaches a group of us are working on. It includes trying to find ways to make certain we know what is happening on all of these exchanges. The folks who run the exchanges in this country say: The problem is, if you increase the margin requirement, all this stuff is going to go to the Intercontinental Exchange, called ICE, over in London. You can't do that; it goes offshore and you never see it.

That is another part of the dark money strategy in this country where they all make money and injure this economy. We are looking for ways, and I believe we will find a way in a couple of days, to get our arms around this issue called regulatory need with respect to excess speculation on all markets. This is damaging this country's economy, and we cannot and should not stand for it. Speculators have had their day. They have made their money. They have injured this country. Now it is time for us to wring that speculation out of those commodity markets.

We need commodity exchanges. We need futures markets. We need them for liquidity. We need them for hedging. But when we have speculators grab these markets by the neck and pervert them, this Congress has a responsibility to act.

I conclude by saying the price of oil is setting new records today despite the fact that we in this country have an increased supply of oil since January, month after month after month, and demand is going down by the consumer because of price. So supply is up, demand is down, and this perversion in the marketplace is producing the highest price for oil we have seen. That is an unbelievable perversion of what the free market ought to be.

We hear people say free market. There is no free market here. You have an OPEC cartel sitting behind closed doors. It would be illegal in this country. That does not contribute to a free market. That is a fixed market. And we have oil companies bigger and stronger. They almost all have two names now—ExxonMobile, ConocoPhillips—because they all merged and everybody thought that was fine, at least in this administration. So they are bigger and stronger and have more muscle in the marketplace. Then we have this perversion in the futures market.

That combination is a combination that I say damages this economy. We mean to address it. In the coming days, I intend to talk about legislation that will tie into this speculation, wring it out of the markets and say: You can't continue to damage the economy of this country; you can't continue to injure the consumers in this country because we are not going to stand for it.

Mr. AKAKA. Madam President, I am delighted to be an original cosponsor of the amendment offered by the distinguished senior Senator from Virginia which would clarify that the provisions in current law regarding the transferability of educational assistance benefits to family members would apply to the new GI bill for the 21st century.

This amendment would further give the Department of Defense the ability to conduct a 2-year test of somewhat expanded transferability options to individuals who have completed 4 years of active duty service, who agree to complete an additional 6 years of service, and who meet such additional criteria as the Secretary of Defense establishes.

I have consistently stated that I believe that transferability can be an important retention tool for the military and that the provisions of current law would apply to the provisions in S. 22 as revised. However, I have also noted that there is no data that demonstrate the retention value of the transferability option.

The Army implemented a pilot program in July 2006 which allows soldiers who reenlist in critical skills to transfer their Montgomery GI bill benefits to their spouses. Mr. President, I will ask unanimous consent that the Department of Defense annual report on entitlement transfers, dated March 20, 2008, be printed in the RECORD at the conclusion of my remarks so that Members can see that less than two percent of those who were offered the opportunity to transfer benefits took advantage of that option.

It is on this basis that I believe that this authority needs to be continued and expanded slightly in the context of this new GI bill for the 21st century. But to rely on transferability solely or in lieu of the legislation that has been carefully developed by Senator WEBB and others would be a mistake.

I urge the Senate to approve the amendment offered by Senator WARNER.

I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
UNDER SECRETARY OF DEFENSE,
Washington, DC, March 20, 2008.

Hon. DANIEL K. AKAKA,
Chairman, Committee on Veterans Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter serves as the annual report on entitlement transfers of basic educational assistance to eligible dependents under the Montgomery GI Bill (MGIB) as required by Section 3020(l) of title 38, United States Code.

The Army implemented a pilot program in July 2006, allowing Soldiers, who reenlist in critical skills, the ability to transfer MGIB benefits to their spouse. The Army defined critical skills as any Soldier who qualified for a Selective Reenlistment Bonus (SRB) incentive and was entitled to a Zone B or Zone C bonus under current messages at the time of their reenlistment. This SRB is reduced by an amount equal to the actuarial per capita cost. These payments were then deposited into the DoD Education Benefit Fund for transfer to the Department of Veterans Affairs.

In Fiscal Year 2007, 296 Soldiers chose this option, or less than 2 percent of the over 17K Soldiers eligible upon reenlistment. Of the 296 Soldiers, the majority were mid-career Soldiers (SGT/SSG) assigned to U.S. Forces Command and U.S. Special Operations Command. Initial feedback from the field indicates that Soldiers want to be able to transfer benefits to all their dependents, including children. The Army extended the program to allow eligibility for both spouses and children in November 2007.

None of the other Services exercised their MGIB transferability authority and, instead, relied on traditional reenlistment/retention incentives. In spite of the fact that this program was not offered by those Services, each experienced a successful retention year in Fiscal Year 2007. However, all the Services are closely watching the results of the Army pilot and continue to retain the authority to include MGIB transferability in their retention programs should circumstances warrant.

The Department plans to include the expansion of MGIB transferability in its Fiscal Year 2009 legislative proposal. This expansion will support the President's State of the Union address, where he called for Congress to join him in "allowing our troops to transfer their unused education benefits to their spouses or children."

I trust that this report will prove useful in your consideration of Defense personnel programs. Similar letters have been sent to the Ranking Member of the Senate Committee on Veterans Affairs, the Chairman and Ranking Member of the House Committee on Armed Services, and the Chairmen and Ranking Members of the House Committee on Veterans Affairs.

Sincerely,

MICHAEL L. DOMINGUEZ,
Principal Deputy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business and that Senators be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized for 10 minutes.

ENERGY PRICES

Mr. SANDERS. Madam President, I concur with a lot of what my colleague from North Dakota said, and I applaud his leadership on this whole issue of outrageously high energy prices.

A few weeks ago, I sent an e-mail out to constituents in the State of Vermont, and essentially I said: Please write back to me and tell me what these outrageously high gas prices and oil prices mean to you. How are they impacting your lives?

From our very small State of 630,000 people, we received, as of this date, some 900 responses. Nine hundred families wrote to me to tell me the impact these extraordinarily high gas and oil prices are having in Vermont.

As you know, Vermont is doubly hit by these high prices because we are a rural State and people have to travel long distances to get to work, to get to the doctor, to get to the grocery store, and with the weather sometimes at 30 below zero, people spend a lot of money heating their homes. Madam President, $4-plus a gallon for home heating oil has a huge impact on their lives.

What I would like to do in the time I have is simply read some of the e-mails I have recently received from Vermont. Let me be very clear in saying that while the e-mails came from Vermont, these e-mails speak for millions of people throughout this country, perhaps especially in rural areas. It is just amazing that at a time when poverty is increasing and the middle class is collapsing these high gas and oil prices have just taken many people over the edge. We are hearing what their stories are about.

As I have said on many occasions, I think we in the Congress are far too separated and isolated from the reality of American life. We are surrounded by a ring of well-paid lobbyists representing large, powerful multinational corporations, and the voices of the people do not ring out as clearly as they should in the Senate. Today I want to allow some of those voices to be heard.

Let me start off with somebody from the southwestern part of the State of Vermont. This is what this person writes:

> I retired to this community on a fixed income, and now the price of gas almost prohibits me from having any enjoyment. I have to factor in the price of gas for everything I do. Most of my medical appointments are at least 50 miles round-trip, and the cost of gas is absolutely prohibitive. I do not know how working people who earn less than $10 an hour are able to afford the gas. Something has to happen as this is a crisis not only in Vermont, but throughout the country.

Here you see a story of somebody being impacted because they have to go to a doctor a considerable distance away.

While we are on that subject, let me read an e-mail that came into Burlington, where our major medical center is. This story is interesting. Again, it tells you one of the side impacts of these outrageously high gas prices—what gas prices are doing. This is from Burlington, VT:

> My story involves my capacity as an oncology social worker working with cancer patients in an outpatient clinic. I also run an emergency fund for the cancer support program, which provides funds for cancer patients in need during their cancer journey, including initial diagnosis, surgery, and treatment period in which they experience a significant decrease in income during a medical leave.

These are people dealing with cancer. They cannot go to work. Their incomes are declining. Then she writes:

> I cannot describe how devastating it has been for these folks who need to travel great distances to get to and from their cancer treatment and followup care with the way gas prices have been. Many of these folks need to travel on a daily basis to radiation therapy for several weeks, while others come from surrounding counties every 1 to 2 weeks for chemotherapy. It has had a tremendous impact on our ability to provide the financial assistance through our emergency fund to all those in need. Someone with cancer who has to get treatment has no choice how many times they need to travel great distances. They have to have reliable transportation and thus need access to gas for their cars or other family members' cars to get to their treatment and followup care. This is becoming increasingly difficult as gas prices continue to rise and our emergency fund cannot meet all of the financial needs of these patients.

How many people think of that? We all get upset and angry when we pay $3.79 or $3.80 for a gallon of gas, but here is a story where this price of gas is impacting the ability in rural States for people to actually get the cancer treatment they need.

Here is another story that comes from northern Vermont:

> My commute is 630 miles per week. On average, I drive nearly 900 miles per week. My wife also commutes 250 miles per week. Two years ago, we spent between $500 to $600 per month on gas. You don't need an MBA to figure out what we spend a month on gas now. Our mortgage payment is less than the cost of getting to work. How does this hurt all Americans? We spend less on local goods and services. We wait longer to fix problems with our cars. Is this doing further damage to our environment? I need new tires and am scouring the classifieds to find used tires. Is this putting my family at risk? I don't know where this is going to end. How can ExxonMobil possibly make $40 billion in profits alone? I just hope that supposedly smart people in Washington [i.e., us] will use all the tools in their tool boxes to stop this insanity.

Here is another letter. It comes from northern Vermont again:

> This is my opinion. Here in Vermont you know we face challenges to heat our homes and commute to our workplaces. I live in the town of Morrisville, and I travel 78 miles to

> work round trip each day. My car gets 30 miles per gallon, therefore I spend roughly $10 a day just to commute to and from work. With that in mind, it costs me $2,600 per year to just get a paycheck. My wages have nowhere kept up with the rising cost of gasoline, much less adjust for the rise in heating fuel, food prices, increases in incidental necessities such as tires, oil changes, et cetera.

Once again, it is the working person and the burden that high gas prices are having on the ability of that person to get to work.

Here is another story. This is also from northern Vermont:

> I am a working mother of two young children. I currently pay, on average, about $80 a week for gas so that I can go to work. I see the effects of the gas increases at the grocery stores and at the department stores. On average, I spend around $250 per week at the grocery store, and trust me when I say I don't buy prime rib. I buy just enough to get us through the week, and I can't afford to make sure we have seven wholesome meals to eat every night of the week. Some nights we eat cereal and toast for dinner because that's all I have. My family has had to cancel our annual trip to the zoo, and we make less trips to see our families in another town due to the increase of the price of gas. The price of gas has created a hardship for most average Americans. We have less money to pay the living expenses which have also increased.
>
> It seems as if it is just a rippling effect. I am really scared for what the future holds for me and my kids because I just simply cannot afford to live from day to day and I am getting further and further in credit card debt just trying to stay afloat.

Another letter:

> I am a single mother of two daughters. The gas prices are affecting my life tremendously. I have a full-time job in Burlington but live in Richmond and it is getting so that I cannot afford my bills such as electricity and phone so that I can afford to drive to work every day. I live off from what I make at work and I get some food stamps to help out. Welfare does not consider gas as an expense, even though you need it to get to work. Right now I am 2 weeks behind in my rent and pinching my pennies as far as they will go just to live a low-class lifestyle.

Another story:

> Personally, my 90-year-old father in Connecticut has recently become ill and asked me to visit him. I want to drop everything I am doing and go visit him. However, I am finding it hard to save enough money to add to the extra gas I'll need to get there.

Here is someone whose 90-year-old father is ill and doesn't know how he is going to be able to afford to fill up the gas tank to get there.

> I am self-employed with my own commercial cleaning service and money is tight, not only with gas prices but everything. I make more than I did a year ago, and I don't have enough to pay my property taxes this quarter for the first time in many years. They are due tomorrow.

Madam President, on and on it goes. As I said, we have had about 900 of these e-mails from the State of Vermont. We also get e-mails from around the country. If anybody is interested in reading these e-mails, they can do it at my Web site: sanders.senate.gov.

That is the reality. We have the middle class which for many years has been shrinking. Since Bush has been President, 5 million more Americans have slipped into poverty; 8 million Americans have lost their health insurance; 3 million Americans have lost their pensions. That is what is going on for ordinary people.

But—and we don't discuss this too often—the people on top have never had it so good. In fact, the top 1 percent is doing better than at any time since the 1920s. Senator DORGAN a moment ago proposed some ideas with which I concur, in terms of how we have to address this oil and gas crisis. I think we made some progress several weeks ago by passing legislation which would stop the bringing more oil into the Strategic Petroleum Reserve. That is a small step forward but an important step forward.

Right now I know we have dealt with, and the House is dealing with, the issue of OPEC, how to deal with a cartel whose function in life is to limit production and artificially raise prices. Clearly, long-term, starting yesterday, we have to move this country away from fossil fuel and our dependence on foreign oil; move us to energy efficiency and sustainable energy. There is unbelievable and huge potential to do that. We have made some small starts, but we have a long way to go in energy efficiency and in adequately funding solar energy, wind energy, geothermal energy, biomass, and other forms of sustainable energy. The potential there is enormous if we are able to summon the courage to take on the very powerful lobbyists from the fossil fuel and automobile industries and move this country in the direction it should be going.

Right now, while we move forward to break our dependency on fossil fuel and foreign oil, we cannot forget these folks from Vermont and around this country who, today, are in desperation as a result of gasoline prices at $3.80 a gallon, prices which will only go higher. There are several other things that, in my view, we need to do.

For a start, while Americans are paying outrageously high prices at the gas pump, the oil industry, as most Americans understand, is enjoying record-breaking profits. The American people simply find it very hard to understand how it could be that they can no longer afford to fill their gas tanks, while ExxonMobil has made more profits than any corporation in the history of the world for the past 2 consecutive years. There is no end to the greed.

Last year alone, ExxonMobil made $40 billion in profits and rewarded its CEO with $21 million in total compensation. A few years ago, ExxonMobil gave its former CEO a $400 million retirement package.

All over America, people cannot afford to heat their homes, working people cannot fill their gas tanks, but ExxonMobil had enough money a few years ago to provide its former CEO a $400 million retirement package and provide the current CEO with $21 million in total compensation.

But ExxonMobil is not alone. Chevron, ConocoPhillips, Shell, and BP have been also making out like bandits, seeing huge increases in their profits. In fact, the five largest oil companies in this country have made over $600 billion in profits since George W. Bush has been in office. Last year alone, the major oil companies in the United States made over $155 billion in profits. Believe it or not, these profits continue to soar. There is apparently no end to the profitability of these companies. Recently, ExxonMobil reported a 17-percent increase in profits. Earlier, BP announced a 63-percent increase in profits. On and on and on it goes, the middle class getting decimated—can't afford to heat their homes, can't put gas in their tanks—and oil companies making outrageous profits.

In 2006, Occidental Petroleum—not even one of the very major ones—gave its CEO a $400 million compensation package for 1 year's work. They are simply sticking out their tongues, they are spitting on the American people, they are saying: We will do anything we want; $400 million to the CEO in 1 year, and we don't care if you can fill your gas tank, we don't care if kids in Vermont are getting sick because their parents can't afford to adequately heat their home. That is the way it goes. We have contributed hundreds of millions of dollars to Congress. We have lobbyists all over the place. You can't do anything about it. That is what they are telling the American people.

I hope that is a wrong assertion. I hope, in fact, that Congress does have the courage to stand up to these oil companies and impose a windfall profits tax. It will not be easy, but that is the fight we have to make.

Furthermore, in addition to dealing with the greed of the oil companies, we must deal with the greed of speculation. The problem with dealing with speculation is that by definition, at least as is currently the case, everything takes place below the radar screen. They are not acting transparently, which is at the heart of what the problem is.

What we do know is, the hedge funds have made huge amounts of money. The top 50 hedge fund managers earned $29 billion in income last year; 50 managers, $29 billion. That is not too bad.

We also know there are a lot of financial institutions investing heavily in oil futures and are driving up the price of oil in the process. Clearly, while it is a complicated issue—it is not an easy issue, and we made some progress in the ag bill by doing away with the Enron loophole exemption. Clearly, a lot more thought and work has to go into that. But there are some experts who are arguing that literally 50 percent of the $125-per-barrel cost of oil is a result of speculation and not actually the production of oil.

The issue is not just addressing the crisis in high oil and gas prices. The issue is whether the American people will have any degree of confidence in their elected officials and in the U.S. Government. It is no great secret that President Bush is perhaps the most unpopular President—for good reasons, I should add—of any President in the modern history of the United States. Congress is held in equal contempt. I think the time is now, in the midst of this very serious economic crisis our country faces—which includes the high price of oil, includes our disintegrating health care system, includes a trade policy which allows companies to throw American workers out on the street and move to China, and many other issues—if we are to regain the faith of the American people, we had better summon the courage to take on these oil companies, these speculators, these hedge fund operators.

Now is the time to do that. I certainly hope we will summon the courage to go forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TED KENNEDY

Mr. SALAZAR. Mr. President, I come to the floor this evening to send Senator TED KENNEDY and Vicki and all the family my very best wishes. I am confident that with the fighting spirit that embodies who TED KENNEDY is, we will soon see him back here in this Chamber of the Senate. Over the years, as I have worked closely with Senator KENNEDY on a number of different measures, I have seen his passion and ethic of service here on the floor. Over the many years I knew about TED KENNEDY, long before he ever knew who I was, he was one of those people who always inspired me to public service. I remember well his speeches from the 1960s and into the 1970s. For me as a relative newcomer to the Senate, it has been one of those very unique privileges to serve with him on a number of different matters.

Part of the reason I know he will be back here working with all of us is because we have often talked about some of the difficult challenges he has faced in life. We have talked about the plane crash and how it was that he was pulled from the wreckage. While many did not expect him to survive, he did, and he has gone on to provide another 40 years of service to this great Nation and this world. It is that fighting spirit that, again, will take Senator KENNEDY in a very positive way forward to continue to serve this Nation, the State of Massachusetts, and the entire world. That ethic of service in many ways is what guides most of us who are here, but certainly it is the roots of Senator TED KENNEDY.

We have often talked about his relationship with the United Farm Workers of America. In the prayer which the founder of the United Farm Workers of American, Cesar Chavez, wrote, I find a lot of that prayer reflected in Senator KENNEDY. I thought I would essentially read a part of that prayer. I think it is so true of Senator KENNEDY, the Presiding Officer, the distinguished Senator from New Jersey, and so many others who get so much inspiration from this wonderful man, TED KENNEDY.

The prayer is as follows, in part:

> Grant me courage to serve others;
> For in service there is true life.
> Give me honesty and patience;
> So that the Spirit will be alive among us.
> Let the Spirit flourish and grow;
> So that we will never tire of the struggle.
> Let us remember those who have died for justice;
> For they have given us life.
> Help us love even those who hate us;
> So we can change the world.

That was written by Cesar Chavez, born in 1927, passed away in 1993.

For TED KENNEDY, the closing part of that prayer, "so we can change the world," I will say this to Senator KENNEDY tonight from the floor of the Senate: We still have a lot of change to make in the world together. I look very much forward to the day when we see you back here among all of our colleagues, helping us move forward in a new direction to achieve that visionary change that had at its focal point the possibilities of humanity.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business, with 10-minute intervals.

GI BILL OF RIGHTS

Mr. SALAZAR. Mr. President, earlier today, on the floor of the Senate, we heard distinguished colleagues from both sides of the aisle supporting an effort that we pass a new GI bill of rights for the 21st century.

We heard the distinguished junior Senator from Virginia, JIM WEBB, who with his own hand, took it upon himself to author a piece of legislation that would make sure we as a nation kept our promises to those who have served since 9/11 by providing them the kind of educational opportunity that was provided to those who served in World War II.

In that effort, as I presided over this Senate floor, I heard the very eloquent comments of Senator CHUCK HAGEL, himself a great servant of this country and a great Senator, in support of the legislation by Senator WEBB. During the same time, we heard the comments from Senator WARNER, one of the most eloquent and distinguished Members to ever serve in the Senate.

So I come to the floor today to once again say all of the sponsors of that legislation send a loud and unmistakable signal to everyone who has a say in this emergency supplemental that at the end of the day we must make sure this 21st century GI bill of rights is one that is included in this emergency supplemental that deals with Iraq and Afghanistan so that we, in fact, can honor our veterans who have served since 9/11.

We can do no less as a nation. We can do no less when we think about the great sacrifice of the now 1.6 million men and women who served in Operation Iraqi Freedom and Operation Enduring Freedom.

When we think about those who have served, we must first stop and pay tribute and honor to those who have given their lives as the ultimate sacrifice on behalf of their country, as well as those who have been wounded and hurt in those wars.

In Iraq, the current number I have as of today, 4,078 Americans have been killed in that war—a war that is now in its sixth year.

When the invasion occurred, there were predictions at the top of the Pentagon that this war would, at most, take 50 American lives. Somehow now we have surpassed the 4,000 number with 4,078 of our bravest men and women who have given their lives in Iraq.

It does not count the number of others who have been scarred either physically or mentally in that war as well. Those who have been wounded with physical scars, according to the current numbers we have from the Department of Defense, now exceeds 30,000 of our best.

For many of us in the Senate, as we have gone to Walter Reed or to other hospitals of the Department of Defense or veterans hospitals, we see the reality of what has happened to many of those who have come back without limbs and with other kinds of injuries that will stay with them the rest of their lives.

We do not have a firm count with respect to the other 1.6 million who have served there as to how many of them have suffered the mental scars of war. We know there are some estimates that it is as high as 20, 25 percent of them who will suffer from some form of post-traumatic stress syndrome.

So the number we are talking about who have borne the burden of this war in Iraq, as well as the war in Afghanistan, is a number we should never forget. It is not just in Iraq but also in Afghanistan. We now have a casualty list which includes 497 Americans. We have about 2,000 who have been physically wounded and many more who suffer the mental scars of war.

When I think about what we are trying to do with this 21st century GI bill of rights for those who have served since 9/11, the thing I find most objectionable is that some of those on the other side and others who would oppose this legislation say it is too costly, that we ought not to undertake it because it is too costly.

In the context of what we have spent in Iraq and will be spending in Iraq, it is a very small amount of money to make sure we are taking care of our veterans once they return home. In Iraq, the total number, as of today, that has been spent on that war is $525 billion—$525 billion. Secretary Rumsfeld, at one point in time, said no way, no how will we ever spend $50 billion on this war. Yet somehow, today, some 6 years later, it is $525 billion plus that has been spent on the war.

When you consider the expenditures the United States is projected to make to bring this war to conclusion, some estimates out there are $3 trillion—$3 trillion—what we are trying to do with this 21st century GI bill of rights is simply to provide an opportunity for those who have served since 9/11 to get an opportunity for an education at a cost that would be $2.5 billion to $4 billion a year.

When we consider the fact we are burning $12 billion a month in Iraq today, to provide this benefit to our veterans at a cost of $2.5 billion to $4 billion a year is a very worthy investment, and in the relative context of how much is being invested in that war effort, it is a very small amount.

I would hope at the end of the day it is not only 60 Senators who vote yes to include this 21st century GI bill of rights in this emergency supplemental, but that we could get a unanimous approval out of this Senate that this is the thing we should do because it is the right thing to make sure we are taking care of those who have served us since 9/11.

Again, I appreciate the great leadership of our good friend, JIM WEBB, who has worked so hard to bring together so many cosponsors of this legislation both here in the Senate, as well as the House of Representatives. I urge my colleagues to fully support this legislation as it moves forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. BROWN. Mr. President, economic anxiety is pervasive among the middle class in my State of Ohio and throughout our great country, and there is good reason for that. The average duration of unemployment—17.5 weeks—is longer than at the start of the two previous recessions. In 2001, it took the average unemployed worker about 12.5 weeks to find work. In 1990, it took the average unemployed worker almost 12 weeks to find work. The average duration of unemployment now is about 17.5 weeks.

In fact, long-term unemployment is higher now than it has been at any other time since Congress first extended unemployment benefits, since 1980. The share of workers suffering long-term unemployment, meaning those who remain jobless after their first 6 months of benefits run out—so if their benefits run out after 6 months, that defines long-term unemployment by the Government—the share of those workers is nearly 17 percent higher than the 11 percent at the start of the 2001 recession and higher than the 9.8 percent at the start of the 1990 recession.

My State of Ohio has not added jobs since the end of the last recession, even while economists and an indecisive President wonder whether the country is entering another one, with all of their definitions and all of their pondering these questions and all of the indifference that comes out of 1600 Pennsylvania Avenue. What I do know is that there are 58,000 fewer jobs in Ohio than there were in November 2001.

In the past year around my State, I have attended almost 100 roundtables where I have convened meetings of 120, 125 people who sit around a table and talk to me about their hopes and dreams, what is happening in their communities, ways I can help, and all of the things that can help me do my job in the Senate. One of the topics that came up again and again during these meetings was the topic of economic insecurity. Wages are stagnant, jobs are scarce, and jobs are too often temporary. Sometimes, laid-off workers have seen their lives change. Instead of one good-paying job, they are holding two part-time or full-time jobs that pay significantly less than the job they held earlier. Middle-class families are struggling now and deeply worried about the future.

The Health, Education, Labor and Pensions Committee held a hearing today on plant closings and workers' rights. This summer marks 20 years since Congress passed major plant closing legislation known as the WARN Act, a bill championed by Senator Howard Metzenbaum from Ohio, who held this seat, and Senator KENNEDY, who is our committee chair today on the Health, Education, Labor and Pensions Committee.

One of the witnesses today was a gentleman from Senator KENNEDY's State of Massachusetts, Joe Aguiar, who worked for a fabric manufacturer for nearly 30 years. He and 900 coworkers were laid off without any notice last summer. As are so many workers in manufacturing, he is about 50 years old. Like so many other workers in my State of Ohio, in Springfield and Lima and Tiffin and Marietta, their lives have been upended. For most, the pensions and health care which they earned and which they desperately need and which they thought had been promised to them, so often the pensions and health care will be slashed.

Mr. Aguiar, as workers do in places such as Marion, OH, and Xenia and Zanesville—those workers need an extension of unemployment insurance. Now more than ever, we need to extend those unemployment benefits because so many workers see their unemployment benefits run out because they can't find comparable jobs.

It is very simple. Economists on Wall Street and Washington and universities all say that every dollar invested in unemployment benefits leads to $1.64 in growth—more than any other stimulus package, any other stimulus program, any other way to put money into the economy. We had this discussion, and the unemployment extension was blocked by congressional Republicans some months ago. In addition, we offered a stimulus package which will, in fact, put money in people's pockets—a good thing. Unemployment extension would have come quicker and put money into the pockets of those who will spend it immediately because they are struggling. They need the money for gas for their cars to go out and look for jobs, for food to feed their families, and the daily necessities of life.

The Congressional Budget Office agrees that a dollar in unemployment benefits leads to $1.64 in growth, finding that extending unemployment benefits is cost-effective and the single fastest acting measure.

The Washington Post, Los Angeles Times, New York Times, and the Akron Beacon Journal in my State all agree. Last week, the House approved an extension of unemployment insurance. The Democrats are trying to—or are going to—include unemployment insurance extension in the stimulus package. We hope the Republicans don't filibuster this, and that the President finally changes his mind and signs an extension of unemployment insurance. It is a reasonable extension and needs to be done now.

As I came over here today to talk about unemployment benefits and extending them, my thoughts turned to Senator KENNEDY and his family. Senator KENNEDY, who we find out today has been diagnosed with a serious illness, has been fighting for an extension of unemployment insurance certainly lately in this case, and other times, but he is always fighting for workers, the poor, and the middle class. Nobody in this Congress has consistently, or for a longer period of time, in the history of this institution, fought for workers or the middle class the way Senator KENNEDY has, and the way he will continue to; he has been tireless about this.

Just last week, I stood on the Senate floor with Senator KENNEDY as we worked together to pass legislation that came out of his committee, a committee on which I also sit, the Health, Education, Labor, Pension Committee, to establish collective bargaining rights for firefighters and others. When it comes to issues facing working families, Senator KENNEDY, as recently as last week, fought for legislation to give workers a civil right—the right to collective bargaining. He has been the compass of this institution too. He focuses his attention and our attention on the insecurities so many families in this country are facing. Our prayers today are with him as he heals, and with his lovely family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we close morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What now is the pending business before the Senate?

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. A message from the House is the pending measure.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I raise a point of order that title VIII in its entirety, section 1004 of title X, and section 1005 of title X, each violates paragraph 4 of Senate rule XVI in the Reid motion to concur in the House amendment No. 2, with an amendment.

The PRESIDING OFFICER. The point of order is sustained. The motion to concur with the amendment falls.

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I appreciate the patience of my friend from New Jersey. He was here much earlier in the day. For a number of reasons we were unable to have him recognized at that time, but he is always such a team player who is willing to wait. I appreciate my friend from New Jersey very much.

At this time I now move to concur with House amendment No. 2, with the amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. REID moves to concur in the House amendment No. 2 to Senate amendment to H.R. 2642 with an amendment 4803.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4804 TO AMENDMENT NO. 4803

Mr. REID. I have a second-degree amendment at the desk and I now ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4804 to amendment No. 4803.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. REID. I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment No. 2 to H.R. 2642, the Supplemental Appropriations bill, with an amendment, Senate amendment No. 4803.

Harry Reid, Richard Durbin, Benjamin L. Cardin, Charles E. Schumer, Sheldon Whitehouse, Patty Murray, Bill Nelson, Amy Klobuchar, Jack Reed, Dianne Feinstein, Mary L. Landrieu, Joseph Lieberman, Daniel K. Akaka, Barbara A. Mikulski, Byron L. Dorgan, Maria Cantwell, Sherrod Brown.

Mr. REID. I now ask unanimous consent the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have had a number of conversations with the distinguished Republican leader and I have told him where we are going to try to get by the end of the work week on this matter now before the Senate, and he is mulling over my suggestions that I made to him this afternoon. We will meet again and talk about this tomorrow.

We also have now the budget conference report that has been filed. That was done this afternoon. Tomorrow I am going to ask consent that we move to that. There is a 48-hour rule. Under the 48-hour rule we can't get to that until Thursday at 4 o'clock. I think it would be to everyone's interest to see if we could get rid of that—I don't know if "get rid of" are the right words, but see if we can move on to that and adopt that report tomorrow.

We also received from the House the veto message—I am sorry, the farm bill. We are going to have to, at some time before we leave here, have a vote on overriding the President's veto on the farm bill. So there are things we have to do.

The budget has a statutory time. I am not certain we will need to use the whole 10 hours. I rather doubt it. We have the veto override. That is very privileged. We can spend a lot of time on that or whatever time people want. We hope we could get to that very quickly and see where the votes are.

And then we still have the supplemental to dispose of. So we have a lot to do in the next few days, but with some cooperation I think we can get to where we need to get. I certainly hope so. I hope that is important and understandable to the Senators.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SPECIALIST JOSEPH A. FORD

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of the brave Army Specialist from Knox, IN. Joseph Ford, 23 years old, died on May 10, 2008, in Al Asad, Iraq, from injuries sustained when his vehicle overturned during a training operation. With an optimistic future before him, Joseph risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A lifelong Hoosier, Joseph graduated from Knox High School in 2003. His teachers and friends recall a young man with a thirst for knowledge and a generous spirit. Shortly after finishing high school, Joseph joined the Indiana National Guard and was stationed in New Albany. Joseph was fiercely dedicated to serving his country and disciplined himself to meet the high standards of military fitness. He enrolled in the University of Southern Indiana, where he studied history, a passion he had since high school. In June, Joseph married his wife, Karen, of Evansville, IN.

Joseph traveled to Georgia in December with his National Guard unit for training before he left for his first deployment in Iraq. He was scheduled for deployment through 2009 but planned to return this summer to celebrate his first wedding anniversary with Karen. Assigned to the 1st Squadron, 152nd Cavalry Regiment, Army National Guard in New Albany, IN, Joseph served as a turret gunner with the Indiana National Guard's 76th Infantry Brigade in Iraq.

Today, I join Joseph's family and friends in mourning his death. Joseph will forever be remembered as a loving husband, son, and friend to many. He is survived by his wife Karen; his parents Sam and Dalarie; his brother Matthew; and his sister Abbey Ambrose.

While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Joseph, a memory that will burn brightly during these continuing days of conflict and grief. Today and always, Joseph will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Joseph's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Joseph's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Joseph A. Ford in the official RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the pain that comes with the loss of our heroes, I hope that Joseph's family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joseph.

HONORING ALPHA COMPANY 641

Mr. SMITH. Mr. President, Alpha Company, 641 Aviation Regiment is an Army National Guard company that operates C–23 Sherpa cargo airplanes. Headquartered in Portland, OR, the company has detachments in Oklahoma, Washington, and South Dakota. Commanded by MAJ David Doran, the company consists of 44 soldiers and 10 C–23 airplanes. The Oregon soldiers that are part of the company hail from all around the State of Oregon: Portland, Salem, Pendleton, McMinnville, La Pine, Hermiston, and Dallas. The company deployed to Iraq from October 2007 to May 2008.

The story of Alpha Company, 641 Aviation Regiment is as complex as the 44 personalities that comprise the company. It is a mixture of experienced combat veterans on their second or third tour and young and eager soldiers experiencing their first deployment. The youngest is 21; the oldest is 54. There are married fathers and unmarried bachelors. There are full-time guardsmen and traditional National Guard, who split time as electricians, students, civilian aviators, and aspiring attorneys. Identifying with "Ducks," "Beavers," "Huskies," and "Sooners," the dynamics of this hodgepodge is sometimes surprising, generally humorous, and always fascinating.

From Oregon to Oklahoma and Washington to South Dakota, the soldiers in this company have interacted with individuals from all across the country, with equal parts of Midwest know-how and Northwest can-do. As a result, those from Oregon have learned the right way to eat grits, and those from Oklahoma have learned 20 different words to describe "coffee." Each person in this company has brought a unique perspective and fresh batch of life experiences to share with the group. Everyday, a new story begins with "back when I was a kid . . ." or "on my last deployment . . ." This company brought together a cross section of America, fresh with an unflinching sense of duty, deep-seated pride in their job, and an unquenchable drive to get that job done.

Alpha Company operates the C–23 Sherpa, which is the least understood and most underestimated aircraft in the Army inventory. With its boxy dimensions, it has assumed the moniker "BOX CAR." As unsightly and unusual as it may be, pound for pound and passenger for passenger, this rat-nosed aircraft has moved more parts and people around Iraq than most other military airframes. The crews who fly the Sherpa will tell you that what it lacks in looks, it makes up for in dependability. The Sherpa is the unsung, unappreciated, and unassuming aircraft that gets it done, around the clock. Whether it is a box of widgets or 14 soldiers going out on R&R leave, this aircraft and its crews make it happen.

In October 2007, Alpha Company mustered and deployed to Balad Air Base in Iraq. The unit quickly assumed the mission and took over all Army fixed-wing cargo operations under Multi-National Forces-Iraq. This expansive support covered Mosul, Kirkuk, and Basra, in addition to a dozen smaller air bases throughout the country. From passengers to blood to ammunition, Alpha Company flew six aircraft per day to get as much moved as possible. This amounted to two aircraft above and beyond the mission requirement. Alpha Company implemented the first fully standardized night vision goggle flight program, greatly increasing aircrew survivability by operating in hours of darkness. This also enhanced the performance capabilities of the C–23 by operating in generally cooler temperatures.

The company's support of Other Coalition Forces-Iraq, OCF–I; Special Operations, was instrumental in the timely transportation of sensitive cargo and detained personnel. The company increased existing support by 100 percent and developed mission support into Baghdad. This mission had not existed prior to Alpha Company's arrival. It filled a crucial gap in aviation support for OCF–I and was pivotal to ongoing combat operations. LTG Stanley McChrystal, head of special operations in Iraq, cited the unit for their dependable and outstanding service to OCF–I.

In April 2008, the unit surged to increase its operational tempo by 100 percent to support combat operations in and around Basra. During the 2 weeks at the height of the operation, Alpha Company flew 377 hours, more hours than ever recorded by a C–23 company in a 2-week period. By the end of April, the company was preparing to redeploy back to home-stations, families, and loved ones. For their meritorious performance of duty and courage over the dangerous skies of Iraq, the company earned 4 Bronze Star Medals, 7 Meritorious Service Medals and 38 Air Medals. During their 6 months in Iraq, the company flew over 4,000 flight hours, moved over 9,000,000 pounds of cargo and over 20,000 passengers, more than any other C–23 company in a 6-month period since the start of Operation Iraqi Freedom.

Alpha Company's accomplishments are extraordinary and truly reflective of the distinguished service and dedication of America's citizen soldier. The State of Oregon is profoundly proud and deeply grateful for their sacrifice and commitment. It is with great pride that I honor their service today and enter their accomplishment into the RECORD.

NATIONAL MILITARY APPRECIATION MONTH

Mrs. BOXER. Mr. President, I am proud today to ask my colleagues to join me in recognizing the National Military Appreciation Month. As a cosponsor of the bill that designated May as the National Military Appreciation Month in 1999, I ask my colleagues and fellow Americans to honor, remember, and thank the generations of American military personnel and their loved ones, whose sacrifices have brought us the liberties that we enjoy today.

This May, the National Military Appreciation Month acknowledges a number of important milestones that highlight the best traditions of our Nation's military history: Loyalty Day, May 1, VE Day, May 8, Military Spouse Appreciation Day, May 9, Armed Forces Day, May 17, and Memorial Day, May 26. These special dates during National Military Appreciation Month provide reminders of the invaluable contributions that our military personnel and their loved ones have made throughout the course of our Nation's history. Every man and woman who has worn the uniforms of our armed services, and every person who has supported their endeavors deserves our gratitude and respect. Their contributions continue to protect and promote the values that define the United States.

During this month of remembrance, I am continuing my work to ensure that our servicemembers and veterans receive the honor and care they rightly deserve, and that those serving in war can return home soon.

In the Senate, I am working for concurrent receipt for our retired military personnel so that disabled veterans can receive the benefits they deserve. With Senators LIEBERMAN, BOND, and OBAMA, I have also championed efforts to improve mental health care and services for Active Duty military and veterans of the wars in Iraq and Afghanistan. I proudly support Senator JIM WEBB's new GI bill, S. 22, to vastly improve educational benefits for our newest generation of servicemembers and veterans. We must all remain committed to ensuring that our military members, veterans, and their families are taken care of.

As Americans from across the Nation pay tribute to our military this month, I offer my appreciation and admiration for all the men and women who have contributed to the history and traditions of the U.S. Armed Forces.

THE FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. SPECTER. Mr. President, I have sought recognition to discuss my reasons for voting for the conference report to H.R. 2419, The Farm, Nutrition, and Bioenergy Act of 2007. Also known as the 2007 farm bill, this legislation determines America's agriculture and domestic nutrition policy for the next 5 years. It has, received substantial criticism because of subsidies paid to farmers of five major commodities or crops: corn, cotton, rice, soybeans, and wheat. On April 29, 2008, President Bush called the legislation a "massive, bloated farm bill" and has said he would veto it. The bill has also drawn criticism from taxpayer advocacy groups.

The 2007 farm bill conference report scores at $307 billion over 5 years. However, this increase is fully off-set with customs users fees that are collected by the Border and Transportation Security Directorate—formerly the U.S. Customs Service—of the Department of Homeland Security for processing passengers, conveyances and merchandise entering the United States. The White House has agreed that this bill does not include any tax increase.

During my tenure in the U.S. Senate, I have fought hard for agriculture and nutrition programs in Pennsylvania. However, I do have concerns with direct payment subsidies for farmers where the amount is not based on the price of the commodity and, more importantly, with large, almost endless, payments to producers. In 2006, Riceland Foods, Inc. located in Stuttgart, AR, received $7,710,705 for rice, soybean, wheat, and corn production. In 2006, the top 10 recipients of direct subsidies for production of corn, cotton, rice, soybeans, and wheat were, in order of rank, Iowa, Illinois, Texas, Nebraska, Kansas, Minnesota, Arkansas, Indiana, North Dakota, and Missouri. Pennsylvania's agriculture producers are not the recipients of these large subsidies, as Pennsylvania is a major producer of milk, Christmas trees, and specialty crops, which include mushrooms, apples, and fruits and vegetables. My home State ranks No. 1 in the production of mushrooms, No. 4 in the production of apples and freestone peaches, and No. 5 in the production of milk and grapes in the U.S. Pennsylvania ranks 32 out of 50 in terms of Federal Government agricultural payments, despite the fact that agriculture is PA's No. 1 industry.

These large subsidies were a major concern when I voted against the 2002 farm bill conference report, even though the bill contained crucial programs for Pennsylvania, including the milk income loss contract, MILC, and conservation and nutrition programs. It would be my preference that we move toward a free market for agriculture.

While this legislation is not perfect, it is a much better alternative to an extension of the 2002 farm bill or the reversion to nonexpiring provisions of primarily the Agriculture Adjustment Act of 1938 and the Agriculture Act of 1949—permanent law. The 2002 farm bill did not include any reforms of program subsidies and the 1938 and 1949 laws are drastically different from current policy, inconsistent with current farming, marketing, and trade agreements, and would mandate higher subsidy rates and land controls.

I have reviewed the pending conference report to determine its benefits for the entire country, not just Pennsylvania where I have heard from many constituents and stakeholders expressing their support. This bill is not perfect, but it still moves America in the right direction. Our Nation, like Pennsylvania, will on the whole benefit from the 2007 farm bill. It makes key reforms to subsidy programs which I will discuss more in detail later. In addition, this legislation includes funding for domestic nutrition programs, conservation programs, programs to help rural America, and the milk income loss contract, MILC, program for America's dairy producers. For the first time, the farm bill would extend assistance to specialty crop producers through marketing and research programs.

This conference report includes significant subsidy reforms. Under current law, producers are not eligible for payments if their adjusted gross income, AGI, exceeds $2.5 million. In the final 2007 farm bill, a producers' nonfarm income may not exceed $500,000 in order to receive a payment. Further, a producers' farm income, or AGI, cannot exceed more than $750,000 in order to receive a payment. One key reform is the elimination of the so-called "three-entity rule," which enabled a farmer to collect twice the maximum payment limit amount by setting up multiple businesses on the same farm. The White House was influential in this outcome, which I support. Although the final language did not attain more stringent reforms as preferred by the White House or the Dorgan/Grassley amendment to the 2007 farm bill, this AGI reform is a step in the right direction. I have been a consistent supporter of efforts to limit payments to the major program crop producers. Further, the measure includes Crop Insurance subsidy reform by reducing the administrative and operating—A&O—reimbursement provided to agents by 2.3 percentage points and increasing catastrophic—CAT—and non-insured assistance program—NAP—insurance fees.

The bill includes $209 billion for nutrition programs which is 68 percent of the entire cost of the bill. I have long supported nutrition programs, also known as domestic food assistance programs, which are crucial to help less fortunate Americans and those experiencing difficult times. They include the Food Stamp Program, The Emergency Food Assistance Program, TEFAP, the Commodity Supplemental Food Program, Community Food Projects, the Seniors Farmers' Market Nutrition Program, and fresh fruit and vegetable initiatives.

The Food Stamp Program helps 26 million low-income Americans buy healthy food each month. Its benefits have not been raised in 30 years and the conference report raises the minimum benefit from $10 to $14 per week, indexed for inflation. Further, the final 2007 farm bill also includes $1 billion to expand the Fresh Fruit and Vegetable Program—FFVP—nationwide to reach nearly 3 million low-income children. The FFVP allows schools to offer and promote free fresh fruits and vegetables during the day.

The conference report includes $25 billion for conservation programs to help America's farmers use environmentally friendly farming practices in order to allow farmers to till the soil and raise livestock, while still protecting the land. In Pennsylvania alone, about one-quarter of all acres is farmland. The Environmental Quality Incentives Program, the Wetlands Reserve Program, the Grassland Reserve Program, the Farm and Ranch Land Protection Program, and the Wildlife Habitat Incentives Program are all worthy initiatives that need improvement and funding. Beyond providing funding for national conservation programs, the bill has $438 million for conservation programs in the Chesapeake Bay Watershed which includes large sections of Pennsylvania.

Rural America, the backbone of our country, will benefit from this comprehensive legislation by reducing the backlog of unfunded pending rural development water and wastewater loan and grant applications. Also, broadband service will be expanded to rural America to allow access to those businesses, farms, and families in rural areas with no or very limited service. Further, a new rural microenterprise assistance program would be established for low and moderate income individuals to help develop the skills necessary to establish new small businesses in rural America. Lastly, the conference report provides $250 million in mandatory funding for grants and loan guarantees for renewable energy and energy efficiency systems for farmers, ranchers, and rural small businesses. One item of note is that reduction of the production tax credit for corn ethanol from 51 cents/gallon to 45 cents/gallon to reduce the incentive to shift corn production from feed to fuel in order to ensure that we are planting enough acres for other crops, including wheat and soybeans, for food.

Finally, our dairy producers will continue to have the safety-net they deserve with a much-needed modification. The 2007 farm bill conference report funds the MILC program that provides countercyclical payments to our dairy producers when the price of milk falls below a set trigger price. This trigger price, as modified, will be adjusted on a monthly basis depending on the changes in the costs of feed. Increasing input costs are straining our producers and this will ensure that the payment will compensate for the increasing costs incurred by the dairy farmer. Also, the payment rate will be increased back to 45 percent from 34 percent and the cap on milk production will increase from 2.4 million pounds to 2.98 million pounds per year. Since its inception in the 2002 farm bill, the MILC program has provided more than $220 million to Pennsylvania dairy farmers. I have been a strong supporter of a mechanism to ensure that dairy farmers receive a fair price for the milk they produce considering the increased input costs. The bill also includes provisions to make the dairy industry more transparent by requiring mandatory reporting of dairy commodities and establishing a Federal Milk Marketing Order Review Commission.

America's specialty crop producers which include most fruits and vegetables will get the assistance they need to market their products. The bill provides about $1.3 billion in mandatory funding for specialty crop block grants, technical assistance, and farmers' market promotion. This is the most ever set aside in a farm bill to assist these farmers who are left out of traditional Federal farm programs. The measure establishes the National Clean Plant Network consisting of centers across America to efficiently produce and distribute healthy planting stock of critical high-value new varieties of fruit trees and grapevines. These centers will be the first line of defense against devastating viruses, like the Plum Plox virus outbreak in Adams County, PA, in 1999. Also, both nursery and Christmas trees are included in the Tree Assistance Program which provides disaster relief for growers who lost their crops of trees due to natural disasters. Pennsylvania growers produce over 10 million trees every year.

The 2007 farm bill is good for America and good for Pennsylvania. Therefore, I support this crucial legislation.

CUBAN INDEPENDENCE DAY

Mr. NELSON of Florida. Mr. President, I would like to recognize that today, May 20, is Cuban Independence Day. I am honored to join with Cubans around the world in commemorating this day.

On behalf of the people of Florida and all Americans, I rise to reaffirm our solidarity with the Cuban people as they continue their fight for freedom and self-determination. Dictatorships and tyranny have no place in this hemisphere. The U.S must continue to pressure the Cuban regime, while supporting the Cuban people.

It is my great hope, that the people of Cuba, with their passion for liberty and their desire to live in a free and transparent democracy, will soon enjoy the same rights and freedoms that we do. We stand in solidarity with the Cuban people as they continue to fight for democratic change and true independence in their homeland.

Thank you and may God bless the Cuban people.

ADDITIONAL STATEMENTS

HONORING SARAH ROZENSKY

• Mr. BAYH. Mr. President, I today honor Mrs. Sarah Rozensky, who served with excellence in my office for over 6 years. Sarah performed her duties with the utmost distinction and a level of professionalism and virtue rarely seen. I am proud to have this opportunity to recognize Sarah for the tremendous work she has done for the office and my family. My wife, Susan, and my sons, Beau and Nick, will also be eternally grateful for her service.

Sarah came to my office with the highest of recommendations from the White House and proved herself invaluable on a daily basis. Her qualities were contagious in our office; everyone learned and benefited from her presence.

For over 6 years, Sarah's meticulous attention to detail set the standard for those around her, as did her positive attitude and superior work ethic. Her gifts will undoubtedly allow her to excel to new heights in the future.

Every member of our staff plays an important role in our service in the Senate and to our respective States, but there are always the few who distinguish themselves as invaluable and irreplaceable. For me, Sarah Rozensky is one of those distinguished few. With Sarah's hard work and assistance, I have been better able to represent the people of Indiana in the Senate. Hoosiers all owe Sarah Rozensky a debt of gratitude, but most especially, I do.

I am proud today to honor Sarah for her service and commitment to the people of Indiana and the Senate.●

RECOGNIZING THE S.C.R.A.P. GALLERY

● Mrs. BOXER. Mr. President, today I am pleased to ask my colleagues to join me in recognizing the exemplary model of service and conservation provided by the Student Creative Recycle Art Program Gallery as it celebrates Earth Month Coachella Valley. Their efforts to highlight the importance of environmental consciousness through community activities provides an example for our Nation.

For more than 30 years, America has recognized the importance of environmental preservation, and we have dedicated every April 22, Earth Day, as a day for environmental consciousness. The S.C.R.A.P. Gallery has taken bold steps to heighten America's awareness of conservation in dedicating the entire month of April to environmental awareness.

Throughout the month of April, the S.C.R.A.P. Gallery operates a number of enrichment activities throughout southern California, aimed at improving youth education and environmental awareness. Events such as field trips that highlight the importance of waste prevention, recycling programs that encourage youth to transform used bicycles into artwork, theater productions that enable students to attend professional children's theater performances focused on conservation, and hands-on events that allow students to gain direction from local and renowned artists have helped engage youth throughout southern California and helped to highlight the importance of environmental concerns.

For more than a decade, the S.C.R.A.P. Gallery has been recognized as an integral community organization by numerous organizations and municipalities. The S.C.R.A.P. Gallery has received the Arts Organization Award from the city of Indio, the Best Grassroots Organization Award from the U.S. Department of Education, the Waste Reduction Award from the California Integrated Waste Management Board, the Keep California Beautiful Award, the Governor's Environmental and Economic Leadership Award, and the Award of Achievement in Education from the Natural Resources Council of America.

This year, as the S.C.R.A.P. Gallery dedicates an entire month to conservation and environmental awareness, I am pleased to ask my colleagues to join me in recognizing their tremendous leadership. The efforts of the S.C.R.A.P. Gallery have successfully engaged communities of young people and have highlighted the importance of environmental awareness throughout their community.●

RECOGNIZING MOORPARK HIGH SCHOOL

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the great work and remarkable accomplishments of Moorpark High School's Academic Decathlon team for winning the 2008 U.S. Academic Decathlon Championship. Members of the National Championship team include Jonah Buck, Anaamika Campeau, Angela Chen, Justine Levan, Chrissa Rutkai, Kris Sankaran, Paul Watanabe, Christie Calle, Colin Calle, and team coach Larry Jones.

Moorpark High School has earned the distinction of becoming a three-time U.S. Academic Decathlon Champion, having previously won the prestigious competition in 1999 and 2003. The 2008 Moorpark High School Academic Decathlon team achieved the highest score in the U.S. Academic Decathlon's 26-year history.

Competing in an academic decathlon requires hard work, dedication, and determination. These dedicated students from Moorpark High School devoted many hours of their leisure time honing their skills in preparation for the Academic Decathlon competition. Their commitment to excellence has rightfully earned them the respect and admiration of their community, friends, and family. The 2008 Moorpark High School Academic Decathlon team is a great source of pride and joy to their community and is a great testament to the value of team work.

I invite all of my colleagues to join me in congratulating California's Moorpark High School Academic Decathlon team for winning the 2008 U.S. Academic Decathlon Championships.●

SCREEN ACTORS GUILD 75TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I wish to recognize the important work and accomplishments of the Screen Actors Guild as the organization celebrates its 75th anniversary. Founded on June 30, 1933, the Screen Actors Guild was established in part as a reaction to the restrictive, long-term studio engagement contracts. Since then, it has helped to protect and improve the lives of actors and their families by fighting for fair wages and health and retirement benefits.

The Screen Actors Guild has a unique position in labor history. It claims a former Senator, George Murphy, and a former President, Ronald Reagan, as former union presidents, as well as James Cagney, Charlton Heston, Edward Asner, Patty Duke, Dennis Weaver, and many other notable actors. Its current president is Alan Rosenberg.

The founding meeting of the Screen Actors Guild included just six actors. Yet, 75 years later, it has more than 127,000 members with 20 offices across the United States. It represents a broad variety of members from motion pictures, television programs and commercials, and nonbroadcast industries such as video games, music video, Internet, and other new media formats. The Screen Actors Guild has also taken a leading role in combating movie and new media piracy, while working toward increased privacy protections, child labor laws, and health care reform. With the rapid expansion of so many alternative forms of entertainment, it has also met the challenge of representing its members in new challenging contract issues. And, of course, its esteemed Screen Actors Guild Awards honor its members each year for outstanding performances.

I invite all of my colleagues to join me in commending the Screen Actors Guild for its dedication to improving workers' rights on its 75th anniversary.●

HONORING LOUIS FERNANDEZ

● Mrs. BOXER. Mr. President, I am pleased to ask my colleagues to join me in recognizing Dr. Louis Fernandez as he retires from a long career in public service as provost and vice president for academic affairs with California State University, San Bernardino. His service and commitment to the students, faculty, and staff of California State University, San Bernardino, and to his community have provided an example for us all.

After earning his doctorate in geology from Syracuse University, Dr. Fernandez served at several institutions of higher learning throughout the Nation. At each of these universities, Dr. Fernandez was as an exemplary educator and community leader. Through his career at the University of New Orleans as a professor, dean and department chair, Dr. Fernandez worked to secure the university's first National Science Foundation grant to recruit and mentor underrepresented students in the geosciences. The State of Louisiana named him Educational Administrator of the Year in 1991, and he has since received numerous laudatory titles and honors for his work in education.

Dr. Fernandez later joined the California State University, San Bernardino campus. By 1994 he served as acting vice president for academic affairs, and was named provost a year later. Since then, Dr. Fernandez has served the university and the surrounding communities by working to secure a sound academic plan for academic growth, a responsible university budget, and a university-wide commitment to student diversity.

For several years, Dr. Fernandez chaired the National Association of Geology Teachers Minority Affairs Committee. He served on the National Science Foundation's Advisory Committee to the Earth Sciences. He chaired the American Geological Institute's Minority Participation Program Advisory Committee, and as a member of the Geological Society of America's Ad Hoc Committee on Minorities, and the National Association of Geology Teacher's Minority Scholarship Program. For his broad service and leadership, the Hispanic Caucus of the American Association of Higher Education awarded him the Outstanding Support of Hispanic Issues in Higher Education Award.

Throughout his long career in education and public service, Dr. Louis Fernandez has consistently worked to foster stronger communities and attain higher education ideals. I am pleased to ask my colleagues to join me in congratulating him on his retirement.●

2008 WE THE PEOPLE NATIONAL FINALS

• Mr. CORNYN. Mr. President, from May 3-5, 2008, more than 1,200 students from across the country visited Washington, DC to take part in the We the People: The Citizen and the Constitution National Finals. We the People is the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

While in Washington, the students took part in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrated their knowledge and understanding of constitutional principles as they evaluated, assumed, and defended positions on relevant historical and contemporary issues. It is important to note that results of independent studies of this nationally acclaimed program reveal that We the People students have knowledge gains that are superior to comparison students. Students also display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With many reports and surveys indicating the lack of civic knowledge and civic participation, I am pleased to support such a superb program that is producing an enlightened and engaged citizenry.

I am proud to announce that a class from Elkins High School in Missouri City, represented the State of Texas at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

Mr. President, the names of these outstanding students from Elkins High School are: Krystal Castillo, Andrea Cavazos, Deborah Choate, Andrew Cockroft, Lucretia Eiler, Jimmy Guerrero, Josh Hanks, Lara Hogue, Nick Johnson, Tiffany Kell, Curtis Kelso, D.J. Kinneman, Matt MacKo, Colton Mendez, Jonny Murthy, Olusola Oyewuwo, Tej Pandya, Bryan Philpott, Justina Rodriguez, Deepa Sabu, Nick Shipman, Piarose Siaotong, Ivette Soto, Achal Upadhyaya, Courtney Wiliams, Angela Wu, and Arif Yusuf.

I also wish to commend the teacher of the class, Marilyn Ellington, who is responsible for preparing these young constitutional experts for the National Finals. Also worthy of special recognition is Jan Miller, the State coordinator who is responsible for implementing the We the People program in my State.

I congratulate these students on their exceptional success at the We the People national finals.●

TRIBUTE TO DR. TIMOTHY WHITE

• Mr. CRAPO. Mr. President, I am honored to recognize the close to 4 years of dedicated service and leadership provided by Dr. Timothy White, outgoing president of the University of Idaho. Son of immigrants from Argentina to Canada and then to the United States, Dr. White is a first-generation college graduate. He earned his Ph.D. from the University of California, Berkeley, and is known internationally for his work in kinesiology, gerontology and human biodynamics, working in those fields at the University of Michigan and at Berkeley. Before coming to Idaho in August 2004, Dr. White served as provost and executive vice president at Oregon State University and as interim president.

Dr. White put his vision of excellence in research, math and science into practice at the University of Idaho. Indeed, he shares my strong belief in the critical importance of math and science to education, from primary school to graduate degree programs. In a recent guest editorial, Dr. White stated: "Idaho will prosper in the global economy if our work force is better prepared in the areas of math, science, technology and engineering Critical-thinking and reasoning abilities—cornerstones of an educated citizenry and work force—are also dramatically aided by strong math and science skills." And Dr. White put ideas into action, overseeing critical programs that bridge the gap between middle and high school teachers and students and the University. While serving as president, Dr. White oversaw both the Gateway to Mathematics Program, which provides middle school teachers the chance to improve math teaching skills through interactive distance technology, and the Gateway to Calculus Program, which offers rural high school students an opportunity to learn calculus online when their particular school cannot offer such courses. He also oversaw the innovative and nationally acclaimed Polya Mathematics Learning Center at the University which helps undergraduate students master entry-level mathematics in an interactive and creative way, using both advanced technology and teaching staff to help students of varied learning styles overcome aversions to math.

Dr. White's influence reached beyond math and science programs and initiatives. He created the Plan for Renewal of People, Programs and Place, based on the report of a task force he established to reinforce and enhance the university's academic and institutional excellence in today's world. The plan centered the University's resource allocation and mission, vision, and values around five key academic areas: science and technology, liberal arts and sciences, entrepreneurial innovation, the environment, and sustainable design and lifestyle. He saw the university engage in programs such as Operation Education Scholarship, Water of the West, Building Sustainable Communities, Bioregional Planning and Community Design and Biological Applications of Nanotechnology. During his term as president, the University of Idaho has been involved in many public-private partnerships with science and technology across the State, particularly in agriculture research. In 2006, the university opened an aquaculture biotechnology laboratory at its Hagerman fish culture experiment station, and University scientists now conduct cutting edge small grains germplasm research together with USDA Agriculture Research Service staff at a new addition to the ARS Aberdeen research facility, also opened in 2006. Under the direction of Dr. White, the University of Idaho continued its efforts to open a critical agriculture research endeavor the Idaho Center for Livestock and Environmental Studies that will serve as an environmental research center for dairy and livestock and operate as a self-sustaining animal feeding operation. And agriculture is not the only science and technology partnership the university has pursued under Dr. White's leadership: it is a partner with the Idaho National Lab in a multiuniversity public-private research and development endeavor in Idaho Falls called the Center for Advanced Energy Studies.

Dr. White has worked diligently over the past 4 years to adapt the University of Idaho to our changing world, meeting students' educational needs and keeping the university on the cutting edge of innovative education, research, and academic excellence. I wish Tim and his wife Karen all the best as they move to southern California and he assumes the chancellorship of University of California, Riverside, this fall.•

HONORING DON BRIGHT,

• Mr JOHNSON. Mr. President, today I pay tribute to Don Bright, who has served as supervisor of the Nebraska National Forest since 2001. In this capacity, Don has overseen the management of nearly 1.1 million acres of public land, including the Buffalo Gap and Fort Pierre National Grasslands, in my home State of South Dakota. I have enjoyed working with Don and value his hard work and leadership. I know that Don will carry this same degree of professionalism with him to his new position at the Albuquerque Headquarters.

I want to take a few minutes and explain to the Senate the role Don has played in shaping the relationship of the Forest Service and local communities. As supervisor of the Nebraska National Forest, Don guided a revision of its Land Management Plan and took the lead in addressing complicated, yet important, prairie dog management issues. By working with area ranchers to find solutions to managing local resources, Don helped foster a spirit of collaboration that benefits all involved.

For the past 8 years, South Dakota has faced a devastating drought and continual threat of fire throughout its grasslands. In response to this challenge, Don has improved fire and fuels management plans and worked hand-in-hand with local volunteer fire departments to form lasting bonds of cooperation that help protect both lands and citizens.

Most importantly, Don is someone that is trusted by and has worked well with the many groups interested in public lands management throughout South Dakota and Nebraska. His countless hours of hard work have undoubtedly had a positive impact for the Forest Service.

In closing, I want to thank Don Bright for his professionalism, service and assistance over these many years and wish him the best of luck in his new position. I know that Don can leave knowing that future generations will be well-served by his efforts.•

TRIBUTE TO COLONEL KENNETH O. MCCREEDY

• Ms. MIKULSKI. Mr. President, I wish to publicly commend and congratulate Colonel Kenneth O. McCreedy, U.S. Army, upon his retirement after 28 years of military service. I have come to know and respect Colonel McCreedy over the last 3 years, while he served as the installation commander of Fort Meade, MD. His tenure as the installation commander was highlighted by his constant civic engagement with the Fort Meade military and civilian community. During this time he signed the first Army Community Covenant in Maryland, solidifying support for servicemembers and their families.

Colonel McCreedy was proactive in working with surrounding counties to prepare them for the growth challenges of BRAC 2005. Placing a heavy emphasis on strong community engagement, he worked closely with the Anne Arundel County School Board to secure the International Baccalaureate Program and Homeland Security Signature Program for Meade High School. Colonel McCreedy spearheaded the first two Meade Alliance Education Summits that focused on working with school boards and colleges to develop programs and initiatives to prepare today's students for future careers in the Federal Government. I am extremely grateful for the outstanding leadership and keen sense of community service that Colonel McCreedy has brought to the servicemembers, families, and civilian employees of Fort Meade.

Commissioned as a military intelligence officer, Colonel McCreedy first served at Fort Riley, KS as the S2 and Scout Platoon Leader of 3-37 Armor and assistant S2 of the 2nd Brigade, 1st Infantry Division. After completing the Post-Graduate Intelligence Program at the Defense Intelligence College and Spanish instruction at the Defense Language Institute in Monterey, CA, Colonel McCreedy was assigned to the U.S. Southern Command in Panama as a country analyst in the J2. Following Operation JUST CAUSE, he was assigned to Fort Hood, TX, where he was a G2 Operations Officer in the Third Corps, commanded a CI/IPW Company in the 163rd Military Intelligence Battalion, and served as the S3 Plans Officer for the 504th Military Intelligence Brigade.

After attending school at Fort Leavenworth, KS, Colonel McCreedy served in Germany as the V Corps G2 Plans Officer, S3 of the 302nd Military Intelligence Battalion, and S3 of the 205th Military Intelligence Brigade. He then served as a member of the Commander's Initiatives Group while on duty in Sarajevo, Bosnia-Herzegovina. Returning from Europe in 1999, he served as a Fellow at the National Security Agency at Fort Meade, prior to his assignment to Fort Gordon, GA, as commander of the 201st Military Intelligence Battalion. He next was appointed professor of military science at Old Dominion University in Norfolk, VA. After attending the Army War College, Colonel McCreedy worked in the Force Transformation Office in the Office of the Secretary of Defense.

Colonel McCreedy holds a bachelor's degree in history from Washington and Lee University, master's and doctorate degrees in history from the University of California, Berkeley, a Master of Military Art and Science from the Army Command and Staff College, and a Master of Strategic Studies from the Army War College. He is a graduate of both the Army's School of Advanced Military Studies and the Advanced Strategic Art Program.

Among his awards and decorations, Colonel McCreedy has earned the Defense Meritorious Service Medal, Meritorious Service Medal, Joint Service Commendation Medal, and the NATO Medal.

Mr. President, the Army, the State of Maryland, and the Nation are lucky to have had the service of such a great soldier. He will be sorely missed. Best wishes to Colonel McCreedy and his family.•

HONORING THE BAKER COMPANY

• Ms. SNOWE. Mr. President, today I congratulate the Baker Company, a cutting-edge small company from my home State of Maine that has earned tremendous recognition as the Maine International Trade Center's 2008 Exporter of the Year. The award will be presented to the company at the Maine International Trade Day dinner this Thursday, May 22. The company's leadership on a host of safety issues—and the loyal customer base it has earned around the world, including in Europe, Asia, and Africa—make the Baker Company most deserving of this award.

Founded in 1949, the Baker Company, headquartered in Sanford, has consistently been a leader in designing and manufacturing biological safety cabinets, fume hoods, and clean benches. These products make laboratories worldwide safer, more efficient, and better equipped to focus on essential scientific research. From its beginnings, the Baker Company has always been at the forefront of crafting new and unique products to lead the industry. In 1951, the company unveiled the very first clean air cabinet. The firm's solid commitment to craftsmanship and its stellar reputation gained the Baker Company significant acknowledgement over the years. In 1979, Lockheed Aircraft Biosystems chose the company to build a biological safety cabinet for a NASA shuttle flight. Since that time, the firm has only increased its ingenuity and has worked with enterprises worldwide to make improvements to their technological safety.

To best promote its role at the vanguard of laboratory safety, the Baker Company founded the Eagleson Institute in 1989. Dedicated to the memory of the firm's longtime president, John M. Eagleson, the nonprofit institute promotes the practice of lab safety through a variety of mediums, including seminars, lectures, and interactive CD-ROMs. The seminars comprise a vast array of topics, from fundamentals of laboratory safety to safety cabinet technology. The seminars are delivered through a variety of instructional techniques, including role playing, problem solving, and demonstrations. While the firm hosts frequent sessions at its Sanford headquarters, it occasionally offers them at various locations across the globe. The Eagleson Institute is the Baker Company's distinctive way of making a difference in the industry and of sharing the trade's most critical asset—safety—with others.

The Maine International Trade Center, which is presenting the Maine Exporter of the Year Award to the Baker Company, is Maine's small business link to the world. The center is a public-private partnership between the State of Maine and the businesses that play such a crucial role in expanding the State's economy. The center's goal is to increase international trade in Maine, and, in particular, to help Maine businesses export goods and services. Clearly, it sees in the Baker Company the entrepreneurial spirit and innovation that make Maine's small businesses among the best in the world.

Throughout the decades, the Baker Company's name has been synonymous with unmatched quality and exceptional safety. From its early days, the firm has possessed a commitment to the pharmaceutical, life science, and biotechnology sectors and a determination to create a safer working environment for people in those industries. I congratulate everyone at the Baker Company for their impressive accomplishment in garnering the Maine International Trade Center's 2008 Exporter of the Year Award and wish them lasting success both here and abroad.●

REMEMBERING DR. RUFUS JUDSON PEARSON, JR.

● Mr. STEVENS. Mr. President, Dr. Rufus Judson Pearson, Jr., of Southern Pines, NC, passed away in Tamarac, Fl. on Sunday, May 11, 2008 after a prolonged illness and went to be with the Lord and to the side of his beloved wife, Emily.

Dr. Pearson, the former attending physician to the U.S. Congress, was born in Atlanta, GA, October 8, 1915, the son of Rufus J. Pearson, M.D., and Myrtle Padgett of Richland, GA. He attended the University of Florida and received his doctor of medicine degree from Emory University in 1938 at the age of 22. He trained at Kings County Hospital in Brooklyn and at Grady Hospital in Atlanta and subsequently had a year of intensive training in cardiovascular Diseases offered by Harvard Medical School at the Massachusetts General Hospital in Boston, under the tutelage of renowned cardiologist Dr. Paul Dudley White.

Dr. Pearson was fellow of the American College of Physicians, the American College of Cardiology, the Scientific Council, American Heart Association, and member, American Medical Association. He was certified by the American Board of Internal Medicine and by the Sub-specialty Board in Cardiovascular Disease.

In May of 1939, following first year of internship, he married the former Emily Virginia Timmerman of Atlanta, GA, whom he met during his first year as a medical student at Emory.

During World War II, he served overseas as a naval medical officer, and after the war, he entered the private practice of internal medicine in Jacksonville, FL. Shortly after the outbreak of the Korean crisis in 1950, he was recalled to Active Duty and subsequently decided to make the Navy a career.

He rose to prominence in the Medical Corps while serving as chief of cardiology at the National Naval Medical Center in Bethesda, MD, from 1955 to 1961 during the period when open-heart surgery was being pioneered. He later served as chief of medicine at the Naval Hospitals in Charleston, SC and Portsmouth, VA. In 1965, he returned to the al Hospital at Bethesda to serve as director of clinical services and chief of medicine. To each of these assignments, he brought a high level of professional competence, coupled with dynamic leadership, drive and imagination.

In 1966, at the request of speaker John McCormack and Senate majority leader Mike Mansfield and by joint concurrence of both the U.S. House of Representatives and the U.S. Senate, Dr. Pearson was assigned as the attending physician to Congress, a position he held for almost 7 years and only the second physician to ever hold that post. He brought to this unique position exceptional skill, innovation, and farsighted leadership, effecting numerous improvements to the health care delivery system in the Capitol complex. He was highly regarded by Members of the House and Senate, not only as skilled physician, but also as a friend and confidant to many, earning the respect of the Nation's legislators and their staffs.

On numerous occasions—his praises by Members of the House and Senate were made a matter of record in the CONGRESSIONAL RECORD. On such comment offered by Senator Aiken from Vermont is quoted in the RECORD:

> Dr. Pearson will probably be missed as much as anyone who as ever has worked in the Capitol. It did not matter what we called him. We started out calling him "Admiral," and pretty soon we called him "Doctor." Finally, he got to be known as "Jud" and his wife as Emily. They certainly are people with whom we could be very proud to have worked.

And another quote from Senator Mansfield of Montana:

> Dr. Pearson has created a medical facility in the Capitol that is almost unequaled. His main purpose was our health and well being, but also he was there to offer his friendship and advice whether it be for us, our families, or our staffs. No task was too great, no hours too late, no burden too heavy for "Jud" Pearson. . . . Dr. Pearson's integrity, dedication, and deep devotion have been the cause of his excellence in his present position.

He was chosen to accompany the majority leader and minority leader of the Senate on their historic trip to China in 1972 and was at that time one the first few American physicians to enter China since World War II. For his exceptional service to the country while serving at the U.S. Capitol, the President of the United States presented him with the Distinguished Service Medal. Following his retirement in 1973, the Pearsons retired to the Sandhills area of North Carolina.

Dr. Pearson was a most enthusiastic golfer and a member of Columbia Country Club and the Whispering Pines Country Club. He was also a highly skilled and avid bridge player and was invited to participate as a member of the Wolves Club in Southern Pines.

Dr. Pearson was a marvelous and compassionate physician-scholar as well as skilled in his profession. He was a wonderful father and strong patriarch, both generous and kind. But friends and relatives alike will attest that his many significant contributions and achievements pale in comparison to the remarkable example he set as a devoted husband to his beloved wife Emily, to whom he was united in marriage for 67 years, loving her, cherishing her and caring for her until her death at the age of 91. Theirs was truly a marriage made in heaven.

He is survived by his daughter, Mrs. Virginia P. Sudders of Tamarac, FL, and his son, CPT Rufus J. Pearson, III, and daughter-in-law, Elizabeth Pearson, of Wheaton, IL; eight grandchildren: Rufus Judson Pearson, IV, Matthew Allen Pearson, Andrew Clinton Pearson, Mrs. Kathryn Elizabeth Pearson Dickson, Mrs. Amy Sudders Wilke, Mrs. Barbara Sudders Andrade, Ms. Marylou Sudders, Mrs. Susan Sudders Kuper; and nine great-grandchildren.●

TRIBUTE TO WILFRED KADLEC

● Mr. THUNE. Mr. President, today I honor Wilfred Kadlec, who served in the Pacific theater of World War II with the U.S. Navy. On this Memorial Day, I would like to commend him for his brave actions and devoted service to our country.

Like many of his generation, Kadlec responded honorably to the call of duty in the Second World War. Kadlec served his country bravely as a Petty Officer, Second Class, on the USS *Radford* and the USS *Klondike*. Kadlec's sacrifice is evident as he received the Purple Heart among many other medals during his service in the U.S. Navy.

Kadlec continued to serve his local and veterans' communities long after his military service ended in 1946. He served as an officer on the Liberty Township board for over 60 years. Also, he is a member of the Veterans of Foreign Wars Post 3179 of Faulkton, SD, and the American Legion Post 259 of Roscoe, SD.

Kadlec is one example of the great generation that carried our Nation through its most difficult times. We are indebted to their sacrifice and their willingness to fight for the American people and way of life.

Again, I would like to thank Wilfred for his service as we remember all those who have protected freedom around the world and have made sacrifices to keep America safe on this Memorial Day.•

TRIBUTE TO DR. CHARLES RUCH

• Mr. THUNE. Mr. President, today I recognize Dr. Charles Ruch, outgoing president of the South Dakota School of Mines and Technology in Rapid City who is retiring after 5 years of service to the university.

The School of Mines was established in 1885 and enjoys a nationwide reputation for excellence in engineering, the sciences, and computer technology. President Ruch has received praise from the South Dakota Board of Regents for his keen focus on the academic, research and public service missions at the university. Since his arrival in 2003, the number of doctoral programs has doubled and the awards for research-related grants and contracts have increased 35 percent in the last 4 years to $17.2 million. Under his tenure, a new business incubator on campus has created important links between higher education, economic development and the Black Hills region. Additionally, under his visionary leadership, the School of Mines has conducted "cutting edge" defense research projects on pressing current day issues such as detecting and defeating improvised explosive devices and developing new technologies to inexpensively repair combat vehicles. He has been recognized by faculty, students and alumni as a strong advocate for the institution.

His leadership and dedication to the School of Mines will be greatly missed. It gives me great pleasure to congratulate Dr. Ruch on a successful career in higher education and wish him the best on his retirement.•

TRIBUTE TO SQUIRE RUDOLPH BROEL

• Mr. THUNE. Mr. President, today I recognize the 90th birthday of Mr. Squire Rudolph Broel.

A native South Dakotan, Squire was born in Lesterville, SD, on May 29, 1918, to Rudolph and May Broel. Upon graduation from Lesterville High School in 1936, Squire was employed in various jobs throughout the area including at the Stuelpnagals Chicken Hatchery. On June 24, 1940, Squire married another Lesterville native Evelyn Hladky and they would eventually have three children: Larry Broel, Carolyn McDonald, and Jean Lehn. During World War II Squire served in the Army Air Corps and for most of his service was stationed in Mississippi.

Soon after his discharge and return to South Dakota, Squire and his family moved to Sturgis, SD, where he still lives today. It was in Sturgis, that Squire became a fireman at the Fort Meade Veterans Hospital in 1951. He worked there until his retirement in 1978, and during that time he earned many awards, including the Veterans Hospital Civil Service Award for South Dakota in 1964.

After his retirement from Fort Meade, Squire continued to serve as a fireman for the Sturgis Volunteer Fire Department and in 1985 he was honored by the Governor of South Dakota for his 50 years of fire service with the proclamation of "Squire Broel Day" throughout the State. In 1994, Squire earned the South Dakota Outstanding Fire Service Award. During his career as a fireman Squire was also a member of the Black Hills Safety Council, the South Dakota Fire Chiefs Association, and the Keep South Dakota Green Association.

Now officially retired from the Sturgis Volunteer Fire Department, Squire remains active with numerous volunteer activities and in various civic organizations. He also enjoys hunting, watching baseball, traveling, and spending time with his five grandchildren and seven great-grandchildren.

It gives me great pleasure to commemorate the 90th birthday of Squire Broel and to wish him continued health and happiness in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003, WITH RESPECT TO THE STABILIZATION OF IRAQ—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2008.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken in response to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 20, 2008.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2419. An act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. TESTER).

At 6:07 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 355. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House has passed the following bills, without amendment:

S. 3029. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 3035. An act to temporarily extend the programs under the Higher Education Act of 1965.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3036. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 3044. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6293. A communication from the Secretary of Agriculture, transmitting, pursuant to law, an annual report relative to the cattle and hog industries; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6294. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary stores at Darmstadt, Wuerzburg, and Hanau, Germany; to the Committee on Armed Services.

EC–6295. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Secretary, received on May 15, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6296. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XH37) received on May 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6297. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer (NC to VA)" (RIN0648–XH32) received on May 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6298. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XH33) received on May 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6299. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of Kewaunee County to Attainment for Ozone" (FRL No. 8568-2) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6300. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules and Alternative Monitoring Plan for Mandan Refinery; Delegation of Authority for New Source Performance Standards" (FRL No. 8570-2) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6301. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designation of Areas for Air Quality Planning Purposes; California; Ventura Ozone Nonattainment Area; Reclassification to Serious" (FRL No. 8568-3) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6302. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries" ((RIN2060–AO90)(FRL No. 8569–1)) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6303. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries" ((RIN2060–AO90)(FRL No. 8568–8)) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6304. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Update of Continuous Instrumental Test Methods: Technical Amendments" (FRL No. 8568–7) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6305. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Utah: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8569–9) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6306. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partner's Distributive Share" ((RIN1545–BD70)(TD 9398)) received on May 20, 2008; to the Committee on Finance.

EC–6307. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates - June 2008" (Rev. Rul. 2008–28) received on May 20, 2008; to the Committee on Finance.

EC–6308. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance to Reduce Foreclosures of Mortgages Held by a REMIC" (Rev. Proc. 2008–28) received on May 20, 2008; to the Committee on Finance.

EC–6309. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the determination made by the Deputy Secretary of State that six countries are not cooperating fully with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC–6310. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Health Claims; Soluble Fiber from Certain Foods and Risk of Coronary Heart Disease" (Docket No. FDA–2006–P–0405) received on May 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6311. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Human Subject Protection; Foreign Clinical Studies Not Conducted Under an Investigational New Drug Application" (Docket No. 2004N–0018) received on May 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6312. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substances Prohibited From Use in Animal Food or Feed" ((RIN0910–AF46)(Docket No. 2002N–0273)) received on May 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6313. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Designation of New Animal Drugs for Minor Uses or Minor Species" ((RIN0910–AF60)(Docket No. 2005N–0329)) received on May 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6314. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the number of cases arising under the No FEAR Act during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-6315. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6316. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the Department of Agriculture's plan for a personnel management demonstration project; to the Committee on Homeland Security and Governmental Affairs.

EC-6317. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Representative Rate; Order of Release From Competitive Level; Assignment Rights" (RIN3206-AL19) received on May 20, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6318. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Political Activity - Federal Employees Residing in Designated Localities" (RIN3206-AL32) received on May 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6319. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6320. A communication from the Director, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Gaming on Trust Lands Acquired After October 17, 1988" (RIN1076-AE81) received on May 20, 2008; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2191. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes (Rept. No. 110-337).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 550. A resolution expressing the sense of the Senate regarding provocative and dangerous statements made by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Marcia Stephens Bloom Bernicat, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

Nominee: Marcia Stephens Bloom Bernicat.

Post: Senegal.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: N/A.

2. Spouse: Olivier Bernicat: N/A.

3. Children and Spouses: Sunil Christopher Bernicat (minor); Sumit Nicolaus Bernicat (minor).

4. Parents: Both deceased.

5. Grandparents: All four deceased.

6. Brothers and Spouses: Rodney &amp; Cindy Bloom.

7. Sisters and Spouses: Kathryn Bloom &amp; Luther White, Jr.: N/A.

*Marianne Matuzic Myles, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Nominee: Marianne M. Myles.

Post: Praia, Cape Verde.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: $100.00, 11/7/06, Democratic Senatorial Campaign Committee; $50.00, 2/4/04, Democratic National Committee Services Corp.; $100.00, 5/3/06, Democrats.Org.

3. Children and Spouses: Lee-Ellen Myles: none.

4. Parents: J. Philip Matuzic (deceased), Eleanor Matuzic (deceased).

5. Grandparents: Louis Mancheff (deceased), Mary Mancheff (deceased), Joseph Matuzic (deceased), Anna Matuzic (deceased).

6. Brothers and Spouses: Philip J. Matuzic: none.

7. Sisters and Spouses: Nancy Edwards, John Edwards: none.

*Linda Thomas-Greenfield, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Nominee: Linda Thomas-Greenfield.

Post: Monrovia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Lafayette Greenfield: None.

3. Children and Spouses: Lindsay Greenfield: None.

Lafayette Greenfield: None.

4. Parents' Names: Oliver Thomas, Jr.: None.

Doretha Thomas: None.

5. Grandparents' Names: All deceased: Maggie and Buck Peterson, Elnora and Oliver Thomas.

6. Brothers and Spouses Names: Elvin Thomas (divorced): None.

Ronald Thomas (Glenda): None.

Oliver Thomas III (Renita): None.

Cleveland (Deborah): None.

7. Sisters and Spouses Names: Patricia Noble (Bertel): None.

Kathy Thomas-Grover (James): None.

Maxine Caldwell (Lawrence): None.

*Joseph Evan LeBaron, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Nominee: Joseph Evan LeBaron.

Post: Qatar.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none

2. Spouse: Elinor R. LeBaron, none.

3. Children and Spouses: Petra Drake LeBaron, none.

4. Parents: Carlos S. LeBaron, deceased; Truellen LeBaron McCracken, deceased.

Grandparents: Edgar M. LeBaron, deceased; Zenobia H. LeBaron, deceased.

6. Brothers and Spouses: Charles S. LeBaron, deceased.

7. Sisters and Spouses: Joyce I. LeBaron, none; Veida Wissler, none; Steve Wissler (spouse), none.

4. (Step) Parents: Lawrence McCracken, none.

5. Grandparents (cont'd): Hyrum J. Davis, deceased, Berta B. Davis, deceased.

6. Brothers and Spouses (cont'd): Daniel McCracken, none. Cindy McCracken (spouse), none.

7. Sisters and Spouses (cont'd): Elma M. Witty, none; Ben Witty (spouse), none; Phyllis McCracken, none.

*Stephen James Nolan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Nominee: Stephen J. Nolan.

Post: Gabarone, Botswana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Judith F. Nolan: $25.00, 2004, Kerry Campaign.

3. Children and Spouses:

4. Parents: Mary P. Nolan, none; Bernard Nolan (deceased).

5. Grandparents (all deceased).

6. Brothers and Spouses: Robert B. Nolan (brother) none; Nancy W. Nolan (brother's spouse) none.

7. Sisters and Spouses: Monica F. Kowalski (sister) none; Robert J. Kowalski (deceased). Bernadette Hoffman (sister) none; Joseph Hoffman (husband) none.

*Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Nominee: Donald E. Booth.

Post: Ambassador to Zambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Anita S. Booth, none.
3. Children and Spouses: Alison L. Booth, none; Peter R. Booth, none; David I. Booth, none.
4. Parents: John E. Booth, deceased; Eileen R. Booth, deceased.
5. Grandparents: Ernest Ford, deceased; Lena Ford, deceased; Edward Booth, deceased; Margaret Booth, deceased.
6. Brothers and Spouses: John L. Booth (step-brother) none; Tibby Booth, none.
7. Sisters and Spouses: Camilla Noyes (step-sister) none; George Noyes, none.

*Gillian Arlette Milovanovic, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Nominee: Gillian Arlette Milovanovic.

POST: Ambassador to Mali.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Zlatibor Radmilo Milovanovic: None other than IRS form one dollar check off.
3. Children and Spouses: Alexandra Helene Milovanovic, none; Anna Michele Milovanovic, none.
4. Parents: Andre Pesche—deceased; Annette Roussel-Pesche—deceased.
5. Grandparents: Mary and Meyer Rosenson—deceased; Germaine and Robert Pesche—deceased.
6. Brothers and Spouses: No brothers.
7. Sisters and Spouses: No sisters.

*James B. Cunningham, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Nominee: James B. Cunningham.

POST: Tel Aviv.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Emma, none; Abigail, none.
4. Parents: Blair—deceased; Julia—deceased.
5. Grandparents: Grandparents Knowles—deceased; Grandparents Cunningham—deceased.
6. Brothers and Spouses: Thomas, none; William—estranged, believe none.
7. Sisters and Spouses: Carol, none; Kathleen—deceased.

*Donald Gene Teitelbaum, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Nominee: Donald Gene Teitelbaum.

POST: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Julianna Lindsey: none.
3. Children and Spouses: none.
4. Parents: Robert Teitelbaum, none; Fumie Teitelbaum, none.
5. Grandparents: Deceased.
6. Brothers and Spouses: Alex Teitelbaum, none; Cathy Teitelbaum, none.
7. Sisters and Spouses: Romie Heidt, none; Rick Heidt, none.

Robert Stephen Beecroft, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Nominee: Robert Stephen Beecroft.

Post: Ambassador to Jordan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Anne T. Beecroft, none.
3. Children: Blythe A. Beecroft, none; Robert Warren N. Beecroft, none; Sterling S. Beecroft, none; Grace A. Beecroft, none; Children's Spouses, N/A.
4. Parents: Robert L. Beecroft (Deceased); Emma L. Beecroft, none.
5. Grandparents: Irl R. Beecroft (Deceased); Ruth V. Beecroft (Deceased); John E. Warren (Deceased); Emma W. Warren (Deceased).
6. Brothers and Spouses: Warren E. Beecroft, none; Frances Beecroft (spouse), none.

Edward Regan Beecroft, none; JoAn Stopa-Beecroft (spouse), none.

Collin J. Beecroft, none; Melinda Beecroft (spouse), $500, 3/31/07, Mitt Romney.

7. Sisters and Spouses: Robyn R. Ryskamp, none; Barry Ryskamp (spouse), none.

*Richard E. Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Nominee: Richard Eugene Hoagland.

Post: Ambassador to Kazakhstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: N/A.
3. Children and Spouses' Names: N/A.
4. Parents' Names: Robert Hoagland (deceased); Thelma Hoagland, none.
5. Grandparents' Names: Earl Hoagland (deceased); Nellie Hoagland (deceased); Charles Van Scoik (deceased); Faustina Van Scoik (deceased).
6. Brothers' and Spouses' Names: Donald Hoagland, none; Helen Hoagland, none; David Hoagland, none; Kathy Hoagland, none; Daniel Hoagland, none; Karen Hoagland, none.
7. Sisters' and Spouses' Names: Deborah Hoagland, none.

•Peter William Bodde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Nominee: Peter W Bodde.

Post: Ambassador to Malawi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children's and Spouses' Names: none.
4. Parents' Names: Amb. William Bodde, Jr., $1,000.00, 2007, Senator Hillary Clinton, Rep. Chris Van Hollen.
5. Grandparents' Names: deceased.
6. Brothers' and Spouses': none.
7. Sisters' and Spouses' Names: none.

*Patricia McMahon Hawkins, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Nominee: Patricia McMahon Hawkins.

Post: Togo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Frederic Charles Game, None; and Jessica C. Hawkins, None.
4. Parents: Charles J. McMahon, Deceased; and Rosemary V. McMahon, Deceased.
5. Grandparents: George Graff, Deceased; Virginia M. Graff, Deceased; Charles J, McMahon, Deceased; and Lillian Whiting, Deceased.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Barbara Ellen McMahon, None.

*Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

*William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

*Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

*C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

*T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

*Janice L. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Bureau of Consular Affairs).

*T. Vance McMahan, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Craig Lewis Cloud and ending with Kimberly K. Ottwell, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Foreign Service nominations beginning with Carmine G. D'Aloisio and ending with Judy R. Reinke, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. KENNEDY):

S. 3035. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mrs. BOXER:

S. 3036. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; read the first time.

By Mr. DODD (for himself, Mr. COCHRAN, Mrs. CLINTON, Mr. MENENDEZ, Mr. INOUYE, Mr. KENNEDY, Mr. SMITH, Ms. MIKULSKI, Mrs. LINCOLN, Mr. CASEY, Mr. BAYH, Mr. ROCKEFELLER, and Mr. WHITEHOUSE):

S. 3037. A bill to amend the National and Community Service Act of 1990 to improve the educational awards provided for national service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 3038. A bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes; to the Committee on Finance.

By Mr. WEBB (for himself and Mr. WARNER):

S. 3039. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. WHITEHOUSE, Mrs. CLINTON, and Mr. KERRY):

S. 3040. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. HAGEL):

S. 3041. A bill to establish the Foreign Intelligence and Information Commission to assess needs and provide recommendations to improve foreign intelligence and information collection, analysis, and reporting and for other purposes; to the Select Committee on Intelligence.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3042. A bill to establish a coordinated avalanche protection program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. McCASKILL (for herself and Mr. HATCH):

S. 3043. A bill to improve Federal land management, resource conservation, environmental protection, and use of Federal real property, by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal and real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CONRAD, Mr. DODD, Mr. DURBIN, Mr. JOHNSON, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SCHUMER, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 3044. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CORNYN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 571. A resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer; considered and agreed to.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 34, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 218

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1169, a bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1430

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1942

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1942, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2123

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Montana (Mr. TESTER), the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. REED), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2595

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2759

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2759, a bill to provide for Kindergarten Plus programs.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2959

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2959, a bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration.

S. 2979

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 3008

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3008, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 3031

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3031, a bill to amend the Clean Air Act to limit the use of ethanol to meet the renewable fuel standard, and for other purposes.

S. CON. RES. 82

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. COCHRAN, Mrs. CLINTON, Mr. MENENDEZ, Mr. INOUYE, Mr. KENNEDY, Mr. SMITH, Ms. MIKULSKI, Mrs. LINCOLN, Mr. CASEY, Mr. BAYH, Mr. ROCKEFELLER, and Mr. WHITEHOUSE):

S. 3037. A bill to amend the National and Community Service Act of 1990 to improve the educational awards provided for national service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senator COCHRAN and others to introduce legislation that will build on one of the best service success stories of the last quarter century: AmeriCorps. Fifteen years ago, as he swore in the first class of AmeriCorps members, President Bill Clinton said, "When it is all said and done, it comes down to three simple questions: What is right? What is wrong? And what are we going to do about it?"

Since that time, more than a half-million AmeriCorps members have taken it upon themselves to try and answer those questions in communities across this country.

They have done so by serving in a variety of settings from senior centers and veterans' hospitals to schools and afterschool programs. They have helped clean up our neighborhoods and rebuilt our houses. These members have sacrificed their time and energy to meet the fundamental needs of our nation.

Last year alone, 75,000 AmeriCorps members gave back to our communities, serving in over 4,000 schools, faith-based and community organizations, and nonprofits across the country. They also brought reinforcements—recruiting another 1.7 million community volunteers to work alongside them. Because of AmeriCorps, our communities have been strengthened, and our democracy fortified.

Unfortunately, as the hours AmeriCorps members have contributed to our communities have increased, the Segal AmeriCorps Education Award created to help members pay for their college tuition has remained flat at $4,725. Meanwhile, the average college tuition has skyrocketed. The education award previously paid for two years of college, but currently it does not even cover the cost of a single year. I am introducing the AmeriCorps: Together Improving Our Nation Act, ACTION, in part, to update the education award to keep pace with 15 years of tuition increases.

The ACTION Act will raise the education award to $6,185 and increase the award annually to match the average tuition at a 4-year public university. That figure, $6,185 is the average cost of tuition at a four-year public university according to the College Board. The act will also make the education award tax exempt to ensure that students are able to use their entire award to advance their education.

In addition, to recognize service as a national priority, this legislation promotes the position of Executive Director of the Corporation for National and Community Service to Cabinet status and reestablishes the Corporation for National and Community Service's authority to partner with other Federal agencies. As partners of equal status, Federal Departments will be able to coordinate their priorities and have AmeriCorps members work to meet their needs.

For example, the Department of Education could use volunteers to help solve the "Dropout Crisis" and the Environmental Protection Agency could use volunteers to increase our energy efficiency.

As a former Peace Corps volunteer, I know that national service ought not to simply be virtuous, but rather, a resource with which we can carry out our most urgent national priorities, from tackling poverty to making our communities cleaner and more vibrant. We need to recognize service as a national priority, and with passage of the ACTION Act, we will.

By Mr. FEINGOLD (for himself and Mr. HAGEL):

S. 3041. A bill to establish the Foreign Intelligence and Information Commission to assess needs and provide recommendations to improve foreign intelligence and information collection, analysis, and reporting and for other purposes; to the Select Committee on Intelligence.

Mr. FEINGOLD. Mr. President, today I am introducing legislation with the senior Senator from Nebraska, Senator HAGEL, to establish an independent commission to address long-standing, systemic problems in the collection, reporting, and analysis of foreign intelligence as well as diplomatic reporting and open source information. First, as the DNI has testified, we continue to direct "disproportionate" resources toward current crises, rather than toward long-term strategic issues and emerging threats. Second, we don't have the geographic distribution of resources needed to anticipate threats around the world. The lack of "global reach" has also been acknowledged by the Intelligence Community leadership. And third, we lack a comprehensive strategic approach to the collection of information by the entire U.S. Government, including not only the Intelligence Community, but also State Department and other Government officers who are based in our embassies.

To put it simply, the Government does not have a process for asking the following questions: What do we need to know, not only today but in the future? Who is best suited to get that information and where do they need to be? Is our analysis up to the task? And how do we allocate resources, across agencies, so that these requirements are met with adequate funding? These big strategic questions are critical to our national security, yet they don't get asked, much less answered. These problems extend well beyond the authorities of the DNI and the jurisdiction of any one congressional committee. That is why we need an independent commission to finally address them comprehensively and to make recommendations for the executive branch and for Congress.

There are concrete reasons why this is so important. Around the world, including in Africa, South and Southeast Asia, there are current and potential terrorist safe havens. There is also the potential for instability and the persistence of political, economic and social conditions that can result in a crisis that threatens our national security. Do we need more clandestine collectors in these parts of the world? Do we need more embassy political officers doing more diplomatic reporting? After all, information gleaned from conversations with government officials, civil society and tribal and religious leaders can be critical to understanding potential terrorist safe havens and can often be obtained more effectively than through the IC. What about other U.S. Government officials based overseas, such as FBI officers? What mix of these personnel is appropriate? What does a U.S. Embassy in one of these countries look like, from an interagency collection and reporting perspective? Are more consulates and out-of-embassy posts part of the solution? And how do we connect the requirements of our embassies overseas to Washington, where administration budget requests and congressional budgetary allocations and appropriations should reflect a broad, multi-year interagency collection strategy?

An independent commission will be able to answer these questions. It will be able to look at the Intelligence Community, the State Department, and other departments and agencies to ensure that strategic and budgetary planning is not only consistent with national requirements, but is part of a larger, interagency process. The commission will consider the role of the National Security Council and the OMB in this process. It will look at the problem from top to bottom, interviewing NSC officials in Washington and visiting country missions overseas. This would not be a confrontational or accusatory investigation. It is an inquiry intended to produce concrete recommendations to fix long-standing problems. Those recommendations will be of enormous benefit to whoever the next president is. It will help Congress as it conducts oversight and considers the role of the Intelligence Community, the DNI, the State Department, and other agencies in the context of broader interagency strategies.

This legislation has been endorsed by a broad range of people, including Zbigniew Brzezinski, Donald Gregg, Carl Ford, Larry Wilkerson, David Kay, Gayle Smith and Rand Beers. I am pleased that the Intelligence Committee approved the legislation earlier this month as an amendment to the fiscal year 2009 intelligence authorization bill. I will continue working with Senator HAGEL to ensure that this important legislation is enacted.

Mr. HAGEL. Mr. President, the Feingold-Hagel bill establishes an independent Foreign Intelligence and Information Commission, appointed by Congress, to review strategies for collection, analysis, and reporting of intelligence and diplomatic information from our outposts around the world. The Commission would have a 2-year lifespan.

We must ensure that the United States is prepared to face the challenges of the 21st Century. Our intelligence agencies and diplomatic outposts must provide policymakers with information that helps anticipate threats before they loom large, and our efforts must not be focused solely on the "threat of the day."

As observers and veterans of the intelligence community—including the 9/11 Commission—have noted, the U.S. Government and intelligence community obviously have to focus on current threats, many times at the expense of having the "strategic depth" to analyze and anticipate potential threats and surprises lurking over the horizon. The focus mainly on current reporting has been cited within the Intelligence Community as inhibiting its ability to forecast significant longer term problems.

With the creation of the Director of National Intelligence, DNI, and the National Counterterrorism Center, NCTC, Congress helped move the Intelligence Community in the right direction, but we need strategic intelligence not just on terrorism, but many other threats that our intelligence agencies and policymakers must anticipate.

This bi-partisan Commission would enhance—not supplant—the Senate Select Committee on Intelligence's oversight of intelligence.

"Strategic depth" in collection and analysis is an issue that cuts across the oversight responsibilities of both the Senate's Intelligence and Foreign Relations Committees. This Commission would examine diplomatic as well as intelligence reporting, which would help provide an in-depth analysis of issues that are not entirely within the scope of responsibilities of the DNI. The Commission would be able to probe these areas in depth and would have two years to issue its final report.

We have seen how Commission reports can be useful tools to both Congress and the Executive branch to highlight needed reforms. For instance, the 2001 Carlucci Commission report on "State Department Reform" proved to be a tremendous resource for Secretary Colin Powell as he developed an action program to revitalize the State Department and make needed reforms. Secretary Powell studied the findings and recommendations of this and other panels. He met extensively with Carlucci and other members of various commissions, and relied on their detailed insights in formulating his reform efforts.

The Feingold-Hagel legislation's commission report would help the next administration evaluate and improve the effectiveness of key instruments underlying our national power. The Commission would provide recommendations on how to improve collection strategy, analysis, interagency information sharing, and language training.

A bipartisan group of respected intelligence and national security experts have endorsed the Commission, including former National Security Advisor Zbigniew Brzezinski; Donald Gregg, former Ambassador and National Security Advisor to Vice President George H. W. Bush, and Larry Wilkerson, former Chief of Staff to Secretary Colin Powell. Earlier this month, in a bipartisan vote, the Senate Intelligence Committee endorsed the Feingold-Hagel legislation setting up this commission.

This Commission would help Congress and the Executive to better position our intelligence agencies and diplomats to provide the information the United States Government needs to anticipate future strategic challenges, and I urge my colleagues to support this measure.

By Mrs. McCASKILL (for herself and Mr. HATCH):

S. 3043. A bill to improve Federal land management, resource conservation, environmental protection, and use of Federal real property, by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal and real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. McCASKILL. Mr. President, have you ever flown over the heartland of the United States and wondered how the Midwest and West got its distinctive and remarkable checkerboard pattern?

The reason for that extraordinary system is a law enacted on this date in 1785. On May 20, 1785, Congress enacted a bill that laid the foundation for American land policy. The Land Ordinance of 1785 provided that from a point of beginning in East Liverpool, Ohio, the new Northwest Territory was to be systematically surveyed and the lands subdivided into settlements and townships. Of the thirty-six sections of 640 acres in each township, the sixteenth was reserved "for the maintenance of public schools." Congress began an extraordinary process of inventorying the lands to the west, providing for settlement and homesteads, surveying and subdividing the lands, and providing land for Revolutionary War soldiers, as payment in lieu of compensation to relieve the new Republic of its war debts to those who fought for our freedom.

But while these early Acts of Congress, beginning with the Land Ordinance of 1785, the Northwest Ordinance of 1787, through the Homestead Act of 1862 and the more recent Federal Land Policy and Management Act FLPMA in 1976, all contributed to the inventorying, surveying, preservation, disposal and settlement of lands of the West, to this day the United States does not have a current, accurate inventory of the lands the Federal government owns.

The fact is, the Federal Government does not know what it owns, where it owns it, what condition it is in, what its characteristics are, or what its designated use should be. This is the third consecutive Congress in which Congress's watchdog agency, the Government Accountability Office placed 'Managing Federal Real Property' in the High-Risk Series, a category describing those activities with the highest risk of waste, fraud or abuse.

The GAO, GAO-03-122, found over 30 Federal agencies control hundreds of thousands of real property assets worldwide, including facilities and land. However, the portfolio is not well managed, many assets are no longer consistent with agency mission or needs, and many assets are in an alarming state of disrepair. Also, GAO, GAO-T-RCED-95-117, told Congress, "The General Services Administration, GSA, publishes statistics on the amount of land managed by each federal agency. However, we found this information was not current or reliable."

To remedy the lack of a current accurate inventory of all Federal real property, and the duplication and inefficiency of the many property databases the government does maintain, I am today introducing the Federal Land Asset Inventory Reform, FLAIR, Act, along with my colleague Senator ORRIN HATCH of Utah. Our bill is a companion to H.R. 5532, introduced in the House on a bipartisan basis by Representative KIND of Wisconsin and Representative CANNON of Utah.

There is no reason for the Government to lack a current, accurate inventory of all the land it has been entrusted to manage for the citizens of the United States. With the technology available, it should not happen that then-Secretary of the Interior Gale Norton would testify before the House Interior Appropriations Subcommittee on March 2, 2005 that "The Department currently uses 26 different financial management systems and over 100 different property systems. Employees must enter procurement transactions multiple times in different systems so that the data are captured in real property inventories, financial systems, and acquisition systems. This fractured approach is both costly and burdensome to manage."

It is time the U.S. Government invested in a methodology and technology to identify and inventory its land holdings. Such a system can help enhance the Federal land management, resource conservation, environmental protection, and use of Federal real property. We should not be creating multiple inventories when today's technology permits us to do it once and use it many times. Gathering information to solve national problems should not require an Act of Congress, particularly when a few keystrokes on a computer will do the job.

Although the Bush administration took a step toward solving this problem when President Bush issued Executive Order 13327 in 2004, the resulting GSA inventory is neither GIS-based nor includes public lands. Unfortunately, this means that more than 300 million acres are exempt from the inventory currently maintained by GSA.

Since 1980, the National Academy of Sciences has been calling for the development of a multipurpose cadastre, or land registry, in its report, "Need for a Multipurpose Cadastre." The report said, "There is a critical need for a better land-information system in the United States to improve land-conveyance procedures, furnish a basis for equitable taxation, and provide much-needed information for resource management and environmental planning." In 2007, the Academy renewed this effort and recommended the idea of the FLAIR Act, in its report, "National Land Parcel Data: A Vision for the Future."

This Federal effort will also help State and local agencies verify their ongoing efforts to identify what each level of government owns, and permit the fair, efficient and equitable taxation of private property. This will enable government at all levels to find missing lands through a gap analysis that identifies properties on which taxes are not being collected due to the inefficiencies in our systems. For example, when the State of Wyoming used a GIS to audit the mass appraisal process, it found that approximately 250,000 parcels were not on the tax rolls.

Over the past decade, nearly 30 Governors and State Legislatures have created State land inventories. Let me give you a few examples of what some States have found.

In California, an inventory discovered that in 1955, the State purchased a golf course in Oakland to make way for a highway. The road was never built, and the State still owns the land, unbeknownst to any State agency.

In South Carolina, a State commission found the University of South Carolina, a State university, still owned Wedge Plantation, a 1,500 acre tract valued at $5 million, originally used for research of insect-borne diseases, but now leased to a half-dozen hunters who pay no rent.

While serving as Missouri State Auditor, my office issued a report noting that the Missouri Department of Transportation lacked accurate and reliable records of excess property and property being held for future projects. The best MoDOT could do was estimate the amount and value of the land they held.

The FLAIR Act addresses the twin problems of a lack of a single, interoperable, current and accurate Federal land inventory, and the proliferation of inefficient, duplicative, costly, inaccurate and out-of-date inventories by authorizing the Department of the Interior to develop and manage a single multipurpose, uniform Federal GIS database to track and account for all Federal Real Property, as called for by GAO and recommended by the National Academy.

Waste and duplication can be avoided if the Government knew what inventories it had. The FLAIR Act also authorizes the Secretary of the Interior to conduct an "inventory of inventories" to identify all inventory databases, whether efficient or inefficient. The efficient databases will be merged into a single multipurpose cadastre while the inefficient databases are repealed, thus preventing waste and duplication from continuing. By integrating the efficient databases, redundancy can be identified and eliminated. Resources can be applied to gaps in data rather than duplicative data.

Once a multipurpose inventory is complete, the government can become a better real property asset manager, and a responsible steward of its land holdings. This will result in more efficient land management, again providing savings. That is what the FLAIR Act provides.

I urge my colleagues to join Senator HATCH and myself in enacting this good-government bill.

By Mr. REID (for himself, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CONRAD, Mr. DODD, Mr. DURBIN, Mr. JOHNSON, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SCHUMER, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 3044. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer-First Energy Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—TAX PROVISIONS RELATED TO OIL AND GAS

Sec. 101. Denial of deduction for major integrated oil companies for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 102. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 103. Windfall profits tax.
Sec. 104. Energy Independence and Security Trust Fund.

TITLE II—PRICE GOUGING

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Energy emergency and additional price gouging enforcement.
Sec. 204. Presidential declaration of energy emergency.
Sec. 205. Enforcement by the Federal Trade Commission.
Sec. 206. Enforcement by State attorneys general.
Sec. 207. Penalties.
Sec. 208. Effect on other laws.

TITLE III—STRATEGIC PETROLEUM RESERVE

Sec. 301. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

Sec. 401. No Oil Producing and Exporting Cartels Act of 2008.

TITLE V—MARKET SPECULATION

Sec. 501. Speculative limits and transparency for off-shore oil trading.
Sec. 502. Margin level for crude oil.

SEC. 2. FINDINGS.

Congress finds that—

(1) excessive prices for petroleum products have created, or imminently threaten to create, severe economic dislocations and hardships, including the loss of jobs, business failures, disruption of economic activity,

curtailment of vital public services, and price increases throughout the economy;

(2) those hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy and economic crisis that is a threat to the public health, safety, and welfare of the United States;

(3) consumers, workers, small businesses, and large businesses of the United States are particularly vulnerable to those price increase due to the failure of the President to aggressively develop alternatives to petroleum and petroleum products and to promote efficiency and conservation;

(4) reliable and affordable supplies of crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel) are vital to the economic and national security of the United States given current energy infrastructure and technology;

(5) the price of crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel) have skyrocketed to record levels and are continuing to rise;

(6) since 2001, oil prices have increased from $29 per barrel to levels near $120 per barrel and gasoline prices have more than doubled from $1.47 per gallon to more than $3.50 per gallon;

(7) the record prices for crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel)—

(A) are hurting millions of consumers, workers, small businesses, and large businesses of the United States, and threaten long-term damage to the economy and security of the United States;

(B) are partially due to—

(i) the declining value of the dollar and a widespread lack of confidence in the management of economic and foreign policy by the President;

(ii) the accumulation of national debt and growing budget deficits under the failed economic policies of the President; and

(iii) high levels of military expenditures under the failed policies of the President in Iraq; and

(C) are no longer justified by traditional forces of supply and demand;

(8) rampant speculation in the markets for crude oil and products refined from crude oil has magnified the price increases and market volatility resulting from those underlying causes of price increases; and

(9) Congress must take urgent action to protect consumers, workers, and businesses of the United States from rampant speculation in the energy markets and the price increases resulting from the failed domestic and foreign policies of the President.

TITLE I—TAX PROVISIONS RELATED TO OIL AND GAS

SEC. 101. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) In General.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).".

(b) Primary Product.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 102. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) In General.—Subsections (a) and (b) of section 907 of the Internal Revenue Code of 1986 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

"(a) Reduction in Amount Allowed as Foreign Tax Under Section 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

"(1) the amount of the combined foreign oil and gas income for the taxable year,

"(2) multiplied by—

"(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

"(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

"(b) Combined Foreign Oil and Gas Income; Foreign Oil and Gas Taxes.—For purposes of this section—

"(1) Combined foreign oil and gas income.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

"(A) foreign oil and gas extraction income, and

"(B) foreign oil related income.

"(2) Foreign oil and gas taxes.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

"(A) oil and gas extraction taxes, and

"(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.".

(b) Recapture of Foreign Oil and Gas Losses.—Paragraph (4) of section 907(c) of the Internal Revenue Code of 1986 (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

"(4) Recapture of foreign oil and gas losses by recharacterizing later combined foreign oil and gas income.—

"(A) In general.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

"(i) first by the amount determined under subparagraph (B), and

"(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

"(B) Reduction for pre-2008 foreign oil extraction losses.—The reduction under this paragraph shall be equal to the lesser of—

"(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

"(ii) the excess of—

"(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2008, over

"(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Consumer-First Energy Act of 2008) for preceding taxable years beginning after December 31, 1982.

"(C) Reduction for post-2008 foreign oil and gas losses.—The reduction under this paragraph shall be equal to the lesser of—

"(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

"(ii) the excess of—

"(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

"(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

"(D) Foreign oil and gas loss defined.—

"(i) In general.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

"(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

"(II) the sum of the deductions properly apportioned or allocated thereto.

"(ii) Net operating loss deduction not taken into account.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

"(iii) Expropriation and casualty losses not taken into account.—For purposes of clause (i), there shall not be taken into account—

"(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

"(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

"(iv) Foreign oil extraction loss.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Consumer-First Energy Act of 2008.".

(c) Carryback and Carryover of Disallowed Credits.—Section 907(f) of the Internal Revenue Code of 1986 (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking "oil and gas extraction taxes" each place it appears and inserting "foreign oil and gas taxes", and

(2) by adding at the end the following new paragraph:

"(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

"(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

"(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

"(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

"(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Consumer-First Energy Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.".

(d) CONFORMING AMENDMENT.—Section 6501(i) of the Internal Revenue Code of 1986 is amended by striking "oil and gas extraction taxes" and inserting "foreign oil and gas taxes".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 103. WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; qualified investment.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to 25 percent of the excess of—

"(1) the windfall profit of such taxpayer, over

"(2) the excess of—

"(A) the amount of the qualified investments of such applicable taxpayer for such taxable year, over

"(B) the average of the qualified investment of such applicable taxpayer for taxable years beginning during the 2002–2006 taxable year period.

"(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term 'applicable taxpayer' means any major integrated oil company (as defined in section 167(h)(5)(B)).

"SEC. 5897. WINDFALL PROFIT; QUALIFIED INVESTMENT.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

"(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

"(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

"(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

"(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2002–2006 taxable year period (determined without regard to the taxable year with the highest adjusted taxable income in such period) plus 10 percent of such average.

"(d) QUALIFIED INVESTMENT.—For purposes of this chapter, the term 'qualified investment' means, with respect to any applicable taxpayer, means any amount paid or incurred with respect to—

"(1) any qualified facility described in paragraph (1), (2), (3), (4), (5), (6), (7), or (9) of section 45(d) (determined without regard to any placed in service date), or

"(2) any facility for the production renewable fuel or advanced biofuel (as defined in section 211(o) of the Clean Air Act 942 U.S.C. 7545).

"SEC. 5898. SPECIAL RULES AND DEFINITIONS.

"(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

"(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

"(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"CHAPTER 56. WINDFALL PROFIT ON CRUDE OIL.".

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 104. ENERGY INDEPENDENCE AND SECURITY TRUST FUND.

(a) ESTABLISHMENT.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. ENERGY INDEPENDENCE AND SECURITY TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as 'Energy Independence and Security Trust Fund' (referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the increase in the revenues received in the Treasury as the result of the amendments made by sections 101, 102, and 103 of the Consumer-First Energy Act of 2008.

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for the purposes of reducing the dependence of the United States on foreign and unsustainable energy sources and reducing the risks of global warming through programs and measures that—

"(1) reduce the burdens on consumers of rising energy prices;

"(2) diversify and expand the use of secure, efficient, and environmentally-friendly energy supplies and technologies;

"(3) result in net reductions in emissions of greenhouse gases; and

"(4) prevent energy price gouging, profiteering, and market manipulation.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

"Sec. 9511. Energy Independence and Security Trust Fund.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—PRICE GOUGING

SEC. 201. SHORT TITLE.

This title may be cited as the "Petroleum Consumer Price Gouging Protection Act".

SEC. 202. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term "affected area" means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term "supplier" means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, petroleum distillates, or biofuel.

(3) PRICE GOUGING.—The term "price gouging" means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term "unconscionably excessive price" means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil, gasoline, petroleum distillates, or biofuel was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, petroleum distillates, or biofuel, and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term "Commission" means the Federal Trade Commission.

SEC. 203. ENERGY EMERGENCY AND ADDITIONAL PRICE GOUGING ENFORCEMENT.

(a) IN GENERAL.—During any energy emergency declared by the President under section 204 of this title, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline, petroleum distillates, or biofuel subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline, other petroleum distillates, or biofuel the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 204. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, petroleum distillates, or biofuel due to a disruption in the national distribution system for crude oil, gasoline, petroleum distillates, or biofuel (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, petroleum distillates, or biofuel the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 205. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 203 of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, petroleum distillates, and biofuel in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 204 of this title, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, petroleum distillates, or biofuel in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 203 of this title, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 206. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 203 of this title, or to impose the civil penalties authorized by section 207 for violations of section 203, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline, petroleum distillates, or biofuel in violation of section 203 of this title.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 207. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 203 of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 203 of this title is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 203 of this title is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 208. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal

Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

TITLE III—STRATEGIC PETROLEUM RESERVE

SEC. 301. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

SEC. 401. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008.

(a) SHORT TITLE.—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2008" or "NOPEC".

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

TITLE V—MARKET SPECULATION

SEC. 501. SPECULATIVE LIMITS AND TRANSPARENCY FOR OFF-SHORE OIL TRADING.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

"(e) FOREIGN BOARDS OF TRADE.—

"(1) IN GENERAL.—In the case of any foreign board of trade for which the Commission has granted or is considering an application to grant a board of trade located outside of the United States relief from the requirement of subsection (a) to become a designated contract market, derivatives transaction execution facility, or other registered entity, with respect to an energy commodity that is physically delivered in the United States, prior to continuing to or initially granting the relief, the Commission shall determine that the foreign board of trade—

"(A) applies comparable principles or requirements regarding the daily publication of trading information and position limits or accountability levels for speculators as apply to a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States; and

"(B) provides such information to the Commission regarding the extent of speculative and nonspeculative trading in the energy commodity that is comparable to the information the Commission determines necessary to publish a Commitment of Traders report for a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States.

"(2) EXISTING FOREIGN BOARDS OF TRADE.—During the period beginning 1 year after the date of enactment of this subsection and ending 18 months after the date of enactment of this subsection, the Commission shall determine whether to continue to grant relief in accordance with paragraph (1) to any foreign board of trade for which the Commission granted relief prior to the date of enactment of this subsection.".

SEC. 502. MARGIN LEVEL FOR CRUDE OIL.

(a) IN GENERAL.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

"(G) MARGIN LEVEL FOR CRUDE OIL.—Not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to set a substantial increase in margin levels for crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act in order to reduce excessive speculation and protect consumers.".

(b) STUDIES.—

(1) STUDY RELATING TO EFFECT OF CERTAIN REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission shall submit to the appropriate committees of Congress a report describing the effect of the amendment made by subsection (a) on any trading facilities and agreements, contracts, and transactions covered by the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(2) STUDY RELATING TO EFFECTS OF CHANGES IN MARGIN LEVELS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report describing the effect (including any effect relating to trade volume or volatility) of any change of a margin level that occurred during the 10-year period ending on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 571—RECOGNIZING THE 100TH BIRTHDAY OF LYNDON BAINES JOHNSON, 36TH PRESIDENT, DESIGNER OF THE GREAT SOCIETY, POLITICIAN, EDUCATOR, AND CIVIL RIGHTS ENFORCER

Mr. REID (for himself, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CORNYN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, MRS. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of NEBRASKA, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 571

Whereas August 27, 2008, marks the 100th birthday of Lyndon Baines Johnson;

Whereas Lyndon B. Johnson was born in Stonewall, Texas, to Samuel Ealy Johnson, Jr., a Texas representative, and Rebekah Baines, on August 27, 1908;

Whereas upon graduation, Lyndon B. Johnson enrolled in Southwest Texas State Teachers' College, where he vigorously participated in debate, campus politics, and edited the school newspaper;

Whereas Lyndon B. Johnson had several teaching positions throughout Texas, including at the Welhausen School in La Salle County, at Pearsall High School, and as a public speaking teacher at Sam Houston High School in Houston;

Whereas Lyndon B. Johnson went to work as a congressional assistant at the age of 23;

Whereas Lyndon B. Johnson served the 10th Congressional District in the Texas House of Representatives from April 10, 1937, to January 3, 1949;

Whereas Lyndon B. Johnson became a commissioned officer in the Navy Reserve in December 1941;

Whereas, during World War II, Lyndon B. Johnson was recommended by Undersecretary of the Navy James Forrestal to President Franklin D. Roosevelt, who assigned Johnson to a 3-man survey team in the southwest Pacific;

Whereas Lyndon B. Johnson was conferred the Silver Star, which is the military's 3rd highest medal, by General Douglas MacArthur;

Whereas, in 1948, Lyndon B. Johnson was elected to the Senate at the age of 41;

Whereas, in 1951, Lyndon B. Johnson was elected Senate minority leader at the age of 44, and elected Senate majority leader at the age of 46, the youngest in United States history;

Whereas Lyndon B. Johnson was elected Vice President at the age of 52, becoming president of the Senate;

Whereas Lyndon B. Johnson's congressional career and his leadership spanned the stock market crash, the Great Depression, World War II, the nuclear age, the Cold War, the space age, and the civil rights movement, some of the most turbulent years in American history;

Whereas Vice President Lyndon B. Johnson was appointed as head of the President's Committee on Equal Employment Opportunities, through which he worked with African-Americans and other minorities;

Whereas an hour and 38 minutes after the assassination of President Kennedy, Lyndon B. Johnson was sworn in as President aboard Air Force One;

Whereas Lyndon B. Johnson was a bold leader and an idealist, who had the energy, determination, and leadership to turn those dreams into reality;

Whereas Lyndon B. Johnson was a "can-do" President because no matter how difficult and daunting the task at hand, he never rested until it was completed;

Whereas, in 1964, at the request of the Johnson Administration, Congress passed the landmark Civil Rights Act of 1964, which banned de jure segregation in the Nation's schools and public places;

Whereas Congress passed by request of the Johnson Administration the Voting Rights Act of 1965, which outlawed obstructive provisions that were determined to be impractical and potentially biased against prospective voters;

Whereas, in January of 1965, the Johnson Administration introduced by request the legislation that encompassed the Great Society programs;

Whereas, in 1967, President Johnson nominated Thurgood Marshall as the 1st African-American to serve on the Supreme Court;

Whereas, during President Johnson's time in office, the National Aeronautics and Space Administration made spectacular steps forward in space exploration when 3 astronauts successfully orbited the moon in December 1968;

Whereas Lyndon B. Johnson died at 4:33 p.m. on January 22, 1973, at his ranch in Johnson City, Texas, at the age of 64;

Whereas Lyndon B. Johnson was posthumously awarded the Presidential Medal of Freedom in 1980; and

Whereas Lyndon B. Johnson is honored, venerated, and revered for his drive to establish equality for all Americans, illustrated in the momentous legislation passed during his Administration: Now, therefore, be it

Resolved, That the Senate—

(1) honors Lyndon B. Johnson for his fortitude in bringing about the passage of the historic Civil Rights Act of 1964 and Voting Rights Act of 1965;

(2) extols the contributions of Lyndon B. Johnson to the United States;

(3) commends Lyndon B. Johnson for establishing the Medicare Act of 1965 that has helped millions of Americans; and

(4) recognizes the 100th birthday of Lyndon Baines Johnson, the 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4789. Mr. REID proposed an amendment to House amendment numbered 2 to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 4790. Mr. REID proposed an amendment to amendment SA 4789 proposed by Mr. REID to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4791. Mr. KERRY submitted an amendment intended to be proposed by him to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4792. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4793. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4794. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4795. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4796. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4797. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4798. Mr. REID (for Mr. SCHUMER (for himself and Mr. MCCAIN proposed an amendment to the bill S. 431, to require convicted sex offenders to register online identifiers, and for other purposes.

SA 4799. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4800. Mr. WARNER (for himself, Mr. WEBB, Mr. HAGEL, Mr. LEVIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4801. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4802. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4803. Mr. REID proposed an amendment to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4804. Mr. REID proposed an amendment to amendment SA 4803 proposed by Mr. REID to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, supra.

TEXT OF AMENDMENTS

SA 4789. Mr. REID proposed an amendment to House amendment numbered 2 to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $850,000,000, to remain available until expended.

For an additional amount for "Public Law 480 Title II Grants", $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities",

$1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $164,965,000, to remain available until September 30, 2009.

For an additional amount for "Salaries and Expenses", $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,170,200,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $300,084,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $361,900,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $27,600,000, to remain available until September 30, 2009: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Construction, Navy and Marine Corps", $11,766,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Navy and Marine Corps", there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Air Force", there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided*, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

"§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

"(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

"(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

"(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

"5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.".

(b) Equitable Refund.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) Short Title.—This section may be cited as the "Combat Veterans Debt Elimination Act of 2008".

CHAPTER 4

Subchapter A—Supplemental Appropriations for Fiscal Year 2008

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $12,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $149,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further*, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

Funds Appropriated to the President

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $10,000,000, to remain available until September 30, 2009.

Subchapter B—Bridge Fund Appropriations for Fiscal Year 2009

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

Funds Appropriated to the President

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided*, That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

Subchapter C—General Provisions—This Chapter

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E–267–08–001–P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the

amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading "International Narcotics Control and Law Enforcement", not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading "Economic Support Fund" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading "Economic Support Fund" that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading "Foreign Military Financing Program" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with "Diplomatic and Consular Programs" may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for

International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development".

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading "Assistance for Eastern Europe and the Baltic States" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading "Embassy Security, Construction, and Maintenance" to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 10002 of title X of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for "Economic Support Fund", $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings "Foreign Military Financing Program" and "Peacekeeping Operations" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for "International Disaster Assistance", $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 10002 of title X of this Act shall not apply to this section.

SOUTH AFRICA

SEC. 1413. The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, may determine, in the Secretary's sole and unreviewable discretion considering the foreign policy interests of the United States, that for activities undertaken in opposition to apartheid rule, subsections (a)(2) and (a)(3)(B) of 8 U.S.C. 1182, as amended, shall not apply.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1414. (a) For an additional amount for "Economic Support Fund" for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for "Foreign Military Financing Program" for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 10002 of title X of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1415. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

"Diplomatic and Consular Programs".

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1416. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1417. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1418. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $50,000,000, to remain available until September 30, 2009, for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 ("1968 Act"), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for "State and Local Law Enforcement Assistance", $100,000,000 for competitive grants, to remain available until expended, to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000, to remain available until September 30, 2009 with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to and "Science, Aeronautics, Exploration", and "Exploration Capabilities" for restoration of funds previously reallocated to meet return to flight activities.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000, to remain available until September 30, 2009.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), $50,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. (a) Section 3008(a) of the Digital Television Transition and Public Safety Act of 2005 is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Assistant Secretary"; and

(2) by adding at the end thereof the following:

"(2) USE OF FUNDS.—As soon as practicable after the date of enactment of this Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.".

(b) Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(1) by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) by striking "no earlier than October 1, 2010" and inserting "on or after February 18, 2009".

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Non-Defense Environmental Cleanup", $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium Enrichment Decontamination and Decommissioning Fund", $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for "Science", $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup", $243,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. (a) Subject to subsection (b), the Secretary of Energy shall continue the cooperative agreement numbered DE–FC 26-06NT42073, as in effect on the date of enactment of this Act, through March 30, 2009.

(b) During the period beginning on the date of enactment of this Act and ending on March 30, 2009—

(1) the agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

SEC. 2302. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking "For purposes" and inserting "Except as provided in section 3112A, for purposes";

(2) in section 3112(a), by striking "The Secretary" and inserting "Except as provided in section 3112A(d), the Secretary"; and

(3) by inserting after section 3112 the following:

"SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

"(a) DEFINITIONS.—In this section:

"(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

"(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

"(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

"(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

"(A) contains 90 percent or more uranium-235; and

"(B) is verified by the Secretary of Energy to be of weapons origin.

"(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

"(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

"(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

"(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

"(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

"(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

"(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

"(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

"(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

"(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

"(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

"(B) ADDITIONAL IMPORTS.—

"(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

"(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

"(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

"(4) ANNUAL ADJUSTMENT.—

"(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

"(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

"(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

"(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

"(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

"(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

"(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

"(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

"(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

"(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

"(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

"(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

"(A) December 31, 2020; or

"(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

"(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

"(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

"(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

"(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

"(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

"(12) EFFECT ON OTHER AGREEMENTS.—

"(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

"(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

"(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

"(1) in the event of a disruption in the nuclear fuel supply in the United States; or

"(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.".

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the "Salaries and Expenses" account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

SEC. 2402. (A) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after "hold office during good behavior," the following: "bankruptcy judges appointed under chapter 6 of title 28; territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)); bankruptcy judges retired under section 377 of title 28; and judges retired under section 373 of title 28,".

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under chapter 6 of title 28, United States Code.

(2) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(3) Bankruptcy judges retired under section 377 of title 28, United States Code.

(4) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of Public Law No. 110–177.

SEC. 2403. Life Insurance for Tax Court Judges Age 65 or Over. (a) IN GENERAL.—Section 7472 of the Internal Revenue Code of 1986 is amended by inserting after the word "imposed" where it appears in the second sentence the following phrase: "after April 24, 1999, that is incurred".

(b) EFFECTIVE DATE.—This amendment shall take effect as if included in the amendment made by section 852 of the Pension Protection Act of 2006.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. SECURE RURAL SCHOOLS ACT AMENDMENT. (a) For fiscal year 2008, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $400,000,000, to remain available until December 31, 2008, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking "2007" and "2008" each place they appear and inserting "2008" and "2009", respectively.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease Control; Research, and Training", $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director, National Institutes of Health", $400,000,000, which shall be used to support additional scientific research in the Institutes and Centers of the National Institutes of Health: *Provided*, That these funds are to be transferred to the Institutes and Centers on a pro-rata basis: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds are to be transferred to the Buildings and Facilities appropriation, the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, and the Office of the Director except for the NIH Common Fund within the Office of the Director, which shall receive its pro-rata share of the increase.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $500,000,000 for fiscal year 2008, for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $500,000,000 for fiscal year 2008, for making allotments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)) that are made in such a manner as to ensure that each State's allotment percentage is the percentage the State would receive of funds allotted under section 2604(a) of such Act (42 U.S.C. 8623(a)), if the total amount appropriated for fiscal year 2008 and available to carry out such section 2604(a) had been less than $1,975,000,000.

(b) Funds appropriated under subsection (a)(2), and funds appropriated (but not obligated) prior to the date of enactment of this Act for making payments under section 2604(e) of such Act (42 U.S.C. 8623(e)), shall be released to States not later than 30 days after the date of enactment of this Act.

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations

Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

"(a) Study.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

"(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

"(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

"(b) Report.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

"(c) Economic Information.—To provide sufficient economic data for the conduct of the study under subsection (a)—

"(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

"(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

"(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for "Foreign Currency Fluctuations Account", $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2801. Until January 1, 2009, an aircraft used by an air carrier in the operation specified in section 47528(e)(3) of title 49, United States Code, as of April 1, 2008, may continue to be operated under the provisions of that section by an air carrier that purchases or leases that aircraft after April 1, 2008, for conduct of the same operation. Operation of that aircraft under section 47528(e)(4) is authorized for the same time period.

Sec. 2802. Title 49, United States Code, is amended—

(1) by striking "August 31, 2008," in section 44302(f)(1) and inserting "August 31, 2009,";

(2) by striking "December 31, 2008," in section 44302(f)(1) and inserting "December 31, 2009,"; and

(3) by striking "December 31, 2008" in section 44303(b) and inserting "December 31, 2009".

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

Sec. 3101. Of the funds made available in the second paragraph under the heading "Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided*, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000, to remain available until September 30, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000, to remain available until September 30, 2009.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $75,000,000, to remain available until September 30, 2009: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

GENERAL PROVISION—THIS CHAPTER

Sec. 3201. Gulf of Mexico Designations. (a) Notwithstanding any other provision of law, no funds made available under this Act or any other Act for fiscal year 2008 or 2009 may be used to establish a national monument or otherwise convey protected status to any area in the marine environment of the Exclusive Economic Zone of the United States under the Act of June 8, 1906 (16 U.S.C. 431 et seq.).

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce may, as applicable, and in compliance with all requirements under title III of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) (including the procedures for designation and implementation under section 304 of that Act (16 U.S.C. 1434)) with respect to any proposed protected area, submit to Congress a study of the proposed protected area.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further*, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further*, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99-662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further*, That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further*, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110-28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for "General Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 3401. (a) EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA.—

(1) RETROACTIVITY.—If a small business concern, while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in paragraph (2) and was affected by Hurricane Katrina of 2005, the period during which that small business concern is permitted continuing participation and eligibility in such program or activity shall be extended for an additional 24 months.

(2) PARISHES AND COUNTIES COVERED.—Paragraph (1) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator as a disaster area by reason of Hurricane Katrina of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, or 10181.

(3) REVIEW AND COMPLIANCE.—The Administrator shall ensure that the eligibility for

continuing participation by each small business concern that was participating in a program or activity covered by paragraph (1) before the date of enactment of this Act is reviewed and brought into compliance with this subsection.

(b) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration; and

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3502. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term "area" does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund", for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Wildland Fire Management", $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION—THIS CHAPTER

SEC. 3601. Funds appropriated in section 132 of division F, Public Law 110–161, shall not be subject to 49 CFR Part 24 or Departmental policies issues pursuant to such regulations.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 8

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Army National Guard", $11,503,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for "Military Construction, Army National Guard" under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community development fund" for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110-116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.
"3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§ 3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

"(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or

"(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

"(8) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 6 months; or

"(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

"(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

"(1) A discharge from active duty in the Armed Forces with an honorable discharge.

"(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

"(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) A discharge or release from active duty in the Armed Forces for—

"(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

"(B) hardship; or

"(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

"(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

"(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

"(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

"(3) A period of service that is terminated because of a defective enlistment and induction based on—

"(A) the individual's being a minor for purposes of service in the Armed Forces;

"(B) an erroneous enlistment or induction; or

"(C) a defective enlistment agreement.

"(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

"§ 3312. Educational assistance: duration

"(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

"(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

"(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

"(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§ 3313. Educational assistance: amount; payment

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (c) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

"(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§ 3314. Tutorial assistance

"(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3315. Licensure and certification tests

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§ 3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

"(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

"(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

"(2) who—

"(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

"(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

"(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

"(1) DD Form 214, Certification of Release or Discharge from Active Duty.

"(2) The most recent Federal income tax return.

"(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

"(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

"(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.".

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§ 3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§ 3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§ 3323. Administration

"(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

"(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

"(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

"(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

"(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

"(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§ 3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting "33," after "32,"; and

(ii) in subsection (c), by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the

time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(B) in sūbparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)"; and

(C) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking "June 30, 2008" and inserting "April 1, 2009";

(B) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(C) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

"(IV) An entity that—

"(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

"(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

"(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act."; and

(B) by adding at the end the following new clause:

"(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110-90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).";

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph."; and

(3) by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

"(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

"(A) PROVIDER AGREEMENT.—The hospital had—

"(i) physician ownership on September 1, 2008; and

"(ii) a provider agreement under section 1866 in effect on such date.

"(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

"(C) PREVENTING CONFLICTS OF INTEREST.—

"(i) The hospital submits to the Secretary an annual report containing a detailed description of—

"(I) the identity of each physician owner and any other owners of the hospital; and

"(II) the nature and extent of all ownership interests in the hospital.

"(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

"(I) the ownership interest of such referring physician in the hospital; and

"(II) if applicable, any such ownership interest of the treating physician.

"(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

"(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

"(I) on any public website for the hospital; and

"(II) in any public advertising for the hospital.

"(D) ENSURING BONA FIDE INVESTMENT.—

"(i) Physician owners in the aggregate do not own more than the greater of—

"(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

"(II) the percentage of such total value determined on the date of enactment of this subsection.

"(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

"(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

"(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

"(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

"(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

"(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

"(E) PATIENT SAFETY.—

"(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

"(I) the hospital discloses such fact to a patient; and

"(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

"(ii) The hospital has the capacity to—

"(I) provide assessment and initial treatment for patients; and

"(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

"(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

"(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

"(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

"(A) PROCESS.—

"(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

"(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

"(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

"(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

"(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

"(C) PERMITTED INCREASE.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

"(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

"(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

"(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

"(E) APPLICABLE HOSPITAL.—In this paragraph, the term "applicable hospital" means a hospital—

"(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

"(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

"(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

"(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

"(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

"(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

"(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

"(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

"(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

"(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.".

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE IMPROVEMENT FUND

"SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

"(b) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

"(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

"(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.".

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07-001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as "crowd-out") and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,940,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,750,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the "Close the Contractor Fraud Loophole Act".

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the "Government Funding Transparency Act of 2008".

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII—EMERGENCY AGRICULTURE RELIEF

SEC. 8001. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) EMERGENCY AGRICULTURAL WORKER STATUS.—The term "emergency agricultural worker status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 8011(a).

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SEC. 8002. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—Sections 8021 and 8031 shall take effect on the date that is 1 year after the date of the enactment of this Act.

Subtitle A—Emergency Agricultural Workers

SEC. 8011. REQUIREMENTS FOR EMERGENCY AGRICULTURAL WORKER STATUS.

(a) REQUIREMENT TO GRANT EMERGENCY AGRICULTURAL WORKER STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant emergency agricultural worker status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) during the 48-month period ending on December 31, 2007—

(A) performed agricultural employment in the United States for at least 863 hours or 150 work days; or

(B) earned at least $7,000 from agricultural employment;

(2) applied for emergency agricultural worker status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 8014; and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or damage to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted emergency agricultural worker status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted emergency agricultural worker status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF EMERGENCY AGRICULTURAL WORKER STATUS.—The Secretary shall terminate emergency agricultural worker status if—

(1) the Secretary determines that the alien is deportable;

(2) the Secretary finds, by a preponderance of the evidence, that the adjustment to emergency agricultural worker status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)));

(3) the alien—

(A) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 8014;

(B) is convicted of a felony or at least 3 misdemeanors committed in the United States;

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(D) fails to pay any applicable Federal tax liability pursuant to section 8012(d); or

(4) the Secretary determines that the alien has not fulfilled the work requirement described in subsection (e) during any 1-year period in which the alien was in such status and the Secretary has not waived such requirement under subsection (e)(3).

(e) WORK REQUIREMENT.—

(1) IN GENERAL.—An alien shall perform at least 100 work days of agricultural employment per year to maintain emergency agricultural worker status under this section.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in paragraph (4); or

(B) the documentation described in section 8013(c)(1).

(3) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for any year in which the alien was unable to work in agricultural employment due to—

(i) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(ii) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records;

(iii) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time; or

(iv) termination from agricultural employment without just cause, if the alien establishes that he or she was unable to find alternative agricultural employment after a reasonable job search.

(B) LIMITATION.—A waiver granted under subparagraph (A)(iv) shall not be conclusive, binding, or admissible in a separate or subsequent action or proceeding between the employee and the employee's current or prior employer.

(4) RECORD OF EMPLOYMENT.—

(A) REQUIREMENT.—Each employer of an alien granted emergency agricultural worker status shall annually provide—

(i) a written record of employment to the alien; and

(ii) a copy of such record to the Secretary.

(B) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted emergency agricultural worker status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted emergency agricultural worker status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted emergency agricultural worker status shall pay a fine of $250 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,350,000 emergency agricultural worker cards during the 5-year period beginning on the date of the enactment of this Act.

(i) MAXIMUM LENGTH OF EMERGENCY AGRICULTURAL WORKER STATUS.—Emergency agricultural worker status granted under this section shall continue until the earlier of—

(1) the date on which such status is terminated pursuant to subsection (d); or

(2) 5 years after the date on which such status is granted.

SEC. 8012. TREATMENT OF ALIENS GRANTED EMERGENCY AGRICULTURAL WORKER STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) INELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) while in such status.

(c) FEDERAL TAX LIABILITY APPLIES.—

(1) IN GENERAL.—An alien granted emergency agricultural worker status shall pay any applicable Federal tax liability, including penalties and interest, owed for any year during the period of employment required under section 8011(e) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required under this subsection.

(d) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(1) GRANTING OF STATUS AND REMOVAL.—The Secretary shall grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted emergency agricultural worker status and shall not remove such derivative spouse or child during the period in which the principal alien maintains such status, except as provided in paragraph (4). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive emergency agricultural worker status under section 8011(h).

(2) TRAVEL.—The derivative spouse and any minor child of an alien granted emergency agricultural worker status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(3) EMPLOYMENT.—The derivative spouse of an alien granted emergency agricultural worker status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains emergency agricultural worker status.

(4) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary shall deny an alien spouse or child adjustment of status under paragraph (1) and shall remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 8014;

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(e) ADJUSTMENT OF STATUS.—Nothing in this Act may be construed to prevent an alien from seeking adjustment of status in accordance with any other provision of law if the alien is otherwise eligible for such adjustment of status.

SEC. 8013. APPLICATIONS.

(a) SUBMISSION.—Applications for emergency agricultural worker status may be submitted to—

(1) the Secretary, if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(2) a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term "qualified designated entity" means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled "An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes", approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of subsections (a)(1) and (e)(1) of section 8011 through government employment records or records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for emergency agricultural worker status has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 8011(a)(1).

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required under section 8011(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(2) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required under this title to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; and

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for emergency agricultural worker status has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for emergency agricultural worker status and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for emergency agricultural worker status.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for emergency agricultural worker status; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for emergency agricultural worker status.

SEC. 8014. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for emergency agricultural worker status, the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (2)(D), (2)(G), (2)(H), (2)(I), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for emergency agricultural worker status by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(b) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of the enactment of this Act, an alien who is apprehended before the beginning of the application period described in section 8011(a)(2) and who can establish a nonfrivolous case of eligibility for emergency agricultural worker status (but for the fact that the alien may not apply for such status until the beginning of such period)—

(A) may not be removed until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for such status; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—An alien who presents a nonfrivolous application for emergency agricultural worker status during the application period described in section 8011(a)(2), including an alien who files such an application not later than 30 days after the alien's apprehension—

(A) may not be removed until a final determination on the application has been made in accordance with this section; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 8015. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for emergency agricultural worker status under this title.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the

time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 8016. DISSEMINATION OF INFORMATION.

Beginning not later than the first day of the application period described in section 8011(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 8013(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this title and the requirements that an alien is required to meet to receive such benefits.

SEC. 8017. RULEMAKING; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) RULEMAKING.—The Secretary shall issue regulations to implement this title not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—Except as otherwise provided, this title shall take effect on the date that regulations required under subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 and 2009 such sums as may be necessary to implement this title.

SEC. 8018. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual granted emergency agricultural worker status under section 8011 of the Emergency Agriculture Relief Act of 2008, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

"(e) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (d).".

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) in computing the average indexed monthly earnings of an individual, wages or self-employment income shall not be counted for any year for which no quarter of coverage may be credited to such individual pursuant to section 214(d).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. 8019. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted emergency agricultural worker status under the Emergency Agriculture Relief Act of 2008,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted emergency agricultural worker status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—H–2A Worker Program

SEC. 8021. REFORM OF H–2A WORKER PROGRAM.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218. H–2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a

United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."

"SEC. 218A. H–2A WORKER EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Emergency Agriculture Relief Act of 2008 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2008, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—If Congress does not set a new wage standard applicable to this section before March 1, 2012, the adverse effect wage rate for each State beginning on March 1, 2012 shall be the wage rate that would have resulted under the methodology in effect on January 1, 2008.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2010, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2010, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least 3/4 of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '3/4 guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

“(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

“(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

“(c) CRITERIA FOR ADMISSIBILITY.—

“(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

“(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

“(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

“(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(d) PERIOD OF ADMISSION.—

“(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed 10 months.

“(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(e) ABANDONMENT OF EMPLOYMENT.—

“(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

“(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

“(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

“(f) REPLACEMENT OF ALIEN.—

“(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

“(A) who abandons or prematurely terminates employment; or

“(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

“(g) IDENTIFICATION DOCUMENT.—

“(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

“(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

“(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(C) The document shall—

“(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

“(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

“(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

“(A) for a period of more than 10 months; or

“(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

“(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

“(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

“(B) DEFINITION.—For purposes of subparagraph (A), the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

“(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

“(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

“(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

“(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United

States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—Notwithstanding any provision of the Emergency Agriculture Relief Act of 2008, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, dairy worker, or horse worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—

"(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, dairy worker, or horse worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of the eligible alien; or

"(B) the eligible alien.

"(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

"SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) ENFORCEMENT AUTHORITY.—

"(1) INVESTIGATION OF COMPLAINTS.—

"(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law..

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218D. DEFINITIONS.

"For purposes of this section and section 218, 218A, 218B, and 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYING OFF.—

"(A) IN GENERAL.—The term 'laying off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A worker employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

(c) SUNSET.—The amendments made by this section shall be effective during the 5-year period beginning on the date that is 1 year after the date of the enactment of this Act. Any immigration benefit provided pursuant to such amendments shall expire at the end of such 5-year period.

Subtitle C—Miscellaneous Provisions

SEC. 8031. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 8021(a) and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 8021, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 8021(a), to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 8021(a) shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 8021, and the provisions of this title.

SEC. 8032. RULEMAKING.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 8021, shall take effect on the effective date of section 8021 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 8033. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 8011(a); and

(5) the number of such aliens whose status was adjusted under section 8011(a).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

TITLE IX

TELEWORK ENHANCEMENT ACT OF 2008

SECTION 9001. SHORT TITLE.

This Act may be cited as the "Telework Enhancement Act of 2008".

SEC. 9002. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term "employee" has the meaning given that term by section 2105 of title 5, United States Code.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term by section 105 of title 5, United States Code.

(3) NONCOMPLIANT.—The term "noncompliant" means not conforming to the requirements under this Act.

(4) TELEWORK.—The term "telework" means a work arrangement in which an employee regularly performs officially assigned

duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

SEC. 9003. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) TELEWORK ELIGIBILITY.—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) PARTICIPATION.—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement between an agency manager and an employee authorized to telework in order for that employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by an agency head, not apply to any employee of the agency whose official duties require daily physical presence for activity with equipment or handling of secure materials; and

(5) determine the use of telework as part of the continuity of operations plans the agency in the event of an emergency.

SEC. 9004. TRAINING AND MONITORING.

The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) no distinction is made between teleworkers and nonteleworkers for the purposes of performance appraisals; and

(3) when determining what constitutes diminished employee performance, the agency shall consult the established performance management guidelines of the Office of Personnel Management.

SEC. 9005. POLICY AND SUPPORT.

(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities; and

(2) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, and equipment.

(c) CONTINUITY OF OPERATIONS PLANS.—During any period that an agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) TELEWORK WEBSITE.—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

(C) guidance developed by the Office of Personnel Management; and

(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

SEC. 9006. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

(1) APPOINTMENT.—The head of each executive agency shall appoint an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 99) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "appoint a Telework Managing Officer to be".

(B) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2919) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "appoint a Telework Managing Officer to be".

(b) DUTIES.—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees; and

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable appointing authority may assign.

SEC. 9007. ANNUAL REPORT TO CONGRESS.

(a) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management shall—

(1) submit a report addressing the telework programs of each executive agency to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(b) CONTENTS.—Each report submitted under this section shall include—

(1) the telework policy, the measures in place to carry out the policy, and an analysis of employee telework participation during the preceding 12-month period provided by each executive agency;

(2) an assessment of the progress of each agency in maximizing telework opportunities for employees of that agency without diminishing employee performance or agency operations;

(3) the definition of telework and telework policies and any modifications to such definitions;

(4) the degree of participation by employees of each agency in teleworking during the period covered by the evaluation, including—

(A) the number and percent of the employees in the agency who are eligible to telework;

(B) the number and percent of employees who engage in telework;

(C) the number and percent of eligible employees in each agency who have declined the opportunity to telework; and

(D) the number of employees who were not authorized, willing, or able to telework and the reason;

(5) the extent to which barriers to maximize telework opportunities have been identified and eliminated; and

(6) best practices in agency telework programs.

SEC. 9008. COMPLIANCE OF EXECUTIVE AGENCIES.

(a) EXECUTIVE AGENCIES.—An executive agency shall be in compliance with this Act if each employee of that agency participating in telework regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

(b) AGENCY MANAGER REPORTS.—Not later than 180 days after the establishment of a policy described under section 9003, and annually thereafter, each agency manager shall submit a report to the Chief Human Capital Officer and Telework Managing Officer of that agency that contains a summary of—

(1) efforts to promote telework opportunities for employees supervised by that manager; and

(2) any obstacles which hinder the ability of that manager to promote telework opportunities.

(c) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

(1) IN GENERAL.—Each year the Chief Human Capital Officer of each agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Offices Council on agency management efforts to promote telework.

(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Offices Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under section 9007(b)(2); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

(d) COMPLIANCE REPORTS.—Not later than 90 days after the date of submission of each report under section 9007, the Office of Management and Budget shall submit a report to Congress that—

(1) identifies and recommends corrective actions and time frames for each executive agency that the Office of Management and Budget determines is noncompliant; and

(2) describes progress of noncompliant executive agencies, justifications of any continuing noncompliance, and any recommendations for corrective actions planned by the Office of Management and Budget or the executive agency to eliminate noncompliance.

SEC. 9009. EXTENSION OF TRAVEL EXPENSES TEST PROGRAMS.

(a) In General.—Section 5710 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking "for a period not to exceed 24 months"; and

(2) in subsection (e), by striking "7 years" and inserting "16 years".

(b) Effective Date.—The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 112 Stat. 2350).

TITLE X

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

Sec. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

Sec. 10002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

Sec. 10003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXTENSION OF EB–5 REGIONAL CENTER PILOT PROGRAM

Sec. 10004. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "for 15 years" and inserting "for 20 years".

INTERIM RELIEF FOR SKILLED IMMIGRANT WORKERS

Sec. 10005. (a) Recapture of Unused Employment-Based Visa Numbers.—Subsection (d) of section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1994, 1996, 1997, 1998," after "available in fiscal year";

(B) by striking "or 2004" and inserting "2004, or 2006"; and

(C) by striking "shall be available" and all that follows through the end and inserting "shall be available only to—

"(A) an employment-based immigrant under paragraph (1), (2), (3)(A)(i), or (3)(A)(ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), except for employment-based immigrants whose petitions are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations; or

"(B) a spouse or child accompanying or following to join such an employment-based immigrant under section 203(d) of such Act (8 U.S.C. 1153(d)).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "years 1999 through 2004" and inserting "year 1994 and each subsequent fiscal year"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "(i)"; and

(ii) by striking clause (ii); and

(3) by adding at the end the following new paragraph:

"(4) Employment-based visa recapture fee.—A fee shall be paid in connection with any petition seeking an employment-based immigrant visa number recaptured under paragraph (1), known as the Employment-Based Visa Recapture Fee, in the amount of $1500. Such Fee may not be charged for a dependent accompanying or following to join such employment-based immigrant.".

(b) Disposition of Fees.—

(1) Immigration examination fee account.—The fees described in paragraph (2) shall be treated as adjudication fees and deposited as offsetting receipts into the Immigration Examinations Fee Account in the Treasury of the United States under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(2) Fees described.—The fees described in this paragraph are the following:

(A) Any Employment-Based Visa Recapture Fee collected pursuant to paragraph (4) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000, as added by subsection (a)(3).

(B) Any Supplemental Adjustment of Status Application Fee collected pursuant to paragraph (3) of subsection (n) of section 245 of the Immigration and Nationality Act, as added by subsection (c)(1).

(c) Retaining Green Card Applicants Working in the United States.—

(1) In general.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) Adjustment of Status for Employment-Based Immigrants.—

"(1) Eligibility.—The Secretary of Homeland Security shall provide for the filing of an adjustment application by an alien (and any eligible dependents of such alien) who has an approved or pending petition under subparagraph (E) or (F) of section 204(a)(1), regardless of whether an immigrant visa is immediately available at the time the application is filed.

"(2) Visa availability.—An application filed pursuant to paragraph (1) shall not be approved until an immigrant visa becomes available.

"(3) Fees.—If an application is filed pursuant to paragraph (1) at a time at which a visa is not immediately available, a fee, known as the Supplemental Adjustment of Status Application Fee, in the amount of $1500 shall be paid on behalf of the beneficiary of such petition. Such Fee may not be charged for a dependent accompanying or following to join such beneficiary.".

(2) Report.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the implementation of subsection (n) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), as added by paragraph (1).

(3) Repeal.—Unless a law is enacted that repeals this paragraph, the amendments made by paragraph (1) shall be repealed on the date that is 5 years after the date of the enactment of this Act.

Sec. 10006. Nursing Shortage Relief. (a) Increasing Visa Numbers.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended by adding at the end the following:

"(e) Visa Shortage Relief for Nurses and Physical Therapists.—

"(1) In general.—Subject to paragraph (2), for petitions filed during the period beginning on the date of the enactment of the Emergency Nursing Supply Relief Act and ending on September 30, 2011, for employment-based immigrants (and their family members accompanying or following to join under section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)), which are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, the numerical limitations set forth in sections 201(d) and 202(a) of such Act (8 U.S.C. 1151(d) and 1152(a)) shall not apply.

"(2) Limitation on number of visas.—The Secretary of State may not issue more than 20,000 immigrant visa numbers in any one fiscal year (plus any available visa numbers under this paragraph not used during the preceding fiscal year) to principal beneficiaries of petitions pursuant to paragraph (1).

"(3) Expedited review.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in paragraph (1) not later than 30 days after the date on which a completed petition has been filed.

"(f) Fee for Use of Visas Under Subsection (a).—

"(1) In general.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa provided under subsection (e) to provide employment for an alien as a professional nurse, except that—

"(A) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

"(B) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

"(i) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

"(ii) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

"(2) Fee collection.—A fee imposed by the Secretary of Homeland Security pursuant to paragraph (1) shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.".

(b) Capitation Grants To Increase the Number of Nursing Faculty and Students; Domestic Nursing Enhancement Account.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

"SEC. 832. CAPITATION GRANTS.

"(a) In General.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

"(b) Purpose.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

"(c) GRANT COMPUTATION.—

"(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

"(B) $1,405 for each full-time or part-time student who—

"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

"(ii) has not more than 3 years of academic credits remaining in the program.

"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

"(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

"(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

"(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

"(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

"(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

"(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

"(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

"(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

"(i) the physical facilities at the school involved limit the school from enrolling additional students; or

"(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

"(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

"(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

"(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

"(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

"(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

"(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

"(F) Increasing enrollment of minority and diverse student populations.

"(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

"(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

"(I) Increasing integration of geriatric content into the core curriculum.

"(J) Partnering with economically disadvantaged communities to provide nursing education.

"(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

"(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

"(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

"(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

"(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

"(2) not later than September 30, 2010, a final report on such results.

"(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

"SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

"(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

"(b) USE OF FUNDS.—Amounts collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.".

(c) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) DEFINITIONS.—In this section:

"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and

Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

“(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

“(2) ELIGIBLE ALIEN.—The term ‘eligible alien’ means an alien who—

“(A) has been lawfully admitted to the United States for permanent residence; and

“(B) is a physician or other healthcare worker.

“(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

“(d) PUBLICATION.—The Secretary of State shall publish—

“(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

“(2) an updated version of the list required by paragraph (1) not less often than once each year; and

“(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).”.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: “except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,”.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting “, including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “1101(a)(27)(A),”.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting “other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “Act,”.

(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

“Sec. 317A. Temporary absence of aliens providing health care in developing countries.”.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(d) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

“(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

“(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

“(ii) OBLIGATION DEFINED.—In this subparagraph, the term ‘obligation’ means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

“(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

“(I) the obligation was incurred by coercion or other improper means;

“(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

“(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.”.

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

SEC. 10007. NURSE TRAINING AND RETENTION DEMONSTRATION GRANTS. (a) FINDINGS.—Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

(b) PURPOSES OF GRANT PROGRAM.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(c) GRANTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the “Secretary”) shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consists of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (d).—To be eligible for a grant under this section, a healthcare employer described in subsection (d) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management or other jointly administered training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a bachelor of science in nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance to incumbent healthcare workers.

(f) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs).

(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, resources dedicated by an entity, or other Federal, State, or local funds available to carry out activities described in this section.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(g) ACTIVITIES.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, precollege counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(h) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurses or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(i) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality as determined by the Secretary; and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than September 30, 2011, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal years 2010, 2011, and 2012, such sums as may be necessary. Funds appropriated under this subsection shall remain available until expended without fiscal year limitation.

EXPLANATORY STATEMENT

SEC. 10008. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

SHORT TITLE

SEC. 10009. This Act may be cited as the "Supplemental Appropriations Act, 2008".

SA 4790. Mr. REID proposed an amendment to amendment SA 4789 proposed by Mr. REID to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike all after the word "TITLE" on page 2, line 1 and insert the following:

I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $850,000,000, to remain available until expended.

For an additional amount for "Public Law 480 Title II Grants", $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

General Administration

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2009.

United States Marshals Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,621,000, to remain available until September 30, 2009.

Federal Bureau of Investigation

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $164,965,000, to remain available until September 30, 2009.

For an additional amount for "Salaries and Expenses", $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

Drug Enforcement Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $22,666,000, to remain available until September 30, 2009.

Bureau of Alcohol, Tobacco, Firearms and Explosives

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2009.

Federal Prison System

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

Military Construction, Army

For an additional amount for "Military Construction, Army", $1,170,200,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

Military Construction, Navy and Marine Corps

For an additional amount for "Military Construction, Navy and Marine Corps", $300,084,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

Military Construction, Air Force

For an additional amount for "Military Construction, Air Force", $361,900,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

Military Construction, Defense-Wide

For an additional amount for "Military Construction, Defense-Wide", $27,600,000, to remain available until September 30, 2009: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

Family Housing Construction, Navy and Marine Corps

For an additional amount for "Family Housing Construction, Navy and Marine Corps", $11,766,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

Department of Defense Base Closure Account 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Navy and Marine Corps", there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Air Force", there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided*, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

"§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

"(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

"(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

"(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

"5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.".

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the "Combat Veterans Debt Elimination Act of 2008".

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $12,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $149,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States' Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further*, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $10,000,000, to remain available until September 30, 2009.

Subchapter B—Bridge Fund Appropriations for Fiscal Year 2009

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

Funds Appropriated to the President

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided*, That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

Subchapter C—General Provisions—This Chapter

EXTENSION OF AUTHORITIES

Sec. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

Sec. 1402. (a) Asset Transfer Agreement.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) Anti-corruption.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) Provincial Reconstruction Teams.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) Community Stabilization Program.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International

Development is implementing recommendations contained in Office of Inspector General Audit Report No. E-267-08-001-P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading "International Narcotics Control and Law Enforcement", not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading "Economic Support Fund" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading "Economic Support Fund" that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading "Foreign Military Financing Program" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with "Diplomatic and Consular Programs" may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development".

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading "Assistance for Eastern Europe and the Baltic States" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading "Embassy Security, Construction, and Maintenance" to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 10002 of title X of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009; and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for "Economic Support Fund", $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings "Foreign Military Financing Program" and "Peacekeeping Operations" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for "International Disaster Assistance", $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 10002 of title X of this Act shall not apply to this section.

SOUTH AFRICA

SEC. 1413. The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, may determine, in the Secretary's sole and unreviewable discretion considering the foreign policy interests of the United States, that for activities undertaken in opposition to apartheid rule, subsections (a)(2) and (a)(3)(B) of 8 U.S.C. 1182, as amended, shall not apply.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1414. (a) For an additional amount for "Economic Support Fund" for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for "Foreign Military Financing Program" for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 10002 of title X of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1415. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

"Diplomatic and Consular Programs".

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1416. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1417. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1418. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $50,000,000, to remain available until September 30, 2009, for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 ("1968 Act"), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for "State and Local Law Enforcement Assistance", $100,000,000 for competitive grants, to remain available until expended, to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000, to remain available until September 30, 2009 with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to and "Science, Aeronautics, Exploration", and "Exploration Capabilities" for restoration of funds previously reallocated to meet return to flight activities.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000, to remain available until September 30, 2009.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. (a) Section 3008(a) of the Digital Television Transition and Public Safety Act of 2005 is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Assistant Secretary"; and

(2) by adding at the end thereof the following:

"(2) USE OF FUNDS.—As soon as practicable after the date of enactment of this Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.".

(b) Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(1) by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) by striking "no earlier than October 1, 2010" and inserting "on or after February 18, 2009".

CHAPTER 3

DEPARTMENT OF ENERGY

Non-Defense Environmental Cleanup

For an additional amount for "Non-Defense Environmental Cleanup", $5,000,000, to remain available until expended.

Uranium Enrichment Decontamination and Decommissioning Fund

For an additional amount for "Uranium Enrichment Decontamination and Decommissioning Fund", $52,000,000, to remain available until expended.

Science

For an additional amount for "Science", $100,000,000, to remain available until expended.

Environmental and Other Defense Activities

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup", $243,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2301. (a) Subject to subsection (b), the Secretary of Energy shall continue the cooperative agreement numbered DE–FC 26–06NT42073, as in effect on the date of enactment of this Act, through March 30, 2009.

(b) During the period beginning on the date of enactment of this Act and ending on March 30, 2009—

(1) the agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

Sec. 2302. Incentives for Additional Downblending of Highly Enriched Uranium by the Russian Federation. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking "For purposes" and inserting "Except as provided in section 3112A, for purposes";

(2) in section 3112(a), by striking "The Secretary" and inserting "Except as provided in section 3112A(d), the Secretary"; and

(3) by inserting after section 3112 the following:

"SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

"(a) Definitions.—In this section:

"(1) Completion of the Russian HEU agreement.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

"(2) Downblending.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

"(3) Highly enriched uranium.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

"(4) Highly enriched uranium of weapons origin.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

"(A) contains 90 percent or more uranium-235; and

"(B) is verified by the Secretary of Energy to be of weapons origin.

"(5) Low-enriched uranium.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

"(6) Russian HEU agreement.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

"(7) Uranium-235.—The term 'uranium-235' means the isotope ^{235}U.

"(b) Statement of Policy.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

"(c) Promotion of Downblending of Russian Highly Enriched Uranium.—

"(1) Incentives for the completion of the Russian HEU agreement.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

"(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

"(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

"(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

"(2) Incentives to continue downblending Russian highly enriched uranium after the completion of the Russian HEU agreement.—

"(A) In general.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

"(B) Additional imports.—

"(i) In general.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

"(ii) Maximum annual imports.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

"(3) Exception with respect to initial cores.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

"(4) Annual adjustment.—

"(A) In general.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

"(B) Publication of adjustments.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

"(5) Authority for additional adjustment.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

"(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

"(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

"(6) Equivalent quantities of low-enriched uranium imports.—

"(A) In general.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

"(B) Adjustment for other uranium.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

"(7) Downblending of other highly enriched uranium.—

"(A) In general.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

"(B) Equivalent quantities of highly enriched uranium.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

"(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

"(A) December 31, 2020; or

"(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

"(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

"(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

"(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

"(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

"(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

"(12) EFFECT ON OTHER AGREEMENTS.—

"(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

"(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

"(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

"(1) in the event of a disruption in the nuclear fuel supply in the United States; or

"(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.".

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the "Salaries and Expenses" account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

SEC. 2402. (a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after "hold office during good behavior," the following: "bankruptcy judges appointed under chapter 6 of title 28; territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)); bankruptcy judges retired under section 377 of title 28; and judges retired under section 373 of title 28,".

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under chapter 6 of title 28, United States Code.

(2) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(3) Bankruptcy judges retired under section 377 of title 28, United States Code.

(4) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of Public Law No. 110–177.

SEC. 2403. Life Insurance for Tax Court Judges Age 65 or Over. (a) IN GENERAL.—Section 7472 of the Internal Revenue Code of 1986 is amended by inserting after the word "imposed" where it appears in the second sentence the following phrase: "after April 24, 1999, that is incurred".

(b) EFFECTIVE DATE.—This amendment shall take effect as if included in the amendment made by section 852 of the Pension Protection Act of 2006.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. SECURE RURAL SCHOOLS ACT AMENDMENT. (a) For fiscal year 2008, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $400,000,000, to remain available until December 31, 2008, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106-393 are amended, effective September 30, 2006, by striking "2007" and "2008" each place they appear and inserting "2008" and "2009", respectively.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease Control, Research, and Training", $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director, National Institutes of Health", $400,000,000, which shall be used to support additional scientific research in the Institutes and Centers of the National Institutes of Health: *Provided*, That these funds are to be transferred to the Institutes and Centers on a pro-rata basis: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds are to be transferred to the Buildings and Facilities appropriation, the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, and the Office of the Director except for the NIH Common Fund within the Office of the Director, which shall receive its pro-rata share of the increase.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $500,000,000 for fiscal year 2008, for making payments under subsections (a) through

(d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $500,000,000 for fiscal year 2008, for making allotments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)) that are made in such a manner as to ensure that each State's allotment percentage is the percentage the State would receive of funds allotted under section 2604(a) of such Act (42 U.S.C. 8623(a)), if the total amount appropriated for fiscal year 2008 and available to carry out such section 2604(a) had been less than $1,975,000,000.

(b) Funds appropriated under subsection (a)(2), and funds appropriated (but not obligated) prior to the date of enactment of this Act for making payments under section 2604(e) of such Act (42 U.S.C. 8623(e)), shall be released to States not later than 30 days after the date of enactment of this Act.

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

"(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

"(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

"(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

"(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

"(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

"(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

"(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

"(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for "Foreign Currency Fluctuations Account", $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Until January 1, 2009, an aircraft used by an air carrier in the operation specified in section 47528(e)(3) of title 49, United States Code, as of April 1, 2008, may continue to be operated under the provisions of that section by an air carrier that purchases or leases that aircraft after April 1, 2008, for conduct of the same operation. Operation of that aircraft under section 47528(e)(4) is authorized for the same time period.

SEC. 2802. Title 49, United States Code, is amended—

(1) by striking "August 31, 2008," in section 44302(f)(1) and inserting "August 31, 2009,";

(2) by striking "December 31, 2008," in section 44302(f)(1) and inserting "December 31, 2009,"; and

(3) by striking "December 31, 2008" in section 44303(b) and inserting "December 31, 2009".

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading "Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided*, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000, to remain available until September 30, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000, to remain available until September 30, 2009.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $75,000,000, to remain available until September 30, 2009: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. GULF OF MEXICO DESIGNATIONS. (a) Notwithstanding any other provision of law, no funds made available under this Act or any other Act for fiscal year 2008 or 2009 may be used to establish a national monument or otherwise convey protected status to any area in the marine environment of the Exclusive Economic Zone of the United States under the Act of June 8, 1906 (16 U.S.C. 431 et seq.).

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce may, as applicable, and in compliance with all requirements under title III of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) (including the procedures for designation and implementation under section 304 of that Act (16 U.S.C. 1434)) with respect to any proposed protected area, submit to Congress a study of the proposed protected area.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further*, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further*, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further*, That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further*, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for "General Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 3401. (a) EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA.—

(1) RETROACTIVITY.—If a small business concern, while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in paragraph (2) and was affected by Hurricane Katrina of 2005, the period during which that small business concern is permitted continuing participation and eligibility in such program or activity shall be extended for an additional 24 months.

(2) PARISHES AND COUNTIES COVERED.—Paragraph (1) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator as a disaster area by reason of Hurricane Katrina of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, or 10181.

(3) REVIEW AND COMPLIANCE.—The Administrator shall ensure that the eligibility for continuing participation by each small business concern that was participating in a program or activity covered by paragraph (1) before the date of enactment of this Act is reviewed and brought into compliance with this subsection.

(b) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration; and

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3502. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term "area" does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund", for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Wildland Fire Management", $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 8

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Army National Guard", $11,503,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for "Military Construction, Army National Guard" under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community development fund" for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.
"3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§ 3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

"(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or

"(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

"(8) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 6 months; or

"(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

"(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

"(1) A discharge from active duty in the Armed Forces with an honorable discharge.

"(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

"(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) A discharge or release from active duty in the Armed Forces for—

"(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

"(B) hardship; or

"(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

"(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

"(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

"(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

"(3) A period of service that is terminated because of a defective enlistment and induction based on—

"(A) the individual's being a minor for purposes of service in the Armed Forces;

"(B) an erroneous enlistment or induction; or

"(C) a defective enlistment agreement.

"(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

"§ 3312. Educational assistance: duration

"(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

"(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

"(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

"(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§ 3313. Educational assistance: amount; payment

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

"(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) Frequency of Payment.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) Programs of Education Pursued on Active Duty.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) Programs of Education Pursued on Half-Time Basis or Less.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) Payment of Established Charges to Educational Institutions.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) Established Charges Defined.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§ 3314. Tutorial assistance

"(a) In General.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) Conditions.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) Amount.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) No Charge Against Entitlement.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3315. Licensure and certification tests

"(a) In General.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) Limitation on Amount.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) No Charge Against Entitlement.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) Increased Assistance for Members With Critical Skills or Specialty.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"§3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

"(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

"(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

"(2) who—

"(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

"(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

"(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

"(1) DD Form 214, Certification of Release or Discharge from Active Duty.

"(2) The most recent Federal income tax return.

"(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

"(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

"(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.".

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ____03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

“§ 3323. Administration

“(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

“(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term ‘eligible veteran’ shall be deemed to refer to an individual entitled to educational assistance under this chapter.

“(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term ‘educational assistance allowance’ shall be deemed to refer to educational assistance payable under section 3313 of this title.

“(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

“(A) the first reference to the term ‘educational assistance allowance’ in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

“(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with ‘equipment’.

“(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

“(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

“(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

“(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

“(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

“§ 3324. Allocation of administration and costs

“(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

“(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.”.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

“33. Post-9/11 Educational Assistance 3301”.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting “33,” after “32,”; and

(ii) in subsection (c), by striking “both the program established by this chapter and the program established by chapter 106 of title 10” and inserting “two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10”.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

“(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.”.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting “33,” after “32,”.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting “33,” after “32,” each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking “or 32” and inserting “32, or 33”.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110-28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28) is amended—

(A) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(B) in subparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)"; and

(C) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110-173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is amended—

(A) by striking "June 30, 2008" and inserting "April 1, 2009";

(B) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(C) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109-432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109-171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r-8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109-171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

"(IV) An entity that—

"(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

"(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

"(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act."; and

(B) by adding at the end the following new clause:

"(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110-90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).";

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph."; and

(3) by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

"(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

"(A) PROVIDER AGREEMENT.—The hospital had—

"(i) physician ownership on September 1, 2008; and

"(ii) a provider agreement under section 1866 in effect on such date.

"(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

"(C) PREVENTING CONFLICTS OF INTEREST.—

"(i) The hospital submits to the Secretary an annual report containing a detailed description of—

"(I) the identity of each physician owner and any other owners of the hospital; and

"(II) the nature and extent of all ownership interests in the hospital.

"(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

"(I) the ownership interest of such referring physician in the hospital; and

"(II) if applicable, any such ownership interest of the treating physician.

"(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

"(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

"(I) on any public website for the hospital; and

"(II) in any public advertising for the hospital.

"(D) ENSURING BONA FIDE INVESTMENT.—

"(i) Physician owners in the aggregate do not own more than the greater of—

"(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

"(II) the percentage of such total value determined on the date of enactment of this subsection.

"(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

"(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

"(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

"(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

"(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

"(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

"(E) PATIENT SAFETY.—

"(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

"(I) the hospital discloses such fact to a patient; and

"(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

"(ii) The hospital has the capacity to—

"(I) provide assessment and initial treatment for patients; and

"(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

"(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

"(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

"(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

"(A) PROCESS.—

"(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

"(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

"(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

"(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

"(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

"(C) PERMITTED INCREASE.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

"(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

"(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

"(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

"(E) APPLICABLE HOSPITAL.—In this paragraph, the term "applicable hospital" means a hospital—

"(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

"(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

"(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

"(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

"(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

"(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

"(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

"(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

"(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

"(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.".

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE IMPROVEMENT FUND

"SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

"(b) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

"(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

"(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.".

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07-001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as "crowd-out") and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,940,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,750,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the "Close the Contractor Fraud Loophole Act".

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007-006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the "Government Funding Transparency Act of 2008".

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII—EMERGENCY AGRICULTURE RELIEF

SEC. 8001. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) EMERGENCY AGRICULTURAL WORKER STATUS.—The term "emergency agricultural worker status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 8011(a).

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SEC. 8002. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—Sections 8021 and 8031 shall take effect on the date that is 1 year after the date of the enactment of this Act.

Subtitle A—Emergency Agricultural Workers

SEC. 8011. REQUIREMENTS FOR EMERGENCY AGRICULTURAL WORKER STATUS.

(a) REQUIREMENT TO GRANT EMERGENCY AGRICULTURAL WORKER STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant emergency agricultural worker status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) during the 48-month period ending on December 31, 2007—

(A) performed agricultural employment in the United States for at least 863 hours or 150 work days; or

(B) earned at least $7,000 from agricultural employment;

(2) applied for emergency agricultural worker status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 8014; and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or damage to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted emergency agricultural worker status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted emergency agricultural worker status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF EMERGENCY AGRICULTURAL WORKER STATUS.—The Secretary shall terminate emergency agricultural worker status if—

(1) the Secretary determines that the alien is deportable;

(2) the Secretary finds, by a preponderance of the evidence, that the adjustment to emergency agricultural worker status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)));

(3) the alien—

(A) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 8014;

(B) is convicted of a felony or at least 3 misdemeanors committed in the United States;

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(D) fails to pay any applicable Federal tax liability pursuant to section 8012(d); or

(4) the Secretary determines that the alien has not fulfilled the work requirement described in subsection (e) during any 1-year period in which the alien was in such status and the Secretary has not waived such requirement under subsection (e)(3).

(e) WORK REQUIREMENT.—

(1) IN GENERAL.—An alien shall perform at least 100 work days of agricultural employment per year to maintain emergency agricultural worker status under this section.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in paragraph (4); or

(B) the documentation described in section 8013(c)(1).

(3) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for any year in which the alien was unable to work in agricultural employment due to—

(i) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(ii) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records;

(iii) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time; or

(iv) termination from agricultural employment without just cause, if the alien establishes that he or she was unable to find alternative agricultural employment after a reasonable job search.

(B) LIMITATION.—A waiver granted under subparagraph (A)(iv) shall not be conclusive, binding, or admissible in a separate or subsequent action or proceeding between the employee and the employee's current or prior employer.

(4) RECORD OF EMPLOYMENT.—

(A) REQUIREMENT.—Each employer of an alien granted emergency agricultural worker status shall annually provide—

(i) a written record of employment to the alien; and

(ii) a copy of such record to the Secretary.

(B) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted emergency agricultural worker status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted emergency agricultural worker status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted emergency agricultural worker status shall pay a fine of $250 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,350,000 emergency agricultural worker cards during the 5-year period beginning on the date of the enactment of this Act.

(i) MAXIMUM LENGTH OF EMERGENCY AGRICULTURAL WORKER STATUS.—Emergency agricultural worker status granted under this section shall continue until the earlier of—

(1) the date on which such status is terminated pursuant to subsection (d); or

(2) 5 years after the date on which such status is granted.

SEC. 8012. TREATMENT OF ALIENS GRANTED EMERGENCY AGRICULTURAL WORKER STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) INELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) while in such status.

(c) FEDERAL TAX LIABILITY APPLIES.—

(1) IN GENERAL.—An alien granted emergency agricultural worker status shall pay any applicable Federal tax liability, including penalties and interest, owed for any year during the period of employment required under section 8011(e) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required under this subsection.

(d) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(1) GRANTING OF STATUS AND REMOVAL.—The Secretary shall grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted emergency agricultural worker status and shall not remove such derivative spouse or child during the period in which the principal alien maintains such status, except as provided in paragraph (4). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive emergency agricultural worker status under section 8011(h).

(2) TRAVEL.—The derivative spouse and any minor child of an alien granted emergency agricultural worker status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(3) EMPLOYMENT.—The derivative spouse of an alien granted emergency agricultural worker status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains emergency agricultural worker status.

(4) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary shall deny an alien spouse or child adjustment of status under paragraph (1) and shall remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 8014;

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(e) ADJUSTMENT OF STATUS.—Nothing in this Act may be construed to prevent an alien from seeking adjustment of status in accordance with any other provision of law if the alien is otherwise eligible for such adjustment of status.

SEC. 8013. APPLICATIONS.

(a) SUBMISSION.—Applications for emergency agricultural worker status may be submitted to—

(1) the Secretary, if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(2) a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term "qualified designated entity" means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled "An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes", approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of subsections (a)(1) and (e)(1) of section 8011 through government employment records or records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for emergency agricultural worker status has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 8011(a)(1).

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required under section 8011(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(2) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required under this title to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; and

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for emergency agricultural worker status has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for emergency agricultural worker status and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for emergency agricultural worker status.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for emergency agricultural worker status; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for emergency agricultural worker status.

SEC. 8014. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for emergency agricultural worker status, the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (2)(D), (2)(G), (2)(H), (2)(I), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for emergency agricultural worker status by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(b) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of the enactment of this Act, an alien who is apprehended before the beginning of the application period described in section 8011(a)(2) and who can establish a nonfrivolous case of eligibility for emergency agricultural worker status (but for the fact that the alien may not apply for such status until the beginning of such period)—

(A) may not be removed until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for such status; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—An alien who presents a nonfrivolous application for emergency agricultural worker status during the application period described in section 8011(a)(2), including an alien who files such an application not later than 30 days after the alien's apprehension—

(A) may not be removed until a final determination on the application has been made in accordance with this section; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 8015. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for emergency agricultural worker status under this title.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly

discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 8016. DISSEMINATION OF INFORMATION.

Beginning not later than the first day of the application period described in section 8011(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 8013(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this title and the requirements that an alien is required to meet to receive such benefits.

SEC. 8017. RULEMAKING; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) RULEMAKING.—The Secretary shall issue regulations to implement this title not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—Except as otherwise provided, this title shall take effect on the date that regulations required under subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 and 2009 such sums as may be necessary to implement this title.

SEC. 8018. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual granted emergency agricultural worker status under section 8011 of the Emergency Agriculture Relief Act of 2008, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

"(e) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (d).".

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) in computing the average indexed monthly earnings of an individual, wages or self-employment income shall not be counted for any year for which no quarter of coverage may be credited to such individual pursuant to section 214(d).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. 8019. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted emergency agricultural worker status under the Emergency Agriculture Relief Act of 2008,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted emergency agricultural worker status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—H–2A Worker Program

SEC. 8021. REFORM OF H–2A WORKER PROGRAM.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218. H–2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H-2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H-2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H-2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H-2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H-2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."

"SEC. 218A. H-2A WORKER EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H-2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Emergency Agriculture Relief Act of 2008 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2008, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—If Congress does not set a new wage standard applicable to this section before March 1, 2012, the adverse effect wage rate for each State beginning on March 1, 2012 shall be the wage rate that would have resulted under the methodology in effect on January 1, 2008.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2010, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United

States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2010, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—Notwithstanding any provision of the Emergency Agriculture Relief Act of 2008, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, dairy worker, or horse worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—

"(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, dairy worker, or horse worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of the eligible alien; or

"(B) the eligible alien.

"(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

"SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) ENFORCEMENT AUTHORITY.—

"(1) INVESTIGATION OF COMPLAINTS.—

"(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218D. DEFINITIONS.

"For purposes of this section and section 218, 218A, 218B, and 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYING OFF.—

"(A) IN GENERAL.—The term 'laying off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A worker employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

(c) SUNSET.—The amendments made by this section shall be effective during the 5-year period beginning on the date that is 1 year after the date of the enactment of this Act. Any immigration benefit provided pursuant to such amendments shall expire at the end of such 5-year period.

Subtitle C—Miscellaneous Provisions

SEC. 8031. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 8021(a) and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 8021, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 8021(a), to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 8021(a) shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 8021, and the provisions of this title.

SEC. 8032. RULEMAKING.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 8021, shall take effect on the effective date of section 8021 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 8033. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 8011(a); and

(5) the number of such aliens whose status was adjusted under section 8011(a).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

TITLE IX

TELEWORK ENHANCEMENT ACT OF 2008

SECTION 9001. SHORT TITLE.

This Act may be cited as the "Telework Enhancement Act of 2008".

SEC. 9002. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term "employee" has the meaning given that term by section 2105 of title 5, United States Code.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that

term by section 105 of title 5, United States Code.

(3) NONCOMPLIANT.—The term "noncompliant" means not conforming to the requirements under this Act.

(4) TELEWORK.—The term "telework" means a work arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

SEC. 9003. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) TELEWORK ELIGIBILITY.—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) PARTICIPATION.—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement between an agency manager and an employee authorized to telework in order for that employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by an agency head, not apply to any employee of the agency whose official duties require daily physical presence for activity with equipment or handling of secure materials; and

(5) determine the use of telework as part of the continuity of operations plans the agency in the event of an emergency.

SEC. 9004. TRAINING AND MONITORING.

The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) no distinction is made between teleworkers and nonteleworkers for the purposes of performance appraisals; and

(3) when determining what constitutes diminished employee performance, the agency shall consult the established performance management guidelines of the Office of Personnel Management.

SEC. 9005. POLICY AND SUPPORT.

(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities; and

(2) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, and equipment.

(c) CONTINUITY OF OPERATIONS PLANS.—During any period that an agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) TELEWORK WEBSITE.—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

(C) guidance developed by the Office of Personnel Management; and

(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

SEC. 9006. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

(1) APPOINTMENT.—The head of each executive agency shall appoint an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 99) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "appoint a Telework Managing Officer to be".

(B) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2919) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "appoint a Telework Managing Officer to be".

(b) DUTIES.—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees; and

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable appointing authority may assign.

SEC. 9007. ANNUAL REPORT TO CONGRESS.

(a) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management shall—

(1) submit a report addressing the telework programs of each executive agency to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(b) CONTENTS.—Each report submitted under this section shall include—

(1) the telework policy, the measures in place to carry out the policy, and an analysis of employee telework participation during the preceding 12-month period provided by each executive agency;

(2) an assessment of the progress of each agency in maximizing telework opportunities for employees of that agency without diminishing employee performance or agency operations;

(3) the definition of telework and telework policies and any modifications to such definitions;

(4) the degree of participation by employees of each agency in teleworking during the period covered by the evaluation, including—

(A) the number and percent of the employees in the agency who are eligible to telework;

(B) the number and percent of employees who engage in telework;

(C) the number and percent of eligible employees in each agency who have declined the opportunity to telework; and

(D) the number of employees who were not authorized, willing, or able to telework and the reason;

(5) the extent to which barriers to maximize telework opportunities have been identified and eliminated; and

(6) best practices in agency telework programs.

SEC. 9008. COMPLIANCE OF EXECUTIVE AGENCIES.

(a) EXECUTIVE AGENCIES.—An executive agency shall be in compliance with this Act if each employee of that agency participating in telework regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

(b) AGENCY MANAGER REPORTS.—Not later than 180 days after the establishment of a policy described under section 9003, and annually thereafter, each agency manager shall submit a report to the Chief Human Capital Officer and Telework Managing Officer of that agency that contains a summary of—

(1) efforts to promote telework opportunities for employees supervised by that manager; and

(2) any obstacles which hinder the ability of that manager to promote telework opportunities.

(c) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

(1) IN GENERAL.—Each year the Chief Human Capital Officer of each agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Offices Council on agency management efforts to promote telework.

(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Offices Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under section 9007(b)(2); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

(d) COMPLIANCE REPORTS.—Not later than 90 days after the date of submission of each report under section 9007, the Office of Management and Budget shall submit a report to Congress that—

(1) identifies and recommends corrective actions and time frames for each executive agency that the Office of Management and Budget determines is noncompliant; and

(2) describes progress of noncompliant executive agencies, justifications of any continuing noncompliance, and any recommendations for corrective actions planned by the Office of Management and Budget or the executive agency to eliminate noncompliance.

SEC. 9000. EXTENSION OF TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5710 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking "for a period not to exceed 24 months"; and

(2) in subsection (e), by striking "7 years" and inserting "16 years".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 112 Stat. 2350).

TITLE X

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 10002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 10003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXTENSION OF EB–5 REGIONAL CENTER PILOT PROGRAM

SEC. 10004. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "for 15 years" and inserting "for 20 years".

INTERIM RELIEF FOR SKILLED IMMIGRANT WORKERS

SEC. 10005. (a) RECAPTURE OF UNUSED EMPLOYMENT-BASED VISA NUMBERS.—Subsection (d) of section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1994, 1996, 1997, 1998," after "available in fiscal year";

(B) by striking "or 2004" and inserting "2004, or 2006"; and

(C) by striking "shall be available" and all that follows through the end and inserting "shall be available only to—

"(A) an employment-based immigrant under paragraph (1); (2), (3)(A)(i), or (3)(A)(ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), except for employment-based immigrants whose petitions are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations; or

"(B) a spouse or child accompanying or following to join such an employment-based immigrant under section 203(d) of such Act (8 U.S.C. 1153(d)).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "years 1999 through 2004" and inserting "year 1994 and each subsequent fiscal year"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "(i)"; and

(ii) by striking clause (ii); and

(3) by adding at the end the following new paragraph:

"(4) EMPLOYMENT-BASED VISA RECAPTURE FEE.—A fee shall be paid in connection with any petition seeking an employment-based immigrant visa number recaptured under paragraph (1), known as the Employment-Based Visa Recapture Fee, in the amount of $1500. Such Fee may not be charged for a dependent accompanying or following to join such employment-based immigrant.".

(b) DISPOSITION OF FEES.—

(1) IMMIGRATION EXAMINATION FEE ACCOUNT.—The fees described in paragraph (2) shall be treated as adjudication fees and deposited as offsetting receipts into the Immigration Examinations Fee Account in the Treasury of the United States under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(2) FEES DESCRIBED.—The fees described in this paragraph are the following:

(A) Any Employment-Based Visa Recapture Fee collected pursuant to paragraph (4) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000, as added by subsection (a)(3).

(B) Any Supplemental Adjustment of Status Application Fee collected pursuant to paragraph (3) of subsection (n) of section 245 of the Immigration and Nationality Act, as added by subsection (c)(1).

(c) RETAINING GREEN CARD APPLICANTS WORKING IN THE UNITED STATES.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(1) ELIGIBILITY.—The Secretary of Homeland Security shall provide for the filing of an adjustment application by an alien (and any eligible dependents of such alien) who has an approved or pending petition under subparagraph (E) or (F) of section 204(a)(1), regardless of whether an immigrant visa is immediately available at the time the application is filed.

"(2) VISA AVAILABILITY.—An application filed pursuant to paragraph (1) shall not be approved until an immigrant visa becomes available.

"(3) FEES.—If an application is filed pursuant to paragraph (1) at a time at which a visa is not immediately available, a fee, known as the Supplemental Adjustment of Status Application Fee, in the amount of $1500 shall be paid on behalf of the beneficiary of such petition. Such Fee may not be charged for a dependent accompanying or following to join such beneficiary.".

(2) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the implementation of subsection (n) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), as added by paragraph (1).

(3) REPEAL.—Unless a law is enacted that repeals this paragraph, the amendments made by paragraph (1) shall be repealed on the date that is 5 years after the date of the enactment of this Act.

SEC. 10006. NURSING SHORTAGE RELIEF. (a) INCREASING VISA NUMBERS.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended by adding at the end the following:

"(e) VISA SHORTAGE RELIEF FOR NURSES AND PHYSICAL THERAPISTS.—

"(1) IN GENERAL.—Subject to paragraph (2), for petitions filed during the period beginning on the date of the enactment of the Emergency Nursing Supply Relief Act and ending on September 30, 2011, for employment-based immigrants (and their family members accompanying or following to join under section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)), which are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, the numerical limitations set forth in sections 201(d) and 202(a) of such Act (8 U.S.C. 1151(d) and 1152(a)) shall not apply.

"(2) LIMITATION ON NUMBER OF VISAS.—The Secretary of State may not issue more than 20,000 immigrant visa numbers in any one fiscal year (plus any available visa numbers under this paragraph not used during the preceding fiscal year) to principal beneficiaries of petitions pursuant to paragraph (1).

"(3) EXPEDITED REVIEW.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in paragraph (1) not later than 30 days after the date on which a completed petition has been filed.

"(f) FEE FOR USE OF VISAS UNDER SUBSECTION (a).—

"(1) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa provided under subsection (e) to provide employment for an alien as a professional nurse, except that—

"(A) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

"(B) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

"(i) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

"(ii) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

"(2) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to paragraph (1) shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.".

(b) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

"SEC. 832. CAPITATION GRANTS.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

"(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

"(c) GRANT COMPUTATION.—

"(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

"(B) $1,405 for each full-time or part-time student who—

"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

"(ii) has not more than 3 years of academic credits remaining in the program.

"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

"(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

"(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

"(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

"(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

"(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

"(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

"(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

"(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

"(i) the physical facilities at the school involved limit the school from enrolling additional students; or

"(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

"(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

"(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

"(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

"(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

"(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

"(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

"(F) Increasing enrollment of minority and diverse student populations.

"(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

"(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

"(I) Increasing integration of geriatric content into the core curriculum.

"(J) Partnering with economically disadvantaged communities to provide nursing education.

"(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

"(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

"(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

"(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

"(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

"(2) not later than September 30, 2010, a final report on such results.

"(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

"SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

"(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

"(b) USE OF FUNDS.—Amounts collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.".

(c) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) DEFINITIONS.—In this section:

"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

“(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

“(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

“(2) ELIGIBLE ALIEN.—The term ‘eligible alien’ means an alien who—

“(A) has been lawfully admitted to the United States for permanent residence; and

“(B) is a physician or other healthcare worker.

“(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

“(d) PUBLICATION.—The Secretary of State shall publish—

“(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

“(2) an updated version of the list required by paragraph (1) not less often than once each year; and

“(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).”.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: “except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,”.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting “, including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “1101(a)(27)(A),”.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting “other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “Act,”.

(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

“Sec. 317A. Temporary absence of aliens providing health care in developing countries.”.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(d) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

“(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

“(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

“(ii) OBLIGATION DEFINED.—In this subparagraph, the term ‘obligation’ means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

“(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

“(I) the obligation was incurred by coercion or other improper means;

“(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

“(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.”.

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

SEC. 10007. NURSE TRAINING AND RETENTION DEMONSTRATION GRANTS. (a) FINDINGS.—Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

(b) PURPOSES OF GRANT PROGRAM.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(c) GRANTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the “Secretary”) shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the

Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consists of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (d).—To be eligible for a grant under this section, a healthcare employer described in subsection (d) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management or other jointly administered training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a bachelor of science in nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance to incumbent healthcare workers.

(f) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs).

(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, resources dedicated by an entity, or other Federal, State, or local funds available to carry out activities described in this section.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(g) ACTIVITIES.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, precollege counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(h) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurses or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(i) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality as determined by the Secretary; and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than September 30, 2011, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal years 2010, 2011, and 2012, such sums as may be necessary. Funds appropriated under this subsection shall remain available until expended without fiscal year limitation.

EXPLANATORY STATEMENT

SEC. 10008. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

This act shall become effective 1 day after enactment.

SHORT TITLE

SEC. 10009. This Act may be cited as the "Supplemental Appropriations Act, 2008".

SA 4791. Mr. KERRY submitted an amendment intended to be proposed by him to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 23, insert after "agreements" the following: ": *Provided further*, That of the funds appropriated under this heading, $2,000,000 shall be made available as a contribution for the witness and victims support, protection, and participation program within the United Nations Assistance to the Khmer Rouge Trials Trust Fund".

SA 4792. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. Reid to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8021.

SA 4793. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. Reid to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION _—IMMIGRATION ENFORCEMENT

SEC. _1. SHORT TITLE.

This division may be cited as the "Secure America Through Verification and Enforcement Act of 2007" or as the "SAVE Act of 2007".

TITLE I—SECURING AMERICA'S INTERNATIONAL BORDERS

Subtitle A—Manpower, Technology, and Infrastructure Improvements

SEC. 101. MANPOWER.

(a) Border Patrol Agents.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) Annual Increases.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty Border Patrol agents within the Department of Homeland Security (above the number of positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,500 in fiscal year 2008;

"(2) 2,000 in fiscal year 2009;

"(3) 1,500 in fiscal year 2010;

"(4) 1,000 in fiscal year 2011; and

"(5) 1,000 in fiscal year 2012.

"(b) Allocations.—Of the Border Patrol agents hired under subsection (a), 80 percent shall be deployed along the southern border of the United States and 20 percent shall be deployed along the northern border of the United States.

"(c) Authorization of Appropriations.—The necessary funds are authorized to be appropriated for each of fiscal years 2008 through 2012 to carry out this section.".

(b) Investigative Personnel.—

(1) ADDITIONAL INVESTIGATIVE PERSONNEL FOR ALIEN SMUGGLING.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by paragraph (1), during each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 350 the number of positions for personnel within the Department assigned to specifically investigate alien smuggling.

(2) ADDITIONAL FUNDS AND PERSONNEL FOR THE TUNNEL TASK FORCE.—Subject to appropriations, the fiscal year 2008 budget of the Tunnel Task Force, a joint force comprised of Immigration and Customs Enforcement (ICE), Customs and Border Patrol (CBP) and Drug Enforcement Administration (DEA) personnel tasked to pinpoint tunnels that are utilized by drug lords and "coyotes" to smuggle narcotics, illegal aliens, and weapons of mass destruction, shall be increased by 50 percent above the fiscal year 2007 budget. Such increase shall be used to increase personnel, improve communication and coordination between participant agencies, upgrade technology, and offer cash rewards and appropriate security to individuals who provide the Tunnel Task Force with accurate information on existing tunnels that breach the international borders of the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 to carry out this section.

(c) Recruitment of Former Members of the Armed Forces and Members of Reserve Components of the Armed Forces.—

(1) REQUIREMENT FOR PROGRAM.—The Secretary, in conjunction with the Secretary of Defense, shall establish a program to actively recruit covered members (a member of a reserve component of the Armed Forces) or former members of the Armed Forces and National Guard to serve in United States Customs and Border Protection.

(2) REPORT ON RECRUITMENT INCENTIVES.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly submit to the "appropriate" committees of Congress a report that shall include an assessment of the desirability and feasibility of offering an incentive to a covered member or former member of the Armed Forces for the purpose of encouraging such member to serve in United States Customs and Border Patrol and Immigration and Customs Enforcement—

(A) the Secretary must provide a description of various monetary and non-monetary incentives considered for purposes of the report; and

(B) the Secretary must provide an assessment of the desirability and feasibility of utilizing any such incentive.

(3) RECOMMENDATIONS FOR RECRUITMENT INCENTIVES.—

(A) Maximum student loan repayments for United States Border Patrol agents with a two year commitment.—Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

"(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

"(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

"(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.".

(B) Recruitment and relocation bonuses and retention allowances for personnel of the Department of Homeland Security.—The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

(4) DEFINITION.—The term "appropriate committees of Congress" means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 102. TECHNOLOGY.

(a) Equipment Sharing Between Department of Homeland Security and Department of Defense.—The Secretaries of these two departments shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(b) Report.—Not later than 6 months after the date of enactment of this Act (and then annually from that point), the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the potential risks to citizens of the United States and key foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (a) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(c) Secure Communication.—The secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate law enforcement agencies of the Department and State, local, and tribal law enforcement agencies.

(d) Other Technology Upgrades.—The Secretary shall purchase and implement new technology to secure the borders, including, but not limited to drones, infrared cameras, sensors, mobile lighting units, radar and infrared heat.

(e) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 103. INFRASTRUCTURE.

(a) INFRASTRUCTURE IMPROVEMENTS.—Subject to the availability of appropriations, the Secretary shall construct or purchase—

(1) office facilities to accommodate additional border patrol manpower;

(2) sport utility vehicles for officers;

(3) all weather roads for better vehicle access and performance on remote and rugged terrain (road construction should be done in consultation with the owner of the land and take into account any environmental or other land-use issues that are relevant);

(4) additional fencing (and aesthetic fencing in business districts) in urban areas of the border; and

(5) vehicle barriers, to support, not replace, manpower, in rural and remote areas of the border necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 104. AERIAL VEHICLES AND SURVEILLANCE SYSTEMS.

(a) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under section 102(b), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(b) UNMANNED AERIAL VEHICLES AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain unmanned aerial vehicles and related equipment for use to patrol the international borders of the United States, including equipment such as—

(1) additional sensors;

(2) satellite command and control; and

(3) other necessary equipment for operational support.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 and 2009 such sums as may be necessary to carry out subsection (b).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) are authorized to remain available until expended.

(d) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to carry out this subsection.

(e) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, drones, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, that—

(A) the technologies utilized in the Integrated and Automated Surveillance Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras in a manner where a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras is able to be viewed at multiple designated communications centers;

(E) a standard process is used to collect and record, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the program to streamline site selection and site validation processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible;

(J) standards are developed under the program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions; and

(K) Border Patrol agents respond to each reported intrusion that appears to involve aliens or smugglers.

(3) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—

(i) IN GENERAL.—The Comptroller General of the United States shall review each new contract related to the Program and should report to Congress regarding contracts with a value of more than $5,000,000 in a timely manner, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules.

(ii) REPORTS.—The Comptroller General of the United States shall report the findings of each review carried out under clause (i) to the Secretary in a timely manner.

(4) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to carry out this subsection.

Subtitle B—Strategies and Progress Reports for Securing America's Borders

SEC. 111. NATIONAL STRATEGY TO SECURE THE BORDERS.

(a) REQUIREMENT FOR NATIONAL STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a national strategy to secure the borders that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States by December 31, 2010.

(b) CONTENT.—The national strategy to secure the borders shall include the following:

(1) An assessment of the threats posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(2) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(3) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(4) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(5) A description of the border security roles and missions of Federal Government, State government, local government, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(6) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, private property rights, privacy rights, and civil liberties, including an assessment of efforts to take into

account asylum seekers, trafficking victims, unaccompanied minor aliens, refugees and other vulnerable populations, as well as the effects on Americans living in the border region and local, State, and Federal law enforcement officers working in the border region.

(7) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of lawful travel and commerce is not unreasonably diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(10) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such strategy.

(11) A schedule for the implementation of the security measures described in said strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the national strategy for border security, the Secretary shall consult with representatives of—

(1) State, local, and tribal governmental authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The national strategy for border security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than December 31, 2008, the Secretary shall submit to Congress the national strategy for border security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 112. ACCOUNTABLE FINANCING OF A SECURE BORDER INITIATIVE.

(a) COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) ACTION.—If the Comptroller General of the United States becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under the Secure Border Initiative, the Comptroller General of the United States shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to Congress and to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative or make said contract null and void.

(2) REPORT.—Upon the completion of each review described in paragraph (1), the Comptroller General of the United States shall submit to Congress and to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high-risk business practices.

(b) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (a)(2), the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives and the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, that describes the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters are not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(c) REPORTS ON UNITED STATES PORTS.—Not later that 60 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

Subtitle C—Rapid Response Measures

SEC. 121. DEPLOYMENT OF BORDER PATROL AGENTS.

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional agents of the Border Patrol (referred to in this subtitle as "agents") from the Secretary, the Secretary, subject to paragraphs (2) and (3), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department's ability to provide border security for any other State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations under current law.

(b) FLEXIBLE DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

SEC. 122. BORDER PATROL MAJOR ASSETS.

(a) CONTROL OF DEPARTMENT OF HOMELAND SECURITY ASSETS.—The Department of Homeland Security shall have exclusive administrative and operational control over all the assets utilized in carrying out its mission, including aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.—

(1) HELICOPTERS.—The Secretary shall increase the number of helicopters under the control of the Border Patrol and Immigration and Customs Enforcement (ICE). The Secretary shall ensure that appropriate types and quantities of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase the number of power boats under the control of the Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) MOTOR VEHICLES.—

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 4 agents with safety glass and other protections. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the Border Patrol.

(2) FEATURES.—All motor vehicles purchased for the Border Patrol shall—

(A) be appropriate for the mission of the Border Patrol; and

(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

SEC. 123. ELECTRONIC EQUIPMENT.

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the Border Patrol.

(b) RADIO EQUIPMENT.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel, including Immigration and Customs Enforcement, working in each area where Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) HANDHELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that

Border Patrol agents are issued a state-of-the-art handheld global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 124. PERSONAL EQUIPMENT.

(a) BODY ARMOR.—The Secretary shall ensure that every agent on duty is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Enough body armor must be purchased to cover every agent in the field.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face, and that all agents receive appropriate training in the use of such weapons.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as such items become worn or unserviceable or no longer fit properly.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this subtitle.

Subtitle D—Border Infrastructure and Technology Modernization

SEC. 131. DEFINITIONS.

In this subtitle:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of United States Customs and Border Protection.

(2) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(3) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 132. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the programs of the Customs-Trade Partnership Against Terrorism established pursuant to section 211 of the SAFE Port Act (6 U.S.C. 961), including adding additional personnel for such programs, along the northern border and southern border, including the following programs:

(A) The Business Anti-Smuggling Coalition.

(B) The Carrier Initiative Program.

(C) The Americas Counter Smuggling Initiative.

(D) The Container Security Initiative established pursuant to section 205 of the SAFE Port Act (6 U.S.C. 945).

(E) The Free and Secure Trade Initiative.

(F) Other industry partnership programs administered by the Commissioner.

(b) DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

Subtitle E—Other Border Security Initiatives

SEC. 141. ALIEN SMUGGLING AND TERRORISM PREVENTION.

(a) CHECKS AGAINST TERRORIST WATCHLIST.—The Department of Homeland Security shall check against all available terrorist watchlists those alien smugglers and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

(b) STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: "SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—";

(2) by redesignating clause (iv) of paragraph (1)(B) as clause (vii);

(3) in paragraph (1), by striking "(1)(A)" and all that follows through clause (iii) of subparagraph (B) and inserting the following:

"(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly—

"(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such alien;

"(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

"(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

"(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

"(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

"(C) A violator of this paragraph shall, for each alien in respect to whom such a violation occurs—

"(i) unless the offense is otherwise described in another clause of this subparagraph, be fined under title 18, United States Code or imprisoned not more than 5 years, or both;

"(ii) if the offense involved the transit of the defendant's spouse, child, sibling, parent, grandparent, or niece or nephew, and the offense is not described in any of clauses (iii) through (vii), be fined under title 18, United States Code or imprisoned not more than 1 year, or both;

"(iii) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and was committed for the purpose of profit, commercial advantage, or private financial gain, be fined under title 18, United States Code or imprisoned not more than 10 years, or both;

"(iv) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years;

"(v) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code or imprisoned not more than 20 years, or both;

"(vi) if the offense involved an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code or imprisoned not more than 30 years, or both; and";

(4) in the clause (vii) so redesignated by paragraph (2) of this subsection (which now becomes clause (vii) of the new subparagraph (C))—

(A) by striking "in the case" and all that follows through "(v) resulting" and inserting "if the offense results"; and

(B) by inserting "and if the offense involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both" after "or both"; and

(5) by striking existing subparagraph (C) of paragraph (1) (without affecting the new subparagraph (C) added by the amendments made by this Act) and all that follows through paragraph (2) and inserting the following:

"(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

"(B) In a prosecution for a violation of, or an attempt or conspiracy to violate subsection (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

"(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

"(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) of this subparagraph is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

"(C) It is a defense to a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of subsection (a)(1)(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

"(D) For purposes of this paragraph and paragraph (1)—

"(i) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

"(ii) the term 'lawful authority' means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.".

(c) MARITIME LAW ENFORCEMENT.—

(1) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

"(b)(1) Whoever intentionally violates this section shall, unless the offense is described in paragraph (2), be fined under this title or imprisoned for not more than 5 years, or both.

"(2) If the offense—

"(A) is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) of title 46, or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), the offender shall be fined under this title or imprisoned for not more than 10 years, or both;

"(B) results in serious bodily injury (as defined in section 1365 of this title) or transportation under inhumane conditions, the offender shall be fined under this title, imprisoned not more than 15 years, or both; or

"(C) results in death or involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both.".

(2) LIMITATION ON NECESSITY DEFENSE.—Section 2237(c) of title 18, United States Code, is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

"(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel;

"(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

"(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.".

(3) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) the term 'transportation under inhumane conditions' means the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.".

(d) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(2) CONSIDERATIONS.—In carrying out this subsection, the Sentencing Commission, shall—

(A) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in paragraph (1) of this subsection that—

(i) involve a pattern of continued and flagrant violations;

(ii) are part of an ongoing commercial organization or enterprise;

(iii) involve aliens who were transported in groups of 10 or more;

(iv) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(v) involve the facilitation of terrorist activity; and

(B) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(3) EXPEDITED PROCEDURES.—The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 142. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service and Bureau of Land Management; and

(4) other relevant land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

(c) ADDITIONAL UNIFORMED LAW ENFORCEMENT OFFICERS AND SPECIAL AGENTS OF THE DEPARTMENT OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior for employment of uniformed law enforcement officers and special agents, in addition to the number of such officers and agents employed immediately before the enactment of this Act, such sums as may be necessary for—

(1) 22 such officers of the United States Fish and Wildlife Service, including—

(A) 4 for California;

(B) 9 for Arizona;

(C) 2 for New Mexico; and

(D) 7 for Texas;

(2) 2 such agents of the United States Fish and Wildlife Service, for Texas;

(3) 22 such officers of the National Park Service, including—

(A) 13 for Arizona; and

(B) 9 for Texas;

(4) 2 such agents of the National Park Service, for Texas;

(5) 19 such officers of the Bureau of Land Management, including—

(A) 5 for California;

(B) 4 for Arizona;

(C) 4 for New Mexico; and

(D) 6 for Texas;

(6) 2 such agents of the Bureau of Land Management, including—

(A) 1 for California;

(B) 2 for Arizona; and

(C) 1 for New Mexico; and

(7) one such agent of the Bureau of Indian Affairs, for Texas.

(d) ADDITIONAL SPECIAL ASSISTANT UNITED STATES ATTORNEY.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to increase by 1 the number of special assistant United States attorneys in the district of Arizona dedicated to prosecution of cases generated by the Secretary of Interior, in addition to the number of such attorneys appointed immediately before the enactment of this Act.

Subtitle F—Border Law Enforcement

SEC. 151. SHORT TITLE.

This Act may be cited as the "Border Law Enforcement Act".

SEC. 152. FINDINGS.

The Congress finds as follows:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of unauthorized aliens and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal

justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. 153. BORDER RELIEF GRANT PROGRAM.

(a) IN GENERAL.—From amounts made available under section 154, the Secretary of Homeland Security may make grants to—

(1) sheriffs' offices of counties any part of which is within 25 miles of the southern border of the United States; and

(2) police departments serving a city, town, or other political subdivision in a county any part of which is within 25 miles of the southern border of the United States (including tribal police departments serving a community any part of which is within 25 miles of such border).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Grant funds received under subsection (a) may be used for the following:

(A) To conduct law enforcement operations in order to enforce criminal laws, prevent and punish criminal activity, and protect the lives, property, and security of the people within the jurisdiction of the grant recipient.

(B) To transfer aliens detained or in the custody of the grant recipient who are not lawfully present in the United States to appropriate Federal law enforcement officials.

(C) To enforce State and Federal laws relating to controlled substance trafficking and enforce other State and Federal criminal laws.

(2) PAYMENT OF COSTS.—Use of funds under paragraph (1) shall include payment for costs of—

(A) hiring, equipping, training, and otherwise controlling the operations and deployment of, law enforcement officials engaged in duties described in paragraph (1), as well as the costs of paying overtime to such officials; and

(B) detaining, housing, and transporting aliens who are not lawfully present in the United States, and who are taken into custody by the grant recipient, until the aliens are transferred to appropriate Federal law enforcement officials.

(3) DETENTION FACILITIES.—In accordance with paragraph (2)(B), grant funds received under subsection (a) may be used for the construction, maintenance, and operation of detention facilities to detain aliens who are unlawfully present in the United States, except that not more than 20 percent of such funds may be used for the construction or renovation of detention or similar facilities.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary of Homeland Security may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Homeland Security determines to be essential to ensure compliance with the requirements of this section.

SEC. 154. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $200,000,000 for fiscal year 2008 and each succeeding fiscal year.

SEC. 155. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue regulations to carry out this Act.

TITLE II—ENDING UNLAWFUL EMPLOYMENT

Subtitle A—Employee Verification

SEC. 201. MANDATORY EMPLOYMENT AUTHORIZATION VERIFICATION.

(a) MAKING BASIC PILOT PROGRAM PERMANENT.—Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding before the period at the end of the last sentence the following ", except that the basic pilot program described in section 403(a) shall be a permanent program".

(b) MANDATORY USE OF E-VERIFY SYSTEM.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), every person or other entity that hires one or more individuals for employment in the United States shall verify through the E-Verify program, established as the basic pilot program by section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note), that each such individual is authorized to work in the United States. The Secretary of Homeland Security shall ensure that verification by means of a toll-free telephone line is an available option in complying with the preceding sentence.

(2) SELECT ENTITIES REQUIRED TO USE E-VERIFY PROGRAM IMMEDIATELY.—The following entities must satisfy the requirement in paragraph (1) by not later than one year after the date of the enactment of this Act:

(A) FEDERAL AGENCIES.—Each department and agency of the Federal Government.

(B) FEDERAL CONTRACTORS.—A contractor that—

(i) has entered into a contract with the Federal Government to which section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) applies, and any subcontractor under such contract; or

(ii) has entered into a contract exempted from the application of such Act by section 6 of such Act (41 U.S.C. 356), and any subcontractor under such contract.

(C) LARGE EMPLOYERS.—An employer that employs more than 250 individuals in the United States.

(3) PHASING-IN FOR OTHER EMPLOYERS.—

(A) 2 YEARS FOR EMPLOYERS OF 100 OR MORE.—Entities that employ 100 or more individuals in the United States must satisfy the requirement in paragraph (1) by not later than two years after the date of the enactment of this Act.

(B) 3 YEARS FOR EMPLOYERS WITH 30 OR MORE EMPLOYEES.—All entities that employ 30 or more individuals in the United States must satisfy the requirement in paragraph (1) by not later than three years after the date of the enactment of this Act.

(C) 4 YEARS FOR ALL EMPLOYERS.—All entities that employ one or more individuals in the United States must satisfy the requirement in paragraph (1) by not later than four years after the date of the enactment of this Act.

(4) VERIFYING EMPLOYMENT AUTHORIZATION OF CURRENT EMPLOYEES.—Every person or other entity that employs one or more persons in the United States shall verify through the E-Verify program by not later than four years after the date of the enactment of this Act that each employee is authorized to work in the United States.

(5) DEFENSE.—An employer who has complied with the requirements in paragraphs (1) and (4) shall not be liable for hiring an unauthorized alien, if—

(A) such hiring occurred due to an error in the E-Verify program that was unknown to the employer at the time of such hiring; and

(B) the employer terminates the employment of the alien upon being informed of the error.

(6) SANCTIONS FOR NONCOMPLIANCE.—The failure of an employer to comply with the requirements in paragraphs (1) or (4) shall—

(A) be treated as a violation of section 274A(a)(1)(B) with respect to each offense; and

(B) create a rebuttable presumption that the employer has violated section 274A(a)(1)(A).

(7) VOLUNTARY PARTICIPATION OF EMPLOYERS NOT IMMEDIATELY SUBJECT TO REQUIREMENT.—Nothing in this subsection shall be construed as preventing a person or other entity that is not immediately subject to the requirement of paragraph (1) pursuant to paragraph (2) or (3) from voluntarily using the E-Verify program to verify the employment authorization of new hires or current employees.

(8) STATE INTERFERENCE.—No State may prohibit a person or other entity from using the E-verify program to verify the employment authorization of new hires or current employees.

SEC. 202. MANDATORY NOTIFICATION OF SSN MISMATCHES AND MULTIPLE USES.

(a) NOTIFICATION OF MISMATCHED NAME AND SOCIAL SECURITY NUMBER.—The Commissioner of Social Security shall notify on an annual basis each United States employer with one or more employees whose social security account number does not match the employees name or date of birth in the Commissioners records. Such notification shall instruct employers to notify listed employees that they have 10 business days to correct the mismatch with the Social Security Administration or the employer will be required to terminate their employment. The notification also shall inform employers that they may not terminate listed employees prior to the close of the 10-day period.

(b) NOTIFICATION OF MULTIPLE USES OF INDIVIDUAL SOCIAL SECURITY NUMBERS.—Prior to crediting any individual with concurrent earnings from more than one employer, the Commissioner of Social Security shall notify the individual that earnings from two or more employers are being reported under the individual's social security account number. Such notice shall include, at a minimum, the name and location of each employer and shall direct the individual to contact the Social Security Administration to submit proof that the individual is the person to whom the social security account number was issued and, if applicable, to submit, either in person, or via electronic transmission, a pay stub or other documentation showing that such individual ,is employed by both or all employers reporting earnings to that social security account number.

(c) INFORMATION SHARING WITH THE DEPARTMENT OF HOMELAND SECURITY.—

(1) Not later than 180 days following the date of enactment of this act, the Commissioner of Social Security shall promulgate regulations in accord with section 1306, title 42 (42 U.S.C. 1306), to require that information regarding all unresolved mismatch notifications and regarding all multiple use notifications that lead to the identification of an unauthorized user of a social security account number be shared with the Secretary of the Department of Homeland Security on a timely basis.

(2) Information to be shared with the Secretary shall include, at a minimum, the name and mailing address of all employees who are the subject of an unresolved mismatch notification or who are unauthorized users of another individual's social security account number.

SEC. 203. ESTABLISHMENT OF ELECTRONIC BIRTH AND DEATH REGISTRATION SYSTEMS.

(a) In consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, the Secretary shall take the following actions:

(1) Work with the States to establish a common data set and common data exchange protocol for electronic birth registration systems and death registration systems.

(2) Coordinate requirements for such systems to align with a national model.

(3) Ensure that fraud prevention is built into the design of electronic vital registration systems in the collection of vital event data, the issuance of birth certificates, and the exchange of data among government agencies.

(4) Ensure that electronic systems for issuing birth certificates, in the form of printed abstracts of birth records or digitized images, employ a common format of the certified copy, so that those requiring such documents can quickly confirm their validity.

(5) Establish uniform field requirements for State birth registries.

(6) Not later than 1 year after the date of the enactment of this Act, establish a process with the Department of Defense that will result in the sharing of data, with the States and the Social Security Administration, regarding deaths of United States military personnel and the birth and death of their dependents.

(7) Not later than 1 year after the date of the enactment of this Act, establish a process with the Department of State to improve registration, notification, and the sharing of data with the States and the Social Security Administration, regarding births and deaths of United States citizens abroad.

(8) Not later than 3 years after the date of establishment of databases provided for under this section, require States to record and retain electronic records of pertinent identification information collected from requestors who are not the registrants.

(9) Not later than 6 months after the date of the enactment of this Act, submit to Congress a report on whether there is a need for Federal laws to address penalties for fraud and misuse of vital records and whether violations are sufficiently enforced.

SEC. 204. PENALTY FOR FAILURE TO FILE CORRECT INFORMATION RETURNS.

Section 6721 of the Internal Revenue Code of 1986 (26 U.S.C. 6721) is amended by adding at the end the following:

"(f) The Secretary shall assess the maximum allowable penalties on 100 percent of the employers designated in any tax year by the Social Security Administration as the most egregious noncompliant employers.

"(g) Notwithstanding any other provision in this section, in the case of a failure described in subsection (a)(2) with respect to any person employing an alien not authorized to be so employed, the penalty under this section shall be determined in accordance with the following table:

"In the case of—	Not less than—	Not more than—
The first offense	$2,500	$5,000
The second offense	$7,500	$10,000
The third offense	$25,000	$40,000.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be required to carry out this subtitle.

Subtitle B—Nondeductibility of Wages Paid to Unauthorized Aliens

SEC. 211. CLARIFICATION THAT WAGES PAID TO UNAUTHORIZED ALIENS MAY NOT BE DEDUCTED FROM GROSS INCOME.

(a) IN GENERAL.—Subsection (c) of section 162 of the Internal Revenue Code of 1986 (relating to illegal bribes, kickbacks, and other payments) is amended by adding at the end the following new paragraph:

"(4) WAGES PAID TO OR ON BEHALF OF UNAUTHORIZED ALIENS.—

"(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any wage paid to or on behalf of an unauthorized alien, as defined under section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

"(B) WAGES.—For the purposes of this paragraph, the term 'wages' means all remuneration for employment, including the cash value of all remuneration (including benefits) paid in any medium other than cash.

"(C) SAFE HARBOR.—If a person or other entity is participating in the basic pilot program described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) and obtains confirmation of identity and employment eligibility in compliance with the terms and conditions of the program with respect to the hiring (or recruitment or referral) of an employee, subparagraph (A) shall not apply with respect to wages paid to such employee.".

(b) 6-YEAR LIMITATION ON ASSESSMENT AND COLLECTION.—Subsection (c) of section 6501 of such Code (relating to exceptions) is amended by adding at the end the following new paragraph:

"(11) DEDUCTION CLAIMED FOR WAGES PAID TO UNAUTHORIZED ALIENS.—In the case of a return of tax on which a deduction is shown in violation of section 162(c)(4), any tax under chapter 1 may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.".

(c) USE OF DOCUMENTATION FOR ENFORCEMENT PURPOSES.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subparagraph (b)(5), by inserting ", section 162(c)(4) of the Internal Revenue Code of 1986," after "enforcement of this Act";

(2) in subparagraph (d)(2)(F), by inserting ", section 162(c)(4) of the Internal Revenue Code of 1986," after "enforcement of this Act"; and

(3) in subparagraph (d)(2)(G), by inserting "section 162(c)(4) of the Internal Revenue Code of 1986 or" after "or enforcement of".

(d) AVAILABILITY OF INFORMATION.—The Commissioner of Social Security and the Secretary of the Department of Homeland Security shall make available to the Commissioner of Internal Revenue any information related to the investigation and enforcement of section 162(c)(4) of the Internal Revenue Code of 1986, including any no-match letter and any information in the earnings suspense file.

(e) EFFECTIVE DATE.—

(1) Except as provided in paragraph (2), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2007.

TITLE III—ENHANCING AND FULLY UTILIZING CURRENT METHODS OF INTERIOR ENFORCEMENT

SEC. 301. INCREASE INVESTIGATIVE EFFORTS.

(a) FEDERAL AGENTS.—An increase of personnel and resources will be needed to successfully enforce U.S. immigration laws and punish those who violate them. To this end, sufficient funds are authorized to be appropriated to employ 1,150 additional Immigration and Customs Enforcement Agents.

(b) CRIMINAL ALIEN PROGRAM (CAP).—An additional 140 CAP officers are authorized to identify and remove criminal aliens encountered in Federal, State, and local detention facilities.

(c) STATE AND LOCAL LAW ENFORCEMENT SUPPORT.—The Secretary of Homeland Security shall take necessary steps to allow for the training of a minimum of 250 State and local law enforcement officers in Federal immigration law enforcement procedure. This would be an expansion of an already active and successful program.

SEC. 302. INCREASED OVERSIGHT OF AGENTS.

To ensure the ability of Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) to enforce integrity and ethical behavior throughout their expanded ranks, an increase of 5 in the number of Special Agents in the Office of Professional Responsibility.

SEC. 303. REWARDS PROGRAM.

(a) REWARDS PROGRAM.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

"(e) REWARDS PROGRAM.—

"(1) IN GENERAL.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

"(3) ADMINISTRATION.—The rewards program shall be administered by the Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

"(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

"(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

"(B) the arrest or conviction of any individual committing such an act;

"(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

"(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

"(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

"(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

"(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

"(8) LIMITATIONS AND CERTIFICATION.—

"(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed $100,000.

"(B) APPROVAL.—Any reward under this subsection exceeding $50,000 shall be personally approved by the Secretary of Homeland Security.

"(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.

"(9) PUBLICITY.—The Department of Homeland Security shall be responsible for developing and implementing an advertising strategy to make known the rewards described within this section in order to solicit informants.".

SEC. 304. INCREASED DETENTION FACILITIES FOR ALIENS APPREHENDED FOR ILLEGAL ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall make arrangements for the availability of 8,000 additional beds for detaining aliens taken into custody by immigration officials.

(b) IMPLEMENTATION.—Efforts shall be made to—

(1) contract private facilities whenever possible to promote efficient use and to limit the Federal Government's maintenance of and liability for additional infrastructure;

(2) utilize State and local facilities for the provision of additional beds; and

(3) utilize BRAC facilities or active duty facilities.

(c) CONSTRUCTION.—The Department of Homeland Security shall construct facilities as necessary to meet the remainder of the 8,000 new beds to be provided.

(d) FAMILY DETENTION FACILITY.—To further meet the special needs of detained families, the Department of Homeland Security shall retain or construct a family detention facility, similar to the T. Don Hutto Family Residential Facility, offering no less than 500 beds.

(e) RESPONSIBILITIES.—The Secretary of Homeland Security shall be responsible for providing humane conditions, health care and nutrition, psychological services, and education for minors.

(f) AUTHORIZATION.—All funds necessary to accomplish the directives within this section are authorized to be appropriated.

SEC. 305. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this Act is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

SEC. 306. ADDITIONAL DISTRICT COURT JUDGESHIPS.

(a) PERMANENT JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the district of Arizona;

(B) 5 additional district judges for the southern district of California;

(C) 1 additional district judge for the district of New Mexico;

(D) 2 additional district judges for the southern district of Texas; and

(E) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(A) in the item relating to Arizona, by striking "12" and inserting "16";

(B) in the item relating to California, by striking "13" and inserting "18";

(C) in the item relating to New Mexico, by striking "6" and inserting "7";

(D) in the item relating to Texas—

(i) by striking "19" and inserting "21"; and

(ii) by striking "13" and inserting "14".

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona; and

(B) 1 additional district judge for the district of New Mexico.

(2) VACANCY NOT FILLED.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

SEC. 307. MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary of Labor and the Secretary of Homeland Security shall develop strategies to inform the public of changes in immigration policies created by provisions in this legislation.

(b) NOTIFICATION OF CHANGES TO EMPLOYMENT VERIFICATION PROCESS.—The Secretary of Labor shall employ, at his or her discretion, a combination of print, television, internet, and radio media to notify employers of changes to the employment verification process. These multilingual media campaigns should be targeted toward non-citizen communities and those most likely to employ non-citizens. Announcements should encourage compliance with new legislation and should explain penalties for noncompliance with provisions within this Act.

(c) MULTILINGUAL MEDIA CAMPAIGN.—The Secretary of Homeland Security shall also develop a multilingual media campaign explaining the extent of this legislation, the timelines therein, and the penalties for noncompliance with this Act. Announcements should be targeted toward undocumented aliens and should emphasize—

(1) provisions in this Act that enhance border security and interior enforcement;

(2) the benefits of voluntary removal of undocumented aliens;

(3) punishment for apprehension and forced removal of undocumented aliens; and

(4) legal methods of reentering the United States, including temporary work visas.

(d) COOPERATION WITH OTHER GOVERNMENTS.—The Secretary of Homeland Security shall make all reasonable attempts to cooperate with the Governments of Mexico and the countries of Central America in implementing a media campaign that raises awareness of the issues in paragraph (2).

SA 4794. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. USE OF FUNDS FOR CONSTRUCTION.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall use for construction, at the alignment and elevation described in the programmatic environmental impact statement, of the project identified in the report of the Chief of Engineers for Morganza to the Gulf of Mexico, Louisiana, authorized by section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053) (including any modifications to that project agreed to by the Secretary and the non-Federal interest)—

(1) of the unexpended funds made available under the heading "FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE", under the heading "CORPS OF ENGINEERS–CIVIL", under the heading "DEPARTMENT OF THE ARMY" of chapter 3 of title I of division B of Public Law 109–148 (119 Stat. 2762; 120 Stat. 455), $20,000,000; and

(2) of the funds made available for non-Federal levees and associated protection measures in Terrebonne Parish under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES", under the heading "CORPS OF ENGINEERS–CIVIL", under the heading "DEPARTMENT OF THE ARMY" of chapter 3 of title II of Public Law 109–234 (120 Stat. 455), $2,000,000.

(b) TREATMENT OF CERTAIN DATA.—The Secretary shall consider to be current any data, including previously developed environmental and economic data contained in the report and environmental impact statement described in subsection (a), collected for the project described in that subsection.

SA 4795. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title VIII.

SA 4796. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____ GI BILL FINANCING PROVISION

SEC. ____. GI BILL FINANCING PROVISION.

(a) IN GENERAL.—Part I of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 1 the following new section:

"SEC. 1A. INCREASE IN TAX ON HIGH INCOME INDIVIDUALS TO FINANCE THE GI BILL.

"(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.47 percent of so much of modified adjusted gross income as exceeds $500,000 ($1,000,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)).

"(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, a rule similar to the rule of section 67(e) shall apply for purposes of determining adjusted gross income for purposes of this section.

"(c) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed by section 871(b) shall be taken into account under this section.

"(d) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 7703.

"(e) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 1 the following new item:

"Sec. 1A. Increase in tax on high income individuals to finance the GI bill.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SA 4797. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ (a) The Secretary of the Army (referred to in this section as the "Secretary") shall initiate the construction of the project authorized by section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053), as described in the programmatic environmental impact statement of the project.

(b) To initiate the construction of the project described in subsection (a), the Secretary shall accept from the Terrebonne Levee and Conservation District, Louisiana, and the State of Louisiana (referred to in this section as the "non-Federal interests") advanced funding that the Secretary shall credit toward the non-Federal share of the cost of the project.

(c) The Secretary shall credit toward the non-Federal share of the cost of the project described in subsection (a) the cost of design and construction work carried out by the non-Federal interests before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) In carrying out subsection (a), the Secretary shall consider current any data collected for the project described in that subsection.

SA 4798. Mr. REID (for Mr. SCHUMER (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 431, to require convicted sex offenders to register online identifiers, and for other purposes; as follows:

On page 2, line 3, strike "2007" and insert "2008".

On page 2, line 4, strike "2007" and insert "2008".

On page 2, lines 18 and 19, strike ", instant message address,".

On page 2, line 20, strike "an".

On page 2, strike line 22, and all that follows through page 3, line 5, and insert the following:

(b) UPDATING OF INFORMATION.—Section 113(c) of the Sex Offender Registration and Notification Act (42 U.S.C. 16913(c)) is amended by adding at the end the following: "The Attorney General shall have the authority to specify the time and manner for reporting of other changes in registration information, including any addition or change of an electronic mail address or other designation used for self-identification or routing in Internet communication or posting.".

On page 3, strike line 12 and all that follows through page 4, line 3, and insert the following:

"(d) KNOWING FAILURE TO REGISTER ONLINE IDENTIFIERS.—Whoever—

"(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.); and

"(2) uses an email address or any other designation used for self-identification or routing in Internet communication or posting which the individual knowingly failed to provide for inclusion in a sex offender registry as required under that Act;

shall be fined under this title or imprisoned not more than 10 years, or both.".

On page 4, strike lines 11 through 13, and insert the following:

SEC. 3. CHECKING OF ONLINE IDENTIFIERS AGAINST SEX OFFENDER REGISTRATION INFORMATION.

On page 4, line 23 strike ", instant" and all that follows through "offender" on line 25, and insert "or designation used for self-identification or routing in Internet communication or posting".

On page 5, strike line 1 and all that follows through page 9, line 6, and insert the following:

(b) ONLINE IDENTIFIER CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—Section 121 of the Sex Offender Registration and Notification Act (42 U.S.C. 16921) is amended by adding at the end the following:

"(d) CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—

"(1) IN GENERAL.—The Attorney General shall maintain a system available to social networking websites that permits the automated comparison of lists or databases of the electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting of the registered users of such websites, to the corresponding information contained in or derived from sex offender registries.

"(2) QUALIFICATION FOR USE OF SYSTEM.—A social networking website seeking to use the system established under paragraph (1) shall submit an application to the Attorney General which provides—

"(A) the name and legal status of the website;

"(B) the contact information for the website;

"(C) a description of the nature and operations of the website;

"(D) a statement explaining why the website seeks to use the system; and

"(E) such other information or attestations as the Attorney General may require to ensure that the website will use the system—

"(i) to protect the safety of the users of such website; and

"(ii) not for any unlawful or improper purpose.

"(3) SEARCHES AGAINST THE SYSTEM.—

"(A) IN GENERAL.—A social networking website approved to use the system established under paragraph (1) shall—

"(i) submit the information to be compared in a form satisfying the technical requirements for searches against the system; and

"(ii) pay any fee established by the Attorney General for use of the system.

"(B) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system established under paragraph (1) may conduct searches under the system as frequently as the Attorney General may allow.

"(C) AUTHORITY OF AG TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

"(i) provides false information in its application for use of the system; or

"(ii) may be using or seeks to use the system for any unlawful or improper purpose.

"(4) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

"(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system established under paragraph (1) may release to the public any list of the e-mail addresses or other designations used for self-identification or routing in Internet communication or posting of sex offenders contained in the system.

"(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under paragraph (1) by social networking websites approved to use such system.

"(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under paragraph (1) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

"(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.".

On page 9, line 9, strike "commercial".

On page 9, line 10, insert "parent,"after "employee,".

On page 9, line 11, strike "commercial".

On page 9, line 17, strike "commercial".

On page 9, line 19, strike "commercial".

On page 10, line 10, strike "commercial".

On page 10, line 16, strike "commercial".

On page 10, lines 19 and 20, strike ", instant message addresses,".

On page 10, lines 20 and 21, strike "and other similar Internet identifiers of" and insert "and other designations used for self-identification or routing in Internet communication or posting by".

On page 10, line 25, strike "commercial".

On page 11, lines 2 and 3, strike ", instant message addresses,".

On page 11, lines 3 and 4, strike "and other similar Internet identifiers of" and insert "and other designations used for self-identification or routing in Internet communication or posting by".

On page 11, line 21, strike "commercial".

On page 11, line 22, strike "a commercially operated" and insert "an".

On page 12, line 8, strike ", such as a forum" and all that follows through "messenger" on line 9.

On page 12, strike lines 15 through 19.

On page 12, line 20, strike "(17)" and insert "(16)".

On page 12, line 23, strike "(18)" and insert "(17)".

On page 13, strike line 3 and all that follows through the first period on line 6.

On page 13, strike line 10 and all that follows through page 14, line 13, and insert the following:

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

"(c) MISREPRESENTATION OF AGE.—Whoever knowingly misrepresents his or her age using the Internet or any other facility or means of interstate or foreign commerce or the mail, with the intent to further or facilitate a violation of this section, shall be fined under this title and imprisoned not more than 20 years. A sentence imposed under this subsection shall be in addition and consecutive to any sentence imposed for the offense the age misrepresentation was intended to further or facilitate.".

On page 14, line 15, strike "**WATCH**" and insert "**VIEW**".

On page 15, line 21, strike "and".

On page 15, between lines 21 and 22, insert the following:

(C) in subsection (c), by striking "computer" each place that term appears and inserting "using any means or facility of interstate or foreign commerce"; and

On page 15, line 22, strike "(C)" and insert "(D)".

On page 16, line 15, strike "and".

On page 16, between lines 15 and 16, insert the following:

(C) in paragraph (3)—

(i) by inserting "using any means or facility of interstate or foreign commerce" after "so shipped or transported"; and

(ii) by striking "by any means,"; and

On page 16, line 16, strike "(C)" and insert "(D)".

On page 16, between lines 23 and 24, insert the following:

(B) in paragraph (2), by inserting "using any means or facility of interstate or foreign commerce" after "mailed, or" each place it appears;

On page 16, line 24, strike "(B)" and insert "(C)".

On page 17, line 3, strike "(C)" and insert "(D)".

On page 17, line 7, strike "(D)" and insert "(E)".

SA 4799. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, line 16, strike "$73,000,000" and insert "$70,000,000".

On page 101, line 23, strike ", and not" and all that follows through "designees:" on page 102, line 1, and insert a colon.

On page 103, line 1, strike "$3,000,000" and insert "$6,000,000".

SA 4800. Mr. WARNER (for himself, Mr. WEBB, Mr. HAGEL, Mr. LEVIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PILOT PROGRAM ON TRANSFERABILITY OF POST-9/11 VETERANS EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense may carry out a pilot program to assess the feasability and advisability, for purposes of enhancing the recruitment and retention of members of the Armed Forces, of authorizing the Secretaries of the military departments to permit an individual described in subsection (c) who is entitled to educational assistance under chapter 33 of title 38, United States Code (as added by section _____ of this Act), to elect to transfer to one or more of the dependents specified in subsection (d) a portion of such individual's entitlement to such assistance, subject to the limitation in subsection (e).

(b) DURATION OF PILOT PROGRAM.—An individual may not be approved to transfer educational assistance under the pilot program under this section after the end of the two-year period beginning on the date of the commencement of the pilot program.

(c) ELIGIBLE INDIVIDUALS.—An individual described in this subsection is a member of the Armed Forces who, at the time of the approval by the Secretary of the military department concerned of the individual's request to transfer entitlement to educational assistance under the pilot program under this section—

(1) has completed at least four years of service in the Armed Forces;

(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section; and

(3) enters into an agreement to serve at least six more years as a member of the Armed Forces.

(d) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to educational assistance under the pilot program under this section may transfer the individual's entitlement as follows:

(1) To the individual's spouse.

(2) To one or more of the individual's children.

(3) To a combination of the individuals referred to in paragraphs (1) and (2).

(e) LIMITATION ON MONTHS OF TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), the total number of months of entitlement transferrable by an individual under the pilot program under this section may not exceed 18 months.

(2) ADDITIONAL MONTHS TRANSFERRABLE AFTER CERTAIN SERVICE.—The total number of months of entitlement transferrable under the pilot program by an individual who serves at least 10 years of service in the Armed Forces may not exceed 36 months.

(f) DESIGNATION OF TRANSFEREE.—An individual transferring entitlement to educational assistance under the pilot program under this section shall—

(1) designate the dependent or dependents to whom such entitlement is being transferred;

(2) designate the number of months of such entitlement to be transferred to each such dependent; and

(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

(g) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—

(1) TIME FOR TRANSFER.—Subject to the time limitation for use of entitlement under section 3321 of title 38, United State Code (as so added), an individual approved to transfer entitlement to educational assistance under the pilot program under this section may transfer such entitlement at any time after the approval of the individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed or the authority for approvals of transfers of entitlement has ceased under subsection (b).

(2) MODIFICATION OR REVOCATION.—

(A) IN GENERAL.—An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

(B) NOTICE.—The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary of the military department concerned and the Secretary of Veterans Affairs.

(3) PROHIBITION ON TREATMENT OF TRANSFERRED ENTITLEMENT AS MARITAL PROPERTY.—Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

(h) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under the pilot program under this section may not commence the use of the transferred entitlement until—

(1) in the case of entitlement transferred to either a spouse or a child, the completion by the individual making the transfer of four years of service in the Armed Forces; and

(2) in the case of entitlement transferred to a child—

(A) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

(B) the attainment by the child of 18 years of age.

(i) ADDITIONAL ADMINISTRATIVE MATTERS.—

(1) NATURE OF TRANSFERRED ENTITLEMENT.—Except as provided under subsection (f)(2) and subject to the provisions of this subsection, a dependent to whom entitlement is transferred under the pilot program this section is entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in the same manner as the individual from whom the entitlement was transferred.

(2) RATE OF PAYMENT.—Educational assistance payable to a dependent to whom entitlement is transferred under this section shall be payable at the same rate as such entitlement would otherwise be payable under chapter 33 of title 38, United States Code (as so added), to the individual making the transfer.

(3) USE.—The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs for purposes of this section) by the dependent concerned.

(4) DEATH OF TRANSFERROR.—The death of an individual transferring entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

(5) LIMITATION ON AGE OF USE BY CHILD TRANSFEREES.—A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

(6) SCOPE OF USE BY TRANSFEREES.—The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

(7) ADDITIONAL ADMINISTRATIVE PROVISIONS.—The administrative provisions of chapter 33 of title 38, United States Code (as so added), shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible individual for purposes of such provisions.

(j) OVERPAYMENT.—

(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under the pilot program under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38, United States Code.

(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (c)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

(i) by reason of the death of the individual; or

(ii) for a reason referred to in section 3311(c)(4) of this title (as so added).

(k) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations for purposes of the pilot program under this section. Such regulations shall specify the following:

(1) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (g)(2).

(2) The manner of determining the rates of educational assistance payable to dependents for purposes of subsection (i)(2) and of determining the charge against entitlement of transferring individuals for educational assistance utilized by dependents for purposes of subsection (i)(3).

(3) The manner of the applicability of the administrative provisions referred to in subsection (i)(7) to a dependent to whom entitlement is transferred under this section.

(l) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the cessation under subsection (b)(2) of approvals for transfer of entitlement under the pilot program under this section, the Secretary of Defense shall submit to Congress a report on the pilot program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the use of the authorities under the pilot program by the Secretaries of the military departments.

(B) An assessment of the utility of the authorities under the pilot program in enhancing recruitment and retention of members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(m) SECRETARY OF A MILITARY DEPARTMENT DEFINED.—In this section, the term "Secretary of a military department", with respect to the Coast Guard, means the Secretary of Defense or the Secretary of Homeland Security when the Coast Guard is not operating as a service in the Navy.

SA 4801. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill (amendment #4789) include the following:

"SEC.____. Section 433 of Division F of P.L. 110–161 is hereby repealed. Notwithstanding the Energy Policy Act of 2005 (Public Law 109–58), the Secretary of the Interior shall not issue any final regulations pursuant to subsection 369(d) of such Act sooner than 90 days after publication of proposed regulations pursuant to such subsection and shall not conduct a competitive oil shale lease sale pursuant to subsection 369(e) of such Act prior to December 31, 2011."

SA 4802. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill (amendment #4789) insert the following:

"SEC.____. Funds provided in this Act for the Department of the Interior shall be used to prepare and publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to subsection 369(d) of the Energy Policy Act of 2005 (Public Law 109–58).''

SA 4803. Mr. REID proposed an amendment to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $164,965,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,170,200,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $300,084,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $361,900,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $27,600,000, to remain available until September 30, 2009: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Navy and Marine Corps'', there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Air Force'', there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided*, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

"§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

"(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

"(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

"(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

"5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.".

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the "Combat Veterans Debt Elimination Act of 2008".

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $12,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $149,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further*, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

Funds Appropriated to the President

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $10,000,000, to remain available until September 30, 2009.

Subchapter B—Bridge Fund Appropriations for Fiscal Year 2009

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan; not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

Department of State

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

Funds Appropriated to the President

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided*, That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

Subchapter C—General Provisions—This Chapter

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq..

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E-267-08-001-P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading "International Narcotics Control and Law Enforcement", not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading "Economic Support Fund" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading "Economic Support Fund" that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading "Foreign Military Financing Program" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with "Diplomatic and Consular Programs" may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development".

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading "Assistance for Eastern Europe and the Baltic States" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading "Embassy Security, Construction, and Maintenance" to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for "Economic Support Fund", $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings "Foreign Military Financing Program" and "Peacekeeping Operations" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for "International Disaster Assistance", $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for "Economic Support Fund" for assistance for

Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for "Foreign Military Financing Program" for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 8002 of title VIII of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

"Diplomatic and Consular Programs".

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $50,000,000 for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 ("1968 Act"), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for "State and Local Law Enforcement Assistance", $100,000,000 for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Non-Defense Environmental Cleanup", $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium Enrichment Decontamination and Decommissioning Fund", $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for "Science", $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup", $243,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking "For purposes" and inserting "Except as provided in section 3112A, for purposes";

(2) in section 3112(a), by striking "The Secretary" and inserting "Except as provided in section 3112A(d), the Secretary"; and

(3) by inserting after section 3112 the following:

"SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

"(a) DEFINITIONS.—In this section:

"(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

"(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

"(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

"(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

"(A) contains 90 percent or more uranium-235; and

"(B) is verified by the Secretary of Energy to be of weapons origin.

"(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

"(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

"(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

"(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

"(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

"(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

"(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

"(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

"(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

"(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

"(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

"(B) ADDITIONAL IMPORTS.—

"(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

"(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

"(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

"(4) ANNUAL ADJUSTMENT.—

"(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

"(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

"(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

"(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

"(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

"(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

"(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

"(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

"(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

"(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

"(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

"(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

"(A) December 31, 2020; or

"(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

"(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

"(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

"(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

"(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

"(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

"(12) EFFECT ON OTHER AGREEMENTS.—

"(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

"(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

"(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

"(1) in the event of a disruption in the nuclear fuel supply in the United States; or

"(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.".

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the "Salaries and Expenses" account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. For fiscal year 2008, there is appropriated $400,000,000, to remain available until December 31, 2008, for payments described in sections 101, 102(b)(3), and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393).

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease Control, Research, and Training", $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director, National Institutes of Health", $400,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2008, for making payments under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623).

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

"(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

"(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

"(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

"(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

"(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

"(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

"(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

"(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for "Foreign Currency Fluctuations Account", $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading "Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided*, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, $75,000,000: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further*, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further*, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further*, That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further*, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use, $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for "General Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3402. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term "area" does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund", for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Wildland Fire Management", $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 7

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Army National Guard", $11,503,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for "Military Construction, Army National Guard" under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3701. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community development fund" for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.
"3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§ 3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps,' Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

"(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or "(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

"(8) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 6 months; or

"(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

"(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

"(1) A discharge from active duty in the Armed Forces with an honorable discharge.

"(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

"(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) A discharge or release from active duty in the Armed Forces for—

"(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

"(B) hardship; or

"(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

"(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

"(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

"(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

"(3) A period of service that is terminated because of a defective enlistment and induction based on—

"(A) the individual's being a minor for purposes of service in the Armed Forces;

"(B) an erroneous enlistment or induction; or

"(C) a defective enlistment agreement.

"(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

"§ 3312. Educational assistance: duration

"(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

"(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

"(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

"(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§ 3313. Educational assistance: amount; payment

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

"(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§ 3314. Tutorial assistance

"(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3315. Licensure and certification tests

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"§3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

"(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

"(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

"(2) who—

"(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

"(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

"(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

"(1) DD Form 214, Certification of Release or Discharge from Active Duty.

"(2) The most recent Federal income tax return.

"(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

"(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

"(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.".

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ____03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§3323. Administration

"(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

"(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

"(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

"(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

"(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

"(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§ 3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting "33," after "32,"; and

(ii) in subsection (c), by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(B) in subparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)"; and

(C) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking "June 30, 2008" and inserting "April 1, 2009";

(B) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(C) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

"(IV) An entity that—

"(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

"(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

"(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act."; and

(B) by adding at the end the following new clause:

"(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110-90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).";

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph."; and

(3) by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

"(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

"(A) PROVIDER AGREEMENT.—The hospital had—

"(i) physician ownership on September 1, 2008; and

"(ii) a provider agreement under section 1866 in effect on such date.

"(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

"(C) PREVENTING CONFLICTS OF INTEREST.—

"(i) The hospital submits to the Secretary an annual report containing a detailed description of—

"(I) the identity of each physician owner and any other owners of the hospital; and

"(II) the nature and extent of all ownership interests in the hospital.

"(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

"(I) the ownership interest of such referring physician in the hospital; and

"(II) if applicable, any such ownership interest of the treating physician.

"(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

"(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

"(I) on any public website for the hospital; and

"(II) in any public advertising for the hospital.

"(D) ENSURING BONA FIDE INVESTMENT.—

"(i) Physician owners in the aggregate do not own more than the greater of—

"(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

"(II) the percentage of such total value determined on the date of enactment of this subsection.

"(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

"(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

"(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

"(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

"(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

"(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

"(E) PATIENT SAFETY.—

"(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

"(I) the hospital discloses such fact to a patient; and

"(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

"(ii) The hospital has the capacity to—

"(I) provide assessment and initial treatment for patients; and

"(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

"(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

"(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

"(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

"(A) PROCESS.—

"(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

"(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

"(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

"(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

"(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

"(C) PERMITTED INCREASE.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

"(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

"(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

"(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

"(E) APPLICABLE HOSPITAL.—In this paragraph, the term "applicable hospital" means a hospital—

"(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

"(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

"(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

"(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

"(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

"(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

"(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

"(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

"(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

"(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.".

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE IMPROVEMENT FUND

"SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

"(b) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

"(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

"(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.".

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07-001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as "crowd-out") and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,940,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,750,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the "Close the Contractor Fraud Loophole Act".

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007-006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the "Government Funding Transparency Act of 2008".

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 8003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXPLANATORY STATEMENT

SEC. 8004. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

SHORT TITLE

SEC. 8005. This Act may be cited as the "Supplemental Appropriations Act, 2008".

SA 4804. Mr. REID proposed an amendment to amendment SA 4803 proposed by Mr. REID to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike all after the word "TITLE" on page 2, line 1, and insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $850,000,000, to remain available until expended.

For an additional amount for "Public Law 480 Title II Grants", $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $164,965,000, to remain available until September 30, 2009.

For an additional amount for "Salaries and Expenses", $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,170,200,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $300,084,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $361,900,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $27,600,000, to remain available until September 30, 2009: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Construction, Navy and Marine Corps", $11,766,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Navy and Marine Corps", there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Air Force", there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided*, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

"§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

"(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

"(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

"(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

"5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.".

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the "Combat Veterans Debt Elimination Act of 2008".

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $12,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $149,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further*, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $10,000,000, to remain available until September 30, 2009.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided*, That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E-267-08-001-P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading "International Narcotics Control and Law Enforcement", not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading "Economic Support Fund" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading "Economic Support Fund" that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading "Foreign Military Financing Program" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with "Diplomatic and Consular Programs" may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development".

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading "Assistance for Eastern Europe and the Baltic States" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading "Embassy Security, Construction, and Maintenance" to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for "Economic Support Fund", $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings "Foreign Military Financing Program" and "Peacekeeping Operations" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for "International Disaster Assistance", $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for "Economic Support Fund" for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for "Foreign Military Financing Program" for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 8002 of title VIII of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

"Diplomatic and Consular Programs".

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $50,000,000 for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 ("1968 Act"), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for "State and Local Law Enforcement Assistance", $100,000,000 for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Non-Defense Environmental Cleanup", $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium Enrichment Decontamination and Decommissioning Fund", $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for "Science", $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup", $243,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking "For purposes" and inserting "Except as provided in section 3112A, for purposes";

(2) in section 3112(a), by striking "The Secretary" and inserting "Except as provided in section 3112A(d), the Secretary"; and

(3) by inserting after section 3112 the following:

"SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

"(a) DEFINITIONS.—In this section:

"(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

"(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

"(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

"(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

"(A) contains 90 percent or more uranium-235; and

"(B) is verified by the Secretary of Energy to be of weapons origin.

"(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

"(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

"(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

"(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

"(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

"(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

"(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

"(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

"(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

"(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

"(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

“(B) ADDITIONAL IMPORTS.—

“(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

“(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

“(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

“(4) ANNUAL ADJUSTMENT.—

“(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

“(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

“(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

“(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

“(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

“(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

“(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

“(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

“(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

“(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

“(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

“(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

“(A) December 31, 2020; or

“(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

“(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

“(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

“(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

“(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

“(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

“(12) EFFECT ON OTHER AGREEMENTS.—

“(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

“(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

“(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

“(1) in the event of a disruption in the nuclear fuel supply in the United States; or

“(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.”.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the “Salaries and Expenses” account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. For fiscal year 2008, there is appropriated $400,000,000, to remain available until December 31, 2008, for payments described in sections 101, 102(b)(3), and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393).

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for “State Unemployment Insurance and Employment Service Operations” for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for “Disease Control, Research, and Training”, $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

National Institutes of Health

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director, National Institutes of Health", $400,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2008, for making payments under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623).

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

"(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

"(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

"(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

"(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

"(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

"(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

"(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

"(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

American Battle Monuments Commission

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for "Foreign Currency Fluctuations Account", $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Farm Service Agency

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading "Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided*, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000.

DEPARTMENT OF JUSTICE

Office of Justice Programs

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, $75,000,000: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further*, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further*, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further*, That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further*, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for "General Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3402. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term "area" does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund", for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Wildland Fire Management", $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 7

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Army National Guard", $11,503,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for "Military Construction, Army National Guard" under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3701. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community development fund" for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions

of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.
"3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§ 3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

"(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or

"(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

"(8) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 6 months; or

"(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

"(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

"(1) A discharge from active duty in the Armed Forces with an honorable discharge.

"(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

"(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) A discharge or release from active duty in the Armed Forces for—

"(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

"(B) hardship; or

"(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

"(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

"(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

"(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

"(3) A period of service that is terminated because of a defective enlistment and induction based on—

"(A) the individual's being a minor for purposes of service in the Armed Forces;

"(B) an erroneous enlistment or induction; or

"(C) a defective enlistment agreement.

"(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

"§ 3312. Educational assistance: duration

"(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

"(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

"(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

"(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§ 3313. Educational assistance: amount; payment

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

"(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) Programs of Education Pursued on Half-Time Basis or Less.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) Payment of Established Charges to Educational Institutions.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) Established Charges Defined.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§ 3314. Tutorial assistance

"(a) In General.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) Conditions.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) Amount.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) No Charge Against Entitlement.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3315. Licensure and certification tests

"(a) In General.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) Limitation on Amount.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) No Charge Against Entitlement.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) Increased Assistance for Members With Critical Skills or Specialty.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) Supplemental Assistance for Additional Service.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) Regulations.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§ 3317. Public-private contributions for additional educational assistance

"(a) Establishment of Program.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) Designation of Program.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) Agreements.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) Matching Contributions.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

"(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

"(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

"(2) who—

"(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

"(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

"(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

"(1) DD Form 214, Certification of Release or Discharge from Active Duty.

"(2) The most recent Federal income tax return.

"(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

"(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

"(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.".

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§ 3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§ 3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ____03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§ 3323. Administration

"(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

"(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

"(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

"(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

"(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

"(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§ 3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting "33," after "32,"; and

(ii) in subsection (c), by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii)..

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(B) in subparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)"; and

(C) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking "June 30, 2008" and inserting "April 1, 2009";

(B) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(C) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

"(IV) An entity that—

"(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

"(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

"(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act."; and

(B) by adding at the end the following new clause:

"(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110-90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).";

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph."; and

(3) by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

"(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

"(A) PROVIDER AGREEMENT.—The hospital had—

"(i) physician ownership on September 1, 2008; and

"(ii) a provider agreement under section 1866 in effect on such date.

"(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

"(C) PREVENTING CONFLICTS OF INTEREST.—

"(i) The hospital submits to the Secretary an annual report containing a detailed description of—

"(I) the identity of each physician owner and any other owners of the hospital; and

"(II) the nature and extent of all ownership interests in the hospital.

"(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

"(I) the ownership interest of such referring physician in the hospital; and

"(II) if applicable, any such ownership interest of the treating physician.

"(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

"(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

"(I) on any public website for the hospital; and

"(II) in any public advertising for the hospital.

"(D) ENSURING BONA FIDE INVESTMENT.—

"(i) Physician owners in the aggregate do not own more than the greater of—

"(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

"(II) the percentage of such total value determined on the date of enactment of this subsection.

"(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

"(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

"(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

"(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

"(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

"(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

"(E) PATIENT SAFETY.—

"(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

"(I) the hospital discloses such fact to a patient; and

"(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

"(ii) The hospital has the capacity to—

"(I) provide assessment and initial treatment for patients; and

"(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

"(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

"(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

"(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

"(A) PROCESS.—

"(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

"(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

"(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

"(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

"(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

"(C) PERMITTED INCREASE.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

"(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

"(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

"(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

"(E) APPLICABLE HOSPITAL.—In this paragraph, the term "applicable hospital" means a hospital—

"(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

"(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

"(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

"(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

"(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

"(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

"(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

"(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

"(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

"(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.".

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE IMPROVEMENT FUND

"SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

"(b) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

"(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

"(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.".

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07-001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as "crowd-out") and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,940,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,750,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the "Close the Contractor Fraud Loophole Act".

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the "Government Funding Transparency Act of 2008".

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 8003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXPLANATORY STATEMENT

SEC. 8004. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

This Act shall become effective 2 days after enactment.

SHORT TITLE

SEC. 8005. This Act may be cited as the "Supplemental Appropriations Act, 2008".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 22, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled "Follow Up on the status of Backlogs at the Department of the Interior".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 20, 2008, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, May 20, 2008, at 10 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 20, 2008, at 10:30 a.m., to hold a hearing on law enforcement treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 20, 2008, at 2:15 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 20, 2008, at 2:45 p.m. to hold a hearing on Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Plant Closings, Workers' Rights and the WARN Act's 20th Anniversary" on Tuesday, May 20, 2008: The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, May 20, 2008, at 10:30 a.m. to conduct a hearing entitled "Financial Speculation in Commodity Markets: Are Institutional Investors and Hedge Funds Contributing to Food and Energy Price Inflation?".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Protecting the Constitutional Rights to Vote for All Americans" on Tuesday, May 20, 2008, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 20, 2008, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Global Internet Freedom: Corporate Responsibility and the Rule of Law" on Tuesday, May 20, 2008, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Clint Lohse of my staff, who has done a tremendous amount of work to assure that we recognize the American cowboy, be granted the privileges of the floor during debate on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Eric Jaffe of the Appropriations Committee staff be granted the privileges of the floor during consideration of the fiscal year 2008 emergency supplemental.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE MISSING CHILDREN'S ASSISTANCE ACT

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from the consideration of H.R. 2517 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2517) to amend the Missing Children's Assistance Act to authorize appropriations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, tomorrow, the country will commemorate Missing Children's Day. Ceremonies at the Department of Justice and elsewhere will remember our commitment to work together in locating and recovering missing children. I am proud that today, Congress has also realized its obligation to our Nation's children by passing the Protecting Our Children Comes First Act of 2007, which takes important steps toward this goal.

For more than 5 months, one Senator has prevented this important legislation from becoming law. This is regrettable. The authorization for National Center for Missing and Exploited Children, NCMEC, and all that it does to help children and families expires at the end of this fiscal year. This is a bill that passed the House by a vote of 408 to 3. There were 95 cosponsors in the House, both Democrats and Republicans. I introduced a Senate companion bill with Senator HATCH, Senator LANDRIEU, and Senator SHELBY last summer. The Senator Judiciary Committee considered and reported our Senate bill, S. 1829, last December. We have been trying to pass it in the Senate ever since. I am glad the objecting Senator has reconsidered his hold on this legislation. The National Center will now have the security of being able to plan and to maintain their services and staff for the future.

It pains us all to see photo after photo of missing children from all around our country. As a father and grandfather, I can imagine that an abducted child is any parent's worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. These families need the assistance of the American people and a helping hand from Congress.

The National Center for Missing and Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation. Further, NCMEC works to make our children safer by acting as a national voice and advocate for those too young to vote or speak up for their own rights.

The national center's professionals have busy, stressful and important jobs. They have worked on more than 127,700 cases of missing and exploited children since the national center's 1984 founding, helping to recover more than 110,200 children. The national center reports that it raised its recovery rate from 64 percent in the 1990s to 96 percent today. It has set up three nationwide tip lines: a toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery; a national child pornography tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography; and a cybertipline to process online leads from individuals reporting the sexual exploitation of children. The national center has taken the lead in circulating millions of photographs of missing children, and it serves as a vital resource for the 17,000 law enforcement agencies throughout the Nation who are one the frontlines in the search for missing children and in the pursuit of adequate child protection.

The National Center for Missing and Exploited Children manages to do all of this good work with an annual DOJ grant, which is set to expire after fiscal year 2008. It is important to act now to extend its authorization so that it can continue to help keep children safe and families intact around our Nation. We should continue to do everything we can to protect our children and I thank my friends on both sides of the aisle for joining me in this effort.

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2517) was ordered to a third reading, was read the third time, and passed.

KIDS ACT OF 2007

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 706, S. 431.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 431) to require convicted sex offenders to register online identifiers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keeping the Internet Devoid of Sexual Predators Act of 2007" or the "KIDS Act of 2007".

SEC. 2. REGISTRATION OF ONLINE IDENTIFIERS OF SEX OFFENDERS.

(a) IN GENERAL.—Section 114(a) of the Sex Offender Registration and Notification Act (42 U.S.C. 16914(a)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8); and

(2) by inserting after paragraph (3) the following:

["(4) Any electronic mail address, instant message address, or other similar Internet identifier the sex offender used or will use to communicate over the Internet.**]**

"(4) Any electronic mail address, instant message address, or other designation the sex offender uses or will use for self-identification or routing in an Internet communication or posting.".

(b) UPDATING OF INFORMATION.—Section 113(c) of the Sex Offender Registration and Notification Act (42 U.S.C. 16913(c)) is amended by inserting "and before any use of an electronic mail address, instant message address, **[**or other similar Internet identifier not provided under subsection (b) by the sex offender to communicate over the Internet,**]** *or other designation used for self-identification or routing in an Internet communication or posting that is not included in the sex offender's registration information,*" after "or student status,".

(c) FAILURE TO REGISTER ONLINE IDENTIFIERS.—Section 2250 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "or (d)" after "subsection (a)"; and

(2) by adding at the end the following:

"(d) *Knowing*. Failure To Register Online Identifiers.—

"(1) IN GENERAL.—It shall be unlawful for any person who is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.) to *knowingly* fail to provide an electronic mail **[**address, instant message address, or other similar Internet identifier used by that person to communicate over the Internet**]** *address, instant message address, or other designation used for self-identification or routing in an Internet communication or posting* to the appropriate official for inclusion in the sex offender registry, as required under that Act.

"(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) CONFORMING AMENDMENT; DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.—Section 141(b) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248; 120 Stat. 602) is amended by striking "offense specified in subsection (a)" and inserting "offenses

specified in subsections (a) and (d) of section 2250 of title 18, United States Code".

SEC. 3. RELEASE OF ELECTRONIC MAIL ADDRESSES, INSTANT MESSAGE ADDRESSES, OR OTHER SIMILAR INTERNET IDENTIFIERS.

(a) PUBLIC ACCESS.—Section 118(b) of the Sex Offender Registration and Notification Act (42 U.S.C. 16918(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) any electronic mail address, instant message address, or other similar Internet identifier used by the sex offender; and".

(b) NATIONAL REGISTRY.—Section 119 of the Sex Offender Registration and Notification Act (42 U.S.C. 16919) is amended by adding at the end the following:

"(c) RELEASE OF ELECTRONIC MAIL ADDRESSES, INSTANT MESSAGE ADDRESSES, OR OTHER SIMILAR INTERNET IDENTIFIERS TO COMMERCIAL SOCIAL NETWORKING WEBSITE.—

"(1) IN GENERAL.—The Attorney General shall maintain a system allowing a commercial social networking website to compare the database of registered users of that commercial social networking website to the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry.

"(2) PROCESS FOR RELEASE OF ELECTRONIC MAIL ADDRESSES, INSTANT MESSAGE ADDRESSES, OR OTHER SIMILAR INTERNET IDENTIFIERS.—A commercial social networking website desiring to compare its database of registered users to the list of electronic mail addresses, instant messages, and other similar Internet identifiers of persons in the National Sex Offender Registry shall provide to the Attorney General—

"(A) the name, address, and telephone number of the commercial social networking website;

"(B) the specific legal nature and corporate status of the commercial social networking website;

"(C) an affirmation signed by the chief legal officer of the commercial social networking website that the information obtained from that database shall not be disclosed for any purpose other than for comparing the database of registered users of that commercial social networking website against the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry to protect [children] *individuals* from online sexual predators and that disclosure of this information for purposes other than those under this section may be unlawful; and

"(D) the name, address, and telephone number of a natural person who consents to service of process for the commercial social networking website.

"(3) USE OF DATABASE.—After a commercial social networking website has complied with paragraph (2) and paid any fee established by the Attorney General, the commercial social networking website may screen new users or compare its database of registered users to the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry as frequently as the Attorney General may allow for the purpose of identifying a registered user associated with an electronic mail address, instant message address, or other similar Internet identifier contained in the National Sex Offender Registry.

["(4) LIABILITY RELIEF FOR SOCIAL NETWORKING SITES USING THE REGISTRY INFORMATION TO PROTECT USERS.—

["(A) IN GENERAL.—If a commercial social networking website complies with this section, a covered civil action against that commercial social networking website or any director, officer, employee, or agent of that commercial social networking website may not be brought in any Federal or State court.

["(B) DEFINITION.—In this paragraph, the term 'covered civil action' means a civil action relating to the use of the information in the National Sex Offender Registry by a commercial social networking website to screen users or compare its database of registered users for the purpose of identifying a registered user associated with an electronic mail address, instant message address, or other similar Internet identifier information contained in the National Sex Offender Registry.

["(5) INTERIM PERIOD.—In any interim period before the National Sex Offender Registry is implemented, any commercial social networking website shall have access to the electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons required to register in a jurisdiction's sex offender registry through the methods set forth in paragraphs (2) and (3). Until such time as the National Sex Offender Registry is implemented, the term 'Attorney General' shall be replaced with 'the jurisdiction' and the term 'the National Sex Offender Registry' shall be replaced with 'a jurisdiction's sex offender registry' in paragraphs (2) and (3).".]

"(4) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—Except as explicitly provided for in this section or for a necessary law enforcement purpose, the Attorney General may not authorize the release or dissemination of any Internet identifier contained in the National Sex Offender Registry.

"(5) LIMITATION ON LIABILITY.—

"(A) IN GENERAL.—A civil claim against a commercial social networking website, including any director, officer, employee, or agent of that commercial social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

"(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the commercial social networking website, or a director, officer, employee, or agent of that commercial social networking website—

"(i) engaged in intentional misconduct; or

"(ii) acted, or failed to act—

"(I) with actual malice;

"(II) with reckless disregard to a substantial risk of causing injury without legal justification; or

"(III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).

"(C) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission to act relating to an ordinary business activity of any commercial social networking website, including to any acts related to the general administration or operations of such website, the use of motor vehicles by employees or agents of such website, or any personnel management decisions of such websites.

"(D) MINIMIZING ACCESS.—A commercial social networking website shall minimize the number of employees that are provided access to the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry.

"(6) RULE OF CONSTRUCTION.—Nothing is this section shall be construed to require any Internet website, including a commercial social networking website, to compare its database of registered users with the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to compare its database with such list.".

SEC. 4. DEFINITIONS.

Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) [is amended—

[(1) in paragraph (7)(H), by striking the period and inserting the following: ", except that it shall not be necessary to show that the sexual conduct actually occurred or to offer proof that the defendant engaged in an act, other than use of the Internet to facilitate criminal sexual conduct involving a minor."; and

[(2) by adding at the end the following:] *is amended by adding at the end the following:*

"(15) The term 'commercial social networking website' means a commercially operated Internet website that—

["(A) allows users to create web pages or profiles that provide information about themselves and are available publicly or to other users; and]

"(A) allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available publicly or to other users; and

"(B) offers a mechanism for communication with other users, such as a forum, chat room, electronic mail, or instant messenger.

["(16) The term 'chat room' means any Internet website through which a number of users can communicate in real time via text and that allows messages to be almost immediately visible to all other users or to a designated segment of all other users.]

"(16) The term 'chat room' means any Internet service through which a number of users can communicate in real time so that communications are almost immediately available to all other users or to a designated segment of all other users.

"(17) The term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

"(18) The term 'electronic mail address' has the meaning given that term in section 3 of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (15 U.S.C. 7702).

"(19) The term 'instant message address' means an identifier that allows a person to [communication] *communicate* in real-time with another person using the Internet.".

SEC. 5. CRIMINALIZATION OF AGE MISREPRESENTATION IN CONNECTION WITH ONLINE SOLICITATION OF A MINOR.

Section 2252C of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

["(c) AGE MISREPRESENTATION.—Any person 18 years or older who knowingly misrepresents their age with the intent to use the Internet to engage in criminal sexual conduct involving a minor, or to facilitate or attempt such conduct, shall be fined under this title and imprisoned for not more than 20 years. Such penalty shall be in addition to any penalty pursuant to the laws of any jurisdiction for the crime of using the Internet to engage in criminal sexual conduct involving a minor, or to facilitate or attempt such conduct.".]

"(c) AGE OF MISREPRESENTATION.—Any person 18 years or older who knowingly misrepresents his or her age with the intent to use the Internet, to operate a facility, by mail, or by any other means of interstate or foreign commerce to engage in criminal sexual conduct involving a minor who is at least 4 years younger than the person engaging in such conduct, or to facilitate or attempt such conduct, shall be fined under this title and imprisoned for not more than 20 years. Such penalty shall be in addition to any penalty pursuant to the laws of any jurisdiction for the crime of using the Internet to engage in criminal sexual conduct involving a minor, or to facilitate or attempt such conduct.".

SEC. 6. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO WATCH CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or knowingly accesses with intent to view," after "possesses"; and

(2) in subparagraph (B), by inserting ", or knowingly accesses with intent to view," after "possesses".

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or knowingly accesses with intent to view," after "possesses"; and

(2) in subparagraph (B), by inserting ", or knowingly accesses with intent to view," after "possesses".

SEC. 7. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting "using any means or facility of interstate or foreign commerce or" after "be transported";

(B) in each of subsections (a) and (b), by inserting "using any means or facility of interstate or foreign commerce or" after "been transported"; and

(C) in subsection (d), by inserting "using any means or facility of interstate or foreign commerce or" after "is transported";

(2) in section 2251A(c), by inserting "using any means or facility of interstate or foreign commerce or" after "or transported";

(3) in section 2252(a)—

(A) in paragraph (1), by inserting "using any means or facility of interstate or foreign commerce or" after "ships";

(B) in paragraph (2)—

(i) by inserting "using any means or facility of interstate or foreign commerce or" after "distributes, any visual depiction"; and

(ii) by inserting "using any means or facility of interstate or foreign commerce or" after "depiction for distribution"; and

(C) in paragraph (4), by inserting "using any means or facility of interstate or foreign commerce or" after "has been shipped or transported"; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting "using any means or facility of interstate or foreign commerce or" after "ships";

(B) in paragraph (3), by inserting "using any means or facility of interstate or foreign commerce or" after "mails, or" each place it appears;

(C) in each of paragraphs (4) and (5), by inserting "using any means or facility of interstate or foreign commerce or" after "has been mailed, or shipped or transported"; and

(D) in paragraph (6), by inserting "using any means or facility of interstate or foreign commerce or" after "has been mailed, shipped, or transported".

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking "in interstate" each place it appears and inserting "in or affecting interstate".

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting ", shipped, or transported using any means or facility of interstate or foreign commerce" after "that has been mailed".

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking "or by transmitting" and all that follows through "by computer," and inserting "or any means or facility of interstate or foreign commerce,".

Mr. KYL. Mr. President, I rise to say a few words about final passage of the KIDS Act, S. 431. This bill authorizes procedures for social networking Web sites to check whether a particular email address is registered to a sex offender. The bill also includes provisions that would make it an offense to use the Internet to lure a victim and then sexually assault her, that expand the jurisdictional predicates for the child-porn possession offenses, and that make it an offense to knowingly access child pornography on the Internet with the intent to view child pornography.

Section 7 of the bill, which expands the jurisdictional predicates for offenses relating to child pornography, is of particular interest to me. I offered this proposal as an amendment in the Judiciary Committee after it was informally proposed to me by the Justice Department. The proposal addresses a problem highlighted by *United States* v. *Schaefer*, 501 F.3d 1197, 10th Circuit 2007, which dismissed a conviction for receipt and possession of child pornography because the court found that proof that an image traveled over the Internet is not sufficient to prove that the image in question moved in interstate commerce. I understand that this ruling has had a substantial impact on prosecutions pertaining to sexually abusive images of children, particularly in the Tenth Circuit.

In Schaefer, the Tenth Circuit found that evidence that an image had traveled through servers in another State could prove that the image moved across State lines. Unfortunately, this conclusion provides little help for Federal prosecutions in the State of Colorado because the largest Internet service provider in Colorado maintains all of it servers in that State. Therefore, in Colorado it is extremely difficult to get the kind of evidence required by the Tenth Circuit's decision.

It is an irony of the Internet that the more that it grows, the harder that it is to prove that an image of child pornography crossed State lines. As in Colorado, many Internet service providers are setting up server farms across the United States, so it is harder to get the requisite evidence that the images moved through out-of-State servers. Additionally, with the advent of different ways of connecting to the Internet, such as wireless, broadband, and DSL, it can be harder to trace the route that an image took across the Internet. And with certain Internet-based technologies, such as instant messaging and peer-to-peer file sharing, it can be impossible to find out to whom or from where a defendant sent or received an image.

The child pornography statutes were enacted, for the most part, before Internet and cell phone technology existed. At the time the statutes were originally written, there were really only two ways to transport this contraband: by mailing it or by physically carrying it on one's person. The statutes were drafted accordingly. Now, however, because of technological developments, Federal laws pertaining to sexually abusive images of children simply do not reach all of the crimes they could under the Constitution.

Section 7 of the KIDS Act adds the words "affecting interstate or foreign commerce" and "using a facility or means of interstate or foreign commerce" to the child pornography laws, thereby employing maximum Federal power to proscribe child pornography. The primary advantage of the "facility or means" language is that it accurately reflects how sexually abusive images of children are traded today, which is to say, over the Internet and phone lines. The Supreme Court and courts of appeals have long recognized that the Internet and phones are facilities of interstate commerce, regardless of whether the actual transmission goes across State lines. Finally, the "facility or means" language tracks that in 18 U.S.C. §§ 1470 and 2422(b). Thus there is already a body of case law to guide the drafting of jury instructions and statutory interpretation.

My second favorite provision in S. 431 is section 6, which makes it a crime to knowingly access child pornography with the intent to view child pornography. This proposal was brought to my attention by my colleague Senator VITTER, who persuaded me to offer it as an amendment in the Judiciary Committee. Like section 7, section 6 adapts our laws to address a new obstacle to child-pornography prosecutions that was created by changes in technology and that is exemplified by a recent court of appeals decision. The Vitter staff also provided me with the following Justice Department testimony, which explains the need for this provision and is worth quoting in full. It is the testimony of Larry Rothenberg, a Deputy Assistant Attorney General in the Justice Department's Office of Legal Policy, before the House Judiciary Committee on October 17 of last year:

> 18 U.S.C. §§ 2252 and 2252A currently criminalize various activities related to child pornography including transportation, trafficking, and possession. Some courts have narrowly interpreted (incorrectly, in our view) the definition of possession so that a person would not have violated the statute if he, for example, viewed images of child pornography on his computer but did not save them onto his disk drive. Even if, in his computer's "temporary Internet cache," we have a record of his viewing the images, and thus proof that he accessed them on a website, under this narrow interpretation, he would not be guilty of violating the statute if he did not know that his temporary Internet cache automatically saved the images on his computer.
>
> Two recent cases demonstrate the need for these changes. In *United States* v. *Teal*, No. 1:04-CR-00042-CCB-1 (D. Md., motion to dismiss granted Aug. 13, 2004), the Maryland U.S. Attorney's Office prosecuted Marvin Teal, a former administrative law judge who had prior convictions for sexually abusing children, for possession and attempted possession of child pornography based on his viewing child pornography at a public library in Baltimore, Maryland. Library police officers saw child pornography on the computer Teal was using, arrested him, and printed out the images that could be seen on the computer screen. Because there was no evidence that the defendant had himself downloaded or saved anything, the District Court dismissed the case. We chose not to appeal, given the state of the law and the facts of the case.

In *United States* v. *Kuchinski*, 469 F.3d 853 (9th Cir. 2006), the Ninth Circuit vacated and remanded the sentence of an offender found with between 15,120 and 19,000 separate images of child pornography on his computer on the basis that he did not know that they were in his Internet cache. The court stated, "There is no question that the child pornography images were found on the computer's hard drive and that Kuchinski possessed the computer itself. Also, there is no doubt that he had accessed the web page that had those images somewhere upon it, whether he actually saw the images or not. What is in question is whether it makes a difference that, as far as this record shows, Kuchinski had no knowledge of the images that were simply in the cache files. It does." Of course we acknowledge the Ninth Circuit's authority to interpret the law this way. However, we think the court's distinction should not make a difference under the law.

Our proposal [which is identical to Section 6 of the KIDS Act] would correct these anomalies while protecting unsuspecting persons who unintentionally access child pornography from prosecution. Specifically, the bill would amend 18 U.S.C. § 2252(a)(4) and 18 U.S.C. § 2252A(a)(5) to criminalize not only possession of child pornography, but also "knowingly accessing child pornography with the intent to view it." That is, a person would be liable to prosecution if he purposefully clicked on a link with the intent that when the link opened, he would view child pornography. It would therefore be a two-step test that the prosecution would have to satisfy—first, that he purposefully (that is, not accidentally) clicked the link, and, second, he did so with the intent that by clicking on the link child pornography would appear on his computer screen. This test would not be difficult to satisfy in the case of people who really did want to view child pornography. Extrinsic evidence—such as the name of the link, which would probably have terms indicating that it displayed child pornography, and payment for the images—would be used to prove the violation. But in the case of an "innocent viewer" who accidentally came across child pornography, the two-step proof would be his protection.

I would also like to express my appreciation to the sponsors of this bill for their willingness to work with the Justice Department to address technical concerns with the bill. It is particularly important that the bill has been modified to minimize conflict with the Justice Department's forthcoming guidelines for implementation of SORNA, which serve many of the same ends as the bill. Earlier versions of the KIDS Act used terminology inconsistent with that used in SORNA, unnecessarily required that sex offenders appear in person to report their e-mail addresses, did not clearly provide the Attorney General with discretion to screen out ill-intentioned users of the checking system, limited access to the checking system to only commercial websites, and unnecessarily restricted to only the SORNA database the sources on which the checking system may rely for Internet addresses. I am pleased to report that all of these problems will be corrected in the floor amendment for the bill. While these issues may seem like technicalities, had they not been addressed they would have degraded the utility of the checking system.

The committee-reported bill also appeared to limit existing programs for helping law enforcement and parents to determine whether the individual using a particular address is a sex offender. The final Senate bill includes a rule of construction that makes clear that the bill does not limit the Attorney General's preexisting authority to allow such searches. The final bill also includes a compromise on how the Attorney General and social networking Web sites may disseminate sex-offender e-mail addresses. The compromise is somewhat complicated and merits explanation. The bill still does bar the wholesale distribution to the general public of sex offenders' e-mail information contained in the system, and further requires that the AG limit how the social networking sites disseminate the information about individual offenders that such sites receive. I understand that some Senators expressed concern that such bulk distribution of offenders' e-mail addresses would make it possible for malicious individuals to identify individual offenders' e-mail addresses and use those addresses to harass an offender. Preventing the publication of lists of offenders' e-mail addresses also will prevent offenders from using the checking system to identify each other's e-mail addresses and communicate with each other. We should not allow the system's information about sex offenders' e-mail addresses to be used in this way. The bill creates a two-tiered limit on distribution of these e-mail addresses in proposed SORNA section 121(d)(4)(A) and (B). Subparagraph (A) bars bulk distribution of offenders' addresses contained in the system to the public at large, and subparagraph (B) further requires the AG to limit how social networking sites disseminate the information that they receive. Subparagraph (A) bars both the AG and the participating social-networking sites from disseminating lists of sex-offender e-mail information that are generated through the operation of the checking system unless the information is only given to a limited set of sources with a particular need for the information, as opposed to the public at large. It does not limit dissemination of information generated from other sources, but should substantially prevent the creation of bulk public lists of sex-offender e-mail information as a result of the operation of the checking system. Subparagraph (B) complements this provision by requiring the AG to regulate how participating social networking sites use the information that they receive. It is likely that some social-networking sites will come into possession of large amounts of sex-offender e-mail information as a result of their participation in this system. It is thus important that the AG see to it that those sites do not liberally disseminate such information in a way that would allow others to create bulk public lists of sex offenders' e-mail information. Although subparagraph (B) contains no specific mandate to the AG, I trust that he will apply this provision with this purpose in mind.

In addition, I would like to address two urgently-needed reforms to our Nation's child pornography laws that are not included in this bill, but that I hope to amend onto future legislation. We need tougher, mandatory penalties for possession of child pornography, and Congress needs to act to stiffen and expand penalties for electronic-communication service providers who fail to report the presence of child pornography on their systems. The case for both of these provisions is made in the Rothenberg testimony noted above, and I quote it in full:

[W]e urge Congress to establish a mandatory minimum sentence for possession of child pornography. This is crucial because too many people believe that child pornography is "just pictures" and is not "a big deal." That is wrong. Each pornographic image of a child is the visual record of the sexual exploitation of that child. It is not just a picture. Every time that image is viewed, the child is violated once again. Moreover, the demand for such images is what fuels the physical violation of the children in these images in the first place. Possession of child pornography is victimization of a child and should be punished accordingly.

Unfortunately, since the Federal Sentencing Guidelines became advisory under the Supreme Court's decision in *United States* v. *Booker* the number of downward departures by judges in federal child pornography possession cases has increased. After enactment of the PROTECT Act of 2003, which restricted in various ways the authority of courts to make non-government-sponsored downward departures in sentences, the rate of non-government-sponsored below-range sentences for all offense types was about 5 percent. *See* United States Sentencing Commission, Final Report on the Impact of *United States* v. *Booker* on Federal Sentencing (March 2006), at p. 54, *available at* http://www.ussc.gov/booker_report/Booker_Report.pdf. Following *Booker*, that rate jumped up to 12.5 percent. *Id.* at p. 47. For child pornography possession offenses, however, the rate of non-government-sponsored below-range sentences leapt to 26.3 percent, more than twice the average rate. *Id.* at p. 122. By way of comparison, for drug trafficking and firearms violations, the rate has increased to 12.8 percent and 15.2 percent, respectively, much closer to the average. *Id.* at table on page D-5.

The increase in non-government-sponsored, below-range sentences for possession offenses after *Booker* demonstrates the need for a mandatory minimum sentence for possession offenses. Establishing a two-year minimum sentence will be a warning to potential consumers of child pornography, prevent unwarranted downward departures, and forcefully express our revulsion at this type of material. This change is contained in section 201 of the Department's Violent Crime and Anti-Terrorism Act of 2007 and is included as section 201 of H.R. 3156, the Violent Crime Control Act of 2007.

Our second proposal would amend an existing law that requires certain providers of electronic communications services to report violations of the child pornography laws. Currently the law provides that a provider who knowingly and willfully fails to report the presence of child pornography images on its computer servers shall be subject to a criminal fine of up to $50,000 for the initial failure to report and $100,000 for each subsequent failure to report. Prosecutors and law enforcement sources report that this criminal provision has been virtually impossible to enforce because of the particular *mens rea* requirement and the low amount of the potential penalty. These impediments severely hinder the needed crackdown on the presence of child pornography on the Internet.

Our legislation would triple the criminal fines available for knowing and willful failures to report, making the available fines $150,000 for the initial violation and $300,000 for each subsequent violation.

Even more importantly, the legislation would add civil fines for *negligent* failure to report a child pornography offense. The civil penalty is set at $50,000 for the initial violation and $100,000 for each subsequent violation. The Federal Communications Commission would be provided with the authority to levy the civil fines under this section and to promulgate the necessary regulations, in consultation with the Attorney General, for imposing the fines and for providing an appropriate administrative review process.

These proposals would make it much more likely that service providers will exercise sound practices for weeding out child pornography. The images are out there, too often on commercial computer servers, and law enforcement needs to know about them to investigate and to prosecute the sexual predators who consume them. This amendment is contained in section 202 of the Department's Violent Crime and Anti-Terrorism Act of 2007 and in section 202 of H.R. 3156.

Finally, I would like to thank Preet Bharara and Lee Dunn, staffers to Senators SCHUMER and MCCAIN, respectively, who have worked tirelessly to see this bill through the Senate. S. 431 is a good bill, and I hope to see it enacted into law.

Mr. REID. I ask unanimous consent a Schumer amendment which is at the desk be agreed to, the committee amendments, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4798) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendments, as amended, were agreed to.

The bill (S. 431), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keeping the Internet Devoid of Sexual Predators Act of 2008" or the "KIDS Act of 2008".

SEC. 2. REGISTRATION OF ONLINE IDENTIFIERS OF SEX OFFENDERS.

(a) IN GENERAL.—Section 114(a) of the Sex Offender Registration and Notification Act (42 U.S.C. 16914(a)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8); and

(2) by inserting after paragraph (3) the following:

"(4) Any electronic mail address or other designation the sex offender uses or will use for self-identification or routing in Internet communication or posting.".

(b) UPDATING OF INFORMATION.—Section 113(c) of the Sex Offender Registration and Notification Act (42 U.S.C. 16913(c)) is amended by adding at the end the following: "The Attorney General shall have the authority to specify the time and manner for reporting of other changes in registration information, including any addition or change of an electronic mail address or other designation used for self-identification or routing in Internet communication or posting.".

(c) FAILURE TO REGISTER ONLINE IDENTIFIERS.—Section 2250 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "or (d)" after "subsection (a)"; and

(2) by adding at the end the following:

"(d) KNOWING FAILURE TO REGISTER ONLINE IDENTIFIERS.—Whoever—

"(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.); and

"(2) uses an email address or any other designation used for self-identification or routing in Internet communication or posting which the individual knowingly failed to provide for inclusion in a sex offender registry as required under that Act;

shall be fined under this title or imprisoned not more than 10 years, or both.".

(d) CONFORMING AMENDMENT; DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.—Section 141(b) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248; 120 Stat. 602) is amended by striking "offense specified in subsection (a)" and inserting "offenses specified in subsections (a) and (d) of section 2250 of title 18, United States Code".

SEC. 3. CHECKING OF ONLINE IDENTIFIERS AGAINST SEX OFFENDER REGISTRATION INFORMATION.

(a) PUBLIC ACCESS.—Section 118(b) of the Sex Offender Registration and Notification Act (42 U.S.C. 16918(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) any electronic mail address or designation used for self-identification or routing in Internet communication or posting; and".

(b) ONLINE IDENTIFIER CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—Section 121 of the Sex Offender Registration and Notification Act (42 U.S.C. 16921) is amended by adding at the end the following:

"(d) CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—

"(1) IN GENERAL.—The Attorney General shall maintain a system available to social networking websites that permits the automated comparison of lists or databases of the electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting of the registered users of such websites, to the corresponding information contained in or derived from sex offender registries.

"(2) QUALIFICATION FOR USE OF SYSTEM.—A social networking website seeking to use the system established under paragraph (1) shall submit an application to the Attorney General which provides—

"(A) the name and legal status of the website;

"(B) the contact information for the website;

"(C) a description of the nature and operations of the website;

"(D) a statement explaining why the website seeks to use the system; and

"(E) such other information or attestations as the Attorney General may require to ensure that the website will use the system—

"(i) to protect the safety of the users of such website; and

"(ii) not for any unlawful or improper purpose.

"(3) SEARCHES AGAINST THE SYSTEM.—

"(A) IN GENERAL.—A social networking website approved to use the system established under paragraph (1) shall—

"(i) submit the information to be compared in a form satisfying the technical requirements for searches against the system; and

"(ii) pay any fee established by the Attorney General for use of the system.

"(B) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system established under paragraph (1) may conduct searches under the system as frequently as the Attorney General may allow.

"(C) AUTHORITY OF AG TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

"(i) provides false information in its application for use of the system; or

"(ii) may be using or seeks to use the system for any unlawful or improper purpose.

"(4) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

"(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system established under paragraph (1) may release to the public any list of the e-mail addresses or other designations used for self-identification or routing in Internet communication or posting of sex offenders contained in the system.

"(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under paragraph (1) by social networking websites approved to use such system.

"(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under paragraph (1) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

"(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.

"(5) LIMITATION ON LIABILITY.—

"(A) IN GENERAL.—A civil claim against a social networking website, including any director, officer, employee, parent, or agent of that social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

"(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the social networking website, or a director, officer, employee, or agent of that social networking website—

"(i) engaged in intentional misconduct; or

"(ii) acted, or failed to act—

"(I) with actual malice;

"(II) with reckless disregard to a substantial risk of causing injury without legal justification; or

"(III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).

"(C) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission to act relating to an ordinary business activity of any social networking website, including to any acts related to the general administration or operations of such website, the use of motor vehicles by employees or agents of such website, or any personnel management decisions of such websites.

"(D) MINIMIZING ACCESS.—A social networking website shall minimize the number of employees that are provided access to the list of electronic mail addresses, and other designations used for self-identification or routing in Internet communication or posting by persons in the National Sex Offender Registry.

"(6) RULE OF CONSTRUCTION.—Nothing is this section shall be construed to require any Internet website, including a social networking website, to compare its database of registered users with the list of electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting by persons in the National Sex Offender Registry, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to compare its database with such list.".

SEC. 4. DEFINITIONS.

Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) is amended by adding at the end the following:

"(15) The term 'social networking website' means an Internet website that—

"(A) allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available publicly or to other users; and

"(B) offers a mechanism for communication with other users.

"(16) The term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

"(17) The term 'electronic mail address' has the meaning given that term in section 3 of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (15 U.S.C. 7702).".

SEC. 5. CRIMINALIZATION OF AGE MISREPRESENTATION IN CONNECTION WITH ONLINE SOLICITATION OF A MINOR.

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

"(c) MISREPRESENTATION OF AGE.—Whoever knowingly misrepresents his or her age using the Internet or any other facility or means of interstate or foreign commerce or the mail, with the intent to further or facilitate a violation of this section, shall be fined under this title and imprisoned not more than 20 years. A sentence imposed under this subsection shall be in addition and consecutive to any sentence imposed for the offense the age misrepresentation was intended to further or facilitate.".

SEC. 6. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or knowingly accesses with intent to view," after "possesses"; and

(2) in subparagraph (B), by inserting ", or knowingly accesses with intent to view," after "possesses".

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or knowingly accesses with intent to view," after "possesses"; and

(2) in subparagraph (B), by inserting ", or knowingly accesses with intent to view," after "possesses".

SEC. 7. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting "using any means or facility of interstate or foreign commerce or" after "be transported";

(B) in each of subsections (a) and (b), by inserting "using any means or facility of interstate or foreign commerce or" after "been transported";

(C) in subsection (c), by striking "computer" each place that term appears and inserting "using any means or facility of interstate or foreign commerce"; and

(D) in subsection (d), by inserting "using any means or facility of interstate or foreign commerce or" after "is transported";

(2) in section 2251A(c), by inserting "using any means or facility of interstate or foreign commerce or" after "or transported";

(3) in section 2252(a)—

(A) in paragraph (1), by inserting "using any means or facility of interstate or foreign commerce or" after "ships";

(B) in paragraph (2)—

(i) by inserting "using any means or facility of interstate or foreign commerce or" after "distributes, any visual depiction"; and

(ii) by inserting "using any means or facility of interstate or foreign commerce or" after "depiction for distribution";

(C) in paragraph (3)—

(i) by inserting "using any means or facility of interstate or foreign commerce" after "so shipped or transported"; and

(ii) by striking "by any means,"; and

(D) in paragraph (4), by inserting "using any means or facility of interstate or foreign commerce or" after "has been shipped or transported"; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting "using any means or facility of interstate or foreign commerce or" after "ships";

(B) in paragraph (2), by inserting "using any means or facility of interstate or foreign commerce" after "mailed, or" each place it appears;

(C) in paragraph (3), by inserting "using any means or facility of interstate or foreign commerce or" after "mails, or" each place it appears;

(D) in each of paragraphs (4) and (5), by inserting "using any means or facility of interstate or foreign commerce or" after "has been mailed, or shipped or transported"; and

(E) in paragraph (6), by inserting "using any means or facility of interstate or foreign commerce or" after "has been mailed, shipped, or transported".

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking "in interstate" each place it appears and inserting "in or affecting interstate".

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting ", shipped, or transported using any means or facility of interstate or foreign commerce" after "that has been mailed".

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking "or by transmitting" and all that follows through "by computer," and inserting "or any means or facility of interstate or foreign commerce,".

RECOGNIZING THE 100TH BIRTHDAY OF LYNDON BAINES JOHNSON

Mr. REID. I ask unanimous consent that the Senate now proceed to S. Res. 571.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 571) recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to; the preamble be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 571) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 571

Whereas August 27, 2008, marks the 100th birthday of Lyndon Baines Johnson;

Whereas Lyndon B. Johnson was born in Stonewall, Texas, to Samuel Ealy Johnson, Jr., a Texas representative, and Rebekah Baines, on August 27, 1908;

Whereas upon graduation, Lyndon B. Johnson enrolled in Southwest Texas State Teachers' College, where he vigorously participated in debate, campus politics, and edited the school newspaper;

Whereas Lyndon B. Johnson had several teaching positions throughout Texas, including at the Welhausen School in La Salle County, at Pearsall High School, and as a public speaking teacher at Sam Houston High School in Houston;

Whereas Lyndon B. Johnson went to work as a congressional assistant at the age of 23;

Whereas Lyndon B. Johnson served the 10th Congressional District in the Texas House of Representatives from April 10, 1937, to January 3, 1949;

Whereas Lyndon B. Johnson became a commissioned officer in the Navy Reserve in December 1941;

Whereas, during World War II, Lyndon B. Johnson was recommended by Undersecretary of the Navy James Forrestal to President Franklin D. Roosevelt, who assigned Johnson to a 3-man survey team in the southwest Pacific;

Whereas Lyndon B. Johnson was conferred the Silver Star, which is the military's 3rd highest medal, by General Douglas MacArthur;

Whereas, in 1948, Lyndon B. Johnson was elected to the Senate at the age of 41;

Whereas, in 1951, Lyndon B. Johnson was elected Senate minority leader at the age of 44, and elected Senate majority leader at the age of 46, the youngest in United States history;

Whereas Lyndon B. Johnson was elected Vice President at the age of 52, becoming president of the Senate;

Whereas Lyndon B. Johnson's congressional career and his leadership spanned the stock market crash, the Great Depression, World War II, the nuclear age, the Cold War, the space age, and the civil rights movement, some of the most turbulent years in American history;

Whereas Vice President Lyndon B. Johnson was appointed as head of the President's Committee on Equal Employment Opportunities, through which he worked with African-Americans and other minorities;

Whereas an hour and 38 minutes after the assassination of President Kennedy, Lyndon B. Johnson was sworn in as President aboard Air Force One;

Whereas Lyndon B. Johnson was a bold leader and an idealist, who had the energy, determination, and leadership to turn those dreams into reality;

Whereas Lyndon B. Johnson was a "can-do" President because no matter how difficult and daunting the task at hand, he never rested until it was completed;

Whereas, in 1964, at the request of the Johnson Administration, Congress passed the landmark Civil Rights Act of 1964, which banned de jure segregation in the Nation's schools and public places;

Whereas Congress passed by request of the Johnson Administration the Voting Rights Act of 1965, which outlawed obstructive provisions that were determined to be impractical and potentially biased against prospective voters;

Whereas, in January of 1965, the Johnson Administration introduced by request the legislation that encompassed the Great Society programs;

Whereas, in 1967, President Johnson nominated Thurgood Marshall as the 1st African-American to serve on the Supreme Court;

Whereas, during President Johnson's time in office, the National Aeronautics and Space Administration made spectacular steps forward in space exploration when 3 astronauts successfully orbited the moon in December 1968;

Whereas Lyndon B. Johnson died at 4:33 p.m. on January 22, 1973, at his ranch in Johnson City, Texas, at the age of 64;

Whereas Lyndon B. Johnson was posthumously awarded the Presidential Medal of Freedom in 1980; and

Whereas Lyndon B. Johnson is honored, venerated, and revered for his drive to establish equality for all Americans, illustrated in the momentous legislation passed during his Administration: Now, therefore, be it

Resolved, That the Senate—

(1) honors Lyndon B. Johnson for his fortitude in bringing about the passage of the historic Civil Rights Act of 1964 and Voting Rights Act of 1965;

(2) extols the contributions of Lyndon B. Johnson to the United States;

(3) commends Lyndon B. Johnson for establishing the Medicare Act of 1965 that has helped millions of Americans; and

(4) recognizes the 100th birthday of Lyndon Baines Johnson, the 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

RECOGNIZING THE 100TH BIRTHDAY OF LYNDON BAINES JOHNSON

Mr. REID. I ask unanimous consent that we now look at the Judiciary Committee and discharge that committee from further consideration of H. Con. Res. 354.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 354) recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 354) was agreed to.

The preamble was agreed to.

CONGRATULATING FOCUS: HOPE

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to S. Con. Res. 79.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 79) congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 79) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 79

Whereas Focus: HOPE began as a civil and human rights organization in 1968 in the wake of the devastating Detroit riots, and was cofounded by the late Father William T. Cunningham, a Roman Catholic priest, and Eleanor M. Josaitis, a suburban housewife, who were inspired by the work of Dr. Martin Luther King, Jr.;

Whereas Focus: HOPE is committed to bringing together people of all races, faiths, and economic backgrounds to overcome injustice and build racial harmony, and it has grown into one of the largest nonprofit organizations in Michigan;

Whereas the Focus: HOPE mission statement reads, "Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust, and affection. Black and white, yellow, brown and red, from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this movement.";

Whereas one of Focus: HOPE's early efforts was to support African-American and female employees in a seminal class action suit against the American Automobile Association (AAA), resulting in groundbreaking affirmative action commitments made by AAA;

Whereas Focus: HOPE helped to conceive and develop the Department of Agriculture's Commodity Supplemental Food Program, which has been replicated in more than 32 States, and through this program, Focus: HOPE helps to feed approximately 41,000 people per month throughout southeast Michigan;

Whereas Focus: HOPE has revitalized several city blocks in central Detroit by redeveloping obsolete industrial buildings, beautifying and landscaping Oakman Boulevard, creating pocket parks, and rehabilitating homes in the surrounding areas;

Whereas, since 1981, Focus: HOPE's Machinist Training Institute has been training individuals from Detroit and surrounding areas in careers in advanced manufacturing and precision machining and has produced nearly 2,300 certified graduates, providing an opportunity for minority youth, women, and others who are often underrepresented in such careers to gain access to the financial mainstream and learn in-demand skills;

Whereas Focus: HOPE has recognized that manufacturing and information technologies are key to the economic growth and security of Michigan and the United States, and is committed to designing programs to encourage the participation of underrepresented urban individuals in those critical sectors;

Whereas, in 1982, Focus: HOPE initiated a for-profit subsidiary for community economic development purposes and is now designated with Federal HUBZone status (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p));

Whereas Focus: HOPE created Fast Track, a pioneering skill-enhancing program designed to help individuals improve their reading and math competencies by a minimum of 2 grade levels in 4 to 7 weeks;

Whereas Focus: HOPE's training and education programs have moved more than 9,600 individuals out into the workforce since the inception of those programs and have job placement rates significantly above the national average;

Whereas, in 1987, Focus: HOPE reclaimed and renovated an abandoned building and opened it as the Focus: HOPE Center for Children, which now has served nearly 6,000 children of colleagues, students, and neighbors with quality child care, including latchkey, summer camp, early childhood education, and other educational services;

Whereas Focus: HOPE, through an unprecedented cooperative agreement between the Departments of Defense, Commerce, Education, and Labor, established a national demonstration project, the Center for Advanced Technologies, which integrates hands-on manufacturing training and academic learning and educates advanced manufacturing engineers and technologists at internationally competitive levels;

Whereas Focus: HOPE partnered with 5 universities and 6 industry partners, formerly known as the Greenfield Coalition, to design a unique 21st century curriculum that resulted in students receiving associate's degrees in manufacturing technologies from Lawrence Technological University, or bachelor's degrees in engineering technology or manufacturing engineering from Wayne State University or the University of Detroit Mercy, respectively;

Whereas, due to the unique educational pedagogy at Focus: HOPE's Center for Advanced Technologies, the starting salary of its graduates is higher than the national average of graduates with the same degree from other universities;

Whereas Focus: HOPE has made outstanding contributions in increasing diversity within the traditionally homogenous science, math, engineering, and technology fields, 95 percent of currently enrolled degree candidates are African-American, and the Center for Advanced Technologies is one of the top programs in the United States for graduating minorities with bachelor's degrees in manufacturing engineering;

Whereas Focus: HOPE's unique partnership with the Department of Defense has resulted in several research and development projects, including a nationally recognized demonstration project, the Mobile Parts Hospital, whose Rapid Manufacturing System has been deployed to Kuwait in support of the Armed Forces' operations in Afghanistan, Kuwait, and Iraq;

Whereas, in 1995, Focus: HOPE began a community arts program to present multicultural arts programming and gallery exhibitions designated to educate and encourage area residents, while fostering integration in a culturally diverse metropolitan community, and more than 70,000 people have viewed sponsored exhibits or participated in the program;

Whereas, in 1999, Focus: HOPE established an Informational Technologies Center to provide Detroit students with industry-certified training programs in network administration, network installation, and desktop and server administration, and has graduated nearly 800 students, and initiated, in collaboration with industry and academia, the design of a new bachelor's degree program to educate information management systems engineers;

Whereas, in 2006, the State of Michigan designated Focus: HOPE's campus and the surrounding community a "Cool Cities" neighborhood;

Whereas the Secretary of Labor presented Focus: HOPE with an Exemplary Public Interest Contribution Award in recognition of its success in opening employment opportunities for minorities and women;

Whereas the Village of Oakman Manor, a 55-unit senior citizen apartment building sponsored by the Presbyterian Village of Michigan in collaboration with Focus: HOPE, opened in 2006 near the Focus: HOPE campus as the first new construction in the area in more than 50 years;

Whereas Focus: HOPE's initiatives and programs have been nationally recognized for excellence and leadership by such entities as the Government Accountability Office, the Department of Labor, the International Standards Organization, the National Science Foundation, the Cisco Networking Academy Program, Fortune magazine, Forbes magazine, and the Aspen Institute;

Whereas former Presidents George H.W. Bush and William Jefferson Clinton have visited Focus: HOPE's campus;

Whereas Focus: HOPE's cofounder Eleanor M. Josaitis received honorary degrees from 13 outstanding universities and colleges, was named one of the 100 Most Influential Women in 2002 by Crain's Detroit Business, was inducted into the Michigan Women's Hall of Fame, received the Detroit NAACP Presidential Award, the Arab American Institute Foundation's Kahlil Gibran Spirit of Humanity Award, the Michigan Chamber of Commerce Award for Distinguished Service and Leadership, and the Dr. Charles H. Wright Award for Excellence in Community Activism, the Caring Institute's National Caring Award, and the Clara Barton Ambassador Award from the American Red Cross, as well as many other awards;

Whereas, through generous partnerships with and the support of individuals from all walks of life, the Federal, State, and local governments, and foundations and corporations across the United States, the vision of Focus: HOPE will continue to grow and inspire;

Whereas Focus: HOPE has been fortunate enough to have an active board of directors and advisory board from the most senior levels of corporations and public entities in the United States and has benefitted from thousands of volunteers and supporters;

Whereas Focus: HOPE has been a tremendous force for good in the city of Detroit, the State of Michigan, and in the United States for the past 40 years;

Whereas Focus: HOPE continues to strive to eliminate racism, poverty, and injustice through the use of passion, persistence, and partnerships, and continues to seek improvements in its quality of service and program operations; and

Whereas Focus: HOPE and its colleagues will continue to identify ways in which it can lead Detroit, the State of Michigan, and the United States into the future with creative urban leadership initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates and salutes Focus: HOPE for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Focus: HOPE for appropriate display.

MEASURES READ THE FIRST TIME—S. 3036 AND S. 3044

Mr. REID. I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title:

The legislative clerk read as follows:

A bill (S. 3036) to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

A bill (S. 3044) to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

Mr. REID. I now ask for their second reading en bloc and object to my own requests en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MAY 21, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow morning at 9:30 a.m., Wednesday, May 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes, and that the time from 11 a.m. until 12 noon be reserved for Senators to make tributes to former President Lyndon B. Johnson in honor of the centennial of his birth, with the time equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that we resume the matter we received from the House—the message from the House I filed cloture on just a short time ago, that underlying legislation—that we resume that tomorrow after morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, during the time reserved for the Johnson tributes, Senators will speak in an alternating fashion between the majority and the Republicans. The Senate is expected to resume consideration of the House message—which we just got permission to do—following that.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:07 p.m., adjourned until Wednesday, May 21, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

HUSEIN A. CUMBER, OF FLORIDA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2013, VICE W. DOUGLAS BUTTREY, TERM EXPIRING.

DEPARTMENT OF STATE

ASIF J. CHAUDHRY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

TINA S. KAIDANOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE COMMANDER, MARINE FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 5144:

To be lieutenant general

MAJ. GEN. DOUGLAS M. STONE

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JOHN L. FRANKLIN
NICOLE M. KICHTA
ROBERT M. MORRISON III
NORMAN C. PETTY

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, May 20, 2008:

DEPARTMENT OF JUSTICE

MICHAEL G. MCGINN, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

RALPH E. MARTINEZ, OF FLORIDA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2010.

THE JUDICIARY

G. STEVEN AGEE, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

WITHDRAWALS

Executive message transmitted by the President to the Senate on May 20, 2008 withdrawing from further Senate consideration the following nominations:

ARLENE HOLEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010, VICE ROBERT H. BEATTY, JR., TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE BRADLEY A. SMITH, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON AUGUST 2, 2007.

HOUSE OF REPRESENTATIVES—*Tuesday, May 20, 2008*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 20, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

Mr. WELLER of Illinois. Mr. Speaker and ladies and gentlemen of the House, I rise to ask what I consider to be pretty fair questions. That is, if you are in Latin America and you ask anyone in Latin America which country is America's most reliable ally, they likely would say the Republic of Colombia. If you ask anyone in Latin America which political leader in Latin America is America's best partner and most reliable partner, they would say President Uribe, the democratically elected President of Colombia. Ladies and gentlemen, if you asked in Latin America who is the most popular political figure in the entire hemisphere in his own nation, you would discover it's President Uribe, the President of Colombia, who has an over 83 percent approval rating.

Why? Because he has made tremendous progress, strengthening what is Latin America's longest-standing democracy, reducing violence, making tremendous progress against the three terrorist groups that operate and that have operated for the last several decades in Colombia—the two Communist groups of the FARC and the ELM and the right-wing paramilitaries. He has made tremendous progress.

I would like, Mr. Speaker, to put into the RECORD two news stories from the BBC.

I would note the first story I want to put into the RECORD is the announcement that President Uribe was sending 14 of Colombia's most notorious paramilitary drug lords to the United States to face drug charges.

The second article I would like to put into the RECORD just ran this week. It was of a top commander of the FARC, which is the Communist narcotrafficking terrorist organization which has been fighting the democratically elected government of Colombia.

In just this past week, one of their top commanders surrendered. Her name is Nelly Avila Moreno. Her nickname was Karina, and she is one of the most notorious FARC commanders. She not only surrendered but she called on other FARC rebels to follow her example and surrender, basically saying it's over; it's time to call it a day to stop the civil war, to stop the narcotrafficking and to reach a peace agreement with the democratically elected Government of Colombia.

The reason I bring this up is, just a few weeks ago, this House, the Democratic majority, voted to turn its back on President Uribe. It voted to turn its back on the democratically elected Government of Colombia, America's most reliable partner. You think about it. We have no more reliable partner in Latin America when it comes to counterterrorism, to counternarcotics than the democratically elected Government of Colombia.

What is interesting is we have a trade agreement, a trade promotion agreement, that we have reached with Colombia. It is good for the United States. Right now, Colombian products enter the United States duty-free, tax-free, but U.S. products exported to Colombia face tariffs and taxes. Bulldozers made in my district face taxes of up to 12 to 15 percent, making our products less competitive with Asian products trying to get into the Colombian market as well. In the almost 2 years since this trade agreement was reached, the stalling efforts by this democratic leadership against Colombia has cost U.S. manufacturers and farmers $1 billion in higher tariffs and in higher taxes on U.S. products.

What I point out is this trade agreement wipes out those taxes, making U.S. manufactured goods, U.S. corn and soybeans more competitive.

Again, Colombian products enter the United States' market duty-free today. They don't face those taxes when they come here, but our products face taxes when they go there. The folks back home whom I represent, they say, you know, we want an even playing field. We're happy to trade with anyone as long as we have an even playing field here. Their products come in duty-free. We want the same opportunity. President Uribe and the democratically elected Government of Colombia have agreed to do that. We just need to ratify the agreement, which is to the advantage of American manufacturers and to American farmers.

Ladies and gentlemen, the reason I mention the prosecution of the paramilitaries, the reason I mention the surrender by a top FARC commander is those who oppose reducing tariffs on U.S.-made products argue that Colombia just doesn't deserve it. They've not done enough when it comes to reducing violence and in going after the narcotraffickers and the terrorists.

Under President Uribe, he has increased the prosecution budget of the State Attorney General, the State prosecutor for the entire country—a nation of 42 million people—by 72 percent in the last 2 years. He has added over 400 new prosecutors.

Ladies and gentlemen, the U.S.-Colombia Trade Promotion Agreement is a good agreement for Illinois manufacturers, for Illinois farmers, for U.S. manufacturers, and for U.S. farmers. Let's ratify this agreement. Let's work with the best partner we have in Latin America.

I urge the Speaker to bring to this floor the U.S.-Colombia Trade Promotion Agreement. Let's give it an up-or-down vote, and I believe it will pass with overwhelmingly bipartisan support.

[From the Economist, May 15, 2008]

FREE TRADE IN THUGS: GETTING TOUGHER WITH RIGHT-WING WARLORDS

In a surprise move on May 13th, President Álvaro Uribe announced the extradition to the United States of 14 of Colombia's most notorious paramilitary warlords on drug-trafficking charges. As well as sending a warning to other right-wing paramilitaries, the aim is to show Democrats in Washington that Mr. Uribe means what he says about breaking with paramilitary groups who continue to murder trade unionists and other left-wingers.

Democratic congressional leaders and their trade-union allies have cited those murders as a reason for their refusal to approve a

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

free-trade agreement with Colombia. Mr. Uribe may also be hoping to boost his already soaring approval ratings to strengthen his hand in an eventual bid for an unprecedented third term as president. More than two terms in a row are currently banned by the constitution, so this would require approval by Congress.

Mr. Uribe's move could backfire. Human-rights groups fear that it will rob the victims of the compensation that they are entitled to from their tormentors, and could also remove the evidence needed for a successful investigation into why Colombia's paramilitaries and their political accomplices have hitherto enjoyed impunity. More than 60 congressmen, most allies of Mr. Uribe, are either already in prison or under investigation in Colombia for alleged links to paramilitaries. Last month, Mario Uribe, the president's cousin and close political ally, was arrested.

"The good news is that these paramilitary bosses could now face serious jail time," said José Miguel Vivanco, Americas director of Human Rights Watch, a lobbying group. (In the United States, cocaine dealers can get 30 years or more.) "The bad news is they may no longer have any reason to collaborate with Colombian prosecutors investigating their atrocities . . . Just as local prosecutors were beginning to unravel the web of paramilitary ties to prominent politicians, the government has shipped the men with the most information out of the country," he lamented.

In fact, the United States has agreed to allow Colombian prosecutors continued access to the extradited men. They have also apparently agreed to transfer to Colombia any seized assets or fines imposed on the warlords to compensate more than 100,000 victims who have come forward. Created in the 1980s by wealthy ranchers to protect themselves from attacks by the left-wing FARC guerrillas, the paramilitaries developed into armed gangs, accused of many thousands of killings as well as drug-trafficking and money-laundering.

Explaining his decision in a televised address on May 13th, Mr. Uribe said the extradited men had violated the conditions of a 2003 pact with the government under which they agreed to surrender to the authorities in exchange for relatively light prison sentences—a maximum of eight years—and protection against extradition. In return, they had promised to confess to their crimes, cease all illegal activities and use their drug money to compensate the victims of their appalling crimes. But the 14 warlords had continued to run their criminal networks from prison and had failed to pay reparations, Mr. Uribe said.

If the move was made with one eye on Washington, its timing appears to have been determined by a legal wrangle. Groups representing victims have been fighting to halt the extraditions. This appears to have prompted Mr. Uribe's decision to send the paramilitaries to the United States. Colombia's Supreme Court had recently supported these groups, ruling that extraditions of paramilitary bosses should be carried out only after they had confessed to their crimes and paid reparations. But this was overturned by a judicial council last week. Within hours, the first paramilitary leader to be extradited, Carlos Mario Jiménez, alias "Macaco", was on a plane bound for the United States, a journey made a week later by his 14 colleagues. More may follow.

[From BBC News]

FARC CAPTIVE CALLS FOR SURRENDER

A top commander of the FARC rebels in Colombia has urged other rebels to follow her example and surrender.

Nelly Avila Moreno, known as Karina, handed herself in to soldiers over the weekend in the latest blow to FARC.

She said FARC was falling apart under pressure from the military and growing desertions. Several key leaders have been killed in recent months.

Karina has been blamed for a string of murders and abductions in the north-western Antioquia region.

Her surrender is a coup for President Alvaro Uribe, who made her a priority target for the security forces in 2002, the BBC's Jeremy McDermott says.

The Revolutionary Armed Forces of Colombia, or FARC, has been fighting to overthrow the government for more than 40 years.

NOT BLOODTHIRSTY

"To my comrades: Change this life that your are leading in the guerrilla group and re-enter society with the government's reinsertion plan," she said at a news conference called by the army in Medellin.

Her unit had been whittled down to fewer than 50 fighters—down from several hundred—when she surrendered.

Karina said she had been out of contact with FARC's seven-member ruling secretariat for two years.

"The decision [to surrender] was made because of the pressure by the army in the area," she said.

She said she was shaken by the killing of secretariat member Ivan Rios by one of his bodyguards in March.

The bodyguard had cut off Rios's hand and turned it in with his laptop computer in return for a reward.

The government has offered bounties for top rebel commanders. Karina's was $1m (£512,000). Two weeks ago, President Uribe appealed to her to surrender.

She contacted the army who sent a helicopter to pick up her and another guerrilla, known as Michin.

She denied involvement in the 1983 murder of President Uribe's father and said she was not the "bloodthirsty" woman the authorities described her as.

WOMEN VETS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oklahoma (Ms. FALLIN) for 5 minutes.

Ms. FALLIN. Thank you, Mr. Speaker.

With Memorial Day right around the corner, now is the time to reflect upon the courage, the dedication and the patriotism personified by the men and the women in our Armed Forces. I know many Americans will stop this weekend and will thank a veteran in their family or in their community for their service to our Nation. They may meet a young soldier back from a tour of duty in Iraq and may quietly just thank God that we are born in a Nation where freedom is valued and fought for.

In our modern military, it is becoming increasingly likely that a returning soldier is a woman, and while men still outnumber women in the Armed Forces, military service is no longer a career choice for men only. Today, there are more women than ever choosing to serve their country. They are pilots, engineers, commanders of ships, military police, and nurses. Deployed in two different theaters, women are playing a vital role in our war efforts.

Now more than 185,000 women have been deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom and in other missions since 2001. Since its inception, women have played a vital role in defending our Nation and its freedoms. Whether it is in a hospital, in the tents of the revolution, in the shipyards of World War II or in the strategic combat positions they hold in our modern military, the contribution of women to our national defense is undeniable.

Tomorrow, I will be honored to join several of my colleagues from this chamber as we lay a wreath at the Arlington National Cemetery to honor the more than over 350 women in uniform who have died defending this great Nation since World War I.

In a few hours, we will be given the opportunity to honor these women and their significant contributions to our military when we vote on House Resolution 1054: Honoring the service and achievements of women in the Armed Forces and female veterans. By supporting this resolution, we can send a clear message to our women in the military and to our women veterans that your service is not forgotten nor is your courage, your patriotism nor your sacrifice. Today, we honor you all.

OFFSHORE DRILLING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE. Thank you, Mr. Speaker.

As gasoline prices soar to almost $4 a gallon, the American driving public wants Congress to do something about it, and it is our responsibility.

Where I live, I represent a good part of rural southeast Texas, and many of these individuals are rice farmers, and they work the land, and they can't afford the diesel for their pickup trucks and for their trucks to go and work at the refineries in southeast Texas. All people throughout the country have this same common issue: Why are gasoline prices so high? Why isn't Congress doing something about it?

Well, part of the reason is Congress, instead of exploring our own natural resources, Congress has decided to make the decision to punish energy consumption in this country and to make it more difficult for America to take care of Americans. Congress' policy is let's rely on OPEC; let's rely on that dictator Chavez and get their crude oil while we figure out something else to do on how to take care of ourselves down the road, but the problem is immediate, and we need to deal with it, and we can deal with it.

The first issue: Drilling for crude oil and natural gas. Now, because of Congress, we have made it impossible to drill offshore. This map of the United States shows two areas offshore. This blue area is down by Texas, Louisiana, Mississippi, and Alabama. This area in the Gulf of Mexico is where we drill offshore, and we are glad to do that. That crude oil that we take from the Gulf of Mexico and distribute throughout the United States is good for America. But you see, Mr. Speaker, there is also more crude oil in the Gulf of Mexico by Florida. There is also crude oil over off the east coast. Mr. Speaker, there's also crude oil off the sacred coast of California, the west coast, but we don't drill over there. We don't drill in the Gulf of Mexico. We don't drill on the east coast. Why? Because of Congress.

So one thing we could do is lift the offshore drilling prohibitions, not the regulations, but the prohibitions. But because of the environmental fear lobby that is so strong in this Congress, we don't drill where there's crude oil or natural gas. Way up here, not even on the map, is a place called ANWR where there is nothing except crude oil, and we don't drill for crude oil in ANWR because of the environmental fear lobby and because of Congress.

Let's lift those restrictions and take care of ourselves rather than rely on foreign dictators and OPEC to get our crude oil.

Now, there is going to be another offshore drilling rig out in the Gulf of Mexico over here near this red zone, but it is not going to be built by Americans. Those rigs out there off the coast of Florida, about 48 miles, are going to be built by the Cubans, and it's financed by the Chinese. That's right. The Chinese and the Cubans are drilling where America ought to drill.

Doesn't that bother anybody? Lift the restrictions.

The second thing we need to do is have more refineries. I represent southeast Texas. We have the Nation's largest refinery and the second largest refinery. Down in the Sabine-Neches Waterway that borders Louisiana there are numerous refineries, but they're running at capacity because we haven't built a new refinery in this country in 30 years.

Why? The environmental fear lobby is prohibiting us from taking care of ourselves. So it doesn't do any good to produce more crude oil if we don't have the refinery capacity to produce gasoline and diesel fuel. So make it easier to have refineries in this country. We need to take care of ourselves.

I was somewhat embarrassed as an American citizen when our President, the most powerful person on Earth, had to go and ask OPEC last week to produce more crude oil so we could have gasoline. Of course, they in their arrogant way said, "Well, we'll think about it. Maybe we will and maybe we won't." See, that is what is happening to our country. We are being held hostage because Congress will not let America take care of Americans.

Mr. Speaker, we need to produce the crude oil, the natural gas that we have. We need to even produce and to build more nuclear plants in this country. Right now, China is building nine nuclear plants, and they have 40 on the drawing boards. How many are we making? We're not making any because the environmental fear lobby will not let us build nuclear power plants in this country.

So how long is it going to take Congress to get the message that we need to reduce gasoline prices? One way to do that is to increase supply, and we can take care of ourselves. We are the only major power in the world that depends on other nations for our fuel and for our economy. This ought not to be, but it is just the way it is.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 15 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history and purveyor of all the world, it seems that with the passage of time all nations are coming into a closer unity. People of different cultures and religions are being bound together in common concerns and by greater communication.

By Your grace, individuals seem to be more aware of the world around them and grow in a sense of responsibility. Bless this solidarity and help this Nation through leadership in government, religion and industry build a world of prosperity, freed of hunger and assured of justice and peace.

Ignite a spirit of hopefulness in young people that they may prove themselves to be positive, creative and joyful, truly Your free children both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Kentucky led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CELEBRATING ISRAEL'S 60TH ANNIVERSARY

(Mr. HONDA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HONDA. Mr. Speaker, it is with tremendous honor that I rise today to celebrate the 60th anniversary of a great democracy and our close friend and important ally, Israel. With its strong technology sector in both renewable energy development and high-tech research, Israel is a natural friend of Silicon Valley, which I proudly represent.

Israel's contribution to the high-tech industry, from computer processors to cell phones, and its development of life-saving medical techniques, benefit people around the world every day.

I have fond memories of my first trip to Israel, whose people, history, and culture have left an everlasting impression upon me.

I have supported Israel throughout my career, and will continue to do so. We must continue our democratic partnership with Israel. Once again, Mr. Speaker, I rise to celebrate the 60th anniversary of Israel.

AMERICA CANNOT AFFORD ILLEGALS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, America cannot afford illegals.

Last year, according to the Los Angeles County Supervisor, "Illegals cost the county $220 million in public safety, $400 million in health care, and $440 million in welfare. Total cost to taxpayers for illegals far exceeds $1 billion a year, not counting millions for their (free) education."

"This new information," he continued, "shows an alarming increase in the devastating impact illegals continue to have on taxpayers."

Illegals should not receive welfare or government assistance. Many Americans and legal immigrants don't receive needed social services and health care because money is going to those illegally on the land. Try getting treated in any hospital emergency room in the country. The silent secret in the crowded waiting room is that many there are illegals getting health care that someone else—Americans—pay for.

Still doubting? Then wander up to the maternity ward, where the mothers illegally in the United States are having babies at somebody else's expense.

Failure to control the borders allows illegal trespassers to reap what they have not sown and take what they have not earned from America and from legal immigrants.

And that's just the way it is.

IT'S TIME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Americans are now looking at $4 a gallon for gasoline. Is it going up to $5 a gallon?

This is having a severe impact on family budgets. It's kind of a regressive tax on the poor and working people of this country, hitting those hardest who are least able to pay. And low-wage workers who commute are finding an increasingly difficult time being able to survive. It's having a devastating impact on our manufacturing economy.

It's time for a new energy policy. It's time for a massive investment by Detroit in fuel efficiency and retooling and hybrids. It's time to end our reliance on oil. It's time to invest in alternative energy, like wind and solar. It's time to stop wars for resources. It's time to stop aggression in the Middle East. It's time to cooperate internationally to protect the environment. It's time to end NAFTA to make environmental quality principles part of our energy policy. It's time to regain control over America's economy and America's future.

CONGRATULATING NORTHERN KENTUCKY UNIVERSITY'S WOMEN'S BASKETBALL TEAM

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to join my colleagues in the House in congratulating the Northern Kentucky University women's basketball team for winning the NCAA Division II National Championship on March 29, 2008. Yesterday, the House of Representatives passed H. Res. 1147, which congratulates the team and the coaches on their impressive victory.

During the championship game, the Norse overcame a nine-point deficit with less than 6 minutes left in the game to beat the University of South Dakota, 63–58. Senior Angela Healy had 14 points and 13 rebounds in the game. In recognition of her performance, Ms. Healy was voted the Elite Eight's Most Outstanding Player.

This win marked the second time in the last decade that the Norse women have won an NCAA national championship in women's basketball. NKU is now the only collegiate women's program in the Commonwealth of Kentucky to win two national titles in any sport.

The Norse team consisted of 11 outstanding women who are not only championship-caliber players, but by all accounts students and leaders who are a credit to their community as well.

Coach Nancy Winstel should be applauded for her excellent leadership and dedication to Northern Kentucky University.

Mr. Speaker, I want to congratulate the team, the coaching staff, and the entire Northern Kentucky University community for a great season, and to thank my colleagues for their support of this resolution.

DEMOCRATS WORKING TO BRING RELIEF TO HARDWORKING AMERICANS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, over the last couple of weeks, this House has passed important legislation that is going to provide some much needed relief to hardworking families who are being squeezed by high gas prices, high grocery bills, and a housing crisis that many economists believe has not yet hit rock bottom.

Last week, Congress took decisive action to bring down the price of gas by passing legislation to suspend the filling of the Strategic Petroleum Reserve through the end of the year. After initially opposing the proposal, the President announced last Friday that he would comply. The House also overwhelmingly supported a farm bill conference report that invests $10 billion more in nutrition programs that will help 38 million Americans afford healthy food. And earlier this month, we passed housing legislation that stabilizes the housing market and makes a real difference for families at risk of losing their homes.

Mr. Speaker, this month, the House has passed significant legislation that will help all Americans and will basically address the economic downturn. I would hope the President would also support these important initiatives.

COUNTY PAYMENTS: WASCO COUNTY, OREGON

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. WALDEN of Oregon. Mr. Speaker, by refusing to renew the Federal county payments program, Congress has broken its promise to rural, timbered America. Counties like Wasco County in Oregon are affected. It has laid off nine people from its road department, seven full-time, two part-time. That's one-third of its entire road department.

The county has more than 700 miles of road, and not a single road construction project is now underway. County Commissioner Sherry Holliday said, "Counties can't do any strategic planning when our budget is totally up in the air." Well, there is a solution, H.R. 3058, a bipartisan 4-year reauthorization of county timber payments. It's been on the Union Calendar and ready for a vote since January 15. The administration has put forward a variety of offsets to pay for it, and yet the Democratic leadership of this House has refused to bring it up for a vote. That's 126 days that H.R. 3058 has been held hostage by the leadership of this House.

It's time to restore the Federal Government's century-old commitment to rural, timbered communities where Federal lands make up so much of their county.

I call on the leadership once again, free H.R. 3058, bring it up for a vote, keep the roads and schools open in rural America.

MEMORIAL DAY

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Mr. Speaker, when I look out from the steps of the United States Capitol building, I'm always in awe of the sight before me. The memorials beneath the Capitol steps honor the sacrifices made by the brave men and women who wore the uniform and put their country before themselves. They came from farms and cities, from mountains and villages, and from lives of privilege and lives of poverty. They each answered the call when their Nation needed them most. These men and women represented the best America had to offer, and they served their country with pride, with honor, and with courage.

Next Monday is Memorial Day. It is a day to remember and honor those men and women who have given their lives for their country. It's a day to cherish and pray for those currently serving their country at home and abroad.

Support for our troops must always be an American issue and never a partisan one as our Nation's heroes are defending each one of our rights as American citizens. We must do what is best for veterans and active soldiers, not what's best for a sound bite, political propaganda, or election year politics.

These are our Nation's heroes, and we must never let our fellow Americans forget their bravery and their sacrifices.

THE AMERICAN PEOPLE WANT ANSWERS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I would like to pose a question today, a question for the majority leadership of this House. My constituents are asking me, how high does the price of gasoline have to go before the Democrat leadership of this House decides to vote to allow domestic energy production? How much are Americans going to have to pay before they will bring our bills to the floor to address this issue? They are wanting to know. They also want to know why no refineries have been built since 1976. They want to know why permits seem to be slow walked when it comes to exploring for natural resources.

Today, my constituents in Memphis, Tennessee, are paying $3.63 for one gallon of gasoline. That's nearly 55 percent more than they were paying when Speaker PELOSI took over.

The American people are wanting answers. And what is the energy solution that the Democratic leadership has offered? Well, it has been banning the traditional light bulb.

Americans want answers, Mr. Speaker, but even more, they want some action. They want the problem solved.

OIL PRICES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, it's kind of funny to listen to the other side talk today. You would think that they had been really working on the energy crisis in this country.

When the President took over, gasoline was about $1.80 a gallon, and now it's $3.80 a gallon where I live. Now, that's an energy policy you could see developed in the White House by Mr. CHENEY. He brought in all the oil company executives and said, how can we drive up the price of gasoline so you guys can make a whole lot of money? They had a secret meeting. They wouldn't tell anybody who was there. They wouldn't tell anybody what was talked about. They have been fighting in the courts for 8 years to keep from telling us what went on at that meeting at the beginning of the Bush administration.

We see the results. They got them, the biggest profits of the oil companies in history. And we tried to take a little $16 billion loophole and close it and use some of that money for alternative energy production and conservation and the President said, no way, we can't take anything away from those oil companies. Why, they need it all.

We're not going to get a reduction in oil prices in this country until we change the administration when BARACK OBAMA takes over on the 20th of January, 2009.

□ 1015

RECOGNIZING ISRAEL'S 60TH ANNIVERSARY

(Mr. LAMBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMBORN. Mr. Speaker, I rise today to recognize Israel's 60th anniversary and the progress it has made as a nation.

In May, 1948, after almost 2,000 years of exile, Jews returned to their homeland and made the State of Israel a reality. Israel is a model of democracy in action and a pillar of humanity in the Middle East. Its civil liberties are guaranteed by laws, and its laws are protected by an independent judiciary.

Since its founding in 1948, Israel has been constantly aware of the necessity of a strong defense. Wars, conflicts, and terrorism have taught it the importance of utilizing innovative technologies to protect democracy.

The U.S. was the first nation to recognize Israel as a state 60 years ago. Now our countries continue to cooperate in the fight against global terrorism and work together to create and maintain a strong ballistic missile system.

This month we celebrate how far Israel has journeyed since its birth. It is a model of human rights, democracy, and freedom. We are proud to call Israel an ally.

HOUSE REPUBLICANS OFFER SOLUTIONS TO LOWER GAS PRICES

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the Democrat leadership promised the American people a "commonsense" plan to lower gas prices, but House Democrats have not only failed to offer any meaningful solutions, they've put forward policies that will have precisely the opposite effect.

Since Democrats took control of Congress, gasoline prices have skyrocketed by more than $1 a gallon. In fact, the price of gas is at an all-time high of $3.80 a gallon today. This is the last thing middle class families need. Every dollar counts and families should not have to spend it on gasoline.

Middle class families need relief, not more broken promises from the Democrat majority. That's why Republicans will continue to stand up for average Americans and offer solutions to reduce our dependence on Middle Eastern oil, lower gas prices here at home, and invest in alternative forms of energy to create American jobs and grow our economy.

Energy prices are rising, cost of living expenses are rising, and the Democrat leadership is content with sitting on the sidelines and raising taxes and increasing spending.

House Republicans are committed to helping working Americans who are carrying the majority of the burden of the Democrats' failure to lead.

INCREASING AMERICAN ENERGY PRODUCTION RESPONSIBLY

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, for 501 days liberal Democrats have controlled Congress. And these liberal Democrats, including the Speaker, continue to talk about their secret solution for skyrocketing gas prices. But they have failed to produce any answers.

Empty rhetoric and broken promises will not lower the price at the pump for American families. The people in my district in Southwest Louisiana understand that and they want real solutions. They want a comprehensive energy policy that allows us to strategically manage our fossil fuel dependence while we then transition and invest in alternative fuels. They don't want an energy policy that's held hostage to radical environmentalism. They want an energy policy that will increase responsible American energy production and refining capacity. They want to unleash American ingenuity and entrepreneurship. They don't want delays. They want a comprehensive energy policy because it's in the interest of our national security.

Families in Southwest Louisiana and across the country are looking for solutions to the price at the pump, they're looking for solutions for health care costs, and they're looking for solutions to the housing slowdown. Republicans have viable answers.

The American people are asking the Democratic leadership in Washington if they have solutions, we haven't seen any. Bring them forward. Let's work together to ease the price at the pump and to decrease America's dependence on foreign sources of oil.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6081) to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Heroes Earnings Assistance and Relief Tax Act of 2008".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—BENEFITS FOR MILITARY

Sec. 101. Recovery rebate provided to military families.
Sec. 102. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 103. Modification of mortgage revenue bonds for veterans.
Sec. 104. Survivor and disability payments with respect to qualified military service.
Sec. 105. Treatment of differential military pay as wages.
Sec. 106. Special period of limitation when uniformed services retired pay is reduced as a result of award of disability compensation.
Sec. 107. Distributions from retirement plans to individuals called to active duty.
Sec. 108. Authority to disclose return information for certain veterans programs made permanent.
Sec. 109. Contributions of military death gratuities to Roth IRAs and Education Savings Accounts.
Sec. 110. Suspension of 5-year period during service with the Peace Corps.
Sec. 111. Credit for employer differential wage payments to employees who are active duty members of the uniformed services.
Sec. 112. State payments to service members treated as qualified military benefits.
Sec. 113. Permanent exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 114. Special disposition rules for unused benefits in health flexible spending arrangements of individuals called to active duty.
Sec. 115. Technical correction related to exclusion of certain property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders.

TITLE II—IMPROVEMENTS IN SUPPLEMENTAL SECURITY INCOME

Sec. 201. Treatment of uniformed service cash remuneration as earned income.
Sec. 202. State annuities for certain veterans to be disregarded in determining supplemental security income benefits.
Sec. 203. Exclusion of AmeriCorps benefits for purposes of determining supplemental security income eligibility and benefit amounts.
Sec. 204. Effective date.

TITLE III—REVENUE PROVISIONS

Sec. 301. Revision of tax rules on expatriation.
Sec. 302. Certain domestically controlled foreign persons performing services under contract with United States Government treated as American employers.
Sec. 303. Increase in minimum penalty on failure to file a return of tax.

TITLE IV—PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

Sec. 401. Parity in the application of certain limits to mental health benefits.

TITLE I—BENEFITS FOR MILITARY

SEC. 101. RECOVERY REBATE PROVIDED TO MILITARY FAMILIES.

(a) IN GENERAL.—Subsection (h) of section 6428 (relating to identification number requirement) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 101 of the Economic Stimulus Act of 2008.

SEC. 102. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

"(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428(e) is amended by striking "except that—" and all that follows through "(B) such term shall" and inserting "except that such term shall".

(c) SUNSET NOT APPLICABLE.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 103. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking "and before January 1, 2008".

(b) INCREASE IN BOND LIMITATION FOR ALASKA, OREGON, AND WISCONSIN.—Clause (ii) of section 143(l)(3)(B) (relating to State veterans limit) is amended by striking "$25,000,000" each place it appears and inserting "$100,000,000".

(c) DEFINITION OF QUALIFIED VETERAN.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended to read as follows:

"(4) QUALIFIED VETERAN.—For purposes of this subsection, the term 'qualified veteran' means any veteran who—

"(A) served on active duty, and

"(B) applied for the financing before the date 25 years after the last date on which such veteran left active service.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

(e) TRANSITION RULE.—In the case of any bond issued after December 31, 2007, and before the date of the enactment of this Act, subparagraph (B) of section 143(l)(4) of the Internal Revenue Code of 1986, as amended by this section, shall be applied by substituting "30 years" for "25 years".

SEC. 104. SURVIVOR AND DISABILITY PAYMENTS WITH RESPECT TO QUALIFIED MILITARY SERVICE.

(a) PLAN QUALIFICATION REQUIREMENT FOR DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting after paragraph (36) the following new paragraph:

"(37) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.".

(b) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE FOR BENEFIT ACCRUAL PURPOSES.—Subsection (u) of section 414 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (8) the following new paragraph:

"(9) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE.—

"(A) IN GENERAL.—For benefit accrual purposes, an employer sponsoring a retirement plan may treat an individual who dies or becomes disabled (as defined under the terms of the plan) while performing qualified military service with respect to the employer maintaining the plan as if the individual has resumed employment in accordance with the individual's reemployment rights under chapter 43 of title 38, United States Code, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability. In the case of any such treatment, and subject to subparagraphs (B) and (C), any full or partial compliance by such plan with respect to the benefit accrual requirements of paragraph (8) with respect to such individual shall be treated for purposes of paragraph (1) as if such compliance were required under such chapter 43.

"(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall apply only if all individuals performing qualified military service with respect to the employer maintaining the plan (as determined under subsections (b), (c), (m), and (o)) who die or became disabled as a result of performing qualified military service prior to reemployment by the employer are credited with service and benefits on reasonably equivalent terms.

"(C) DETERMINATION OF BENEFITS.—The amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under subparagraph (A) for purposes of applying paragraph (8)(C) shall be determined on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of—

"(i) the 12-month period of service with the employer immediately prior to qualified military service, or

"(ii) if service with the employer is less than such 12-month period, the actual length of continuous service with the employer.".

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a)(2) is amended by striking "and (31)" and inserting "(31), and (37)".

(2) Section 403(b) is amended by adding at the end the following new paragraph:

"(14) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—This subsection shall not apply to an annuity contract unless such contract meets the requirements of section 401(a)(37).".

(3) Section 457(g) is amended by adding at the end the following new paragraph:

"(4) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A plan described in paragraph (1) shall not be treated as an eligible deferred compensation plan unless such plan meets the requirements of section 401(a)(37).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to deaths and disabilities occurring on or after January 1, 2007.

(2) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this subparagraph applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(iii).

(B) AMENDMENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—

(i) IN GENERAL.—Subparagraph (A) shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by subsection (a) or pursuant to any regulation issued by the Secretary of the Treasury under subsection (a), and

(II) on or before the last day of the first plan year beginning on or after January 1, 2010.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this clause shall be applied by substituting "2012" for "2010" in subclause (II).

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless—

(I) the plan or contract is operated as if such plan or contract amendment were in effect for the period described in clause (iii), and

(II) such plan or contract amendment applies retroactively for such period.

(iii) PERIOD DESCRIBED.—The period described in this clause is the period—

(I) beginning on the effective date specified by the plan, and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

SEC. 105. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

"(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services (as defined in chapter 43 of title 38, United States Code) while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2008.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA), as amended by section 103(b), is amended by adding at the end the following new paragraph:

"(12) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

"(B) SPECIAL RULE FOR DISTRIBUTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

"(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

"(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).".

(B) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting "AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY" after "USERRA".

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: "The term compensation includes any differential wage payment (as defined in section 3401(h)(2)).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2008.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by subsection (b)(1), and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this subparagraph shall be applied by substituting "2012" for "2010" in clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 106. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

"(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

"(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

"(ii) the waiver of such pay under section 5305 of title 38 of such Code, as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

"(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting for "the date of such determination" in subparagraph (A) thereof.

SEC. 107. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ", and before December 31, 2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 108. AUTHORITY TO DISCLOSE RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (7) of section 6103(l) is amended by striking the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 109. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS AND EDUCATION SAVINGS ACCOUNTS.

(a) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(b) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

"(A) to a Roth IRA from another such account,

"(B) from an eligible retirement plan, but only if—

"(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

"(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(c) EDUCATION SAVINGS ACCOUNTS.—Subsection (d) of section 530 is amended by adding at the end the following new paragraph:

"(9) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—For purposes of this section, the term 'rollover contribution' includes a contribution to a Coverdell education savings account made before the end of the 1-year period beginning on the date on which the contributor receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such contributor under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Roth IRA under section 408A(e)(2) or to another Coverdell education savings account.

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—The last sentence of paragraph (5) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is includible in gross income under paragraph (1), the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(d) EFFECTIVE DATES:—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

SEC. 110. SUSPENSION OF 5-YEAR PERIOD DURING SERVICE WITH THE PEACE CORPS.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to special rules) is amended by adding at the end the following new paragraph:

"(12) PEACE CORPS.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving outside the United States—

"(i) on qualified official extended duty (as defined in paragraph (9)(C)) as an employee of the Peace Corps, or

"(ii) as an enrolled volunteer or volunteer leader under section 5 or 6 (as the case may be) of the Peace Corps Act (22 U.S.C. 2504, 2505).

"(B) APPLICABLE RULES.—For purposes of subparagraph (A), rules similar to the rules of subparagraphs (B) and (D) shall apply.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 111. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45P. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

"(a) General Rule.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

"(b) Definitions.—For purposes of this section—

"(1) Eligible differential wage payments.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

"(2) Qualified employee.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

"(3) Eligible small business employer.—

"(A) In general.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

"(i) employed an average of less than 50 employees on business days during such taxable year, and

"(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

"(B) Controlled groups.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(c) Coordination With Other Credits.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

"(d) Disallowance for Failure To Comply With Employment or Reemployment Rights of Members of the Reserve Components of the Armed Forces of the United States.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(2) the 2 succeeding taxable years.

"(e) Certain Rules To Apply.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

"(f) Termination.—This section shall not apply to any payments made after December 31, 2009.".

(b) Credit Treated as Part of General Business Credit.—Section 38(b) (relating to general business credit) is amended by striking "plus" at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting ", plus", and by adding at the end of following new paragraph:

"(33) the differential wage payment credit determined under section 45P(a).".

(c) No Deduction for Compensation Taken Into Account for Credit.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45P(a)," after "45A(a),".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45P. Employer wage credit for employees who are active duty members of the uniformed services.".

(e) Effective Date.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 112. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.

(a) In General.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(6) Certain state payments.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).".

(b) Effective Date.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 113. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Paragraph (9) of section 121(d) is amended by striking subparagraph (E).

(b) Duty Station May Be Inside United States.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(c) Effective Date.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 114. SPECIAL DISPOSITION RULES FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) In General.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsection (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) Special Rule for Unused Benefits in Health Flexible Spending Arrangements of Individuals Called to Active Duty.—

"(1) In general.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such arrangement provides for qualified reservist distributions.

"(2) Qualified reservist distribution.—For purposes of this subsection, the term 'qualified reservist distribution' means, any distribution to an individual of all or a portion of the balance in the employee's account under such arrangement if—

"(A) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)) ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

"(B) such distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under such arrangement for the plan year which includes the date of such order or call.".

(b) Effective Date.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 115. TECHNICAL CORRECTION RELATED TO EXCLUSION OF CERTAIN PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) Social Security Taxes.—

(1) Section 3121(a) (relating to definition of wages) is amended by striking "or" at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting "; or", and by inserting after paragraph (22) the following new paragraph:

"(23) any benefit or payment which is excludable from the gross income of the employee under section 139B(b).".

(2) Section 209(a) of the Social Security Act is amended by striking "or" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting "; or", and by inserting after paragraph (19) the following new paragraph:

"(20) Any benefit or payment which is excludable from the gross income of the employee under section 139B(b) of the Internal Revenue Code of 1986).".

(b) Unemployment Taxes.—Section 3306(b) (relating to definition of wages) is amended by striking "or" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting "; or", and by inserting after paragraph (19) the following new paragraph:

"(20) any benefit or payment which is excludable from the gross income of the employee under section 139B(b).".

(c) Wage Withholding.—Section 3401(a) (defining wages) is amended by striking "or" at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting "; or", and by inserting after paragraph (22) the following new paragraph:

"(23) for any benefit or payment which is excludable from the gross income of the employee under section 139B(b).".

(d) Effective Date.—The amendments made by this section shall take effect as if included in section 5 of the Mortgage Forgiveness Debt Relief Act of 2007.

TITLE II—IMPROVEMENTS IN SUPPLEMENTAL SECURITY INCOME

SEC. 201. TREATMENT OF UNIFORMED SERVICE CASH REMUNERATION AS EARNED INCOME.

(a) In General.—Section 1612(a)(1)(A) of the Social Security Act (42 U.S.C. 1382a(a)(1)(A)) is amended by inserting "(and, in the case of cash remuneration paid for service as a member of a uniformed service (other than payments described in paragraph (2)(H) of this subsection or subsection (b)(20)), without regard to the limitations contained in section 209(d))" before the semicolon.

(b) Certain Housing Payments Treated as In-Kind Support and Maintenance.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(3) by adding at the end the following:

"(H) payments to or on behalf of a member of a uniformed service for housing of the member (and his or her dependents, if any) on a facility of a uniformed service, including payments provided under section 403 of title 37, United States Code, for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10 of such Code, or any related provision of law, and any such payments shall be treated as support and maintenance in kind subject to subparagraph (A) of this paragraph.".

SEC. 202. STATE ANNUITIES FOR CERTAIN VETERANS TO BE DISREGARDED IN DETERMINING SUPPLEMENTAL SECURITY INCOME BENEFITS.

(a) INCOME DISREGARD.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following:

"(24) any annuity paid by a State to the individual (or such spouse) on the basis of the individual's being a veteran (as defined in section 101 of title 38, United States Code), and blind, disabled, or aged.".

(b) RESOURCE DISREGARD.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking "and" at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting "; and"; and

(3) by inserting after paragraph (15) the following:

"(16) for the month of receipt and every month thereafter, any annuity paid by a State to the individual (or such spouse) on the basis of the individual's being a veteran (as defined in section 101 of title 38, United States Code), and blind, disabled, or aged.".

SEC. 203. EXCLUSION OF AMERICORPS BENEFITS FOR PURPOSES OF DETERMINING SUPPLEMENTAL SECURITY INCOME ELIGIBILITY AND BENEFIT AMOUNTS.

Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)), as amended by section 202(a) of this Act, is amended—

(1) in paragraph (23), by striking "and" at the end;

(2) in paragraph (24), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(25) any benefit (whether cash or in-kind) conferred upon (or paid on behalf of) a participant in an AmeriCorps position approved by the Corporation for National and Community Service under section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573).".

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall be effective with respect to benefits payable for months beginning after 60 days after the date of the enactment of this Act.

TITLE III—REVENUE PROVISIONS

SEC. 301. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item to the extent attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies unless the covered expatriate agrees to such other treatment as the Secretary determines appropriate.

"(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds the dollar amount in effect under section 2503(b) for such calendar year.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) EXCEPTIONS FOR TRANSFERS TO SPOUSE OR CHARITY.—Such term shall not include any property with respect to which a deduction would be allowed under section 2055, 2056, 2522, or 2523, whichever is appropriate, if the decedent or donor were a United States person.

"(4) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) TERMINATION OF SECTION 877.—Section 877 is amended by adding at the end the following new subsection:

"(h) TERMINATION.—This section shall not apply to any individual whose expatriation date (as defined in section 877A(g)(3)) is on or after the date of the enactment of this subsection.".

(e) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to any individual whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act from transferors (or from the estates of transferors) whose expatriation date is on or after such date of enactment.

SEC. 302. CERTAIN DOMESTICALLY CONTROLLED FOREIGN PERSONS PERFORMING SERVICES UNDER CONTRACT WITH UNITED STATES GOVERNMENT TREATED AS AMERICAN EMPLOYERS.

(a) FICA TAXES.—Section 3121 (relating to definitions) is amended by adding at the end the following new subsection:

"(z) TREATMENT OF CERTAIN FOREIGN PERSONS AS AMERICAN EMPLOYERS.—

"(1) IN GENERAL.—If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated for purposes of this chapter as an American employer with respect to such services performed by such employee.

"(2) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

"(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

"(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

"(3) LIABILITY OF COMMON PARENT.—In the case of a foreign person who is a member of any domestically controlled group of entities, the common parent of such group shall be jointly and severally liable for any tax under this chapter for which such foreign person is liable by reason of this subsection, and for any penalty imposed on such person by this title with respect to any failure to pay such tax or to file any return or statement with respect to such tax or wages subject to such tax. No deduction shall be allowed under this title for any liability imposed by the preceding sentence.

"(4) PROVISIONS PREVENTING DOUBLE TAXATION.—

"(A) AGREEMENTS.—Paragraph (1) shall not apply to any services which are covered by an agreement under subsection (1).

"(B) EQUIVALENT FOREIGN TAXATION.—Paragraph (1) shall not apply to any services if the employer establishes to the satisfaction of the Secretary that the remuneration paid by such employer for such services is subject to a tax imposed by a foreign country which is substantially equivalent to the taxes imposed by this chapter.

"(5) CROSS REFERENCE.—For relief from taxes in cases covered by certain international agreements, see sections 3101(c) and 3111(c).".

(b) SOCIAL SECURITY BENEFITS.—Subsection (e) of section 210 of the Social Security Act (42 U.S.C. 410(e)) is amended—

(1) by striking "(e) The term" and inserting "(e)(1) The term",

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively, and

(3) by adding at the end the following new paragraph:

"(2)(A) If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated as an American employer with respect to such services performed by such employee.

"(B) For purposes of this paragraph—

"(i) The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

"(ii) The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

"(I) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

"(II) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3) of such Code) by members of such group (including any entity treated as a member of such group by reason of this sentence).

"(C) Subparagraph (A) shall not apply to any services to which paragraph (1) of section 3121(z) of the Internal Revenue Code of 1986 does not apply by reason of paragraph (4) of such section.".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed in calendar months beginning more than 30 days after the date of the enactment of this Act.

SEC. 303. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking "$100" in the last sentence and inserting "$135".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns required to be filed after December 31, 2008.

TITLE IV—PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

SEC. 401. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) INTERNAL REVENUE CODE OF 1986.—Subsection (f) of section 9812 is amended—

(1) by striking "and" at the end of paragraph (2), and

(2) by striking paragraph (3) and inserting the following new paragraphs:

"(3) on or after January 1, 2008, and before the date of the enactment of the Heroes Earnings Assistance and Relief Tax Act of 2008, and

"(4) after December 31, 2008.".

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (f) of section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking "services furnished after December 31, 2007" and inserting "services furnished—

"(1) on or after January 1, 2008, and before the date of the enactment of the Heroes Earnings Assistance and Relief Tax Act of 2008, and

"(2) after December 31, 2008.".

(c) PUBLIC HEALTH SERVICE ACT.—Subsection (f) of section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking "services furnished after December 31, 2007" and inserting "services furnished—

"(1) on or after January 1, 2008, and before the date of the enactment of the Heroes Earnings Assistance and Relief Tax Act of 2008, and

"(2) after December 31, 2008.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us has been passed before, and they call it the HEART bill, Heroes Earnings Assistance and Relief Tax Act of 2008. I would prefer to call it the "Thank You" bill. Thank you for the tens of thousands of American men and women who have come to America's call to fight this war and to place themselves at risk because our Commander in Chief and our Nation have called them.

It is very difficult for me to think of any people that we should be saying "thank you" more to than this group, who are not Democrats and Republicans, are not politicians, but people whom America has depended on since its very beginning, and, that is, people who are willing to make the ultimate sacrifice because their country asked them to do it.

We have recently passed a bill which is the equivalent, if not expanded, the GI Bill, so that those that do get back, many of them without limbs, many of them without jobs, would be able to get a decent education. This kind of enhances the ability for them to get their pensions, to get homes, and to remove the impediments that these brave people deserve. And one of the things that we're proudest of is that we have removed some type of impediment that will allow our fighting soldiers to be able to get the benefits of some of our tax laws even though they have married immigrants. So it is something that I am certain that everyone in this House and most all Americans would be supporting.

What a great honor it is for me to yield the balance of my time in support of this bill to Admiral JOE SESTAK from the Seventh District of Pennsylvania. It's so easy for all of us to talk about sacrifices and so seldom that we find someone who has dedicated 31 years of his very young life for the defense of this great Nation of ours.

He has been the commander of an aircraft carrier of 30 U.S. and allied ships, over 15,000 sailors, 100 aircrafts; and this is only part of what the three-star Admiral in the United States Navy has done. How lucky we are in this Nation and, more specifically, in this Congress to have this distinguished Member speak in support of this bill, one who probably knows more about the needs of our service people than most of us ever hope to find out.

So with the Speaker's permission and unanimous consent of this body, I ask you to allow me to yield the balance of my time for purposes of picking other speakers to Congressman/Representative/Admiral JOE SESTAK of the Seventh District of Pennsylvania.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCCRERY. Mr. Speaker, I rise in support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act of 2008, and I yield myself such time as I may consume.

Mr. Speaker, first I want to commend the chairman of the Ways and Means Committee, Mr. RANGEL, for bringing this bill to the floor today. It's certainly a bill that has bipartisan support, bicameral support, and I will talk a little bit more about that in my remarks.

People watching this on C-SPAN may think they have gone into reruns. We haven't. This bill has been discussed on the floor of the House before and, in fact, passed through the House before. Unfortunately, though, we never could get the Senate version and the House version reconciled and get a bill to the President. So here we are again starting this process in the House, passing a bill today, hoping to get finally some agreement so that we can get this bill to the President and we can give some relief to our soldiers in the military.

This bill provides certain tax benefits to members of the military. It provides tax credits to housing projects for low-income families. But the specific thing that it fixes is, with respect to low-income housing and the eligibility for that, when testing to see if a family's income makes them eligible, current law excludes the value of a section 8 voucher provided by HUD. But a family's income does include the value of a base housing allowance provided to members of the Armed Forces. This bill, for whatever reason, doesn't address this issue. In the past other versions of this legislation have. Congressman MORAN of Kansas and Senator ROBERTS of Kansas have tried to address this problem in legislation, and the other body has included it. And that's one of the things that led to last year's deadlock. I personally wish that this provision were included, and I hope before the end of the process, we can address that.

But there are many good things in the bill before the House today, including provisions to ensure that combat pay does not diminish the earned income credit. The bill also contains important language allowing active-duty Reservists to make penalty-free withdrawals from retirement plans and permits contributions of military death benefit gratuities into a Roth IRA or education savings account without regard to annual contribution limits. Other provisions in the bill amend the Supplemental Security Income program to expand eligibility for, and increase SSI benefit payments to, certain military families, veterans, and AmeriCorps participants.

This bill does contain one other change from the bill debated last year that merits mentioning today. It allows stimulus checks to be mailed to families in which one spouse is a member of the military and the other does not have a valid Social Security number. I understand the reasons for this provision, and I'm sure as this bill works its way through the process, we will have an opportunity to examine this provision further to make sure that it's administrable and workable.

Finally, one other provision deserves particular mention both because of its merits and because it's a great example of how one person's good idea brought to the attention of a Member of Congress can make its way to the forefront of a legislative agenda. Health care flexible spending accounts, known as FSAs, have a use-it-or-lose-it rule. If you don't use all the money by the end of the year, the money goes back to your employer. Funds deposited into an FSA are put there on a pretax basis, or a tax-free basis. So it's a very attractive benefit for employees.

This bill modifies the FSA program to allow a plan to return deposited funds to an employee at the end of the year if that amount remains unspent because the individual was called to active-duty military service. This is a very, I think, fair change to the underlying program. It's an issue that one of Mr. BARTON's, JOE BARTON's, constituents raised with him, and I applaud him and his lead cosponsor, the gentleman from Virginia (Mr. BOUCHER), for crafting a simple solution to this problem.

Mr. Speaker, I once again want to thank the chairman and the staff of the Ways and Means Committee for their work on this issue, and I urge passage.

Mr. Speaker, I reserve the balance of my time.

☐ 1030

Mr. SESTAK. Mr. Speaker, I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the tax provisions of H.R. 6081. The technical explanation expresses the committee's understanding and the legislative intent behind this important legislation. This explanation, document JCX–44–08, is currently available on the Joint Committee's Web site.

GENERAL LEAVE

Mr. SESTAK. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6081, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SESTAK. I yield the gentleman from Washington 2 minutes.

Mr. McDERMOTT. Mr. Speaker, the brave men and women who are in harm's way right now serving and defending America should not be subjected to unfair taxes or barriers to assistance. But that is exactly what is happening today, and this legislation will change that for members of the military and others serving our Nation, for instance, in AmeriCorps.

Ways and Means Chairman CHARLIE RANGEL recognized the burden being placed on our heroes and included provisions that will alter over a dozen tax provisions and remove barriers to other benefit programs for military families. It's the least we can do for those who do so much for us. The chairman, a veteran, and I, also a veteran, are proud to bring legislation to the floor that demonstrates the House fully and fairly supports our soldiers.

For instance, there are provisions in the legislation that improve how the Supplemental Security Income, or SSI program, treats military families, veterans, and those who have served our country. Under current law, some military families lose part of their SSI benefits because a portion of their compensation is counted as unearned income. This bill would stop that unfair treatment.

The Congressional Budget Office estimates this change alone would affect about 3,000 military families with disabled children. In addition to helping military families, the legislation would ensure that AmeriCorps volunteers do not unfairly lose their SSI benefits. More specifically, the bill would prevent allowances provided to AmeriCorps participants from reducing SSI benefits.

On the tax side, the chairman included an initiative that Mr. VAN HOLLEN and I proposed that would remove an obstacle for some Americans who serve in the Peace Corps. This provision ensures that overseas service by Peace Corps volunteers does not arbitrarily remove the exclusion for capital gains tax on a principal residence. This protection is similar to one already provided to Americans working for the Foreign Service.

Mr. Speaker, all of these provisions aim to ensure that service to our Nation does not disadvantage those who serve.

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. SESTAK. I yield the gentleman 30 additional seconds.

Mr. McDERMOTT. Because the legislation deals with arcane areas like the Tax Code, this may not sound exciting, but it's very important. This legislation tells our soldiers in word and deed that we thank them for their service and we are watching out for them, just as they are watching out for us. This small measure of fairness deserves every Member's support.

Mr. McCRERY. At this time I yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I too am here to support H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act, and I think that it is very, very important that we look for every way possible to give relief to our folks who are serving in the military.

I am pleased to say that 2 years ago, the President signed into law a bill that I call the HERO Act, which allowed folks who earned combat pay to use that pay to go into taking out an IRA. Again, the idea came from an average citizen who notified our office of a concern because his son had tried to invest his combat pay into an IRA, looking to prepare for his future. We were able to get that bill passed through the Ways and Means Committee 2 years ago, and that bill went through a similar experience that this bill is going through, having passed, then meeting problems in the Senate, then having to pass again.

But I think this bill contains so many elements that will advantage people who are willing to serve in the military, and as Chairman RANGEL has said, these are the people who have kept us free from the beginning of this country, and I think that anything that we can do to help them, we need to do.

I also recommend that we do something to lower our gas prices, which will help their families who are staying here in this country while they may be overseas fighting for our freedom to deal with the rising cost of gas problems. I call on the Democrat majority to come up with their commonsense plan that they have said that they had to help us lower gas prices, not just for our military, but for all Americans.

Mr. SESTAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I joined up in the military during the Vietnam conflict, and at that time, and still today, we don't have human resource departments in the U.S. military. You tend as a young division officer, to take care of the challenges that your young men and women have, and their families yourself, whether it's an eviction notice or whether it's a health issue, or whether it is, as thousands at that time and through the eighties used to have to go out and get their food stamps in order to continue their quality of life, you took care of them.

This bill takes a significant step, I believe. As Mr. RANGEL insinuated, it's a small step, but it is a significant step. I say that because the most moving picture I have ever seen in the Pentagon is one that is across from the Secretary of Defense's office. It's of a young servicemember kneeling in church and alongside of him is his wife and a young child. And under it is this great saying from the Bible, where God turns to Isaiah and says, "Whom shall I send, and who will go for us?" and Isaiah replies, "Here am I. Send me."

We send them, and we need to welcome them when they come back. The commissary bags also used to have on them, "The hardest job in the military is a military spouse." What this bill does is takes care of the cost of life. But it also is significant that it takes care of the cost of loss of life. Because what distinguishes this profession from anyone else's is that it has the dignity of danger about it, where the loss of life may occur.

So in this bill it ensures if an employer still wants to, even after a death of a servicemember, contribute to his retirement plan, he can. It also then permits the spouse, having lost a servicemember, can actually then place this military gratuity benefit into an IRA without any penalty. It does much for our servicemembers; that lets them take combat pay, for example, and place it towards earned income so that they can move into the middle class as an earned income tax credit.

In my mind, this is an excellent bill that has come out, and it has bipartisan agreement. But the reason I think this is so important today is that our servicemembers returning from overseas, 19 percent of them have post-traumatic stress disorder, 33 percent of them have a mental challenge, from depression to anxiety.

This war is different. In World War II, the average soldier went into battle 182 days. He had time to rest in between major battles to get his nerves back in shape. Our soldiers in Iraq go outside the wire every day for 15 straight months into a combat-like situation. They are a strong generation, but this war is different.

So therefore as we keep that in mind for those who say, Here am I, send me, we should also keep in mind that what we are doing here is when the great warriors Jonathan and David departed for the last time in the Bible, Jonathan turned to David and said, Tomorrow there shall be a new moon and thou shall be missed because thy seat shall be empty.

This seat should never be empty. It should be filled with a legacy of what they have done for this Nation. This bill, in my mind, takes a step, a small but significant step to remembering that these men and women who have served this Nation should continue to be welcomed home by us with a legacy of thanks that this bill does.

I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. I appreciate Mr. MCCRERY's leadership on veterans issues.

Mr. Speaker, I rise in support of this bill on the floor today that will provide additional tax relief to our Nation's veterans, especially those who are seeking to purchase homes. This bill ensures that our veterans who serve their Nation after 1977, including those who have served in Iraq and Afghanistan, can qualify for low-interest home loans financed by Qualified Veterans Mortgage Bonds. In Texas, this is important. This bill will enable the Texas Veterans Land Board, led by Commissioner Jerry Patterson, to expand its existing low-interest loan program to serve thousands of more Texas veterans.

For all the sacrifice our veterans have made to defend our country, it's only right that we help them own a home upon returning home.

Mr. SESTAK. I yield 2 minutes to the gentleman from Illinois.

Mr. EMANUEL. About a week ago, this Congress passed the most comprehensive update of the GI Bill of Rights for both Active Duty, Guard and Reserve soldiers. We follow up that legislation with what we are doing today to also update our laws as relates to active duty soldiers and their families.

The fact is, as my colleague from the Philadelphia area said, this war is different. We have noted the difference. We need to adjust our policy and our legislation and our laws to the fact that this war has gone on longer than anybody predicted, cost more in lives, treasure, and reputation than any war in America's past.

So today we take another small step to change our laws to reflect this different kind of war to make sure those soldiers and their families are represented in the laws we pass today. Now many will talk about some of the benefits, and they should. I want to talk about one particular provision that I put in here with my colleague from Indiana, who you will hear from later, Congressman ELLSWORTH, about how we pay for this, because it doesn't add one penny to the deficit.

It closes down a tax loophole used by KBR, a company, that it set up offshore in the Cayman Islands a subsidiary, and it never paid Social Security taxes, Medicare taxes, unemployment insurance taxes to 10,000 workers. Never paid any of those taxes on any of those employees. This legislation shuts that down.

Those employees were over there. And what happened? This company gave contaminated water to our soldiers, who ended up, many of them, in the hospital getting health care by the basic facilities we have over in Iraq. Our soldiers got contaminated water, our taxpayers got ripped off because they had to cover for another company what they didn't pay in their fair share, and a company was set up offshore to do all of that.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. SESTAK. I yield the gentleman an additional 30 seconds.

Mr. EMANUEL. It's ironic that it took 4 years to close this offshore loophole. But we are shutting it down and paying for all these other benefits to ensure that this company and other companies like it who set up in the Cayman Islands do not go around the law of the United States to come in under budget, knowing the fact they never paid their fair share of taxes.

It's a small step. It also is an indication we need to start changing the law because there is over 12,000 companies in the Cayman Islands alone set up over there, avoiding their fair share of taxes while the American taxpayers have to pay their portion.

So I am pleased that we are doing this, giving the benefits to the GIs and their families, but, most importantly, closing down an egregious loophole to do that.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Louisiana for yielding me his time.

I am here to commend the Ways and Mean Committee's efforts to make the Tax Code more equitable to our servicemembers. However, once again, I am on the floor to express my disappointment that the bill does not include an important provision providing more affordable housing opportunities for our servicemembers and their families.

This fix to the Tax Code that is missing from this legislation would prevent lower income military personnel from being discriminated against when applying for affordable housing built under the Low Income Housing Tax Credit program. There is a strong need for the tax bill that we are considering today, but the Senate will not approve it without this additional provision.

A number of military installations across the country are experiencing housing shortages as a result of the 2005 BRAC.

□ 1045

Fort Riley, an Army post located in the State of Kansas, is nearly doubling its size with an influx of 30,000 soldiers, family members and civilian workers.

When these new soldiers live outside the fort, they receive a military housing allowance for the use in paying rent. Though the Tax Code does not treat this housing allowance as taxable income, it is considered income when determining a military family's eligibility to live in facilities financed by low-income housing tax credits. The result is that many servicemembers, particularly our enlisted ones, are considered to earn too much income and thus are disqualified from accessing this affordable housing program. However, comparative low-income civilians receiving section 8 housing vouchers are more likely to qualify for this same housing. This is because, unlike the military housing subsidy, the Tax Code exempts section 8 assistance from being considered income.

Our Nation's military families deserve access to safe, decent, affordable housing, and they should be given a fair opportunity to qualify for it. Last December the Senate acted to fix this inequality, and the Senate included in their version of this legislation a provision exempting military housing allowance from income eligibility requirements when qualifying for affordable housing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCRERY. I yield the gentleman 1 additional minute.

Mr. MORAN of Kansas. Under this Senate provision, the Governor of each State would be allowed to make this exemption if he or she determines that it is needed for a certain military installation within that State. This Senate provision is patterned after USDA's WIC nutrition programs for women, children and infants, and provides State agencies a similar option for WIC eligibility. Unfortunately, the House majority's refusal to include this provision has stalled this important tax legislation from moving forward.

The men and women serving our Nation are waiting for us to act, and I hope that the changes made by the Senate, which narrow the scope of the provision, will address many of the majority's concerns and a compromise can be reached. Until then, military families who are applying to live in affordable housing continue to encounter this discrimination.

While I will vote for H.R. 6081, our military men and women deserve a better shot at affordable housing.

Mr. SESTAK. Mr. Speaker, I yield 2 minutes to my colleague from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act of 2008. This important legislation will provide well-deserved tax benefits to assist our military personnel and their families, our veterans, and a group that doesn't get nearly enough credit across our Nation, the volunteer firefighters.

I would like to for just a minute pick up on what Congressman EMANUEL said a few minutes ago and discuss one of the offsets used to pay for this tax relief for American heroes.

It has been reported that recently some government contractors are using offshore tax havens to avoid paying the payroll taxes that they owe our government. We introduced the Fair Share Act to put a stop to this abuse, and as a Blue Dog and a believer in pay-as-you-go budgeting, I am proud to have that legislation included as part of this important bill today. It will end the practice of government contractors setting up shell companies in the Cayman Islands to avoid paying into the Social Security and Medicare payroll taxes.

The people back home in Indiana play by the rules and pay their taxes. I don't think it is too much to ask our government contractors to do the same. They are receiving millions of dollars, sometimes billions in tax dollars, and I think it is time they do the same thing.

So I urge my colleagues to support this bill and send a strong message from the Congress that it is not going to stand by and let contractors cheat the workers, cheat the government and cheat the American taxpayers.

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. WELLER), a member of the Ways and Means Committee, be allowed to allocate the remainder of the time on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WELLER of Illinois. Mr. Speaker, it is my understanding that we have no additional speakers, so I will reserve the balance of my time.

Mr. SESTAK. Mr. Speaker, I yield 2 minutes to my fellow Pennsylvanian (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I thank the gentleman, my friend and colleague from the great State of Pennsylvania.

Mr. Speaker, last fall I introduced the Active Duty Military Tax Relief Act to assist our brave men and women in uniform who are serving our country with honor and distinction, and I am pleased that significant provisions proposed in my bill are incorporated in their entirety into the bill we are discussing today, the bipartisan HEART Act.

Servicemembers are often confronted with transitional issues when called to duty, and the bill we are debating today includes provisions from my bill making essential tax relief for our military families permanent by providing incentives to ensure that Reservists who are called up for active duty do not suffer a pay cut. This bill also makes it easier for veterans to become homeowners, and it includes other provisions from my bill allowing recipients of the military death benefit gratuities to make contributions of up to $100,000 into tax-favored accounts, such as Roth IRAs and Education Savings Accounts.

Mr. Speaker, we spend a lot of time in this Congress talking about supporting our troops, and we are providing further evidence today that we are going to support our troops with our actions and not just our words. The HEART Act is another sign of our commitment to our Nation's heroes, and I encourage all of my colleagues to support this bill.

Mr. WELLER of Illinois. Mr. Speaker, again, we have no additional speakers, and I reserve the balance of my time.

Mr. SESTAK. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I would like to thank Chairman RANGEL and my colleagues on the Ways and Means Committee for including provisions from H.R. 337 and H.R. 515 in the HEART Act. Including these two bills is particularly meaningful for me because both were inspired by servicemembers and veterans in my district who came to me and said we have problems needing your attention.

The first bill addresses a harmful glitch in the Supplemental Security Income program. Because eligibility for SSI benefits is based on income, a family struggling to get by actually loses benefits for their children from any increase in military pay considered "unearned income." Military families do not deserve to lose the benefits they badly need because a parent chooses to serve in the Armed Forces.

The second bill fixes a serious flaw in the CalVet Home Loan program limiting eligibility to servicemembers who signed up prior to 1977. This prevents many veterans from the first Gulf War and nearly all veterans from the wars in Afghanistan and Iraq from taking advantage of the CalVet program. H.R. 6081 removes the date of service provision, giving servicemembers retiring in California a greater opportunity to own a home.

Mr. WELLER of Illinois. Mr. Speaker, before yielding back my time, I want to rise in support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act of 2008. I particularly want to point out that this product that is before us today is bipartisan. It is clear that both Republicans and Democrats want to ensure that our men and women in uniform, those who stand and every day place their lives at risk to defend our freedoms and the values that our Nation represents, that we provide help for them and their families. I commend Chairman RANGEL and ranking member Mr. McCRERY for their leadership in putting together this bipartisan bill that helps our military and their families.

I urge a bipartisan "aye" vote.

Mr. Speaker, I yield back the balance of my time.

Mr. SESTAK. Mr. Speaker, I yield myself the remainder of my time.

When General Akhromeyev came from the Soviet Union to visit the United States when the Soviet Union was breaking up, Admiral Crowe took him to many places, including an aircraft carrier. When he departed the aircraft carrier, he was asked by Admiral Crowe, Chairman of Our Joint Chiefs of Staff, "What most impressed you?" He turned to him and looked him in the eye and said, "Your enlisted man."

It is why General Washington, when he established the very first ribbon in the United States Army, a piece of purple ribbon which is today's Purple Heart, dictated that that award would only be given to enlisted men. The enlisted servicemembers are the heart of our military, and this bill is focused upon them. They are the ones who say, "Here am I. Send me."

I commend both sides of the aisle for recognizing who most deserves being remembered for the sacrifice to this Nation. It is the enlisted man and woman.

Mr. RANGEL. Mr. Speaker, today, we may each have our own convictions about this war, and no matter what those may be, I think I can safely say that we stand united in our support for our troops and their families.

No one here today can challenge the commitment, the dedication, or the bravery of our men and women who have responded to this national call.

They have made sacrifices that very few Americans have ever been called on to make—many have paid with their lives, and many others with the loss of limbs and mental injuries we will never be able to comprehend.

We all know the great value of education benefits for our military. I will continue to fight for an increase that exceeds what our President has requested in GI education benefits and in military pay for our sons and daughters who serve in the military. Our men and women need it and they have earned every bit of it, and more.

The bill being considered today cannot make up for the debt we owe to these men and women and their families. We cannot make up for the loss of life and limb and the mental anguish they will endure.

But today, we will play a small positive role that I know is supported by every Member of this body. Today, we will vote to pass a small token of our gratitude—a small step in the right direction.

This bill is expected to be taken up by the Senate after we pass it here today and sent to the President this week. This is very fitting as we leave to celebrate Memorial Day—a day of remembrance for all who sacrificed in war for our country.

There is a provision in this bill that has been added since we passed the bill last year. The provision would ensure that a member of the military, who is married to an immigrant spouse would qualify for the stimulus rebate payment even if such spouse does not yet have a Social Security number.

This fix was necessary because in the zeal to impose anti-immigrant philosophy, language was added to the legislation for the stimulus rebate payments which now has a negative effect on some of our military and their families, even as they are off fighting a war.

This should serve as a great lesson in caution and being circumspect before we allow our deep-seated feelings to get the best of us.

We must learn from these lessons even as we fight to improve the lives of those who fight for our country through improved GI education benefits, pay increase, better health care services, and increased disability benefits.

This bill has been a labor of love. We passed a very similar bill (H.R. 3997) 410–0 on December 18, 2009, and had hoped to get it signed into law before the end of last year. Yet, despite the total bipartisan nature of this bill, we were unable to get it to the President's desk before the end of December, 2007. So, here we are again. Persistent to the end.

This bill is small but means a lot to many people. The Committee has received more calls on this bill than we could have imagined. People are calling to find out when the bill will become law.

Today gives us fresh hope—it looks like we will actually do it this time. I am proud to be a part of this small but important effort for our military men and women and their families who continue to give so much to our country.

Mr. KIND. Mr. Speaker, I rise today in strong support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008. This bill provides a number of much needed and deserved tax benefits to members of the military, their families, and veterans. Specifically, I am proud that the Qualified Veterans' Mortgage Bonds (QVMB) program, which impacts my home State of Wisconsin, was renewed and reformed so that the dream of home ownership will continue to be a reality for thousands of veterans.

Under the HEART Act, the QVMB program will be expanded to allow $100 million annually in tax exempt bonding for the Wisconsin Department of Veterans Affairs (WDVA) State veterans home loan program—enough funding to aid about 600 State veterans in obtaining low interest rate home loans. This program is more important now than ever before with the ongoing credit crisis in this country, and I am proud we were able to expand it. In Wisconsin alone, the WDVA has made over 54,000 home loans to veterans through this program.

Other important provisions in this bill include allowing combat pay for troops to count as earned income for the Earned Income Tax Credit and making permanent the Internal Revenue Code provision that allows active duty reservists to make penalty-free withdrawals from their retirement plans.

Our military service men and women have sacrificed a great deal to protect the freedoms that we so deeply cherish in this country. Their sacrifices and extended tours of duty in Iraq and Afghanistan, however, have placed greater economic hardships on their families here at home. The bill before us today will help alleviate some of those hardships by giving military families much needed and deserved tax relief and making permanent some of the temporary provisions that Congress has previously enacted.

The HEART Act is one simple but significant way we can thank our troops for their service to our country. I thank Chairman RANGEL and Ranking Member McCRERY for their bipartisan leadership on this legislation, and I urge my colleagues to support our men and women in the military by passing this legislation.

Mr. CONYERS. Mr. Speaker, today I rise in strong support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008. This bill provides tax relief to America's heroic servicemembers. As a veteran of the Korean war, it is imperative that we assist the brave men and women who put their lives at risk in defending our Nation in any way we can.

H.R. 6081 will improve tax benefits to members of the armed services. For example, today's legislation permanently extends the Earned Income Tax Credit for combat pay, allows for penalty-free withdrawal from servicemember pension plans, allows access for funds in Flexible Savings Accounts, and lets military death benefits to roll over into a Roth IRA or Education Savings Account. Given the crisis in the housing market, I am particularly heartened that H.R. 6081 permanently establishes mortgage bonds used to finance home purchases by veterans.

Mr. Speaker, this bill also extends the Economic Stimulus rebates that are being delivered as we speak today. H.R. 6081 humanely permits servicemembers who are married to foreigners to receive the full value of their rebate.

Lastly, the bill will restrict government contractors who move offshore to avoid paying Social Security and Medicare benefits. It is shocking that government contractors receive millions, or even billions, of taxpayer dollars and then try to avoid paying their fair share of taxes.

We have put our Nation's finest men and women in a senseless war without an end. The least we can do is allow their families to enjoy the same benefits as their neighbors. Mr. Speaker, this is a commonsense bill and I urge my colleagues to support it.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to commend the Committee on Ways and Means for passing this important legislation, the Heroes Earnings Assistance and Tax Relief Act. This legislation brings necessary tax relief to members of our armed services, veterans and their families and it also contains important technical corrections to a law that provides tax relief to volunteer emergency first responders.

Like our men and women in the armed services, volunteer emergency first responders provide a crucial service to our communities. They are in the front lines in the case of fire, natural disaster or other emergency. The majority of these brave men and women are volunteers and give up their time out of a sense of obligation to their communities. We owe them a debt of gratitude for their service.

This technical correction clarifies that property tax rebates and other benefits that are made to volunteer emergency first responders and are excluded from gross income are not subject to Social Security tax or unemployment tax. This was the intent of the original legislation and I appreciate the opportunity to clarify this through HR. 6081, the Heroes Earnings Assistance and Tax Relief Act.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax (HEART) Act and to commend Speaker PELOSI and Chairman RANGEL for their perseverance in getting this important bill to the President's desk.

H.R. 6081 includes vital tax provisions that help military families facing significant financial hardships due to extended deployments. According to a Department of Defense survey, 55 percent of married National Guardsmen and Reservists suffer a loss of income when they are called to active duty. The Heart Act helps to fix this problem by providing a tax credit of up to $4,000 for small businesses that continue to pay National Guard and Reserve employees when they are called to serve.

This important bill makes permanent several IRS provisions that relieve economic hardships as a result of military service including the Earned Income Tax Credit for families of soldiers in combat. H.R. 6081 also allows more military families to be eligible for the economic stimulus rebates and makes it easier for veterans to become homeowners through low-interest loans.

The Heart Act is fully offset and will not increase our national debt. It pays for these tax breaks by closing an offshore loophole that allows government contractors, who receive millions or billions in taxpayers' dollars, to set up companies in foreign countries to avoid paying Social Security and Medicare taxes. For example, defense contractor KBR, has reportedly avoided paying over $100 million in Social Security and Medicare taxes by creating shell companies in the Cayman Islands. H.R. 6081 also stops tax benefits for Americans who renounce their citizenship in order to avoid paying U.S. taxes.

The men and women of the armed forces who serve this country with honor during times of war should be assured that their families will not suffer financially from being deployed. I urge my colleagues to support this important bill.

Mr. SESTAK. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 6081, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SESTAK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

SENSE OF HOUSE REGARDING FOSTER PARENTS

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1185) expressing the sense of the House of Representatives that Congress should recognize the important contributions of Americans who serve as foster parents and, in doing so, unselfishly open their homes and family lives to children in need.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1185

Whereas the Nation's foster care system provides a sanctuary for children who are unable to live safely in their homes;

Whereas in 2006, some 799,000 children spent at least 24 hours in foster care and, on any given day, roughly 510,000 children were in the Nation's foster care system;

Whereas the primary goal of foster care is to ensure the safety and well-being of children while working to expeditiously provide children with a permanent, safe, and loving home;

Whereas via reunification with parents, adoption, or legal guardianship, some 289,000 children left foster care in 2006 for a permanent home;

Whereas 303,000 children entered foster care in 2006;

Whereas more than 43 percent of the children that entered foster care in 2005 were age 5 and younger;

Whereas studies have found that a child's early years are critical for his or her brain development, making it extremely important for all children to live in a safe and loving home during this critical period in their lives;

Whereas in 2005, the median age of a child in foster care was just over 10 years old and the median length of stay for a child in foster care was nearly 16 months;

Whereas while a majority of children living in foster care had the goal of being reunified with their parents, nearly 20 percent of foster children were seeking adoption in 2005;

Whereas each year as many as 24,000 teens will reach the age of 18 while in foster care and age out of the system without finding a permanent family;

Whereas on any given day in 2006, there were as many as 129,000 children in the foster care system waiting to be adopted;

Whereas in 2005, roughly 60 percent of the children who left foster care for a permanent adoptive family were adopted by their foster parents and another 25 percent were adopted by relatives; and

Whereas it would be appropriate to designate the month of May 2008 as National Foster Care Month: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives that—

(1) all Americans should work together to strengthen families and reduce the need of foster care placement for children; and

(2) Congress should continue its commitment to providing critical assistance to children and families involved in the foster care system through the title IV program in the Social Security Act and other programs that are designed to help children reunite with their parents or find a loving and permanent home when they cannot return to their biological parents.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, every day another 850 American children enter foster care. If you go outside and walk along the Mall today, you will see cardboard cutouts of children. Another 850 representations will be added each day this week to help us all understand who are at risk and what is at stake. The fact is, most people are unaware of how many children are in foster care right now and how many more will be in foster care tomorrow. My hope is that the image of those cardboard cutouts will be so compelling that America will take and demand action.

As the chairman of the subcommittee with jurisdiction over the foster care system, I want the House to make this issue as important as the children we need to help. Each child in this Nation deserves nothing less than a safe, loving home with a caregiver who ensures their physical and emotional well-being, supports their dreams in life and helps them become healthy and happy adults. For over a half a million children in our Nation, that home is not with their biological parents. Instead, the nurturing environment is found in the homes of foster families, who temporarily support a child until that child can either be safely returned to their biological parents or moved to a permanent home.

What I just described in a few words doesn't begin to cover the heroic actions by Americans on behalf of foster children, so we are here today to mark the month of May as National Foster Care Month. It is a designation reserved for heroes, and there are hundreds of thousands of American heroes to be noticed and thanked. They are the people who open their homes and their hearts to children who are seeking sanctuary when they are no longer able to live safely in their homes.

These people are the safety net for these children, the difference between hope and disaster.

National Foster Care Month also recognizes the unsung heroes who work in the foster care system itself, these individuals who dedicate their lives to improving the well-being of children who are under the care of the State. Many of these dedicated people work for relatively little salary, with limited resources, and often face very dangerous situations. They do it because they care, and we are grateful.

There isn't anything partisan about ensuring the safety and well-being of children. We either meet our responsibility to protect these children, or we don't.

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Lives indeed hang in the balance. That is why Congress must work together to improve our Nation's foster care system and to fully support these children, including those who age out of the foster care system each year and their caretakers, which includes grandparents and other relatives. It is up to us to ensure that the educational, medical, and emotional needs of foster children are met. It is up to us to make sure they know they are not alone. In truth, their outcomes in life are linked to our ability to guarantee that the State has the resources to provide these children with the assistance they need.

Foster children should have the same opportunities in life that our other children have. It is up to us to guarantee that our Federal programs support that basic right.

I ask my colleagues to join me in recognizing May 2008 as National Foster Care Month. We salute the tireless work of foster care parents, case workers, court personnel, service providers, and advocates, many of whom are former foster children, for their commitment to supporting vulnerable children across this Nation. We must recommit ourselves to working to improve the foster care system because of the lives of innocent children who are at stake, and we have the power to make a difference.

I would like at this time to take one moment to recognize my colleague, Mr. WELLER, who has been my ranking member on this subcommittee, and he and I have worked together hand in hand on this issue. This is not a partisan issue, and it has been a real pleasure to have Mr. WELLER as my ranking member in this session of Congress. We have a bill coming which we hope this House will also approve at another time.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, likewise to the chairman of the subcommittee, which I have the privilege of serving as the ranking member, I just want to state that I enjoy working with you very much as well, and thank you for your compliment.

Mr. Speaker, I rise in support of H. Res. 1185, recognizing May as National Foster Care Month. This resolution recognizes the enormous contribution of foster parents who care for so many vulnerable young people across America. And I want to commend its chief sponsors, Representative JON PORTER of Nevada and Chairman McDERMOTT, for sponsoring and introducing this important resolution.

The House is considering this resolution right between Mother's Day and Father's Day, which is appropriate, since foster parents step in to take the place of biological mothers and fathers. Taxpayers themselves contribute literally billions of dollars each year in Federal and State assistance to this important effort. But the most important part is the simple willingness of responsible adults to step in and care for kids who cannot safely remain with their own parents. For that, as this resolution expresses, the Nation says thank you.

Many other people work to support foster parents through both public and private organizations and in paid and volunteer positions alike. We express our thanks to those dedicated people as well. One example in the congressional district I represent, groups like The Baby Fold, which provides a variety of services to support biological and foster families. We thank all of these individuals for their continuing effort and dedication to improving the lives of children and their families.

In spite of all the hard work by individuals involved at all levels in the Nation's foster care system, more work is needed to ensure all children have a safe home, are protected from abuse, and have the best opportunities to lead a healthy and productive life.

The Subcommittee on Income Security and Family Support, on which I serve as ranking member, has held numerous hearings in the past year on child welfare issues, reviewing whether foster children are receiving appropriate medical care, are being prescribed the right medications, are receiving the education they deserve, and are being adequately prepared for their life as adults. For some children, the answer to these questions is a "yes," but for too many the answer is "no." Too many children in foster care are behind their peers in terms of their health, education, and job prospects.

So there is still much that we need to do to ensure that all children in foster care receive the care and support they need to overcome these obstacles and thrive as young adults.

For those who cannot safely return home to their own parents, that means creating an environment providing as much love, support, and stability as possible. For some children, that may mean placement with relatives. For others, it involves the generosity and sacrifice of foster parents who step in when biological families don't work out.

In addition to this resolution, as Chairman McDERMOTT noted, he and I are currently working on a bipartisan package of legislation that we intend to have designed to improve the foster care system: Expecting more educational stability and high school completion for foster children, improving health outcomes, keeping siblings together, and extending and improving a current incentive program that rewards States for increasing adoptions. These legislative changes would implement many of the recommendations our subcommittee has heard for improving the lives of children in foster care. But even with these improvements, the tens of thousands of dedicated foster parents and those who support them will continue to remain the backbone of our foster care system. On our Nation's effort to support children who cannot safely live with their own parents, we owe them our thanks and our continued support.

Mr. Speaker, I urge an "aye" vote for this important resolution.

I reserve the balance of my time.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1185.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I rise to join my colleague, Mr. McDERMOTT, and urge the support of H. Res. 1185. Since being elected to public office, I have been in advocate for children in foster care; in part because 8 years ago my wife and I adopted two of our children from foster care.

As a result, we became intimately aware of the status of America's foster care system. This resolution commends the hard work and sacrifice of the thousands of American families who care for foster children. As an adoptive foster parent, I know the joy these children bring. I also know that caring for children who, in some cases, have survived atrocious abuse and neglect can be extremely challenging. Many foster parents open their hearts and homes to children with the trauma and pain of a broken past. Many times these caregivers receive little or no support from the Federal government as they take in our Nation's most vulnerable young people.

Despite record food prices, foster families across America stretch their budgets to feed additional children that they have welcomed into their homes. Despite rising gas prices; foster families do their best to drive children to schools, take them to doctor's appointments, and attend little league games—because they know that's the kind of support these children have never had. They do a great service for America, Mr. Speaker, and deserve to be commended for their efforts.

While we recognize and commend their service, we need to do more to ensure a better future for these children when they leave foster homes. We need to do more to heal the minds and bodies of these children, so that the investment that foster parents have made in their lives is not lost to homelessness, drug addiction, and gang involvement that so many of these children turn to when they are abandoned again as they exit foster care.

The public may not be aware that on the night of their 18th birthday, most states terminate all services for foster children. Parents know that most children in our society are not self-sufficient the day they turn 18. For example: we don't expect our children to afford health coverage when they turn 18. In fact, most parents retain their children under a family policy until age 23. Yet for the 26,000 vulnerable young Americans who age out of the foster care system, we eliminate their healthcare coverage the moment they turn 18. Mr. Speaker, we need to do better. We need to extend healthcare coverage for children in foster care to age 21. The pathway to extend coverage already exists in current law, but only 17 states have implemented this option and I believe it is a moral and societal imperative to make this the standard across our Nation. Without proper healthcare many of these youth end up another sad statistic.

I know my good friend from Washington, Mr. MCDERMOTT, and I see eye-to-eye on this issue. Both he and I have introduced legislation that would make these necessary changes to healthcare coverage for foster children. Mr. Speaker, I urge the rest of my colleagues to support this resolution and to do better for America's foster children.

Mr. PORTER. Mr. Speaker, according to 2006 data, nationally, 799,000 children have spent at least 24 hours in foster care and, on any given day, roughly 510,000 children were in the Nation's foster care system. In Nevada, there are currently 5,450 children receiving foster care, including 3,947 in Clark County.

My district has faced some unique challenges recently. As Southern Nevadans, we recognize the need for a nurturing environment when biological parents abuse or neglect their own children. Foster families graciously open their doors, and offer love and guidance in the most difficult of circumstances. It is critical we honor these unsung heroes.

I would like to thank Chairman MCDERMOTT for introducing this bipartisan legislation honoring the selfless service of foster families recognizing the critical role these individuals play in communities across the nation. In addition, the resolution will mark May as National Foster Care Month. I encourage all of my colleagues to support the generosity of foster parents in their districts and throughout the nation during the month of May.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 1185, recognizing National Foster Care Awareness Month.

Today, more than half a million children nationwide are living in foster care. Like children everywhere, these vulnerable young people need the safety and security of a permanent family. For many children who cannot be reunited with their parents, that means joining a new family through adoption.

Across the country there are families who have adopted children and youth from the foster care system. One of those outstanding persons is my constituent Ms. Ann Carnegie in Atlanta who has dedicated her life to the service of others. She is one of many hard-working Americans determined to make a difference for the next generation.

Ms. Carnegie became a single mother when she adopted three children. She began as a foster parent for Bernard and Latrice. Both had already spent 5 years in foster care and had special needs; Ms. Carnegie knew that if the opportunity presented itself that she would want to adopt them.

Bernard is an intelligent, artistic young man who aspires to work with computer animation one day. Latrice is a French honors student who hopes to become a lawyer. Everyone in this loving family takes time to play cars and dinosaurs with their youngest brother Matty. I have faith that all the children in the Carnegie family will fulfill their dreams one day.

Every year, the Carnegie family celebrates the children's adoptions with a special celebration. There are many important pieces of legislation that we both support that will improve child welfare services and strengthen America's families.

I have the privilege to serve on the Income Security and Family Support Subcommittee under the leadership of my good friend, the Gentleman from Washington, Mr. MCDERMOTT. I know that all of us on the Subcommittee share a commitment to protect and improve the future of those in the child welfare system.

We must do all we can to help children living in foster care join loving families like the Carnegies, and I look forward to supporting reforms this year. Initiatives like the federal Adoption Incentive program encourages states like mine to finalize more adoptions of children from foster care, but there is more that can be done. Children in foster care have waited long enough.

Mr. Speaker, I urge all of my colleagues to support this important resolution today, and to give strong consideration of the many legislative proposals to improve the lives of children in foster care.

Mr. WELLER of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1185.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3035. An act to temporarily extend the programs under the Higher Education Act of 1965.

SENSE OF HOUSE REGARDING FORMER FOSTER CARE YOUTH

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1208) expressing the sense of the House of Representatives that youth who age out of foster care should be given special care and attention.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1208

Whereas 12,000,000 Americans spend time in foster care;

Whereas every year, more than 24,000 youth turn age 18 while in foster care;

Whereas the safekeeping of most youth who age out of foster care is the responsibility of the State governments, which receive Federal funding to assist them in doing so;

Whereas family reunification, kinship care, and adoption are the preferred solutions for children who are placed in foster care;

Whereas Congress created a new Independent Living initiative in 1986, and expanded the program by passing the Chaffee Foster Care Independence Act in 1999 to assist youth who are emancipated while in foster care: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports former foster care youth as they overcome many emotional, physical, and social obstacles in the pursuit of healthy, independent, and fulfilling lives;

(2) recognizes former foster care youth organizations for their dedication to reforming and improving the foster care system;

(3) appreciates individuals, mentors, and social workers who provide assistance to former foster care youth beyond resources available through Federal, State, and local services; and

(4) encourages reviews of Federal and State programs conducted under title IV of the Social Security Act that would improve services to help former foster care youth succeed in their transition to adulthood and independence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 1208.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume. I rise today to ask my colleagues to support H. Res 1208.

This resolution is very simple. It recognizes the many problems that face young people who spend time in foster care, and it thanks the many others who work to ease their transition from foster care to adulthood and independence.

In Georgia, there are thousands of children in foster care. Living in foster care is not a choice. These young people—of all race, ages, and backgrounds—were victims of neglect and abuse. Child welfare services share a common goal of finding safe, stable, and loving homes for these young people. Unfortunately, this dream is not always realized.

I have the privilege to serve on the Ways and Means' Income Security and Family Support Subcommittee chaired by my friend and colleague, Mr. McDERMOTT. Last year, the gentleman from Washington (Mr. McDERMOTT) invited two young people from my congressional district to testify about what it is like to transition from foster care to adulthood.

Anthony Reeves and Sherena Johnson both "aged-out" of Georgia's foster care system. They shared with us how difficult it is to find housing, health care, education, livable wage jobs, security, and stability. At a young age, when most are still relying on financial and emotional support from their parents and family, these young people had no one to fall back on. Mr. Speaker, these are the stories that break your heart.

Today, we honor those like Anthony, Sherena, and Kevin Brown—a recent Clark Atlanta University graduate—who are determined to find their way despite so many obstacles before them. We also pay tribute to the mentors, the volunteers, the parents, organizations, and many others who fill in the gaps in Federal and State coverage to help these young people during the most difficult times.

Most importantly, this resolution sends a message to the half a million young people currently in the foster care system. Congress tells them, "You are not alone. We love you; we support you. You are not forgotten; there is hope. You will survive, and you will succeed."

Thank you, Mr. Speaker. I urge all of my colleagues to support this very simple resolution.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, I rise in support of H. Res. 1208 on foster care youth aging out of care, an important resolution before us today. I join my colleagues in support of the more than 500,000 children who are in foster care today and in support of this resolution. I hope we can craft substantive bipartisan legislation to help address the challenges in our Nation's foster care system.

One of the greatest challenges is helping the more than 24,000 youth who age out of foster care each year. Projected outcomes for too many of these young people are sobering: lower high school graduation rates, higher rates of homelessness, and a higher chance of becoming incarcerated than of other youth of their own age.

In hearings before our subcommittee, the Income Security and Family Support Subcommittee, which I serve as ranking member, we have been privileged to hear from many outstanding young men and women who have personally shared their personal stories of life in our Nation's child welfare system.

For instance, Jamal Nutall, a young man from the congressional district which I represent, has worked as an intern in my office. He testified before our subcommittee about the challenges he faced in foster care and the progress he was making towards completing his college education. More recently, we heard from Misty Stenslie with the Foster Care Alumni Association which represents former foster youth. Listening to these stories and understanding what they tell us reveals how much more needs to be done to help those who spend the longest time in foster care, including the thousands who age out of the system each year.

A good place to start would be to ensure that every young person in foster care completes at least their high school diploma. Last year, I introduced House Resolution 733, which recognizes the importance of improving the high school graduation rate of foster youth. I thank the gentleman from Georgia (Mr. LEWIS) for being one of the bipartisan cosponsors of this legislation. We can and should make improving the educational outcomes of foster youth a key test in measuring any legislation designed to help foster children.

Congress is not alone in recognizing the importance of high school graduation for today's youth. America's Promise Alliance, an organization founded by former Secretary of State and General Colin Powell and his wife, has launched a dropout prevention campaign to combat the Nation's high school dropout crisis. The Alliance noted alarming statistics in an April 2008 report. Nearly one in three U.S. high school students drops out before graduating. Approximately 1.2 million students drop out each year, and about 7,000 students drop out each and every day.

To improve the high school graduation rate of foster youth, increased coordination between child welfare and educational agencies is necessary. New foster family placements should not necessarily mean a new school, and foster children should have to be able to remain in a single school in their own community so they can build lasting relationships with friends, teachers, and mentors.

All these steps can and should contribute to raising graduation rates and increasing chances of future success for foster children, especially those who age out of the system.

I urge all Members to join me in supporting this important resolution today. But we should also commit ourselves to producing bipartisan legislation to improve the Nation's foster care and child welfare programs and improving the high school graduation rates and other educational outcomes for children in foster care. Without that simple step, too many will continue to face a desperate future. We owe them far better.

Mr. Speaker, I urge an "aye" vote.

I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I now recognize the gentleman from Washington (Mr. McDERMOTT), the chairman of the subcommittee, for such time as he may consume.

Mr. McDERMOTT. Mr. Speaker, I am proud to join with my colleague and friend JOHN LEWIS in fighting to do what is right for America's foster kids.

Every year, an estimated 24,000 foster kids reach their 18th birthday. Instead of a celebration, they hit a dead end. Try and remember what it was like when you were 18 years old. As it stands today for foster kids, the support system simply stops for those kids on the day at a point when they are not quite ready for everything they are going to face in the world. No place to live, no money for food, no money to go on for education, no place to live while they finish high school. All of those things are what face our youngsters in foster care today when they hit 18 in many States in this country.

Many of these children do not have access to critical support services like health care. If they are on medication, it ends that day.

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They don't get the Medicaid, they don't get the coverage after that. There is no transition for these young people at all. Many are not connected to an adult who can serve as a mentor or someone who can be someone to get advice from when they go on. The system simply discards them. Not surprisingly, trouble can be the end result. Far too many become disconnected from the educational system and the labor force and become much of the homeless that we see on the streets of our city. Many of them wind up in our jails.

When the State removes a child from their biological parents because of abuse or neglect and places that child in foster care, we become the foster parents. Now, most of us did not have parents who threw us out on our own on the day we were 18. In fact, the whole boomerang idea of going back to your parents when you've been through college is very common in this country. We continue to have contact with our children when they're gone, after they're 18. Eighteen is not some magic date. And I believe a child in foster care deserves no less than anyone else's children. So we have some work to do to deliver on that promise, and we can take a big step by approving this bill.

Like many other young people, foster kids need the guidance and support of a caring adult that will last a lifetime. It's our job to make that happen. One way is to transition a child out of the system. We should make sure that when a child leaves foster care, they have a connection with someone, perhaps a lost sibling or some other relative that can be a source of love and support for them. Nurturing doesn't stop at 18, and if it continues, the odds for that foster kid doing well rise dramatically.

We should also provide a significant support system for these children after they become 18. The Chafee Foster Care Independence Program was partly designed to fill this need. But additional supports are needed to provide these young people with skills and resources they need to become successful adults. It's time for Congress to follow suit and ensure that when a child leaves foster care they have an opportunity to prosper as an adult.

I thank Congressman LEWIS for offering this important resolution, and urge my colleagues to support it and to work with us to strengthen our Nation's foster care system, so that young people who age out of the system are not thrown out of it but instead have the same opportunities that other kids have.

Mr. WELLER of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time. I urge bipartisan support.

Mr. LEWIS of Georgia. Mr. Speaker, I have no additional speakers. I urge all my colleagues to support this resolution. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1208.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING PRISONERS OF WAR FROM THE VIETNAM CONFLICT

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 986) recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 986

Whereas recent world events have brought Americans closer together, while reinvigorating our patriotism, reminding us of our precious liberties and freedoms, and giving us a greater appreciation for the men and women of the United States Armed Forces who defend our homeland every day;

Whereas the honor and valor of past and present members of the United States Armed Forces inspire many young people to serve their country;

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the Vietnam conflict resulted in more than 700 American military personnel being taken prisoner by enemy forces;

Whereas American military personnel who were taken prisoner were held in numerous prisoner of war facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, Vietnam, which was dubbed by prisoners held there as the "Hanoi Hilton";

Whereas on January 23, 1973, the United States and North Vietnam jointly announced the terms of a cease-fire agreement, which included the release of prisoners of war;

Whereas the return of the American prisoners of war to the United States and to their families and comrades was designated Operation Homecoming;

Whereas on January 27, 1973, the first group of American prisoners of war were released at airfields near Hanoi and Loc Ninh, and the last Operation Homecoming repatriation took place on April 1, 1973;

Whereas many American military personnel who were taken prisoner as a result of combat in Southeast Asia have not returned to their loved ones and their fate remains unknown;

Whereas American military personnel who were prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention and outside information, and were frequently isolated from each other and prohibited from communicating with one another;

Whereas the prisoners, at great personal risk, nevertheless devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas the prisoners held in the Hanoi Hilton included then-Major Samuel R. Johnson, United States Air Force, now a member of Congress from the 3rd Congressional District of Texas, who was shot down on April 16, 1966, while flying his 25th mission over North Vietnam;

Whereas Samuel R. Johnson spent more than half of his time as a prisoner in solitary confinement, and conducted himself with such valor as to be labeled by the enemy as a die-hard resister, and, notwithstanding the tremendous suffering inflicted upon him, demonstrated an unfailing devotion to duty, honor, and country;

Whereas during Samuel R. Johnson's military career, he was awarded 2 Silver Stars, 3 Legions of Merit, the Distinguished Flying Cross, a Bronze Star with "V" device for valor, 2 Purple Hearts, 4 Air Medals, and 5 Outstanding Unit awards;

Whereas Samuel R. Johnson retired from active duty in 1979 in the grade of colonel, and personifies the verse in Isaiah 40:31, "They shall mount with wings as eagles";

Whereas the American military personnel who were prisoners of war during the Vietnam conflict truly represent the best of America;

Whereas the 35th anniversary of Operation Homecoming begins on February 12, 2008, and ends on April 1, 2008;

Whereas the world acknowledges that the words inscribed by an American prisoner of war in a Hanoi Hilton cell, "Freedom has a taste to those who fight and die for it that the protected will never know", are bitterly true and eternally appreciated; and

Whereas the Nation owes a debt of gratitude to these patriots and their families for their courage, heroism, and exemplary service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest gratitude for, and calls upon all Americans to reflect upon and to show their gratitude for, the courage and sacrifice of the brave members of the United States Armed Forces, including Samuel R. Johnson of Texas, who were held as prisoners of war during the Vietnam conflict;

(2) urges States and localities to honor the courage and sacrifice of those prisoners of war with appropriate ceremonies and activities;

(3) acting on behalf of all Americans, will not forget the 1,729 members of the United States Armed Forces and the 34 United States citizens who remain unaccounted for from the Vietnam conflict and will continue to press for a full accounting of all of these members; and

(4) honors all of the members of the United States Armed Forces who have fought and died in the defense of freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. HUNTER) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I might consume

I rise today to urge my colleagues to support House Resolution 986 which recognizes members of the Armed Forces who were held as prisoners of war during the Vietnam conflict, and calls for a full accounting of the 1,729 members who still remain unaccounted for from that conflict.

"Never leave a comrade behind" is the motto of our Armed Forces. However, one of the regrettable results of war is the possibility of being forced to leave behind missing personnel or prisoners of war.

At the conclusion of the Vietnam War, 2,646 members of the Armed Forces were considered prisoners of war or were declared missing in action. While many servicemembers were returned, 1,729 of our soldiers, airmen, sailors and marines remain unaccounted for to this very day.

During the course of the Vietnam War, as many as 700 American military personnel were held by the enemy. One of the infamous prison facilities in Vietnam was referred to as the "Hanoi Hilton." Located in downtown Hanoi, the prison held American servicemembers including then Lieutenant Commander JOHN MCCAIN, now Senator MCCAIN, and another of our esteemed colleagues, former Major SAMUEL R. JOHNSON. SAM JOHNSON was shot down April 16, 1966, as he flew his 25th Air Force mission over Vietnam.

Bravery and passion filled the hearts of our servicemembers in Vietnam who willingly gave their life and liberty to protect the rights that Americans hold dear. We honor the sacrifice of those who gave their lives in defense of our Nation, and to those who were prisoners of war as they epitomize the very best of America.

For nearly 7 years, Mr. JOHNSON and 700 servicemembers endured beatings, torture tactics, starvation, denial of medical attention and denial of contact to the outside world. January 27, 1973, marked the beginning of Operation Homecoming, the mission to end the brutal mistreatment of American troops following the cease-fire agreement between the United States and North Vietnam. Operation Homecoming concluded on April 1, 1973, when the last of 591 prisoners of war were released. However, it is clear that much work remains to be done in finding the 1,729 troops who did not return home.

Since 1985, the Vietnamese Government has been working with the United States to help return our servicemembers back to their families, and we appreciate their efforts, and ask them to renew their efforts to help us bring these Americans home.

On behalf of the American people, our deep appreciation and heartfelt thanks go to the prisoners of war from Vietnam and other conflicts and to their families.

I urge my colleagues to join in support of this resolution.

I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I join the gentlelady from San Diego, my seat mate, Mrs. DAVIS, in this resolution.

Mr. Speaker, the Bible tells us, greater love hath no man than he who lays down his life for a friend. Close behind are those who have served America in war, been captured, been held for long periods of time incommunicado sometimes, from their own colleagues in the particular prison or internment camp, and certainly from their loved ones back in the United States. Those who have to endure in this case, as our POWs did in Vietnam, beatings, brutality, harsh interrogations; and yet those Americans have, in most cases, come out of that furnace of incarceration strengthened.

Indeed, as the gentlelady has mentioned, Pete Peterson, JOHN MCCAIN and our own SAM JOHNSON, who serves with us today, are examples of Americans who endured great difficulty and great hardship, and yet were strengthened and were inspired and had a certain energy that propelled them into this body, and in other cases into the other body, into the U.S. Senate, and they became national leaders.

Mr. Speaker, James Michener wrote in his book, The Bridges at Toko-Ri, when the subject of that book, the hero, the guy who had flown off to hit those bridges again and again didn't return because he'd been shot down, in the book, the commander of that aircraft carrier walks out on the deck after it's clear that this pilot's not going to return, and he reflects and asks himself the question, where does America get such men? People who will join the military, who will get into these high performance aircraft, in the case of a Navy pilot, fly off a carrier, which is a little postage stamp floating at sea, go through enemy air defenses and in a very dangerous situation, hit the target and then try to find that small floating postage stamp once again to recover.

And of course the counterparts to those Navy pilots are Air Force pilots and Marine pilots who fly off that tarmac, and, in the case of North Vietnam, encountered new technology, Russian-made surface-to-air missiles which were extremely deadly, and knowing that if they didn't get back out to the ocean, where they could at least, if their plane was hit, where they could at least parachute into the ocean, they had a high likelihood of being captured. And again and again and again they got into those aircraft and undertook those missions.

SAM JOHNSON was one of those guys and was shot down on his 25th mission. As the gentlelady said, he earned in his service to our Nation two Silver Stars, three Legions of Merit, the Purple Heart, the Bronze Star with the V device. But he earned something more than that, and that's the gratitude of every American, certainly every Member of this body, and in a way he's very symbolic of this incredible group of heroes known as the American POWs from Vietnam, because he's a lot like a lot of the others that I've met, Mr. Speaker, and I know you've met a lot of them too. Self-effacing, modest, great character, and continuing to serve this country.

So I think it's absolutely appropriate that on this 35th anniversary of Operation Homecoming that we honor everyone who served as an American prisoner of war, and especially honor the one who serves today in the House of Representatives, Mr. SAM JOHNSON.

I would reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUNTER. I would yield to the Republican leader, Mr. BOEHNER, the gentleman from Ohio, as much time as he might consume.

Mr. BOEHNER. Mr. Speaker, I'm proud to have introduced this legislation which marks the 35th anniversary of Operation Homecoming, and honors all Americans held prisoner of war in Vietnam.

On February 12, 1973, the first wave of the longest held POWs from Vietnam left Hanoi for their first taste of freedom, dubbed Operation Homecoming. Our colleague and my friend SAM JOHNSON was one of the men who flew out of Hanoi after nearly 7 years in captivity.

For me and any other American watching, Sam's return, and the return of all those heroes serving in Vietnam, was a bittersweet moment. Yet it was a moment that we must never forget because of what they did to defend the cause of freedom.

☐ 1130

This resolution is just one more way for Congress and for our Nation to thank those who were held prisoner of war in Vietnam. And on a personal note, it gives me a chance to thank Sam, once again, for his service and his friendship.

Mr. Speaker, America owes our Vietnam POWs and all of those who serve a debt of gratitude, and it is only fitting that Congress today should recognize their heroic sacrifices today and every day.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I strongly support this measure on the floor today because it's all about priorities. And what that means for me is I need to remember on a daily basis that if it weren't for all of the men and women who served in the United States military through the years, I wouldn't be able to go around bragging, as I often do, about how we live in the freest and most open democracy on earth.

Freedom isn't free. We have paid a tremendous price for it. And I try not to let even a single day pass by without remembering with deepest gratitude all of those who, like my own brother, Bill, made the supreme sacrifice in Vietnam. And I need to remember people like my friend and colleague, SAM JOHNSON, who went to a far-off place, put his life on the line for us, endured torture on behalf of all citizens of the United States of America, but thankfully came back home and rendered outstanding service to his community and to his country.

These are the things that I'm most grateful for today. I am proud and honored to look across the Chamber into the eyes of my friend, SAM JOHNSON, and to assure him that he is one of the reasons why, when I get up in the morning, the first two things I do are to thank God for my life, and veterans for my way of life.

Mr. HUNTER. Mr. Speaker, I would like to yield 2 minutes to the Republican whip, Mr. BLUNT, the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, for his work to bring this bill to the floor, and for the moments the entire House is taking to recognize those who have sacrificed for us and the homecoming 35 years ago of our good friend, SAM JOHNSON, and others. Those who have served in this way have served with particular challenges to their courage and have seen their faith and their families' challenged as well.

Recently in another ceremony in this building reflecting on the Holocaust, the speaker at that ceremony, the White House chief of staff, mentioned his father, a prisoner in another war, World War II, who all the time he was in a prison camp in Germany refused to take off the dog tag symbol that identified him as a Jew.

We all know that story of our colleague in the Senate who saw the guard draw a symbol of a cross on the ground as he had released him from the particular painful way he had been bound to be left overnight and then quickly erased that symbol of his faith.

We've read, many of us, our friend SAM's story about not only his challenge and his strength and faith, but also how his own family didn't know for months and months whether he was alive or dead, and that was a story that was all too frequent among our heroes who served us and served in this capacity. They kept the faith, they honored their country.

The stories go on and on and on about the flag that was found and destroyed and the man who had pieced that flag together in a Vietnamese prison camp was brutally beaten, and as soon as he could regain enough strength and consciousness, he began to get little pieces of cloth and put a flag back together again. That kind of service, that kind of honor, that kind of courage, that kind of patriotism is what we recognize today; and particularly those of us who serve with SAM JOHNSON get to recognize it every day as we see him come courageously to the floor serving his country again.

Mrs. DAVIS of California. Mr. Speaker, at this time I have no further requests for time. I am prepared to close after my colleague has yielded back his time.

I continue to reserve the balance of my time.

Mr. HUNTER. I would like to yield to the gentleman from Virginia (Mr. WITTMAN) 2 minutes.

Mr. WITTMAN. Mr. Speaker, I would like to rise in strong support of this resolution recognizing the courage and sacrifice of American military personnel held prisoner during the Vietnam conflict, and I would like to thank those folks for their extraordinary bravery, their valor, and their commitment to our Nation. We will be eternally grateful for their sacrifice.

I would also like to highlight the courage and the sacrifice of our own Representative SAM JOHNSON of Texas who was a prisoner of war in North Vietnam for 7 years. In the midst of our Nation's war against global terrorism, it's especially fitting that we now take the time to remember and honor our prisoners of war from the Vietnam conflict.

Not all of those who were captured returned to freedom in what was called Operation Homecoming some 35 years ago. Those events, watched by millions of Americans, helped focus the Nation on the ordeal endured by those proud warriors, the prisoners of war, who were routinely subject to brutal mistreatment including beatings, torture, starvation, and the denial of medical attention and outside information. Since the return of these Vietnam-era prisoners of war, America has learned much more about how remarkably special, smart, and strong these men were.

The stories of their courage, heroism, endurance, and exemplary service inspires us all, and we must never forget their sacrifices.

One of those remarkable heroes who came home 35 years ago is our own SAM JOHNSON of Texas. Shot down in 1966, he was a prisoner of war for 7 years. Labeled by the enemy as a die-hard resister, he suffered tremendously and spent more than half his time in solitary confinement. That same indomitable spirit and commitment to serve our Nation continues today where he is an inspiration to all of us.

Mr. Speaker, it is only right that we take time to honor men like SAM JOHNSON and the other prisoners of war from the Vietnam conflict, and I urge all Americans to do so, not forgetting that more than 1,700 American military personnel remain unaccounted for today.

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I would like now to recognize the ranking member of the Veterans' Affairs committee, Mr. BUYER, for 2 minutes.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding, the ranking member. Thank you for bringing this today to the floor.

As all of us get to know SAM, and we see him daily, SAM's voice gives meaning to many who were held as prisoner and allows us to have a deeper appreciation of what it means to lose your liberty. And what SAM JOHNSON has been able to teach all of us is that someone may take away your freedom, someone may beat you and torture you, but they can never touch your character. And what SAM teaches us daily is it is about the power of the individual, and it comes from your character and it comes from who you are morally and spiritually as a person. It is about who you are with your values and your virtues that defines human dignity. When you define that and you're comfortable about yourself, it doesn't matter what someone ever does to you.

When you think about and you read the book on SAM JOHNSON's life, you have a much deeper understanding of what this man went through, but he was able to endure because he was comfortable with who he was as a person.

Now, what SAM does, and he is so humble, is that he then takes that and teaches all of us not only about what they went through, but how each of us, as Americans, should rise to understand each other with greater dignity.

With that, SAM, I think this is so fitting that we honor you today. I know that you feel uncomfortable about doing that. But you are able to give great voice to a lot of your comrades, many who also never came home. And it is not just for those from the Vietnam war; when you speak, you give voice to anyone who was a prisoner of war.

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve.

Mr. HUNTER. Thank you, Mr. BUYER, for your very eloquent statement.

Mr. Speaker, at this point we have one speaker remaining, and that's the man from Texas who stiffens our spine, who gives us resolution when we start to lose our resolve in this House of Representatives, who reminds us that freedom isn't free and that we achieve peace through strength.

I would like to yield the balance of our time to SAM JOHNSON, the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to thank Republican Leader BOEHNER for his efforts to recognize the prisoners of war in Vietnam and those of us who are marking 35 years of freedom.

As a former prisoner of war for nearly 7 years, more than half of that time in solitary confinement, I find great comfort that Americans support our troops 110 percent. Trust me when I say it makes a tremendous difference to return to your country with a warm welcome and homecoming party versus people spitting on you or worse. Thankfully, America does not have hundreds of men and women held captive as prisoners of war like Vietnam. For this, I can only say, "Praise the Lord."

You know, celebrating a milestone of liberty like 35 years of freedom really puts life in perspective. I have thought about what my battered body felt like before the years of endless torture and extreme starvation, and I thank my loyal wife and family for sticking by me when I was gone.

I also recall the high-caliber Americans held captive with me in Vietnam. By Christmas 1970, my captors ended my solitary confinement after 3½ years and placed me in a huge room full of American heroes, the Hanoi Hilton, now known as the "Incredible Room Seven." The roster of Room Seven included 47 great Americans who spent a combined 108,116 days in captivity. That translates into just under 300 man hours gone. As for me, I spent just under 2,500 days as a POW, and you can Google "Incredible Room Seven" to learn about the amazing list of war heroes I have the honor of calling friends, one of whom is JOHN MCCAIN.

While held in captivity, most of us agreed that when, not if, we returned home to America, we would quit complaining about the government and do something about it. Some of us ran for office. I served in the Texas State House and now in the U.S. Congress. Jeremiah Denton, who blinked the letters "t-o-r-t-u-r-e" in Morse code while reading a prepared message from the enemy into a video camera, became a U.S. Senator from Alabama. JOHN MCCAIN served in the House and then in the Senate. Clearly, the thread of public service in Room Seven extended well beyond the military code of conduct.

I mention my 7 years in captivity for another reason as well. Today, for just about the last 7 years, our troops and their families have put their lives on the line, and many times on hold, to defend the freedom of this great Nation. The Nation has troops waging two different battles in two separate remote parts of the world, and our servicemen and women continue to stand up and be counted. Our troops have done an exceptional job. We all hope and pray they come home soon and safely when the time is right.

I would like to close today by dedicating this statement to a dear friend of mine who did not make it home from captivity, Ron Storz. The enemy held me in solitary confinement in a place we POWs named Alcatraz. There were 11 of us held alone in small 3-foot by 8-foot cells, each one adjacent to another. Being the ingenious American servicemen we were, we could communicate with our fellow POWs by tapping on the walls.

Of the 11 of us held in solitary cells, only 10 made it home. The North Vietnamese killed my friend Ron Storz, an Air Force captain, after he rebelled and went on a hunger strike to protest our harsh conditions. Ron Storz carried the banner of valor and heroism. This resolution includes him, too, and it includes all Americans.

All I want to say is God bless America, and today I salute all ex-POWs. Thank you for bringing this measure to the floor. I salute you.

☐ 1145

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUNTER. We have no more speakers and would yield back the balance of our time.

Mrs. DAVIS of California. Mr. Speaker, I would like to say what an honor it is for me to serve with a great American, Mr. SAM JOHNSON, here in the House, and I thank God, as my colleagues do as well, that he is here to share with us his extraordinary experiences and to remind us of individuals like himself who serve this country with such honor and valor.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to offer my wholehearted support of honoring members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and to ask for a full accounting of those great Americans still listed as missing in action.

The hardship bestowed upon our men and women in the Vietnam war prison camps is well documented. I have two dear friends who spent years as prisoners of war in Vietnam. One is a constituent of mine named Digger O'Dell who spent more than 5 years as a prisoner of war in Vietnam. The other, my colleague in the House, Congressman SAM JOHNSON.

Their bravery, their commitment to our nation and their desire to fight for the freedom of every individual is unquestionable. I rise today in tribute to the service and sacrifice of Digger O'Dell, SAM JOHNSON, and that of their fellow POWs whose bravery under incredible circumstances did great honor to America.

Additionally, we can never forget the 1,729 members of our Armed Forces that remain unaccounted for from this conflict. This is unacceptable to me. This number represents families, loved ones, and comrades who have been left wondering about their fate for the past 30 plus years.

Those families that still await word of the fate of their loved ones deserve the sense of closure this information would bring. I feel that it is our duty as Members of Congress to at the very least work to provide them the opportunity for that closure.

My district is home to thousands of veterans of the Vietnam war and my husband is a member of one of the largest chapter of Vietnam Vets in the Nation. Each time I see a veteran of that conflict I say "Welcome Home" because too many were not welcomed properly when they returned from Vietnam.

That "Welcome Home" means even more to those who spent time in captivity and endured unspeakable abuses because upon their release they returned to the loving embrace of family and friends. And they did so with their honor intact and love of country strengthened.

For those who never returned and whose fate is unknown, we must never stop in our effort to leave no one behind.

I urge you as my friends and colleagues to join me in honoring the courage and sacrifice of all those members of our Armed Services who valiantly served our great Nation in Vietnam. And to every Vietnam Veteran—Welcome Home.

Mrs. DAVIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 986, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING WOMEN IN THE ARMED FORCES AND FEMALE VETERANS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1054) honoring the service and achievements of women in the Armed Forces and female veterans, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1054

Whereas women have historically been an important part of all United States war efforts, voluntarily serving in every military conflict in United States history since the Revolutionary War;

Whereas 34,000 women served in World War I, 400,000 served in World War II, 120,000 served in the Korean War, over 7,000 served in the Vietnam War, and more than 41,000 served in the first Gulf War;

Whereas more than 185,000 women have been deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom, and other missions since 2001;

Whereas over 350 service women have given their lives for our Nation in combat zones since World War I, and more than 85 have been held as prisoners of war;

Whereas over 350,000 women serving in the Armed Forces make up approximately 15 percent of active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard;

Whereas women are now playing an increasingly important role in America's military forces; and

Whereas the women of America's military, past and present, have served their nation in times of peace and war, at great personal sacrifice for both themselves and their families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the service and achievements of current and former female members of the Armed Forces;

(2) encourages all people in the United States to recognize the service and achievements of women in the military and female veterans on Memorial Day;

(3) encourages all people in the United States to learn about the history of service and achievements of women in the military; and

(4) supports groups that raise awareness about the service and achievements of women in the military and female veterans through exhibitions, museums, statues, and other programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. Davis) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Every time I visit military installations, at home and abroad, I'm constantly impressed by the tremendous job our servicemembers are doing, and I'm particularly impressed by our brave servicewomen, whom I seek out at every chance.

Over 350,000 American women are currently serving in our Armed Forces, following in the footsteps of women who have voluntarily served in every military conflict in United States history since the Revolutionary War.

During the revolution, women served on the front lines as nurses, water bearers and even saboteurs. For years, women had to disguise themselves as men in order to enlist in our military. Although the Army and Navy Nurse Corps were established in the early 1900s, it was not until the Women's Armed Services Integration Act of 1948 that women were granted permanent status in the regular and Reserve Armed Forces.

As Memorial Day approaches, we should recognize that our servicewomen play an increasingly important role in America's military forces. Women serving in the Armed Forces make up approximately 15 percent of active duty personnel, 15 percent of Reserves and 17 percent of the National Guard.

Women are flying helicopters and fighter aircraft. They are saving lives as nurses and doctors, and they are driving support vehicles and policing perimeters.

Servicewomen are also receiving recognition of their service, including awards for valor. Most recently, Private First Class Monica Lin Brown became only the second woman since World War II to receive the Silver Star, our Nation's third highest medal for valor, for her service in Afghanistan. The first woman since World War II to receive this honor was Sergeant Leigh Ann Hester, who received the Silver Star in 2005 for her service in Iraq.

When I visit installations, I am so grateful for the response and insight I receive from women in the Armed Forces. They are adamant they do not want to be treated differently; yet they would like us to understand and recognize the additional burdens that are inherent in the many roles they play as wives, as mothers and caretakers.

Later this week, the Congressional Caucus for Women's Issues will host its annual ceremony at the Arlington National Cemetery to honor our Nation's servicewomen and women veterans and to remember women who have died while on duty serving the United States.

As Chair of the House Armed Services Subcommittee on Military Personnel and co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I'm privileged to honor the legacy of servicewomen in the past, the courage with which women serve today, and the enthusiasm inherent in the young women who dream of serving this great Nation in the future.

Part of honoring them is asking the tough questions about the expanding roles our servicewomen are taking on and excelling in. We hear from women in the military in person and through the media about their contributions in combat zones and their willingness to risk their lives in defense of their fellow servicemembers, our country and our families. These are issues we should recognize and address. They deserve nothing less.

We should never fail to remember the sacrifices our servicewomen and their families make to keep our families safe.

This resolution honors the service and achievements of women in the military and women veterans and encourages all people in the United States to do the same and to learn more about these wonderful accomplishments.

Mr. Speaker, thank you for the opportunity to have offered this resolution. I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of House Resolution 1054, which honors the service and achievements of women in the Armed Forces and female veterans.

Mr. Speaker, throughout this great Nation's history, women have answered the call without hesitation to defend our democracy and freedom. Since the early days when we fought to gain our independence, women have served with distinction in every one of our Nation's conflicts. Before women were formally allowed to serve in our military, they served on battlefields as nurses, water bearers, cooks and saboteurs.

Frustrated by the gender restrictions of the day but fueled by ardent patriotism, many women found more unorthodox ways to serve. Often disguising themselves as young men, they joined the military and fought steadfastly alongside their brothers in arms.

Mr. Speaker, since 1901 when the Army Nurse Corps was established, formally granting women rank and military status, hundreds of thousands of women have served with honor in the Armed Forces. They have never shrunk from the tough jobs or hesitated to go in harm's way: 34,000 women served in World War I; 400,000 in World War II; 120,000 in Korea; 7,000 in Vietnam; and over 41,000 served in the first Gulf War.

Today, Mr. Speaker, over 350,000 women are serving in our Armed Forces. Over 190,000 have been deployed to Iraq and Afghanistan to help rid the world of tyranny and terrorism. They serve on land, at sea and in the air, doing dangerous jobs such as pilots, military police and convoy truck drivers.

Mr. Speaker, these women, just like the men in our Armed Forces, are volunteers. They have always been volunteers. They have chosen to serve, chosen to make the sacrifices that are inherent in military service. They endure long hours, long separations from their loved ones and the hardships and horrors of combat. And as so many who have served before them, these women have been wounded, imprisoned and have paid the ultimate price for their devotion and duty to this great country.

It is without question that our military forces are unsurpassed. It is also undeniable that women have played a significant role in developing the extraordinarily capable military we are so proud of today. Military women have been pioneers in computer science, space and undersea exploration and medicine. Through their accomplishments America has made great strides in technology, mathematics and engineering.

Mr. Speaker, I would like to thank the gentlelady from California for introducing this resolution to honor America's extraordinary military women and veterans. I join her and all of my colleagues to celebrate the courageous women of our Armed Forces who serve today and who have served in the past. Their indomitable spirit and powerful sense of patriotism guarantee our freedom now and for generations to come.

I, therefore, strongly urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentlelady from New Hampshire (Ms. SHEA-PORTER), a thoughtful member of the Committee on Armed Services and the Subcommittee on Military Personnel.

Ms. SHEA-PORTER. I would like to thank the sponsor of this important resolution, the gentlewoman from California, SUSAN DAVIS. Congresswoman DAVIS is the Chair of the Military Personnel Subcommittee, and it is my great honor to serve with her.

As we prepare to honor our military and our fallen on Memorial Day, it is appropriate to honor the women who have served, also. Almost 800,000 have served since World War I, and together, women make up almost 15 percent of our active military and 17 percent of our National Guard Reserve forces.

Sadly, many of the women who earned medals and served this country never collect those medals. They served quietly and they left quietly, too humble to tell their tale and too humble to ask for their medals.

In New Hampshire, I recently had the great pleasure to present medals to Hazel Jones, 50 years after she had earned them in World War II. The Dover resident enlisted in the Army in 1944, completed her basic training, and went on to serve her country for the next 17 months, transporting troops and the mail and protecting our national security.

I was really proud to present Hazel with her medals, and I am proud today to honor the hundreds of thousands of other women who have nobly served our beloved country.

While women may not make up the majority of our Armed Forces, they stand and work side by side with the men, and they are critical to our mission. As we celebrate Memorial Day, it is fitting that we take this moment to celebrate their service.

I urge my colleagues to support this resolution.

Mr. FILNER. Mr. Speaker, I am pleased, as a cosponsor of H. Res. 1054, to recognize the service and achievements of the women in the Armed Forces and the nation's women veterans. I thank my San Diego colleague, Congresswoman SUSAN DAVIS, for introducing this important resolution.

These women have been the unsung heroes of every war since the Revolutionary War. So, as we approach Memorial Day, it is fitting that we sing their praises. They are playing an increasingly prominent and important role in our nation's military forces. 350,000 are now serving, making up 15 percent of active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard. More than 185,000 have been deployed since 2001.

Women veterans are second only to elderly veterans as the fastest growing segment of the veteran population. 255,000 women use VA health services today. There are 1.7 million women veterans, 7 percent of the total veteran population—expected to be 10 percent by 2020.

As Chairman of the House Veterans' Affairs Committee, I want to report that Congress has responded to the challenge of meeting the needs of women veterans. Today, there exist within the Department of Veterans Affairs, two main offices specifically focused on addressing the needs of women veterans, put into place by Congress.

The 102nd Congress passed landmark legislation (P.L. 102–484) which authorized VA to provide gender-specific health care at VA medical facilities. The position of Director of Women's Health was also created by this law. This position has recently been elevated to the Chief Consultant on Women Veterans' Health, Strategic Health Care Group, reporting to the Undersecretary for Health (of the Veterans Health Administration). At each medical center, a Women Veterans Program Manager is ready to assist women veterans with their health care.

More recently, Congress passed P.L. 108–422 to extend VA's authority to offer Military Sexual Trauma Counseling and Treatment to active duty service members.

In addition, The Center for Women Veterans was established by the 103rd Congress in P.L. 103–446 to oversee the Department's programs for women veterans. The Center Director reports to and is an advisor to the VA Secretary on matters related to policies, legislation, programs, issues and initiatives affecting women veterans. To name a few of its activities:

Perform outreach to minority women veterans, homeless women veterans with children, elderly women veterans, and women veterans living in rural areas.

Monitor transition assistance program (TAP) briefings to ensure that the gender-specific information about benefits and services is provided to women service members.

Monitor VA Office of Research and Development to ensure that VA research includes the issues of women veterans.

Their goal is to identify any programs that are unresponsive or insensitive to women veterans and to address their deficiencies. The center is concerned with Department-wide legislative policies, within the VHA and VBA (Veterans Benefits Administration) and NCA (National Cemetery Administration), as well as the State offices.

The center is holding the 4th National Summit on Women Veterans' Issues on June 20–22 in Washington, DC.

H.R. 4107, the Women's Veterans Health Care Improvements Act, has been introduced by my colleague serving on the VA Committee, STEPHANIE HERSETH SANDLIN. This is one of a number of ways that we are currently working on behalf of women veterans.

The House VA Committee continues to provide oversight to ensure that the laws we have passed are doing the job and that women veterans are receiving the information, benefits and care they deserve.

In the light of these actions by Congress, it is my hope that all women veterans will receive the care and benefits they have earned through their service and accomplishments that we recognize here today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support this legislation that honors the sacrifice and courage of women in our armed forces. I would like to thank my fellow Women's Caucus member and the gentle lady from California, Congresswoman SUSAN DAVIS for introducing this legislation.

This legislation could not be more timely. Last week we failed to pass the Iraq/Afghanistan Supplemental Appropriations bill. This failure was not due to our feelings for our men and women in the armed forces but goes to the heart of where we stand with this ill-begotten war.

No matter how we voted last week, I believe that all of us, on both sides of the aisle, strongly support our men and women who are in harm's way. At this point I truly believe that only diplomacy and global cooperation can ease the tensions in Iraq and Afghanistan.

This resolution brings us back to focusing on the actual men and women in our armed forces. This is right where the focus should be.

With over 185,000 women having been deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom, and other missions since 2001 and nearly 350,000 women serving in the Armed Forces make up almost 15 percent of active duty personnel and over 17 percent of the National Guard reserve forces—it is time we celebrate what women are doing in the armed forces.

Women have been aiding the U.S. war effort for years. With 34,000 women serving in World War 1, 400,000 serving in World War II, 120,000 serving in the Korean War, and well over 7,000 served in the Vietnam War—women were clearly serving in our Nation's military well before our current missions.

I chose to celebrate one of our heroic daughters of Texas, Specialist Monica L. Brown of the United States Army with House Concurrent Resolution 320 for her efforts earlier this year.

Spec. Brown was the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the Nation's third-highest medal for valor. This solider from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees.

When Spec. Brown saw her fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

The Pentagon's official policy is to prohibit women from serving in front-line combat roles in the infantry, armor or artillery, but the nature of the wars in Afghanistan and Iraq, with no real front lines, has seen women soldiers take part in close-quarters combat more than previous conflicts.

According to the Army four Army nurses in World War II were the first women to receive the Silver Star, though three nurses serving in World War I were awarded the medal posthumously in 2007. Sgt. Leigh Ann Hester, of

Nashville, Tenn., was the first to receive the Silver Star in 2005 along with two fellow male soldiers for her gallantry during an insurgent ambush on a convoy in Iraq.

The Army has stated that Spec. Brown's "bravery, unselfish actions and medical aid rendered under fire saved the lives of her comrades and represents the finest traditions of heroism in combat."

This legislation is not about condoning the wars in Afghanistan or in Iraq. This legislation is about us supporting and honoring our troops.

It is about this Nation's children fighting for the rights of all of us in places we do not dare to go, under environments we cannot fully appreciate from this comfortable position.

Spec. Brown reminds us that our youth are fighting in this war, our mothers and daughters are fighting in this war, and they deserve to be recognized for their achievements.

However, we not only recognize the sacrifice and courage of Spec. Brown, or even just the brave acts of her fellow soldiers, marines, and airmen. We must also recognize the families of our military. Spec. Brown's grandmother said she was the proudest grandmother in all of Lake Jackson, Texas, when she learned of her granddaughter's heroism.

We should all be as proud of our young men and women as Spec. Brown's grandmother. In being proud of them, we are not condoning the Administration, we are recognizing their efforts and their belief in what they have been tasked to do.

We sit in these chambers and discuss the idea of war, and the economic costs to the Nation. However, our men and women in Afghanistan and Iraq are dealing with the realities of war every day. Their families are also dealing with it every day, as they have to move forward without their loved ones.

I am proud of Specialist Monica L. Brown, Texas is proud of Monica L. Brown, and this country should be proud of all the Specialist Brown's and all the women like her who have fought the equality war at home and the fight for freedom abroad.

Mr. Speaker, I encourage my colleagues to join Representative SUSAN DAVIS and myself in recognizing our women in the armed forces.

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of H. Res. 1054 to express my appreciation to the one million plus female veterans across our Nation and the thousands of women serving in our armed forces today. I want to thank these brave heroines who sacrifice much to not only protect our safety but also defend our freedoms.

Our brave men and women, who have chosen to join our all volunteer military, share not only a passion for their country but a respect for the ideals that it promotes. While women served honorably in World War I, they were not permitted to participate in the armed forces as equals until the passage of the Women's Armed Services Integration Act of 1948. This legislation made it possible for women to serve in active duty and reserve military occupational specialties, other than nursing, and as equals to their male counterparts.

While women are still prohibited from serving in front line military units, their ability to wear the uniform and assist our efforts at home and abroad must be commended. It is important to remember that during our 10 year involvement in Vietnam, eight service women lost their lives. More recently, 110 women have paid the ultimate sacrifice in the Global War on Terrorism. These brave women are not only soldiers, sailors, airmen and marines. They are our daughters, our mothers, our sisters, and our aunts. They are an integral component of our community and we must remember that as they deploy or are lost in action, we too suffer along with their families.

As we honor those serving today and those who have served in the past, we must rededicate ourselves to providing the benefits and care that they require and deserve. We must ensure that the proper medical services are available to service men and women for their use while on active duty and once they return home. Today, the percentage of women in the military is at the highest level ever. My home State of Ohio currently has over 65,000 female veterans. I am deeply concerned about the impact these high service levels are having on the well-being and stability of America families and I am committed to working on this issue in Congress.

The 11th Congressional District of Ohio is represented by an outstanding group of women serving in our Nation's armed forces and our State's national guard. Their service and sacrifice is greatly appreciated and will not be forgotten.

Mr. WITTMAN of Virginia. Mr. Speaker, at this time, I have no further requests for time, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, it's a joy to celebrate the women of our armed services. At this time, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1054, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1200

COMMENDING THE ALASKA ARMY NATIONAL GUARD

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 961) commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 961

Whereas the 297th Infantry and the scout group of the Alaska Army National Guard deployment of almost 600 Alaskans was the largest deployment of the Alaska National Guard since World War II;

Whereas the Alaskans of the 3rd Battalion, 297th Infantry came from 80 different communities across Alaska;

Whereas the 3rd Battalion, 297th Infantry included 75 soldiers from New York, Mississippi, Illinois, Georgia and Puerto Rico;

Whereas the 586 soldiers of the 3rd Battalion, 297th Infantry were mobilized in July of 2006 and deployed to Camp Shelby, Mississippi;

Whereas the 3rd Battalion, 297th Infantry was deployed to Camp Virginia, Camp Navstar and Camp Buehring in Northern Kuwait;

Whereas the 3rd Battalion, 297th Infantry courageously performed route and perimeter security missions, mounted combat patrols and inspections and searches of vehicles going into Iraq from Kuwait, among other assignments;

Whereas the 3rd Battalion, 297th Infantry, over the course of 12 months in Kuwait and Iraq, inspected and searched over 30,000 semi-trucks;

Whereas the 3rd Battalion, 297th Infantry designed all force protection plans in northern Kuwait;

Whereas the families of the members of the 3rd Battalion, 297th Infantry have provided unwavering support while waiting patiently for their loved ones to return;

Whereas the employers of members and family members of the 3rd Battalion, 297th Infantry have displayed patriotism over profit, by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers are great corporate citizens through their support of members of the Armed Forces and their family members;

Whereas the 3rd Battalion, 297th Infantry has performed admirably and courageously, gaining the gratitude and respect of Alaskans and all Americans; and

Whereas members of the 3rd Battalion, 297th Infantry received 3 Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations and more than 200 Army Achievement Medals for their outstanding service: Now, therefore, be it

Resolved, That Congress—

(1) commends the 3rd Battalion, 297th Infantry of the Alaska Army National Guard upon its completion of deployment and brave service to the Commonwealth of Alaska and the citizens of the United States; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Adjutant General of the Alaska National Guard for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 961, commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States.

Let me first take a moment to thank Representative DON YOUNG of Alaska for taking the lead and getting this resolution to the floor here today.

The 297th Infantry and the scout group of the Alaska Army National Guard's deployment of almost 600 Alaskans was the largest deployment of the Alaska National Guard since World War II.

The deployment of the 3rd Battalion, 297th Infantry included servicemembers from 80 different communities across Alaska, and included 75 soldiers from New York, Mississippi, Illinois, Georgia and Puerto Rico.

The term "citizen soldier" is a term that rings true for these patriots that have stepped forward to serve our great country.

Five hundred eighty-six servicemembers of the 3rd Battalion, 297th Infantry were mobilized in July of 2006 and deployed to Camp Shelby, Mississippi. The 3rd Battalion, 297th Infantry was deployed to Camp Virginia, Camp Navstar, and Camp Buehring in northern Kuwait where they courageously performed route and perimeter security missions, mounted combat patrols and inspections and searches of vehicles going into Iraq from Kuwait.

Over the course of 12 months in Kuwait and Iraq, they inspected and searched over 30,000 semi-trucks and designed all force protection plans in northern Kuwait.

We would like to thank the families of these servicemembers who have provided unwavering support while waiting for their loved ones to return. It is through the support of our families that our servicemembers are able to serve our great Nation, especially during times of war.

In addition, when members of the National Guard deploy, their families are not the only ones affected. Since our servicemembers live and work in their communities, the communities, too, are affected by these deployments, especially their employers. We would like to recognize and thank those employers who have displayed patriotism over profit by keeping positions saved for the returning soldiers and supporting the soldier's families during this time. Our soldiers and their families could not have made it through these difficult times without that support.

The courageousness and dedication to duty of the members of the 3rd Battalion, 297th Infantry is evident in the awards and decorations received during their deployment, which included three Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations, and more than 200 Army Achievement Medals for their outstanding service.

As a Nation, we thank you for your service to the Commonwealth of Alaska and the citizens of the United States upon completion of this deployment.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 961, which commends the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States.

Mr. Speaker, I am honored to pay tribute to the 586 courageous members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry who recently returned from their year-long deployment in southern Iraq and Kuwait. These brave men and women, representing 80 different communities across Alaska, successfully served as security forces in northern Kuwait and southern Iraq, guarding camps and convoys heading into Iraq since October, 2006.

Alaska's sons and daughters were joined by National Guardsmen from New York, Mississippi, Illinois, Georgia and Puerto Rico as they inspected and searched over 30,000 semi-trucks during their 12 months in Kuwait and Iraq.

Thankfully, Mr. Speaker, all the members of this outstanding unit returned home safely, but not before distinguishing themselves by earning three Bronze Stars, 12 Meritorious Service Awards, 142 Army commendations, and more than 200 Army Achievement Medals for their outstanding service.

Mr. Speaker, not since World War II has the Alaska National Guard had so many of its members deployed. I would be remiss, Mr. Speaker, if I did not also pay tribute today to the incredible families of these brave soldiers who waited at home while their loved ones answered our Nation's call. The families of 3rd Battalion, 297th Infantry also serve, and they deserve our sincerest appreciation and thanks.

Alaska and the entire Nation owe the members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry a debt of gratitude. We are all so proud of their service. Therefore, Mr. Speaker, I strongly urge all Members to support this resolution.

Mr. Speaker, at this time, I yield to the gentleman from Alaska (Mr. YOUNG) such time as he might need.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

First let me thank the chairman of the subcommittee, Mrs. DAVIS, for her fine work in bringing this legislation, and of course, Mr. WITTMAN, for your fine work. As a freshman, I deeply appreciate it. Congratulations on doing an effort for our National Guardsmen for Alaska.

Much has been said today, and I will not repeat that, about the Alaska National Guard, the 3rd Battalion, 297th Infantry, that went to Kuwait and Iraq and what they were able to do.

I would just like to mention one thing. The majority of these young people came from many areas of the State of Alaska, about 80 communities in the State of Alaska. If you think about it a moment, going to Iraq, more so even Kuwait, and the change in temperature, that was a marvelous thing to witness when some of those people came back and told me it was not only hot, but also it was cold, which they're somewhat used to. But they went over without any complaints and returned, by the way, in body, all 586 members, back to Alaska. I have to say, this is what we call the "citizens' army," the families they left behind, the families that welcomed them home.

We have to recognize the importance of the Alaska National Guard and the National Guard of the Nation and the role they play, a role much larger than ever expected to play by being deployed time and time again. I hope we do address that issue in the near future.

I also like to suggest that they did the work over in Iraq and Kuwait by receiving three Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations, and 200 Army Achievement Medals. So they did their job as they were over there.

I had the privilege of going to Camp Shelby in Mississippi when they got off the ship and came back to the United States soil and to speak to them there. As I told them then, I not only support the troops, I respect the troops and the jobs they did. They were charged as civilian soldiers to go overseas. They were charged to do a duty and they did it with great valor, and that I deeply respect them for.

I think this body must recognize the importance of the National Guard, not only in Alaska, but across this Nation, and continue to support the families and individuals themselves as they serve this great Nation.

This is a good piece of legislation in recognition of a great unit. I again thank the chairman and the subcommittee chairman and the ranking member. I do thank all of you, my colleagues, for supporting this resolution and supporting not only the Alaska National Guard, but the National Guard in total.

I rise today to honor the Alaska Army National Guard and the 586 members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry who returned in October from their year long deployment to southern Iraq and Kuwait, in the largest deployment of the Alaska National Guard since World War II.

The 3rd Battalion, 297th Infantry was deployed from October 2006 to October 2007 and spent the year as security forces in northern Kuwait and southern Iraq since October 2006, successfully guarding camps and convoys heading into Iraq.

The guardsmen came from all over my State, with members of the unit hailing from 80 different communities across Alaska, including Anchorage, Fairbanks, Kodiak, Soldotna, Kenai, Nome and many Native villages. Thankfully, all 586 who deployed overseas were able to return safely to those communities.

Many of these Alaskans had never ventured Outside prior to mobilizing, and the climate in the Middle East could not be more different from that of Alaska, but not one hesitated to serve their country, even if it meant facing temperatures of 130 degrees.

They served with distinction as well, inspecting and searching over 30,000 semi-trucks and designing all of the force protection plans for northern Kuwait. They were recognized for their service, earning 3 Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations and more than 200 Army Achievement Medals over the course of their deployment.

I was honored to be invited to their welcome home celebration at Camp Shelby in Mississippi this past October. I was humbled to spend time with them and, as I told the National Guardsmen at Camp Shelby, "You can't support the troops unless you respect them. I humbly respect you because you have done your job as you were charged to do so, and as volunteers. You left your families and you went forth and accomplished what you were taught to do."

I truly believe that the importance of the National Guard to our country cannot be overstated, which is why it is important that we honor these citizen-soldiers. We must not, however, forget the families of these citizen-soldiers, who make their own sacrifice for our country and earn nothing but the thanks of the Republic.

And so I respectfully urge the House to pass this resolution, to thank those citizen-soldiers from Alaska and to thank their families. It is the greatness of these citizens from which America derives its own and we would all do well to remember that.

Finally, I would like to thank my colleagues on both sides of the aisle that cosponsored this resolution.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 961.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING MEMBERS OF AIR FORCE KILLED IN THE KHOBAR TOWERS TERRORIST BOMBING

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 32) honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 32

Whereas June 25, 2008, marks the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, on June 25, 1996;

Whereas 19 members of the United States Air Force were killed, more than 500 other Americans were injured, and 297 innocent Saudi or Bangladeshi citizens were killed or injured in the terrorist attack;

Whereas the 19 airmen killed while serving their country were Captain Christopher J. Adams, Staff Sergeant Daniel B. Cafourek, Sergeant Millard D. Campbell, Senior Airman Earl F. Cartrette, Jr., Technical Sergeant Patrick P. Fennig, Captain Leland T. Haun, Master Sergeant Michael G. Heiser, Staff Sergeant Kevin J. Johnson, Staff Sergeant Ronald L. King, Master Sergeant Kendall K. Kitson, Jr., Airman First Class Christopher B. Lester, Airman First Class Brent E. Marthaler, Airman First Class Brian W. McVeigh, Airman First Class Peter J. Morgera, Technical Sergeant Thanh V. Nguyen, Airman First Class Joseph E. Rimkus, Senior Airman Jeremy A. Taylor, Airman First Class Justin R. Wood, and Airman First Class Joshua E. Woody;

Whereas the families of these brave airmen still mourn their loss;

Whereas three months after that terrorist bombing, on September 24, 1996, the House of Representatives agreed to House Concurrent Resolution 200 of the 104th Congress, honoring the victims of that terrorist bombing;

Whereas on the fifth anniversary of that terrorist bombing, on June 25, 2001, the House of Representatives agreed to House Concurrent Resolution 161 of the 107th Congress, which was concurred in by the Senate on July 12, 2002, further honoring the victims of that bombing;

Whereas on June 27, 2005, the House of Representatives agreed to House Concurrent Resolution 188 of the 109th Congress, further honoring the victims of that terrorist bombing;

Whereas those guilty of carrying out the attack have yet to be brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, on the occasion of the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, Congress—

(1) recognizes the service and sacrifice of the 19 members of the United States Air Force who died in that attack;

(2) calls upon every American to pause and pay tribute to those brave airmen;

(3) extends its continued sympathies to the families of those who died; and

(4) assures the members of the Armed Forces serving anywhere in the world that their well-being and interests will at all times be given the highest priority.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

I stand before you and my colleagues today in support of House Concurrent Resolution 32, honoring members of the United States Air Force who were wounded and killed in the June 25, 1996 terrorist bombing of the Khobar Towers in Dhahran, Saudi Arabia.

The June blast took the lives of 19 airmen from Eglin Air Force Base, Florida, and destroyed the entire front of Dhahran's Khobar Towers housing compound. More than 500 U.S. Air Force troops were wounded, and 297 Middle Eastern citizens were killed or injured as a result of the bombing. Five thousand pounds of plastic explosives disguised in a water tanker truck claimed the lives of servicemembers whose families were left grieving the loss of their loved ones.

Life, our most treasured asset, is too often taken unexpectedly. It was the sworn duty of our airmen to protect and serve this country by all means, and in our commitment to them and others who have given their lives in defense of our great Nation, we honor their selfless sacrifice and take a moment to reflect upon their contribution that provides us the freedoms we enjoy today.

House Concurrent Resolution 32 extends our sympathies to the families of loved ones whose perpetrators have yet been brought to justice.

Although this tragedy acknowledges the cost we pay in our fight against terrorism, we remain proud of our courageous and steadfast troops who are no doubt the best in the world. We call upon every American today to pause and pay tribute to the brave airmen who died, and to take a moment to thank our members of the Armed Forces currently serving around the world and express our appreciation for their duty and honor to protect America's interests around the world.

This resolution recognizes the service and sacrifice of those airmen whose lives were lost on that fateful day. I strongly urge my colleagues to support House Concurrent Resolution 32 in remembrance of the 19 fallen heroes on the 12th anniversary of the Dhahran terrorist bombing.

I thank my good friend and colleague from Florida (Mr. MILLER) for bringing forward this measure, and I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 32, honoring the 19 members of the United States Air Force who were killed, and more than 500 other Americans injured in Dhahran, Saudi Arabia, by a terrorist truck bomb in June, 1996.

I want to commend my colleague on the House Armed Services Committee, Representative JEFF MILLER of Florida, for sponsoring this resolution. This is the fourth time that the House of Representatives has honored on this floor the sacrifice of those who died or were injured that day. Previous resolutions were passed in 1996, 2001 and 2005.

I note these milestones because they should remind us of important facts. One fact is that the global war on terrorism did not begin on September 11, 2001. It was well before that date that terrorists set out to kill and injure Americans on a large scale. We must never forget, and must be ever vigilant today against the continuing commitment of terrorists to seriously damage America and its interests whenever and wherever they can.

Another fact is that the 19 Air Force personnel who died at Khobar Towers in June, 1996, were defending our freedom and the national security interests of the United States. The resolution today honors them for that sacrifice.

The resolution also serves as a way to extend our continued sympathy to their families.

So, Mr. Speaker, I call upon all Americans to pause and honor the service and sacrifice of those not only 19 Americans who died in the Khobar Towers bombing, but also those who served and continue to serve in the defense of our Nation and its values. I urge my colleagues to support this most worthy resolution.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MILLER) for that time which he might consume.

Mr. MILLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, I do rise today in honor of H. Con. Res. 32, which does honor the members of the United States Air Force that were killed on the 25th of June, 1996 in the Khobar Towers in Dhahran, Saudi Arabia.

This is the 12th anniversary of the terrorist bombing which killed 19 members of the U.S. Air Force and injured over 300 Americans. On that day in 1996, a truck bomb exploded outside the fence around the Khobar Towers compound.

□ 1215

The bomb, estimated at more than 3,000 pounds, detonated about 85 feet from a residential housing unit where U.S. troops were, killing 19 United States Air Force servicemen and wounding hundreds of other Americans. The force of that explosion destroyed or damaged six high-rise apartment buildings and shattered windows throughout the entire residential compound.

Today we honor the 19 airmen who gave their lives in the service of this great Nation. This Congress joins me in paying tribute to those men, who are individually recognized in H. Con. Res. 32.

It's important to note that 12 of the 19 men killed in the attack were based at Eglin Air Force Base in Florida's First District. Several of the airmen, along with their families, were constituents. These brave men, like the men and women currently serving in our military today, were on freedom's watch, prepared to make the ultimate sacrifice in defense of our Nation. As we approach Memorial Day, it's only fitting that we remember the 19 airmen killed at Khobar Towers as well as the many brave men and women who gave their lives for our freedom and our security. It's my sincere hope that all Americans will give pause and honor these heroes and others for their sacrifice.

As we look back to 12 years ago, we know that Khobar Towers and the bombing there was a precursor to the terrorist attacks on the USS *Cole*; the September 11, 2001 attacks on the World Trade Center; and the current global war on terrorism that we fight in Iraq and Afghanistan. No matter where our troops are stationed, we recognize that they are prepared to defend our security, American values, and the American way of life. It's my hope that we can prevent future attacks like the one at Khobar Towers as we aggressively fight terrorism all around the globe.

I want to personally express my deepest appreciation to the families of these heroes who were killed at Khobar Towers. We can never undo the tragedy that they have lived. We can never ease the pain, and I know it's with each of them each and every day. But I hope, and I know that my colleagues join me in this hope, that with the adoption of this resolution, they will take from our actions some solace in the fact that we do not forget those contributions and those sacrifices of their loved ones. They were much more than airmen. They were sons, fathers, brothers, and they are loved ones.

Mr. Speaker, our action on this resolution sends a message to the families of those who died, to our Nation, and to the rest of the world, that we honor the sacrifices of these 19 airmen and the families they left behind. They served with the highest distinction and professionalism which is indicative of the United States military. No one could have served better or given more.

I urge all of my colleagues to join me and the 50 cosponsors in support of this resolution.

Mr. WITTMAN of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I want to thank Mr. MILLER for bringing this resolution forward in honoring the brave men killed in the Khobar Towers bombing.

Mr. BUYER. Mr. Speaker, today I rise in support of H. Con. Res. 32 to honor the 19 airmen that were killed by a cowardly act of terrorism while serving our Nation on June 25, 1996, at Khobar Towers in Dhahran, Saudi Arabia.

June 1996, Mr. Speaker. That is more than 5 years before many people believe the global war on terror began. But the terrible attack on our Nation on September 11, 2001, was by no means the first attack against Americans in the global war on terror. These 19 Americans were killed, and 300 others injured, by a bomb created at the hands of vicious and deceitful extremists who oppose the principles that we all share and that these airmen were helping defend.

These American warriors were in Saudi Arabia to aid in preserving freedom for our friends in Kuwait. They were willing to risk their lives on the other side of the world, far away from their families, far from home, to support a mission to oppose tyranny. We must always remember the price these Americans paid. We must always honor their sacrifice for the freedom of others. Today, I pay tribute to these American airmen. They were brothers, fathers, and sons, and I know their families still mourn their loss. Nothing will ever replace the precious life of a lost loved one, but I offer their families my prayers and sympathy.

These 19 American airmen represent the essence of what makes our Nation great. Their selfless service and the sacrifice that they made in the name of liberty is one that we shall forever be in their debt. We should never let them be forgotten.

Mr. WILSON of South Carolina. Mr. Speaker, I wish to take this opportunity to state my strong support for this legislation. I am grateful to my colleague Representative JEFF MILLER for introducing this bill.

The terrorist bombing of the Khobar Towers in 1996 was a vicious attack upon the United States and our allies in Saudi Arabia. It took the lives of 19 brave U.S. servicemembers and hundreds of civilians were injured. This attack was and remains a clear example of the type of enemy we face in the Global War on Terrorism. And so, it is incumbent upon us all to honor the lives of those lost as we comfort the families that were forever changed by this horrible event.

As we pause to remember their lives and their sacrifice, we should recommit ourselves to doing all we can to protect Americans—those serving overseas and those here at home. We must be ever vigilant of the enemies we face and resolve to do all that is necessary to defeat terrorism wherever it may be.

Mrs. DAVIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 32, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING POSITION OF DIRECTOR OF PHYSICIAN ASSISTANT SERVICES

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2790) to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF DIRECTOR OF PHYSICIAN ASSISTANT SERVICES AT VETERANS HEALTH ADMINISTRATION OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 7306(a) of title 38, United States Code, is amended by striking paragraph (9) and inserting the following:

"(9) The Director of Physician Assistant Services, who shall be a qualified physician assistant who shall report to the Under Secretary for Health on all matters relating to the education and training, employment, appropriate utilization, and optimal participation of physician assistants within the programs and initiatives of the Administration. The Director of Physician Assistant Services shall serve in a full-time capacity at the Central Office of the Department.".

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall ensure that an individual is serving as the Director of Physician Assistant Services under section 7306(a)(9) of title 38, United States Code, as added by subsection (a), by not later than 120 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. HARE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House today is considering H.R. 2790, a bill I authored to elevate the current position of Physician Assistant Advisor to a full-time Director of Physician Assistant Services in the VA Central Office.

I would like to thank my good friend Representative JERRY MORAN for leading the effort with me, as well as Chairman FILNER and Ranking Member BUYER for their cosponsorship of this legislation. I'd also like to acknowledge all of my colleagues on the Veterans' Affairs Committee who joined as cosponsors and the American Academy of Physician Assistants for their tireless work on this bill.

Mr. Speaker, there are currently 1,600 physician assistants serving the Veterans' Health Administration, including many veterans, National Guard, and Reservists. PAs are a critical component of the health care delivery system and are responsible for roughly one-quarter of all primary care patients seen in the VHA.

The change from the current role of PA Advisor, who works part time and is based in the field, to a full-time Director is necessary in order to ensure that PAs are being appropriately and effectively utilized throughout the VHA. Right now the PA Advisor is being left out of strategic planning discussions and long-term staffing narratives, leaving PAs with no voice and no advocate. Additionally, there is a severe disparity throughout the VA facilities in how PAs are being used, what medical services they can perform, and even whether facilities can hire physician assistants. Most importantly, the unnecessary restrictions and widespread confusion are causing the VA to miss a clear opportunity to improve the quality of health care for our veterans.

One of the biggest challenges facing current and future PAs in the VA system is their exclusion from any recruitment and retention efforts or benefits. The VA designates certain positions, such as physicians and nurses, as critical occupations, which are given priority in loan repayment and scholarship programs. Since PAs are not designated as a critical occupation, they are excluded from these moneys, despite the fact that the VA has determined that physician assistants and nurse practitioners are functionally interchangeable and equal in the work that they perform. The underutilization, the lack of recruitment and retention efforts, and pay disparity are all leading PAs to not consider the VHA as a viable employment option.

Physician assistants are very important for veterans living in rural areas, like a large portion of my congressional district. Veterans that live in underserved areas made the same sacrifices as their urban and suburban counterparts. With a disproportionate number of these brave men and women being cared for by PAs, it is critical that we establish a system that will best serve their needs so as not to compromise care to our veterans. Considering the fact that nearly 40 percent of all VA PAs are projected to retire in the next 5 years, the VA is in danger of losing its physician assistants workforce unless some attention is paid to this critical group.

This bill will allow the Director of Physician Assistant Services to become an integral component within the VA system to proactively solve the many issues facing PAs and give PAs a fair and long overdue voice.

Mr. Speaker, this commonsense legislation promotes quality medical care for our veterans. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

As Memorial Day approaches, it's appropriate that we take time this week to consider the next 10 bills that are on the suspension calendar. In doing so, we must be mindful of the heavy sacrifices made by the men and the women of our Armed Forces. It is their sacrifices that allow us to enjoy our American way of life and time-honored traditions like Memorial Day.

For many of us, Memorial Day will be marked with a solemn commemoration at a veterans' cemetery or a befitting memorial. I appreciate Chairman FILNER's expediting these bills through the committee process to bring them to the floor in a timely fashion.

Mr. Speaker, I rise this afternoon in support of H.R. 2790, as amended, a bill to establish the position of Director or Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health. I commend my colleagues Mr. HARE and Mr. MORAN for introducing this bill.

There is a strong relationship between military service and the physician assistant profession. In 1965 Duke University established the first PA education program to capture the knowledge of military medical corpsmen that served in Vietnam and transition their experience into the civilian health care system. Today the VA is the largest employer of physician assistants, and they play a central role in enhancing veterans' access to health care, and it's important for VA to continue to advance the utilization of these health care providers.

Establishing this office would be beneficial to veterans. A full-time Director would ensure PAs are used appropriately to provide veterans the health care that they deserve. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HARE. Mr. Speaker, I would like to recognize my friend from New Hampshire (Ms. SHEA-PORTER) for such time as she may consume.

Ms. SHEA-PORTER. Mr. Speaker, I'd like to take this opportunity to thank the sponsor of this legislation, the gentleman from Illinois, PHIL HARE, who's a leader and a tireless advocate for veterans.

This Memorial Day we honor the memory of so many who have served this Nation. In honor of their memory, it's fitting that we consider legislation today that will help deliver the benefits that were promised to our veterans and which they earned by their selfless service to our Nation.

The bill before us, H.R. 2790, will create the position of Director of Physician Assistant Services in the VA to manage the education, training, and utilization of physician assistants within the Veterans Health Administration.

PAs play an important part in the health care of our veterans, providing a whole range of diagnostic and therapeutic services, administering physicals, taking patient histories, diagnosing and treating patients. The first PAs were former corpsmen who had served in Vietnam. Their extensive medical training made them ideal candidates for further medical education and the perfect fit for the continuing medical care of their fellow veterans. Since the PA Advisor position was created in the VA in 2000, their ranks have grown, and today almost 1,600 PAs serve in the VA.

PAs go through a very vigorous 2-year-long certification program, and by creating a Director of Physician Assistant Services in the VA, we can help ensure that their expertise is properly utilized and that our veterans receive the care they deserve. Their utilization may also mean in rural States like mine that veterans have greater access to health care.

It's appropriate that we will pass this legislation today in honor of the veterans who have served our country so bravely. As a proud wife of a veteran myself, working to improve the care veterans were promised and have earned is a top priority for me, and I enthusiastically support this legislation. I urge my colleagues to support this also.

Mr. MILLER of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HARE. Mr. Speaker, I urge my colleagues to unanimously support H.R. 2790, as amended.

Mr. MORAN of Kansas. Mr. Speaker, I want to thank Congressman HARE for his leadership on passage of this bill and my colleagues and staff on the House Veterans Affairs Committee for their support. I joined Congressman HARE as an original cosponsor of H.R. 2790. This bill creates a full-time Director of PA Services within the Department of Veterans Affairs. This legislation is beneficial in improving patient care for our Nation's veterans, ensuring that the 1,600 PAs employed by the VA are fully utilized to provide veterans medical care.

As a Member of Congress who represents one of the most rural districts in the country, I know that physician assistants are a key to providing medical care in underserved areas. Often, they are the only health care professional available. PAs help ensure those who live in our communities receive timely access to quality health care.

I want to be certain that PAs are appropriately utilized by the VA to serve our veterans. Like our armed forces that have full-time directors of PA services, this legislation will establish a dedicated expert in the VA Central Office. This PA Director will work to fully integrate the profession into VA health care, ensuring PAs have a stronger voice in the VA so they can better serve our veterans and their patients.

Mr. HARE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2790, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 2790, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1230

VETERANS BENEFITS AWARENESS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3681) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits Awareness Act of 2008".

SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ADVERTISE TO PROMOTE AWARENESS OF BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY.

(a) AUTHORITY TO ADVERTISE.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§532. Authority to advertise in national media

"The Secretary may purchase advertising in national media outlets for the purpose of promoting awareness of benefits under laws administered by the Secretary, including promoting awareness of assistance provided by the Secretary, including assistance for programs to assist homeless veterans, to promote veteran-owned small businesses, and to provide opportunities for employment in the Department of Veterans Affairs and for education, training, compensation, pension, vocational rehabilitation, and healthcare benefits, and mental healthcare (including the prevention of suicide among veterans).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 531 the following:

"§532. Authority to advertise in national media."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I would yield myself such time as I may consume.

Mr. Speaker, we are in the midst of a package of 10 separate pieces of legislation that honors our Nation's veterans, our Nation's most deserving citizens, appropriately enough, as we prepare to honor them on Memorial Day. As we honor our fallen heroes, we cannot forget those who need either health or other benefits from our Nation.

That is what these bills do. They extend benefits in a whole range of areas: Health care, substance abuse and spina bifida, reimbursement for emergency treatment outside the VA facilities, construction of new facilities to serve these heroes. We also address our responsibility for oversight of the VA by mandating the revision and update of administrative policies so that the VA can better serve our veterans.

As you know, Mr. Speaker, we have had many opportunities for oversight recently. We have had in a court case the discovery of e-mails which seem to indicate that our VA management was not being totally transparent on the number of suicides, for example, of our recent Iraqi veterans. Just last week, another e-mail was discovered that indicated that we should not adequately diagnose PTSD, post-traumatic stress disorder, and instead give these young men and women lesser kinds of diagnoses, which would cost us less.

It is unacceptable to the Congress of the United States and to the American people that the administration set up to serve our veterans would be finding ways to save money and not treating the veterans for their needs. We intend to root that kind of attitude out of the VA and to make sure that all our veterans, whether they are just coming back from Iraq or Afghanistan, or those that served us earlier in Vietnam or World War II and Korea and the Persian Gulf War I, to make sure that all of their needs are met, and that is what we are committed to and that is what these bills on the floor today indicate.

We also address the compensation cost-of-living adjustment that is so important to our veterans who base their income on the dependency and indemnity compensation. They need an annual increase to cover the cost of living, and this bill before us today will assure that.

It is my hope that on this Memorial Day we, as a Nation, remember the words of President Franklin D. Roosevelt. A half century ago he said "Those who have long enjoyed such privileges as we enjoy forget in time that men,'' and he would say, I am sure today, women, "have died to win them." President Washington, over 220 years ago, said, "The best guarantee of the morale of our fighting troops is a sense of how they are going to be treated when they come home.''

So let us remember these words of Roosevelt, of Washington, as we prepare on Memorial Day to recognize and remember those heroes who have died in uniform. Our Nation has a proud legacy of appreciation and commitment, and we have to make sure that they know that we appreciate them and we know that our liberty, which we enjoy today, depended on them.

The bills before us today have come from all of our legislative subcommittees. Members on both sides of the aisle and all the committee worked very hard. I want to thank Chairman MICHAUD of the Health Committee, with his Ranking Member MILLER of Florida, I want to thank the chair and ranking member of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN of South Dakota, and Mr. BOOZMAN of Arkansas, and also the chair and the ranking member of the Disability Assistance and Memorial Affairs, the gentleman from New York, Mr. HALL, and the gentleman from Colorado, Mr. LAMBORN.

We are now looking at H.R. 3681, which would authorize the VA Secretary to purchase national media outlets to inform veterans of their benefits. You would think we would not have to do such legislation, Mr. Speaker, but apparently we do. Over the past 2 years, the Committee on Veterans' Affairs has conducted several hearings to determine how to improve the outreach to our veterans, and while various agencies have made tremendous improvement, more needs to be done to inform veterans of the entitlements they rightfully deserve and how to access those benefits.

Providing our veterans the information they need on television is a crucial component that can affect the livelihood of our veterans and their dependents. So I ask all of you to join me in supporting H.R. 3681.

I would reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3681, as amended, called the Veterans Benefits Awareness Act of 2008, which would amend title 38 of the U.S. Code to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary.

I additionally want to thank my colleague, Mr. BOOZMAN, for introducing this bill, as well as Chairman Herseth Sandlin of the Subcommittee on Economic Opportunity, and Chairman FILNER of the full committee, for expediting this bill through the committee process to bring it to the floor.

Mr. Speaker, as anyone who watches TV or listens to the radio experiences advertising aimed at convincing them of the need for, or the quality of a product or a service, businesses buy advertising, sometimes at very expensive prices because it works. VA should be doing the same thing to bring its outreach programs into the 21st century. H.R. 3681 will clarify VA's authority to use advertising to increase veterans' awareness of the benefits and services that are offered by VA.

I urge my colleagues to support this fine measure and reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to a very hard working new member of our committee, in fact, the highest enlisted man ever elected to the Congress of the United States, Command Sergeant Major TIM WALZ of Minnesota.

Mr. WALZ of Minnesota. Thank you to the chairman for his outstanding and tireless work for our veterans. A special thank you also to Mr. BOOZMAN, who has been an unending friend and supporter and effective leader in helping our veterans. I thank you. This is just one more example of your continued work.

I stand in strong support of H.R. 3681, the Veterans Benefits Awareness Act. This just simply, as you have heard the speakers talk about, ensures the ability of the VA to reach out and gather our veterans back in, making sure that those veterans understand all the benefits that are available to them, from suicide prevention to health care benefits, training, education, pension benefits, vocational rehabilitation, assistance for homeless veterans, veterans owning small businesses.

This Nation and this past Congress in the 110th Congress has done much to care for our veterans. One of the problems is that when our veterans return home, only about 36 percent of them enter into the VA system or apply for benefits, and what this does is take advantage of what all 435 Members of this body know well, is you need to advertise well to get that message out. The Department of Defense has done a great job of advertising for recruitment. It's time for the VA to put that money into making sure our veterans get their care.

The Rand Corporation said the capacity of the DOD and the VA to provide mental health services has increased substantially, but significant gaps in access and quality remain. There is a large gap between the need for mental health services and the use of those services.

Last year, this Congress put in a hotline for veterans seeking help with possible suicide and suicide prevention, and that hotline has received over 9,000 calls. Those may have been calls that would have never been received. So this 24-hour national hotline is working. I am pleased that the amendment that I put in to address this with the veterans suicide issue has been addressed. I would also like to thank the ranking member, Representative BUYER from Indiana, for his perfecting amendment on this bill.

This piece of legislation is a great example of bipartisan support that rises above and transcends politics to care for our Nation's veterans. This will be a good piece of legislation. It will get our veterans in. It will fulfill our moral obligation to care for our veterans and it will ensure that future generations of our young Americans understand that if they raise their hands, take an oath, and service this Nation, we will be there to serve them.

With that, I again thank Mr. BOOZMAN. I thank the ranking member and I thank the chairman for continuously moving information and moving legislation forward that helps our veterans.

This bill will ensure that the Department of Veterans Affairs is able to use the power of modern advertising to reach out in as wide-ranging and an effective way as possible to our veterans.

The bill authorizes the Secretary of the VA to purchase advertising in the national media about the benefits VA makes available to veterans. VA offers health care and mental health care benefits, including for the prevention of suicide, an issue that we have been vigorously addressing on the House Veterans Committee; education, training, compensation, and pension benefits; vocational rehabilitation; assistance for homeless veterans, opportunities for veteran-owned small businesses; and direct opportunities for employment in the Department itself, among other things.

But if veterans don't know about these benefits, they're not in a position to take full advantage of them.

There is more than enough evidence that advertising works to promote awareness of whatever the advertising is about. Study after study has shown that advertising through the major media works. In fact, the Department of Defense itself knows that. That's why it devotes a lot of time and energy to advertising, including on television, as a means of recruitment.

We advertise to recruit our servicemembers, many of whom will put themselves in harm's way; that same means should be used to tell them what benefits they have earned when they return. In effect, we are saying to VA, "If our veterans aren't coming to you, use the modern media to go to them!"

This bill is also a perfect illustration of how we on the House Veterans Affairs Committee strive to work on a bipartisan basis to serve our veterans. This bill was introduced by Congressman BOOZMAN on behalf of himself and Congresswoman HERSETH SANDLIN. I offered an amendment to the bill, and then one of my Republican colléagues offered a perfecting amendment, which I was happy to accept. In that way, we worked together to produce a bill that is good for our veterans.

My amendment specified that the advertising VA would do could and should include a focus on suicide prevention, which has been an issue of much concern and some controversy lately. There have been several recent reports about VA's sometimes halting efforts to address what appears to be a series of major emerging mental health problems among our veterans. I have a great deal of confidence in the new Secretary of VA, whom I have been working with on a number of issues, and his commitment to resolve the problems that exist at VA and better serve our veterans.

An excellent and disturbing new report from the think tank the Rand Corp. observed that "The capacity of DoD and the VA to provide mental health services has increased substantially, but significant gaps in access and quality remain," and went on to say in particular, "There is a large gap between the need for mental health services and the use of those services." My amendment was meant to encourage VA to bridge that gap.

On July 25, 2007, the VA began operation of a 24-hour national suicide prevention hotline for veterans. The hotline reported greater than 9,000 calls. Callers included veterans who previously would have called a non-VA suicide hotline, veterans who would not have utilized a non-VA hotline, family members and friends of veterans, and other distressed non-veterans. Bottom line—veterans are calling the hotline. It is common sense that with more outreach, more veterans are likely to call the VA hotline. And advertising in the national media is one form of that outreach.

I am pleased that my amendment to this legislation was adopted, and perfected with the help of the Ranking Member on the VA Committee, Representative BUYER.

I strongly urge the passage of H.R. 3681.

Mr. MILLER of Florida. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN), who has been a strong supporter of VA issues his entire time here in the House of Representatives.

Mr. BOOZMAN. Thank you, Congressman MILLER. Thank you, Congressman WALZ. I always feel like he speaks with such authority when I am around him; I am always concerned he is going to ask me to do 10 pushups or something.

I rise in support of H.R. 3681, the Veterans Benefits Awareness Act. This simple, straightforward legislation authorizes VA to purchase advertising in national media outlets for the purpose of promoting awareness of veterans benefits.

When was the last time you saw the Super Bowl or other prime time recruiting advertisement for one of the military services? Now, when was the last time that you saw the Super Bowl or other prime time ad for veterans health care and benefits sponsored by the Department of Veterans Affairs. Probably never. It's one reason that many veterans and their dependents are not aware of the benefits due to them.

Over the years, Congress has authorized millions to improve outreach, and the results are disappointing. In spite of the additional funding, VA still relies on the public service announcements, pamphlets, meetings with small groups of veterans, and the one-on-one outreach to deliver its message to veterans. Unfortunately, PSAs are often most broadcast at times when few people are watching, and small groups and individual meetings are often difficult to arrange and are not very efficient.

Our veterans continue to tell us that they were not aware of the VA programs that would improve their lives. That is why I introduced H.R. 3681, the Veterans Benefits Awareness Act of 2008, which authorizes VA to purchase advertising in national media outlets for the purpose of promoting awareness of veterans benefits.

H.R. 3681 will provide VA with the authority to buy radio and TV time to ensure that veterans and their dependents are aware of health care options and benefits for education, disability compensation, nondisability pensions, training, loan guarantees, and survivors' programs.

I want to thank Chairwoman HERSETH SANDLIN for moving this bill, for her cooperation in working with the subcommittee; Chairman FILNER, and Ranking Member BUYER for their support; and also to our staffs that worked so hard in preparing these bills. I urge my colleagues to support H.R. 3681.

Mr. FILNER. I have no further speakers.

Mr. MILLER of Florida. We have no further speakers. We urge adoption and yield back the balance of our time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3681, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise in strong support of H.R. 3681, the "Veterans Benefits Awareness Act" which authorizes the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary.

As an original cosponsor of H.R. 3681, and the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee, I would like to thank Representative BOOZMAN, who serves as the Subcommittee Ranking Member, for introducing this important bill. I also would like to recognize Veterans' Affairs Committee Chairman FILNER and Ranking Member BUYER for their strong leadership and for working to quickly move this bill to the House floor.

It is important that Congress not only provide the VA with the resources to properly care for our nation's veterans, but that we also provide them with the authority to promote awareness of benefits that are available to veterans and their dependents.

Again, I thank Representative BOOZMAN for introducing this important bill. I encourage my colleagues to support it.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in support of H.R. 3681, the Veterans Benefits Awareness Act of 2008, which passed the House of Representatives this week.

Fifty veterans move to Florida every day, and I am honored to represent thousands who served our country honorably in our Nation's military. The efforts of military veterans have provided Americans with security and peace of mind, and I remain eternally grateful for their sacrifices.

I believe that America owes its military heroes a debt of gratitude, and that their priorities must be the Nation's top priorities. I am committed to making sure that members of the military and veterans receive the benefits that they deserve when they return home.

Several times per year, I am proud to convene my Congressional Veterans Advisory Groups in Broward and Palm Beach Counties to listen and learn about the needs of South Florida veterans. One of the most pressing issues that has repeatedly come up is the veterans' need to know more about their benefits. One solution to this problem is an awareness campaign to educate returning servicemembers about available benefits. The Veterans Benefits Awareness Act of 2008 does just that by allowing the Secretary of the VA to advertise and promote awareness of veterans' benefits.

I am proud to support H.R. 3681, the Veterans Benefits Awareness Act of 2008, because I believe that nothing should stand in the way between a veteran and the benefits that he or she deserves. This legislation will go a long way to help returning servicemembers and veterans in my district and throughout the country.

Mr. FILNER. I urge all my colleagues to support H.R. 3681 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3681, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on three motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6081, by the yeas and nays;

H.R. 6074, by the yeas and nays;

H. Res. 1144, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6081, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 6081, as amended.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 331]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Andrews
Blumenauer
Crenshaw
Davis (IL)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Engel
Ferguson
Gilchrest
Gillibrand
Gordon
Gutierrez
Hulshof
Israel
Johnson (IL)
Jones (OH)
Kennedy
Kingston
Lynch
Matheson
McMorris Rodgers
Paul
Pryce (OH)
Putnam
Rush
Sessions
Udall (CO)
Wilson (NM)

☐ 1311

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Linda Dixon Rigsby, Assistant Secretary of State for Elections, State of Mississippi, indicating that, according to the unofficial returns of the Special Election held May 13, 2008, the Honorable Travis Childers was elected Representative to Congress for the First Congressional District, State of Mississippi.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF MISSISSIPPI,
SECRETARY OF STATE,
Jackson, MS, May 15, 2008.

Re unofficial results—First Congressional special runoff election

LORRAINE C. MILLER,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: Per your request, enclosed please find a copy of unofficial results for the Special Runoff Election held on Tuesday, May 13, 2008, for Representative in Congress from the First Congressional District of Mississippi. To the best of our knowledge and belief at this time, there is no challenge or recount to this election.

As soon as the official results are certified to this office by all counties involved, an official Certificate of Election will be prepared for transmittal as required by law.

If you have any questions or need additional information, please call me at (601) 359-6340; or Phoebe Spencer, Director of Elections Administration at (601) 359-6355. Thank you.

Sincerely,
LINDA DIXON RIGSBY,
Assistant Secretary of State for Elections.

SWEARING IN OF THE HONORABLE TRAVIS CHILDERS, OF MISSISSIPPI, AS A MEMBER OF THE HOUSE

Mr. TAYLOR. Madam Speaker, I ask unanimous consent that the gentleman from Mississippi, the Honorable TRAVIS CHILDERS, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Mississippi delegation present themselves in the well.

Mr. CHILDERS appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE TRAVIS CHILDERS TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 1 minute.

There was no objection.

Mr. TAYLOR. Madam Speaker, as dean of the Mississippi congressional delegation, I am very, very happy to introduce to the House today the House's newest Member, TRAVIS CHILDERS.

TRAVIS went to work when he was 16 years old following the death of his father. He worked in a local convenience store to help put himself through school and take care of his family. He attended Northeast Mississippi Junior College and graduated from the University of Mississippi. He is a successful realtor, and has served as the Chancery Clerk of Prentiss County for 16 years. He is married to the former Tami Gibson, and the couple has two children, Dustin, a first-year law student at Mississippi College, and Lauren, a freshman at Ole Miss. TRAVIS has been elected four times in the span of 63 days.

He follows in the footsteps of the longest serving Member of Congress, Mr. Jamie Whitten, who used to sit right there, and, most recently, Mississippi's newest Senator, ROGER WICKER.

On behalf of the people of Mississippi, on behalf of this Congress, we welcome Mississippi's newest Representative, TRAVIS CHILDERS.

☐ 1315

Mr. CHILDERS. Madam Speaker, my fellow colleagues, thank you for your warm welcome today. It has seemed like a long time in 63 days.

I want to especially thank Congressman TAYLOR, Congressman THOMPSON for your great help in my campaign. Congressman PICKERING, I'm sad that you're leaving us. You all have been so, so very kind to me.

First I want to thank God today that I'm standing here. I thank my community in North Mississippi and the people of the First Congressional District of Mississippi who are some of the finest people in the world. I am humbled by the trust that they've placed in me. I am grateful for their support, and I am forever committed to working for the people of North Mississippi every single day.

I thank my wife of 27 years for standing beside me and again, being a great part of the reason that we are standing in this wonderful place today. And then our two fine children, Dustin and Lauren, for standing by me and their mother.

I want to thank my mother, who's in the gallery today, who always believed in me.

I want to thank every person who had a part of my life, and there have been so many and I wish I could introduce you to them, but that's not possible.

I wish my wonderful grandparents and my father and my sister could be here.

I want to let everyone here know that I'm ready to roll up my sleeves and get to work. The campaign is one thing, but I'm ready to work, Congressmen.

As a local official, I worked hard and I worked with both parties. I focused on balancing budgets and creating jobs. This will still be my approach, and these will be my priorities in Congress.

I pledge to work as hard as I can to mend our failing economy and help bring down the skyrocketing cost of gas, groceries and health care.

I look forward to meeting and working with every single one of you. I look forward to standing up for the values of the people who I have the honor of serving. And I pledge to work every day for the people of the First District of the great State of Mississippi.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Mississippi, the whole number of the House is 435.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

GAS PRICE RELIEF FOR CONSUMERS ACT OF 2008

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6074, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6074.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 324, nays 84, not voting 26, as follows:

[Roll No. 332]

YEAS—324

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, David
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee

Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—84

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Calvert
Cannon
Carter
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Deal (GA)
Doolittle
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Granger
Hall (TX)
Hastings (WA)
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson (GA)
Johnson, Sam
King (IA)
Kline (MN)
Lamborn
Lampson
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCrery
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Radanovich
Renzi
Rohrabacher
Scalise
Schmidt
Shadegg
Shimkus
Shuster
Smith (NE)
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Weldon (FL)
Weller
Westmoreland
Young (AK)

NOT VOTING—26

Andrews
Blumenauer
Crenshaw
Davis (IL)
Davis, Tom
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ferguson
Gilchrest
Gillibrand
Gutierrez
Hulshof
Israel
Kennedy
Kingston
Matheson
McMorris Rodgers
Paul
Pryce (OH)
Putnam
Rush
Sessions
Udall (CO)
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

☐ 1328

Messrs. COLE of Oklahoma, LAMPSON and MILLER of Florida changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FRANK SINATRA DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1144, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1144, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. McDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 3, not voting 29, as follows:

[Roll No. 333]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)

Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Conaway
Neugebauer
Poe

NOT VOTING—29

Andrews
Blumenauer
Buyer
Crenshaw
Davis (IL)
Davis, Tom
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ferguson
Gilchrest
Gillibrand
Gohmert
Gutierrez
Hulshof
Israel
Kennedy
Kingston
Matheson
Paul
Pryce (OH)
Putnam
Rush
Saxton
Sessions
Taylor
Udall (CO)
Wilson (NM)

□ 1337

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution expressing support for the designation of a Frank Sinatra Day, in honor of the dedication of the Frank Sinatra commemorative stamp."

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4789

Mr. TOWNS. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 4789.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

VETERANS EMERGENCY CARE FAIRNESS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3819) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Emergency Care Fairness Act of 2008".

SEC. 2. MANDATORY REIMBURSEMENT OF VETERANS RECEIVING EMERGENCY TREATMENT IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES UNTIL TRANSFER TO DEPARTMENT FACILITIES.

(a) CERTAIN VETERANS WITHOUT SERVICE-CONNECTED DISABILITY.—Section 1725 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "may reimburse" and inserting "shall reimburse"; and

(2) in subsection (f)(1), by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) until—

"(i) such time as the veteran can be transferred safely to a Department facility or other Federal facility; or

"(ii) such time as a Department facility or other Federal facility agrees to accept such transfer if—

"(I) at the time described in clause (i), no Department facility or other Federal facility agrees to accept such transfer; and

"(II) the non-Department facility in which such medical care or services is furnished makes and documents reasonable attempts to transfer the veteran to a Department facility or other Federal facility.".

(b) CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITY.—Section 1728 of such title is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) The Secretary, under such regulations as the Secretary shall prescribe, shall reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of emergency treatment (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title) for which such veterans have made payment, from sources other than the Department, where such emergency treatment was rendered to such veterans in need thereof for any of the following:

"(1) An adjudicated service-connected disability.

"(2) A non-service-connected disability associated with and held to be aggravating a service-connected disability.

"(3) Any disability of a veteran in the veteran has a total disability permanent in nature from a service-connected disability.

"(4) Any illness, injury, or dental condition of a veteran who—

"(A) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title); and

"(B) is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition.";

(2) in subsection (b), by striking "care or services" both places it appears and inserting "emergency treatment"; and

(3) by adding at the end the following new subsection:

"(c) In this section, the term 'emergency treatment' has the meaning given such term in section 1725(f)(1) of this title.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Speaker.

This bill comes to us from a great new Member from the State of Ohio (Mr. SPACE), and I'm going to yield to him as much time as he may consume to explain the bill.

Mr. SPACE. Mr. Speaker, I would like to thank Chairman FILNER, as well as Ranking Member BUYER, for their cosponsorship on this legislation as well as for their work in bringing H.R. 3819, the Veterans Emergency Care Fairness Act, to the floor today.

This legislation has been about a year in the making. Last March, I received a letter from Terry Carson, CEO of Harrison Community Hospital in Cadiz, Ohio, a small town in the 18th Congressional District for the State of Ohio. Mr. Carson wrote to me about a problem he was experiencing in his 25-bed rural hospital when providing emergency care for veterans.

Currently, the VA reimburses non-VA hospitals for emergency care provided to veterans up to the point of stabilization. Once the patient is deemed stable enough to transfer, he or she is moved to a VA hospital. The problem that Mr. Carson brought to my attention is that oftentimes, veterans experience a waiting period for a bed in the VA hospital. During this limbo time, the VA is not required to reimburse the community hospital for care. Meanwhile, people like Mr. Carson feel morally obligated to continue care despite the fact that they cannot count on reimbursement. Worse even than non-VA hospitals footing the bill is the case of veterans who are paying out of pocket.

The Veterans Emergency Care Fairness Act closes this loophole by requiring the VA to cover the cost of care while the transfer to a VA hospital is pending and if the community hospital can document attempts to transfer the patient.

I believe this legislation is the best solution for the VA, community hospitals, and, most importantly, our Nation's veterans. To that end, this legislation is supported by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Vietnam Veterans of America, the Ohio Hospital Association, the Air Force Sergeants Association, the Military Order of the Purple Heart, the Veterans Administration itself, and a bipartisan group of our colleagues here in the House.

This bill is a perfect example of how our system is supposed to work: a constituent contacts his Member of Congress, the Member listens, and an appropriate commonsense legislative fix is found. I'm proud to have had a chance to advocate for Mr. Carson, to advocate for the veterans he treats, and to advocate for the veterans across the country.

Once again, I would like to thank all of my colleagues in this bipartisan effort, and I urge all of those who have not joined thus far in supporting H.R. 3819.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3819, the Veterans Emergency Care Fairness Act, a bill to amend title 38 of the United States Code to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to department facilities.

I commend my colleague from Ohio, ZACK SPACE, for introducing this bill. Providing health care services to those who have honorably served our country is an important mission of the Department of Veterans Affairs. However, in an emergency, a veteran may not always be in close proximity to a VA health care facility.

Mr. Speaker, in 2000 under Public Law 106–117, the Veterans Millennium Health Care Act, Congress authorized the VA to reimburse or pay for the emergency non-VA treatment of certain enrolled veterans who have no medical insurance and no other recourse for payment.

☐ 1345

Current authorities for reimbursement of this emergency treatment are discretionary, and VA medical professionals must determine after the fact whether an actual emergency existed where a delay in obtaining treatment would have been hazardous to that veteran.

This bill appropriately resolves the current billing issues and standardizes requirements for VA to cover the cost of an eligible veteran's emergency care. H.R. 3819 would standardize the definition of emergency treatment for veterans seeking reimbursement for emergency services rendered in a non-VA facility.

By supporting this bill, we remove the financial uncertainty for veterans in an emergency health care status.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, this is a perfect example of the way we do the best legislation. Mr. SPACE from Ohio encountered a problem in his district, looked into solving it. It turns out it's a problem in every district.

So we thank Mr. SPACE for his work on this, for his recognizing the problem. It is an unacceptable position for a veteran to be in, that they're in never-neverland where they have been stabilized in a hospital but yet not accepted at a VA hospital and they are liable for the cost. What you have done is take that worry and that cost off of the veteran and allowed us to deal with him or her in a very respectful and clear way.

So we thank Mr. SPACE for this legislation.

I don't have any further speakers, and I would reserve the balance of my time.

Mr. BUYER. At this time, I yield such time as she may consume to the ranking member of the O&I Subcommittee of Veterans' Affairs, Ms. GINNY BROWN-WAITE of Florida.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise in favor of this bill, H.R. 3819, the Veterans Emergency Care Fairness Act. This bill, introduced by my colleague, Representative SPACE, closes a loophole that saddles America's hospitals with unnecessary costs.

Mr. Speaker, America's veterans answered the call of duty and fought gallantly for our freedoms. And everyone is thankful for that. However, it is up to the government of the United States to care for our vets, not private hospitals. This bill ensures that the private hospitals providing a bed for a vet while they await care at a VA hospital are reimbursed for that care.

Like Mr. SPACE, I've been contacted. Previously, he was contacted by a constituent. I've been contacted by constituents and actually intervened in getting the VA to pay for the hospital care. Once this becomes law, neither I nor other Members will have to be in the bill collection business because the VA clearly should be paying for this without having to have a Congressperson call, asking them to look into it.

As a cosponsor of this important bill, I'm looking forward to voting in favor of it, and I urge my colleagues to do the very same.

Mr. BUYER. Mr. Speaker, I urge my colleagues to support the bill and yield back my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3819, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I urge my colleagues to unanimously support this bill, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3819, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LONGITUDINAL STUDY OF VOCATIONAL REHABILITATION PROGRAMS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3889) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LONGITUDINAL STUDY OF DEPARTMENT OF VETERANS AFFAIRS VOCATIONAL REHABILITATION PROGRAMS.

(a) STUDY REQUIRED.—Chapter 31 of title 38, United States Code, is amended by adding at the end the following new section:

"§3122. Longitudinal study of vocational rehabilitation programs

"(a) STUDY REQUIRED.—(1) Subject to the availabilty of appropriated funds, the Secretary shall conduct a longitudinal study of a statistically valid sample of each of the groups of individuals described in paragraph (2). The Secretary shall study each such group over a period of at least 20 years.

"(2) The groups of individuals described in this paragraph are the following:

"(A) Individuals who begin participating in a vocational rehabilitation program under this chapter during fiscal year 2009.

"(B) Individuals who begin participating in such a program during fiscal year 2011.

"(C) Individuals who begin participating in such a program during fiscal year 2014.

"(b) ANNUAL REPORTS.—By not later than July 1 of each year covered by the study required under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study during the preceding year.

"(c) CONTENTS OF REPORT.—The Secretary shall include in the report required under subsection (b) any data the Secretary determines is necessary to determine the long-term outcomes of the individuals participating in the vocational rehabilitation programs under this chapter. The Secretary may add data elements from time to time as necessary. In addition, each such report shall contain the following information:

"(1) The number of individuals participating in vocational rehabilitation programs under this chapter who suspended participation in such a program during the year covered by the report.

"(2) The average number of months such individuals served on active duty.

"(3) The distribution of disability rating of such individuals.

"(4) The types of other benefits administered by the Secretary received by such individuals.

"(5) The types of social security benefits received by such individuals.

"(6) Any unemployment benefits received by such individuals.

"(7) The average number of months such individuals were employed during the year covered by the report.

"(8) The average annual starting and ending salaries such individuals who were employed during the year covered by the report.

"(9) The number of such individuals enrolled in an institution of higher learning, as that term is defined in section 3452(f) of this title.

"(10) The average number of academic credit hours, degrees, and certificates obtained by such

individuals during the year covered by the report.

"(11) The average number of visits such individuals made to Department medical facilities during the year covered by the report.

"(12) The average number of visits such individuals made to non-Department medical facilities during the year covered by the report.

"(13) The average annual income of such individuals.

"(14) The average total household income of such individuals for the year covered by the report.

"(15) The percentage of such individuals who own their principal residences.

"(16) The average number of dependents of each such veteran.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3122. Longitudinal study of vocational rehabilitation programs.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself as much time as I might consume.

As I said earlier, amongst this package of bills are legislation from both sides of the aisle. This one comes to us from the ranking member of the Subcommittee on Economic Opportunity, Mr. BOOZMAN, and I thank him for this important bill.

What H.R. 3889 does is require the VA to conduct what is called a longitudinal study for at least 20 years of the veterans who began participating in the VA's Vocational Rehabilitation and Employment Program. The bill requires annual reports to Congress to assist with better management of the program.

It's an important step in ensuring that the Vocational Rehabilitation and Employment Program has services that are meeting the needs of our veterans as they seek to heal from their injuries and reenter civilian life.

So I hope we all support H.R. 3889.

Mr. Speaker, I would reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3889, as amended, which would amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary. I appreciate Chairman FILNER for moving this legislation through the committee to bring it to the floor.

Mr. Speaker, too often we support benefit programs such as VA's Vocational Rehabilitation and Employment without requiring or verifying how well the program is achieving its goals. In the case of the VR&E, the program has two goals: employment and developing independent living skills for those too disabled to work.

Unfortunately, there is too little long-term data to judge the program's success in preparing disabled veterans for their return to the workforce. H.R. 3889 would require the VA to study three cohorts of veterans for 20 years to determine the outcomes of their participation in this program.

Mr. Speaker, I thank the foresight of my colleague, Dr. JOHN BOOZMAN, for bringing this needed legislation before the House, and I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. FILNER. We reserve the balance of our time.

Mr. BUYER. I now yield to Dr. BOOZMAN of Arkansas such time as he may consume.

Mr. BOOZMAN. Thank you, Mr. BUYER.

Mr. Speaker, I introduced H.R. 3889 to determine whether the VA's Vocational Rehabilitation and Employment Program was meeting its goals of employment and independent living for disabled veterans.

To do that, my bill would require that the Department of Veterans Affairs conduct a 20-year longitudinal study of three cohorts of disabled veterans who participate in the VR&E Program during years 2009, 2011 and 2013. The data VA collects and reports to Congress will enable us to fine-tune the program to achieve higher rehabilitation rates and to provide the most appropriate education and training leading to full employment.

Mr. Speaker, the bill specifies 15 different data points that must be collected and authorizes VA to add any other data points they deem appropriate. With this information, I believe veterans who participate in voc rehab will be more successful in finding gainful employment over their working career.

This is a good bill that does not require offsets and will improve the lives of veterans, and I urge my colleagues to support H.R. 3889, as amended.

I want to thank the Chair of my subcommittee, Ms. HERSETH SANDLIN, for her support and hard work. I also want to thank Chairman FILNER and Ranking Member BUYER as always for bringing the bill forward. Again, I want to thank the staff on both sides for helping to prepare this.

Mr. BUYER. Mr. Speaker, I also want to thank the chairman of the Economic Opportunity Subcommittee, STEPHANIE HERSETH SANDLIN, and Dr. BOOZMAN. They worked very well together on these issues, and I urge my colleagues to pass this bill.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3889, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise in strong support of H.R. 3889, a bill to require the Department of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the VA.

I would like to thank Representative BOOZMAN, the Ranking Member of the Veterans' Affairs Economic Opportunity Subcommittee, which I Chair, for introducing H.R. 3889 to help determine the effectiveness and long-term outcomes of the VA's vocational rehabilitation programs for disabled veterans. These vocational rehabilitation programs are important factors in helping disabled veterans obtain and keep suitable jobs. They also help seriously disabled veterans achieve independence in daily living.

I also would like to thank Veterans' Affairs Committee Chairman FILNER and Ranking Member BUYER for their support of the bill and for working to quickly move this legislation to the House floor.

I support H.R. 3889 to ensure the VA's vocational rehabilitation services are helping disabled veterans reach their rehabilitation goals.

Again, I thank Representative BOOZMAN for introducing this important bill. I encourage my colleagues to support it.

Mr. FILNER. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3889, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JUSTIN BAILEY VETERANS SUBSTANCE USE DISORDERS PREVENTION AND TREATMENT ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5554) to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1 SHORT TITLE.

This Act may be cited as the "Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008".

SEC. 2. EXPANSION OF VETERANS SUBSTANCE USE DISORDER PROGRAMS.

Subsection (d) of section 1720A of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Each plan under paragraph (1) shall ensure that the medical center provides ready access to a full continuum of care for substance use disorders for veterans in need of such care.

"(B) In this paragraph, the term 'full continuum of care' includes all of the following care, treatment, and services:

"(i) Screening for substance use disorder in all settings, including primary care settings.

"(ii) Detoxification and stabilization services.

"(iii) Intensive outpatient care services.

"(iv) Relapse prevention services.

"(v) Outpatient counseling services.

"(vi) Residential substance use disorder treatment.

"(vii) Pharmacological treatment to reduce cravings, and opioid substitution therapy referred to in paragraph (2).

"(viii) Coordination with groups providing peer to peer counseling.

"(ix) Short-term, early interventions for substance use disorders, such as motivational counseling, that are readily available and provided in a manner to overcome stigma associated with the provision of such interventions and related care.

"(x) Marital and family counseling.

"(C) The Secretary shall provide for outreach to veterans who served in Operation Enduring Freedom or Operation Iraqi Freedom to increase awareness of the availability of care, treatment, and services from the Department for substance use disorders.".

SEC. 3. REQUIREMENT FOR ALLOCATION OF DEPARTMENT RESOURCES TO ENSURE AVAILABILITY FOR ALL VETERANS REQUIRING TREATMENT FOR SUBSTANCE USE DISORDERS.

(a) EQUITABLE ALLOCATION OF FUNDING; ANNUAL REPORT.—Section 1720A of title 38, United States Code, as amended by section 2, is further amended by adding at the end the following new subsection:

"(e)(1) The Secretary shall ensure that amounts made available for care, treatment, and services provided under this section are allocated in such a manner that a full continuum of care (as defined in subsection (d)(3)(B)) is available to veterans seeking such care, treatment, or services, without regard to the location of the residence of any such veterans.

"(2)(A) In addition to the report required under section 1703(c)(1) of this title (relating to furnishing of contract care and services under this section), the Secretary shall include in the budget documents which the Secretary submits to Congress for any fiscal year a detailed report on the care, treatment, and services furnished by the Department under this section during the most recently completed fiscal year.

"(B) Each report under subparagraph (A) shall include data on the following for each medical facility of the Department:

"(i) The number of veterans who have been provided care, treatment, or services under this section at the facility for each 1,000 veterans who have received hospital care (if applicable) or medical services at the facility.

"(ii) The number of veterans for whom substance use disorder screening was carried out under subsection (d)(3)(B)(i) at the facility.

"(iii) The number of veterans for whom a substance use disorder was identified after a screening was carried out under subsection (d)(3)(B)(i) at the facility.

"(iv) The number of veterans who were referred by the facility for care, treatment, or services for substance use disorders under this section.

"(v) The number of veterans who received care, treatment or services at the facility for substance use disorders under this section.

"(vi) Availability of the full continuum of care (as defined in subsection (d)(3)(B)) at the facility.

"(C) Each report prepared under subparagraph (A) shall be reviewed by the Committee on Care of Severely Chronically Mentally Ill Veterans authorized by section 7321 of this title. The Committee shall provide an independent assessment of the care, treatment, and services furnished directly by the Department under this section to veterans. Such assessment shall include a detailed analysis of the availability, the barriers to access (if any), and the quality of such care, treatment, and services.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fiscal years beginning on or after October 1, 2009.

SEC. 4. PILOT PROGRAM FOR INTERNET-BASED SUBSTANCE USE DISORDER TREATMENT FOR VETERANS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) Stigma associated with seeking treatment for mental health disorders has been demonstrated to prevent some veterans from seeking such treatment at a medical facility operated by the Department of Defense or the Department of Veterans Affairs.

(2) There is a significant incidence among veterans of post-deployment mental health problems, especially among members of a reserve component who return as veterans to civilian life.

(3) Computer-based self-guided training has been demonstrated to be an effective strategy for supplementing the care of psychological conditions.

(4) Younger veterans, especially those who served in Operation Enduring Freedom or Operation Iraqi Freedom, are comfortable with and proficient at computer-based technology.

(5) Veterans living in rural areas find access to treatment for substance use disorder limited.

(6) Self-assessment and treatment options for substance use disorders through an Internet website may reduce stigma and provides additional access for individuals seeking care and treatment for such disorders.

(b) IN GENERAL.—Not later than October 1, 2009, the Secretary of Veterans Affairs shall initiate a pilot program to test the feasibility and advisability of providing veterans who seek treatment for substance use disorders access to a computer-based self-assessment, education, and specified treatment program through a secure Internet website operated by the Secretary. Participation in the pilot program is available on a voluntary basis for those veterans who have served in Operation Enduring Freedom or Operation Iraqi Freedom.

(c) ELEMENTS OF PILOT PROGRAM.—

(1) IN GENERAL.—In designing and carrying out the pilot program under this section, the Secretary of Veterans Affairs shall ensure that—

(A) access to the Internet website and the programs available on the website by a veteran (or family member) does not involuntarily generate an identifiable medical record of that access by that veteran in any medical database maintained by the Department;

(B) the Internet website is accessible from remote locations, especially rural areas; and

(C) the Internet website includes a self-assessment tool for substance use disorders, self-guided treatment and educational materials for such disorders, and appropriate information and materials for family members of veterans.

(2) CONSIDERATION OF SIMILAR PROJECTS.—In designing the pilot program under this section, the Secretary of Veterans Affairs shall consider similar pilot projects of the Department of Defense for the early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions established under section 741 of the John Warner National Defense Authorization Act of Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2304).

(3) LOCATION OF PILOT PROGRAM.—The Secretary shall carry out the pilot program through those medical centers of the Department of Veterans Affairs that have established Centers for Excellence for Substance Abuse Treatment and Education or that have established a Substance Abuse Program Evaluation and Research Center.

(4) CONTRACT AUTHORITY.—The Secretary of Veterans Affairs may enter into contracts with qualified entities or organizations to carry out the pilot program required under this section.

(d) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs $1,500,000 for each of fiscal years 2010 and 2011 to carry out the pilot program under this section.

(f) REPORT.—Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program, and shall include in that report an assessment of the feasibility and advisability of the pilot program, of any cost savings or other benefits associated with the pilot program, and recommendations for the continuation or expansion of the pilot program.

SEC. 5. REPORT ON RESIDENTIAL MENTAL HEALTH CARE FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) REVIEW AND REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs, acting through the Office of the Medical Inspector of the Department of Veterans Affairs, shall—

(1) conduct a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the review conducted under paragraph (1).

(b) ELEMENTS OF REPORT.—The report required by subsection (a)(2) shall include the following:

(1) A description of the availability of care in residential mental health care facilities in each Veterans Integrated Service Network (VISN).

(2) An assessment of the supervision and support provided in the residential mental health care facilities of the Veterans Health Administration.

(3) The ratio of staff members at each residential mental health care facility to patients at such facility.

(4) An assessment of the appropriateness of rules and procedures for the prescription and administration of medications to patients in such residential mental health care facilities.

(5) A description of the protocols at each residential mental health care facility for handling missed appointments.

(6) Any recommendations the Secretary considers appropriate for improvements to such residential mental health care facilities and the care provided in such facilities.

SEC. 6. TRIBUTE TO JUSTIN BAILEY.

This Act is enacted in tribute to Justin Bailey, who, after returning to the United States from service as a member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, this bill is named after Justin Bailey, who was a veteran of the Iraq War who died in a domiciliary facility of the Department of Veterans Affairs while receiving care for PTSD and a substance use disorder, a very tragic story but one that seems to be becoming all too familiar.

We have seen in recent weeks internal communications between members of the VA staff who we rely on to treat soldiers like Justin Bailey who seem to not take the symptoms of PTSD or suicide very seriously. They try to manipulate the data so we don't know all the facts. They try to get cheaper treatment if a diagnosis other than PTSD is made, and we are not serving our veterans when this occurs. We must not take lightly the commitment of servicemembers like Justin Bailey who choose to defend the country and freedoms that we enjoy.

We know the problems that veterans who have served in past wars face. We know about post-traumatic stress disorder. We know about the high reported incidence of substance abuse, and that it is what we call a common co-morbidity to mental health issues. And we, of course, unfortunately know about the high rate of homelessness. We know about these issues because we have seen entire generations of veterans tackle these problems, many without proper support from the VA and many who find themselves on the streets homeless or we see in statistics on suicide.

We must commit ourselves that whatever is necessary to prevent the newest generation of veterans from Afghanistan and Iraq will be done so they do not experience these same devastating issues.

There is growing concern about the reported effects of combat deployments on Operation Enduring Freedom and Operation Iraqi Freedom servicemembers. The suicide rates are on the rise back to where they were in our Vietnam era.

We know the rate of post-traumatic stress disorder among these veterans has been estimated at about a third. I think if you include hidden symptoms of traumatic brain injury we're up to probably double that or more.

We know that the rate of homelessness amongst this group is growing. The same cycles that we saw with Vietnam are repeating themselves.

We cannot as a Congress, as a Nation allow this to happen again. We must reinforce our commitment to take care of those who have served. This is a cost of war. We're spending $1 billion, Madam Speaker, on the Iraq and Afghanistan Wars every two days, $1 billion every 2 days. Shouldn't our servicemembers get all the treatment they need? We have the money. It's a question of our will and our priorities.

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So I urge you to support H.R. 5554. We would improve and expand the VA health care services available for veterans for substance use disorders, and require that all VA medical centers provide access to the full continuum of care for these disorders.

We also want to make sure that the Secretary reaches out to our OIF/OEF veterans with substance abuse disorders, and make sure that the funding is in place for the full continuum of care no matter where a veteran lives.

We also ask for a complete report on the services furnished by the Department in the last fiscal year, and have a 2-year pilot program on providing assessment, education and treatment via the Internet to veterans with substance use disorders. And finally, we would require the VA to conduct a review and report on the residential mental health facilities within the system.

I urge my colleagues to support H.R. 5554. We will hear from Congressman MICHAUD from Maine, the chairman of our Health Subcommittee, who wrote this bill. And he will have a chance to really explain it better after we hear from our ranking member.

Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 5554, as amended, the Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008, would amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance abuse disorders.

Unfortunately, many veterans who have experienced combat trauma have difficulty dealing with the demands of military service and/or readjusting to home life often turn to alcohol and drugs to ease the pain that has become part of their lives. VA has dedicated more than $458 million to improve access and quality of care for veterans who require substance use treatment since it began implementing the Mental Health Strategic Plan in 2005.

H.R. 5455, however, would be much more comprehensive and require that VA provides a "full continuum of care" to veterans suffering from substance use disorders at all VA medical centers or through contracts with local providers. This full continuum of care would include comprehensive screening for substance use disorders in all settings, detoxification and stabilization services, intensive outpatient and residential care, pharmacological treatments, and peer-to-peer and family and marital counseling.

This legislation would also direct VA to conduct a pilot program for Internet-based substance use disorder treatment for veterans of Operations Iraqi Freedom and Enduring Freedom.

Some of our veterans are confronted with a new form of challenge in their life, which for some is greater than the warfare which they had faced, where it has no clear front and has no clear refuge. And in the case of our OIF/OEF veterans in the wars in Iraq and Afghanistan, over 30 percent of those veterans who have received VA care have been diagnosed with a possible mental health problem and 12 percent of these with a possible substance use disorder.

Outreach to every veteran is critical, and I'm pleased that under the leadership of Secretary Peake, VA has started contacting nearly 570,000 recent combat veterans to talk to them about available VA medical care and benefits.

Providing a full continuum of care in all settings will go a long way to enhance access to care and help at-risk veterans recognize the signs, treat the symptoms, and overcome the stigma that prevents many veterans from seeking care.

Problems associated with substance use disorder can have lasting effects on the mental and physical health of our veterans, and I commend the Subcommittee on Health Chairman MICHAUD and Ranking Member MILLER for their leadership on the bill.

We can make significant progress in ensuring that the mental health wellness care that veterans seek and deserve is available with the passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I yield 2 minutes to the author of the bill and the Chair of our Health Subcommittee of the Veterans' Committee in the Congress, the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Thank you, Mr. Chairman.

I rise today in support of H.R. 5554, the Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008. This legislation does amend title 38, United States Code, to expand and improve health care services available to veterans for substance use disorders.

It requires that all VA medical centers provide ready access to a full continuum of care for substance use disorders. And it explicitly defines that "full continuum of care" as ranging from initial screening through outpatient care and family therapy. We have an obligation to take care of the men and women who chose to fight for our freedom and the freedom of all oppressed people.

This legislation had strong bipartisan support during its development. I want to thank members of the Health Care Subcommittee, especially Mr. MILLER, for their support and contributions to this legislation, as well as the committee staff on both sides of the aisle.

I also would like to thank Congresswoman BERKLEY, who has been a true advocate for our veterans, and who has been strongly involved in the development of this legislation as well.

I also want to thank you, Mr. Chairman, for your leadership, as well as Ranking Member BUYER for your leadership in this legislation. I encourage my colleagues to support it.

Mr. BUYER. I urge my colleagues to adopt this legislation, and I yield back the balance of my time.

Mr. FILNER. Madam Speaker, I yield 5 minutes to a very active, aggressive member of our committee, who is always there when we need her, the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I also would like to thank the chairman of our full committee, Mr. FILNER, for being so supportive, and the chairman of our subcommittee, Mr. MICHAUD, for helping to make this legislation a reality today. I'm very grateful for the opportunity to be part of this important piece of legislation.

Nationally, one in five veterans returning from Iraq and Afghanistan suffer from PTSD. Twenty-three percent of members of the Armed Forces on active duty acknowledge that they have a significant problem with alcohol. Veterans must receive the help they need to deal with these conditions.

The effects of substance abuse are devastating, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness. Veterans suffering from mental health problems are at increased risk for developing a substance abuse disorder.

A constituent of mine, Lance Corporal Justin Bailey, was a 1998 graduate of Las Vegas High School. Upon returning from a tour of duty in Iraq, he was diagnosed with PTSD and was discharged from the Marines in 2004. He developed a substance abuse disorder, and with the encouragement of his parents, checked himself into a VA facility in west Los Angeles to get the treatment that he needed and recognized that he needed.

He sought treatment for a drug abuse problem, and yet he was given five additional medications on a self-medication program. With those five additional medications in his system, Justin overdosed and died on January 26, 2007.

The loss of a child is devastating enough, but what made matters worse is the way that Justin's parents were treated by the VA. They were treated with indifference and apathy at the West L.A. facility that their son died at. They were handed Justin's belongings in a trash bag.

Last August, 8 months after Justin's death, the Baileys returned to Los Angeles to meet with the Chief of Staff at the West L.A. facility. They came away from the meeting feeling that the Chief of Staff had been completely unprepared and seemed out of touch with the needs of the veterans. The Chief of Staff went so far as to state that his staff didn't know how to treat veterans of the Iraq and Afghan war because they were young, and the staff was not tough enough on these younger veterans, they tended to give them anything they asked for.

I'm very pleased that the committee included my amendment to require the VA to conduct a review of all residential mental health care facilities, including domiciliary facilities, and agree to rename the bill in Justin's honor. I know this means a great deal to Justin's family.

Passage of the Justin Bailey Substance Use Disorder Treatment and Prevention Act will help to ensure that we have the mental health resources and substance abuse treatment programs needed to care for our veterans. The assessments of residential mental health facilities required will help us to learn how well the VA is performing and what we can do to improve these services, including expanded availability at VA hospitals.

The availability of treatment for PTSD, including substance abuse disorder counseling, will save many lives. This must remain a top priority.

A review of the services provided to our veterans is needed to ensure that what happened to Justin does not happen to anyone else ever again.

It's imperative that we provide adequate mental health services for those who have sacrificed for our great Nation and those who continue to serve.

I wholeheartedly support H.R. 5554 and urge my colleagues to do the same.

Mr. FILNER. I want to thank the gentlelady from Nevada for putting a real face to this problem. I know it means a lot to the family, but it means a lot to all of us. So thank you.

Another great member of our committee, Mr. RODRIGUEZ from Texas, dealt with mental health issues in his previous life, and I will yield to him as much time as he might consume.

Mr. RODRIGUEZ. Thank you, Mr. Chairman. And I want to personally thank you for this piece of legislation.

I had the pleasure and the opportunity to serve 7 years in the area of mental health and work with heroin addicts, substance abusers and community mental health.

One of the things that I've realized is that a lot of people that do substance abuse as the result of having mental health problems as well as post-traumatic stress. During the Vietnam War, we left our soldiers and we abandoned them. A large number of them now find themselves as part of those statistics of being homeless. Part of the statistics are a large number of veterans that are committing suicide. This program that will allow the continuum of care is going to allow an opportunity for them to be able to get access to service. I want to thank both sides and the chairman for their leadership in this area.

In addition, let me just say that this area is one of the areas where we really need to make an emphasis. I am really pleased to see that, because when you do abuse drugs, when people do abuse alcohol, one of the difficulties is the fact that the family gets impacted. This allows an opportunity for that intervention to occur.

Thank you very much, and congratulations on this legislation.

Mr. FILNER. Thank you, Mr. RODRIGUEZ, for your expertise.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5554, as amended.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for H.R. 5554, the "Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008." This legislation grants to our veterans access to a comprehensive continuum of substance abuse treatment services provided by Department of Veterans Affairs medical centers. The bill also requires the Secretary of Veterans Affairs to inform veterans of Operations Enduring Freedom or Iraqi Freedom about the availability of such care.

Madam Speaker, we have sent thousands of otherwise healthy young men and women to Iraq and Afghanistan to fight. Many of those who were lucky enough to escape unscathed physically, are suffering agonizing symptoms emotionally. Depression, anxiety, and symptoms of post-traumatic stress disorder plague countless veterans returning from the battlefield. Without proper treatment, our veterans turn to self-medicating these psychiatric symptoms by abusing alcohol and other substances.

It would be negligent, if not hypocritical, of us not to offer comprehensive substance abuse treatment for all returning veterans. This legislation ensures that a "continuum" of services, including screening for substance use disorders, detoxification and stabilization services, intensive outpatient services, relapse prevention services, counseling services, and other necessary services, are offered to our returning veterans.

Of course, these services require funding. H.R. 5554 ensures that funding for a full continuum of substance abuse treatment is made available to veterans seeking such care. Although H.R. 5554 authorizes a pilot program for Internet-based substance use disorder treatment, let us not sell our veterans short by cutting corners on care. More funding is needed to ensure that enough psychiatrists, nurses, psychologists, and social workers are available to care for our returning veterans. As well, more research funding is required in order to better understand and treat disorders of substance abuse and dependence which plague our veterans.

Madam Speaker, I find it appalling that we ask our young men and women in the Armed Forces to sacrifice life and limb overseas in Iraq and Afghanistan, yet when those very soldiers return home, we deny them vital mental health and substance abuse treatment services. Let us begin to right this wrong by supporting H.R. 5554, and improve substance abuse treatment services available to our veterans.

Mr. FILNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5554, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRING REGULAR UPDATES TO HANDBOOK FOR DESIGN FURNISHED TO VETERANS ELIGIBLE FOR SPECIALLY ADAPTED HOUSING ASSISTANCE

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5664) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT FOR REGULAR UPDATES TO HANDBOOK FOR DESIGN FURNISHED TO VETERANS ELIGIBLE FOR SPECIALLY ADAPTED HOUSING ASSISTANCE BY SECRETARY OF VETERANS AFFAIRS.

Section 2103 of title 38, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(a) PLANS AND SPECIFICATIONS.—The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) HANDBOOK FOR DESIGN.—The Secretary shall make available to veterans eligible for assistance under this chapter, without cost to the veterans, a handbook containing appropriate designs for specially adapted housing. The Secretary shall update such handbook at least once every six years to take into account any new or unique disabilities, including vision impairments, impairments specific to the of upper limbs, and burn injuries.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, again we thank and we draw on the expertise of Mr. RODRIGUEZ of Texas for this bill. It's a commonsense solution to assist our Nation's veterans.

We would simply require the Secretary of the VA to furnish and update a handbook for designs of specially adapted housing to include vision impairments, impairments to the upper limbs, and burn injuries.

Ensuring that our brave men and women have a comfortable home to heal from the injuries of war is the very least we can do for our veterans. This is especially true since the last time this VA pamphlet was published was 30 years ago, in 1978.

I feel confident that with this legislation the VA can provide improved guidance to incorporate today's medical breakthroughs in health care and any advanced technologies. I hope all my colleagues will support H.R. 5664.

Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5664, as amended, a bill which would amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every 6 years the plans and specifications for specially adapted housing furnished to veterans by the Secretary.

I thank my colleague, Mr. RODRIGUEZ of Texas, for introducing this bill, and Subcommittee Chairwoman STEPHANIE HERSETH SANDLIN, Ranking Member BOOZMAN and full committee Chairman FILNER for their efforts to bring the bill before the House.

Madam Speaker, many of our most severely disabled veterans qualify for the specially adapted housing program that provides grants for up to $50,000 to modify the veteran's home. This bill would require the VA to update the handbook on adapted homes designs on a 6-year cycle, to include adaptations for a wider variety of disabilities and to provide the handbook to qualified veterans.

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In the previous Congress, we allowed the homes of a family member to be adapted where the veteran temporarily resides. I think that was a good move that we had done that, and this measure that Mr. RODRIGUEZ has brought is one that is prudent and it should be passed.

Madam Speaker, I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I yield such time as he may consume to the author of the legislation, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Chairman FILNER and Ranking Member BUYER, thank you very much for this opportunity regarding H.R. 5664, a bill that I introduced to correct a bureaucratic oversight in the way that the Veterans Administration advises contractors as they deal with renovating housing for disabled veterans.

Madam Speaker, our veterans have made difficult sacrifices and secured our freedom and the way of life. This Memorial Day we honor veterans with our words and our actions, and this bill is a reflection of that.

My bill seeks to ensure that veterans whose homes are updated under the program benefit from all that modern technology and construction practice can provide. Today's veterans, particularly those from Iraq and Afghanistan, are sustaining injuries that in past conflicts would have resulted in their death. The variety of these injuries requires a fresh look at the ways the VA provides guidance to veterans in using special adaptive housing grants. The primary guidance that the VA provides contractors who modify homes under this grant program is VA pamphlet 26-13, titled "Handbook for Design: Specially Adaptive Housing." The guide was last updated in 1978. This bill requires an update of this guide at least every 6 years.

I would like to thank also Congressman HALL for his assistance in getting the bill in the Economic Opportunity Subcommittee and being able to make it happen as quickly as possible, getting the cost of it assessed, and I believe that the bill will go a long way in assisting our veterans and making sure that we have good housing.

Let me just give you one of the examples that we had. For example, the particular bill required that arm bars be built in these homes, that arm bars be installed in a restroom for a veteran who had his arms amputated, and there are other types of options that can be utilized, keyless entries and other forms. So this is definitely a bill that is helpful, and the purpose is to allow construction contractors who are updating disabled veterans' homes to be more flexible in employing state-of-the-art technology.

Once again thank you very much for allowing me this opportunity, Chairman FILNER.

Mr. BUYER. Madam Speaker, I yield back the balance of my time.

Mr. FILNER. Madam Speaker, I urge my colleagues to support this bill.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 5664, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. HERSETH SANDLIN. Madam Speaker, I rise in strong support of H.R. 5664, a bill to direct the VA to update the plans and specifications for specially adapted housing furnished to veterans.

As the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee, I would like to thank Representative RODRIGUEZ for introducing this important bill. I also would like to thank Veterans' Affairs Committee Chairman FILNER and Ranking Member BUYER for their support of the bill.

The VA's main grant program guide, which is provided to contractors to draw up plans and specifications to modify homes, was last updated in 1978. H.R. 5664 will ensure that the 30-year-old guide contains up-to-date directions and is applicable for today's veterans, who often come home from battle with injuries different than servicemembers from previous military conflicts.

Again, I thank Representative RODRIGUEZ for introducing this important bill. I encourage my colleagues to support it.

Mr. FILNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5664, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SPINA BIFIDA HEALTH CARE PROGRAM EXPANSION ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5729) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with spina bifida, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spina Bifida Health Care Program Expansion Act".

SEC. 2. PROVISION OF COMPREHENSIVE HEALTH CARE BY SECRETARY OF VETERANS AFFAIRS TO CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.

(a) PROVISION OF COMPREHENSIVE HEALTH CARE.—Section 1803(a) of title 38, United States Code, is amended by striking "such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition" and inserting "health care under this section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to care furnished after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, in this Congress we are blessed with having many new Members who take an active role in the legislative process and are writing legislation, and one of those is the gentleman from Indiana (Mr. ELLSWORTH), who brings us this bill, and I yield to him such time as he may consume.

Mr. ELLSWORTH. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong support of H.R. 5729, the Spina Bifida Health Care Program Expansion Act.

This important issue came to my attention by my constituents Honey Sue Newby and the Nesler family of New Harmony, Indiana. Honey Sue's story is quite heart wrenching. She's a woman who lives with a complicated neurological disorder rooted in spina bifida, and her parents, Suzanne and Ron Nesler, provide her with around-the-clock attendance and care. Ron is Honey Sue's stepfather and, together with Suzanne, serves as her guardian and primary caregiver.

Honey Sue's biological father served 8 years as a marine and completed three combat tours in Vietnam. The VA concedes that Honey Sue's condition is the direct result of her biological father's exposure to Agent Orange, the defoliant and herbicide used by our Armed Forces in Vietnam.

For years the Neslers have attempted to clear seemingly insurmountable bureaucratic hurdles when seeking medical care for Honey Sue. Suzanne and Ron have to provide a letter from the doctor to the VA each and every time that she seeks care that her condition is directly related to her spina bifida. The Neslers have to repeat this routine despite the fact that Honey Sue is recognized by the VA as a level III child. At the VA level III children are eligible to the same full health care coverage as a military veteran with 100 percent service-connected disability.

H.R. 5729 will provide the Neslers and other people facing the same challenges with relief from the tedious administrative burdens by providing the beneficiaries of the Spina Bifida Health Care Program with comprehensive care. No longer will the burden be on the Neslers to prove that Honey Sue's condition and various health ailments are related to spina bifida and therefore Agent Orange. The requirement has been removed.

When this bill is passed by Congress and signed by the President, Honey Sue and the estimated 1,200 children—and, Madam Speaker, that's important to know that this is only 1,200 children with levels I, II, and III spina bifida as caused by a parent's exposure to Agent Orange will receive the same full health care covebage as military veterans with a 100 percent service-connected disability. This bill will give families the peace of mind that their children will have access to attendant care when they are no longer capable of providing for them. I know that this concern is of great importance to the Neslers.

Madam Speaker, the Congressional Budget Office estimates that the VA already provides roughly 90 percent of the comprehensive health care needs of these beneficiaries. In fact, the CBO estimates that the implementation of this program will add around $2,500 per person in 2009. This is a small price to pay, Madam Speaker, to ensure Honey Sue receives the health care she needs and Suzanne and Ron do not have to spend their days navigating their way through a frustrating maze of administrative paperwork.

I would like to thank the chairman, BOB FILNER, and the ranking member, Mr. BUYER, and the very capable staff of the Veterans' Affairs Committee for their leadership on this issue. I'd also at this time like to thank one of my staff in Evansville, Indiana, Emily Hayden, who has worked exceedingly hard to help the Neslers with the red tape that this bill aims to fix. Emily has shown such care and consideration for so many of my constituents that she deserves recognition. I'm proud to have her on my staff.

Madam Speaker, H.R. 5729, the Spina Bifida Health Care Program Expansion Act, follows through on these promises made to our brave servicemembers who have fought for our freedoms.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5729, as amended, the Spina Bifida Health Care Program Expansion Act, which would amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with spina bifida, and for other purposes.

Spina bifida is a developmental birth defect that affects the spinal cord. It is a debilitating disease that can cause a number of neurological problems including paralysis and cognitive disorders.

Under its current authorities, VA is providing monetary allowances, vocational training, and certain medical care benefits to more than 1,100 children of veterans from Vietnam and Korea who were born with spina bifida. The VA Spina Bifida Health Care Program began in 1997 as a benefit for children of Vietnam veterans exposed to Agent Orange. In 2003 Congress expanded this program to children of certain Korean conflict veterans as well.

However, medical care benefits under the program are limited to those necessary for the treatment of spina bifida and related medical conditions.

Although VA is supporting about 90 percent of the health care needs of these beneficiaries, the current requirement to receive prior approval for services creates an undue administrative burden for those families seeking treatment for their children. As these children age, it is especially important that the complete and comprehensive health care is available to them.

Madam Speaker, I am pleased to support H.R. 5729, and I commend the gentleman from Indiana for bringing this to our attention. This bill expands VA's authority to cover all health care services needed for those who suffer with spina bifida as a result of their parents' service to our country.

Madam Speaker, I urge my colleagues to adopt this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. FILNER. Madam Speaker, I would thank again the gentleman from Indiana (Mr. ELLSWORTH) for recognizing a problem, for having so much energy, and bringing us a solution.

We salute you for doing that.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 5729, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5729, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5826) to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Veterans' Compensation Cost-of-Living Adjustment Act of 2008".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2008, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2008, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

This bill is called the Veterans' Compensation Cost-of-Living Adjustment Act, which was introduced by myself and Mr. RODRIGUEZ of Texas. And I want to thank our ranking member, Mr. BUYER, who, of course, supported this legislation and helped us to get here with unanimous support from our committee.

The fact that we were able to get this bill to the floor only a month after its introduction shows the House leadership's commitment to our Nation's veterans and their survivors.

Since 1976 Congress has passed a measure to direct the Secretary of Veterans Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, so-called DIC, to their survivors and dependents, along with other benefits, in order to keep pace with the rising cost of living. The disability COLA here would be effective on December 1 of this year and will be equal to that provided on an annual basis to Social Security recipients.

Madam Speaker, this bill will provide over 3 million disabled veterans from the World War I era through the current conflicts in Iraq and Afghanistan that VA estimates will be receiving disability compensation for the coming fiscal year. It will help over 300,000 of their survivors during the same period.

Many of the nearly 3.5 million recipients of these benefits depend on these tax-free payments not only to provide for their own basic needs but those of their spouses, children, and parents as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly erode.

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We would be derelict in our duty if we failed to guarantee that those who sacrifice so much for this country receive benefits and services that don't keep pace with their necessities. I know we have had some disagreement over the past weeks over what, and how, our priorities for veterans should be funded. But on this bill, there is no disagreement. The veterans compensation COLA is included in the CBO baseline. In layman's terms, that means we have already paid for this.

Regardless of whether or not you agree or disagree with the funding of the war in Iraq, our young men and women who have served in our Armed Forces deserve to be adequately compensated for injuries due to their military service. We fund the war, we must fund the warrior, and their families and their survivors, by ensuring their benefits will keep pace with their living expenses. Let's ensure that these benefits make ends meet at the end of the month.

Madam Speaker, as we approach our country's 140th Memorial Day commemoration, I ask all my colleagues to support this bill and send a clear message of support to our troops: You will be taken care of when you return, and we will not forget your sacrifice.

No action by a Member of Congress is more irritating to many Americans than those who say they support the troops but then turn a cold shoulder when those same troops come home, become veterans, and need our help to become whole again. That costs money; money we should not hesitate to spend, just like our military men and women did not hesitate to offer to lay down their lives to defend our freedom and the way of life that we cherish.

I ask my colleagues to consider these facts when voting on the full portfolio of veterans' legislation that is under consideration on the floor today, and of course to support passage of this bill, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008.

I would reserve the balance of my time.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 5826, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008. I would like to thank my colleagues, Mr. HALL of New York, chairman of the Disability Assistance and Memorial Affairs Subcommittee, and Mr. LAMBORN of California, the ranking member of the subcommittee, as well as the bill's sponsor, Mr. RODRIGUEZ of Texas, for the leadership on this bill.

This veterans' COLA would increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. The COLA adjustment includes wartime disability compensation, additional compensation for dependents, clothing allowance, dependency and indemnity to surviving spouse, and dependency and indemnity compensation to children.

Madam Speaker, this is an important annual authorization, which provides much-needed assistance to our Nation's veterans, and every year receives unanimous support from the House.

With that, I yield back my time.

Mr. FILNER. Madam Speaker, I would yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ) who authored this bill.

Mr. RODRIGUEZ. Let me also once again thank Chairman BOB FILNER and Ranking Member BUYER. Thank you very much for the opportunity to speak regarding H.R. 5826, and thank you for allowing me the opportunity, Mr. Chairman, to sponsor this piece of legislation.

I want to also just take this opportunity on this bill to thank the chairman because I have had the opportunity to serve on the VA Committee for, prior to being gone for 2 years, 8 years, and I know we had a series of things that occurred and we were not able to make things happen during that period of time, and there was a great deal of frustration. But I do want to thank the chairman because this past year and a half has been one of the highlights, at least in my career serving on the VA committee, having the opportunity to not only hear and be able to make something happen for our veterans and be able to do the right thing. We have been able to make some significant pieces of legislation. So I wanted to take this opportunity to thank the chairman for his leadership in allowing us to make that happen.

We are all keenly aware of the burden our current economy places upon our American families. The same difficulties are magnified with the veterans and the families who rely on disability compensation provided through the VA. H.R. 5826, the Veterans Compensation Cost-of-Living Adjustment Act of 2008, seeks to address these challenges by increasing the compensation rates in line with the Consumer Price Index Social Security COLA.

We all know the difficulty that we are hearing back home with the cost of gasoline, the cost of food, and people losing their homes. This is essential, this cost of living. It's minimal, but yet it's extremely critical and important. I want to thank you for allowing me this opportunity once again to speak today, and for the considering of H.R. 5826, and I ask your support and I ask the possibility of a vote on this particular legislation, Mr. Chairman.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5826.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Madam Speaker, I urge all my colleagues to support H.R. 5826 and would yield back our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5826.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION AND LEASE ACT OF 2008

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5856) to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Medical Facility Authorization and Lease Act of 2008".

SEC. 2. AUTHORIZATION FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2009 in the amount specified for each project:

(1) Seismic corrections, Building 2, at the Department of Veterans Affairs Palo Alto Health Care System, Palo Alto Division Palo Alto, California, in an amount not to exceed $54,000,000.

(2) Construction of a polytrauma healthcare and rehabilitation center at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $66,000,000.

(3) Seismic corrections, Building 1, at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $225,900,000.

SEC. 3. MODIFICATION OF AUTHORIZATION AMOUNTS FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

(a) MODIFICATION OF MAJOR MEDICAL FACILITY AUTHORIZATIONS.—Section 801(a) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended—

(1) in paragraph (1)—

(A) by striking "$300,000,000" and inserting "$625,000,000"; and

(B) by striking the second sentence; and

(2) in paragraph (3), by striking "$98,000,000" and inserting "$769,200,000".

(b) MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) CORRECTION OF PATIENT PRIVACY DEFICIENCIES AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.—Paragraph (5) of section 802 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended by striking "$85,200,000" and inserting "$136,700,000".

(2) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LAS VEGAS, NEVADA.—Paragraph (7) of such section is amended by striking "$406,000,000" and inserting "$600,400,000".

(3) CONSTRUCTION OF A NEW OUTPATIENT CLINIC, LEE COUNTY, FLORIDA.—Paragraph (8) of such section is amended—

(A) by striking "ambulatory" and all that follows through "purchase," and inserting "outpatient clinic in"; and

(B) by striking "$65,100,000" and inserting "$131,800,000".

(4) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY, ORLANDO, FLORIDA.—Paragraph (11)

of such section is amended by striking "$377,700,000" and inserting "$656,800,000".

(5) Consolidation of Campuses at the University Drive and H. John Heinz III Divisions, Pittsburgh, Pennsylvania.—Paragraph (12) of such section is amended by striking "$189,205,000" and inserting "$295,600,000".

SEC. 4. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2009 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Brandon, Florida, $4,326,000.

(2) For an outpatient clinic, Colorado Springs, Colorado, $3,995,000.

(3) For an outpatient clinic, Eugene, Oregon, $5,826,000.

(4) For the expansion of an outpatient clinic, Green Bay, Wisconsin, $5,891,000.

(5) For an outpatient clinic, Greenville, South Carolina, $3,731,000.

(6) For an outpatient clinic, Mansfield, Ohio, $2,212,000.

(7) For an outpatient clinic, Mayaguez, Puerto Rico, $6,276,000.

(8) For an outpatient clinic, Mesa, Arizona, $5,106,000.

(9) For interim research space, Palo Alto, California, $8,636,000.

(10) For the expansion of an outpatient clinic, Savannah, Georgia, $3,168,000.

(11) For an outpatient clinic, Sun City, Arizona, $2,295,000.

(12) For a primary care annex, Tampa, Florida, $8,652,000.

SEC. 5. AUTHORIZATION OF CONSTRUCTION OF MAJOR MEDICAL FACILITY, OKALOOSA COUNTY, FLORIDA.

(a) Authorization.—The Secretary of Veterans Affairs shall carry out a major medical facility project to construct a new medical facility of the Department of Veterans Affairs in Okaloosa County, Florida, in an amount not to exceed $54,475,000.

(b) Facility Location.—The facility authorized to be constructed pursuant to subsection (a) shall be built in accordance with option 2 of the report to Congress dated June 26, 2007, required to be submitted under section 823 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3449).

(c) Plan for Sharing of Inpatient and Outpatient Services.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan that sets forth terms and conditions for the sharing of inpatient and outpatient services at the medical facility authorized to be constructed pursuant to subsection (a).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations for Fiscal Year 2009 Major Medical Facility Projects.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects, account—

(1) $345,900,000 for the projects authorized in section 2;

(2) $1,694,295,000 for the increased amounts authorized for projects whose authorizations are modified by section 3; and

(3) $54,475,000 for the project authorized in section 5.

(b) Authorization for Appropriations for Fiscal Year 2009 Major Medical Facility Leases.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Medical Facilities account, $60,114,000, for the leases authorized in section 4.

SEC. 7. FACILITIES ADMINISTRATION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report updating the progress of the Secretary in complying with section 312A of title 38, United States Code.

SEC. 8. ANNUAL REPORT ON OUTPATIENT CLINICS.

(a) Annual Report Required.—Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§8119. Annual report on outpatient clinics

"(a) Annual Report Required.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on community-based outpatient clinics and other outpatient clinics. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

"(b) Contents of Report.—Each report required under subsection (a) shall include the following:

"(1) A list of each community-based outpatient clinic and other outpatient clinic of the Department, and for each such clinic, the type of clinic, location, size, number of health professionals employed by the clinic, workload, whether the clinic is leased or constructed and operated by the Secretary, and the annual cost of operating the clinic.

"(2) A list of community-based outpatient clinics and other outpatient clinics that the Secretary opened during the fiscal year preceding the fiscal year during which the report is submitted and a list of clinics the Secretary proposes opening during the fiscal year during which the report is submitted and the subsequent fiscal year, together with the cost of activating each such clinic and the information required to be provided under paragraph (1) for each such clinic and proposed clinic.

"(3) A list of proposed community-based outpatient clinics and other outpatient clinics that are, as of the date of the submission of the report, under review by the National Review Panel and a list of possible locations for future clinics identified in the Department's strategic planning process, including any identified locations in rural and underserved areas.

"(4) A prioritized list of sites of care identified by the Secretary that the Secretary could establish without carrying out construction or entering into a lease, including—

"(A) any such sites that could be expanded by hiring additional staff or allocating staff to Federal facilities or facilities operating in collaboration with the Federal Government; and

"(B) any sites established, or able to be established, under sections 8111 and 8153 of this title.".

(b) Deadline for First Annual Report.—The Secretary of Veterans Affairs shall submit the first report required under section 8119(a) of title 38, United States Code, as added by subsection (a), by not later than 90 days after the date of the enactment of this Act.

(c) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I the following new item:

"8119. Annual report on outpatient clinics.".

SEC. 9. TECHNICAL CORRECTION.

Section 807(e) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended by striking "Medical Care" each place it appears and inserting "Medical Facilities".

SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Filner) and the gentleman from Indiana (Mr. Buyer) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, this is one of the most important and difficult pieces of legislation to come to the Health Subcommittee of our committee. The chairman, Mr. Michaud of Maine, has done an incredibly good job, along with his ranking member, Mr. Miller. I would yield to Mr. Michaud such time as he might consume to explain the bill.

Mr. MICHAUD. Thank you very much, Mr. Chairman.

I rise today in strong support of H.R. 5856, the Department of Veterans Affairs Medical Facilities Authorization and Lease Act of 2008. This legislation authorizes the Department of Veterans Affairs to build or lease major medical facilities across this country. I believe we must do everything possible to take care of the men and women who defend our Nation and fight for freedom around the world.

The facilities authorized in this legislation will provide the much-needed physical facilities around the country where we can take care of veterans for different health care reasons. This legislation has strong bipartisan support. We did take a lot of time working with the minority members and had hearings on this bill and actually went around the country to look at the facilities that the VA currently has. This bill is desperately needed to make sure that we keep upgrading and building the facilities that are needed around this great Nation of ours.

I do want to thank the staff on both the majority side and minority side for all their efforts in really moving this legislation forward. Especially I want to thank Mr. Miller, who has been a strong supporter of this legislation. We spent hundreds of hours going through this proposal with committee staff and within the VA staff as well. I especially want to thank you, Mr. Chairman, and Ranking Member Buyer, for your interest in this legislation as well.

This legislation did receive a lot of interest from a variety of Members of Congress on both sides of the aisle, and we wish we could accommodate all the interest and concerns that we heard, but we were unable to do that at this time. We will be able to move forward with report language in this legislation that actually requires the VA to report back to the Veterans' Affairs Committee on how we deal with some of the lower cost items, CBOCs around the country, and look forward to that report. Hopefully, we will be able to move forward in a more aggressive way and get the facilities that we need around the country.

With that, I would urge my colleagues to strongly support H.R. 5856.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5856, the VA Medical Facility Authorization and Lease Act, which would authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009. I want to extend my compliments to Chairman MICHAUD and Mr. MILLER, and I think when Chairman MICHAUD thanked me for the interest, I think he meant, Thank you for the cooperation. I enjoyed working with you and your staff and the chairman in getting a bill to the floor.

Madam Speaker, this bill authorizes $2.2 billion to improve access to health care for our Nation's veterans. As we consider this construction authorization bill that includes VA's fiscal year 2008 and 2009 request, I would like to share my enthusiasm for the announcement Secretary Peake made on April 24, 2008, to change course in Denver and move to a joint facility, with which I know Chairman MICHAUD also concurs.

Secretary Peake announced that the VA intends to construct a new bed tower in partnership with the University of Colorado at Denver and the University of Colorado Hospital on university property at the former Fitzsimons Army Medical Center campus. Madam Speaker, I have been a strong supporter of moving forward with a joint use facility and believe that the idea of collaboration promises significant value as we move in to providing veterans access to care in the 21st century VA system.

There has been a long and detailed history of planning for a shared facility to replace the existing Denver VA Medical Center. Discussions between VA and the University of Colorado Hospital regarding the relocation of the Denver Veterans Medical Center to Fitzsimons campus started in the year 2000, and I am pleased to see this collaboration again moving forward.

H.R. 5856 would provide VA to authorize in the amount of not to exceed $769.2 million for the replacement of the Denver, Colorado VA Medical Center. This authorization was requested by the administration in February in its fiscal year 2009 budget submission.

Madam Speaker, I recommend at this time that we retain this $769.2 million authorization for a major medical facility in Denver contained in this bill as a placeholder. However, as the planning and design of the Denver partnership is further defined, it will be necessary to amend the authorization of this project.

H.R. 5856 also includes authorization for the construction of a fifth polytrauma center in San Antonio, Texas. VA's four current polytrauma centers are located in Richmond, Virginia; Tampa, Florida; Minneapolis, Minnesota; and Palo Alto, California. These centers provide a valuable service to injured servicemembers and veterans and are designed to provide comprehensive inpatient rehabilitation services for individuals with complex, severe, and disabling traumas. Creating a fifth polytrauma center in San Antonio reinforces our commitment to the veterans and servicemembers who have honorably served our country by expanding access to the southwest United States.

I also want to thank Chairman FILNER and Chairman MICHAUD with regard to the report language in the bill. We had some matters outside the bill that we needed to work through. I know the chairman had visited deep south Texas and I also went to deep south Texas to work on these issues that were brought to us by Mr. ORTIZ and Mr. HINOJOSA, and we were able to work through those, not only working with these members, being on the ground, talking to the veterans, working with the administration, and having that report language in here as we work with the University of Texas, I think, was prudent and wise.

I want to thank Chairman MICHAUD and Chairman FILNER for working through these matters.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, as I said before, we have some very active new members in our caucus, and Mr. KAGEN from Green Bay, Wisconsin, brought to us some needs he would like to speak on, and I am glad we know there are other needs in Green Bay besides a new quarterback. I would yield to him such time as he may consume.

Mr. KAGEN. Thank you for your kind comments about the needs for quarterbacks. I want to thank you for quarterbacking this bill, H.R. 5856 to the House floor and towards a successful passage. It has the support of Republicans and Democrats alike. While we may be divided about war policy and foreign policy, we are united behind the support of our troops.

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Now, what does this bill do? It provides for 11 construction projects, $60 million, and 12 new leases in 2009. The construction projects range from Denver, Colorado, to San Antonio, Texas, to New Orleans, Louisiana. They involve lease projects from Eugene, Oregon, to Mesa, Arizona, to Mansfield, Ohio, and, of course, Green Bay Wisconsin, where the needs of our veterans require the construction of a new CBOC and also the presence of an outpatient surgical specialty area. This bill will take a major step toward developing the infrastructure of our Veterans Administration.

Let me add by saying that as a physician who has served for 6 years in veterans hospitals, we need to invest in our infrastructure of the Veterans Administration throughout the country, not just in Green Bay. H.R. 5856 authorizes $5.8 million in fiscal year 2009 for the lease of a new facility to expand the Community Based Outpatient Clinic in Green Bay. This lease will extend for 20 years.

Heretofore, we have had thousands and thousands of veterans in Northeast Wisconsin who had to drive beyond Green Bay, beyond Appleton, south to Milwaukee, to Zablocki in order to get the care they require. The new facility will offer specialty services heretofore not available in Northeast Wisconsin; lab work, radiology, physical therapy, pharmacy, mental health care services, dietetics, dental, podiatry, dermatology, urology, neurology, audiology, and social work. For many soldiers, the Comp and Pen examinations will be done closer to home, not just for their convenience, but also for their personal-family economy. After all, when the price of gasoline reaches $4 per gallon, it costs everyone a lot more to travel.

Madam Speaker, 1,500 patients now are waiting on a fee basis for service at the veterans facility in Green Bay. Hundreds and hundreds of veterans are on waiting lists to receive care that they require.

This project could not have happened without the strong bipartisan support of not just the chairman, but also the ranking member. So I thank you, Mr. FILNER, and also the subcommittee chairman as well. Thank you for putting your best efforts forward to making sure that the veterans in Green Bay and Northeast Wisconsin get the care they need close to home.

Mr. BUYER. Madam Speaker, I reserve my time.

Mr. FILNER. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, once again, thank you for this piece of legislation. As indicated earlier, we have four major polytrauma centers throughout the country. The fifth one has been selected by a commission that was established, with the selection of the site in San Antonio. These polytrauma centers look at those veterans that are the most vulnerable in our community, the ones that have multiple problems. So this major polytrauma center in San Antonio is going to be a great addition.

Let me just add also that as we look at providing services to our veterans, one of the realities is that approximately 80 percent of our veterans never get to have any degree of access, so we understand that there is a big void out there. What happened at Walter Reed, in spite of the fact that that is a DOD facility, we also need to look at the facilities in the VA sites. And we know that we have been negligent in not providing the resources to upgrade those.

The reports that are going to be required by this language allow an opportunity for us to get a good grasp of what some of our needs are out there in terms of our VA facilities, and allows an opportunity for us to improve on those, from nursing homes that are out there to clinics and to others.

As also indicated, in South Texas we have a large number of our veterans that don't have access and have to travel long distance for access to health care. I want to thank the leadership on both sides for going there and listening to the reports, Congressman ORTIZ, Congressman HINOJOSA, Congressman CUELLAR and others, about the lack of services for our veterans in Deep South Texas and the need for some of these facilities and resources.

Once again, I thank the chairman for allowing me this opportunity and for passing this piece of legislation.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Mr. RODRIGUEZ, when you go back to Texas over the Memorial Day break, I want you to share with your good friends in Deep South Texas how much I enjoyed the visit and their tequila. I don't know what it is about tequila that makes you either forget or remember the most, but I really enjoyed that, and you have much to smile for when you go back to Texas.

When I went to Deep South Texas, I also went to San Antonio and toured not only the burn unit at Brook and the Intrepid at Fort Sam Houston, but also I went over to the VA hospital and met with your hospital director and the team for the polytrauma center, and they are extraordinary. If you have the opportunity at all, I welcome you to visit the other polytrauma centers, or any of them. It is extraordinary what they do in that full continuum of care, and it is seamless as they move from the military to the VA and then back in.

There are always some bumps in the road, so as you take on this fifth site in your backyard, too often we place that burden on the families to be the case manager, and now in Wounded Warrior we say okay, we are going to assign case managers. But as we open up that fifth polytrauma center, we are going to look to your leadership to make sure the fifth site opens up and opens well. I just wanted to share that with you.

Mr. RODRIGUEZ. Mr. BUYER, I want to thank you also, because I do have a beautiful community, and we have a large number of both Afghan and Iraqi theatre soldiers that have come to the San Antonio area and the community there. We know that we have had our problems and our difficulties, but we are expanding those services, and I am extremely elated.

One thing I tell our veterans now is if they ever have had difficulties in the past, I am urging them to go back, go back and visit the VA. There is a lot of enthusiasm out there, and I am really pleased. Thank you very much for those comments, and you are welcome to come down and share a tequila.

Mr. BUYER. Please also know that I spoke with John Barnes, who is the owner of Panther Racing. We coordinated with the Surgeon General of the Army, and he is going to take the Indy car which is sponsored by the National Guard along with some of the Indy drivers to Fort Sam Houston to go to Brook Army Hospital to the burn unit and the Intrepid, and I think that is going to occur the first week of June.

I also would like to compliment Chairman FILNER and Chairman MICHAUD with regard to working with myself and Mr. LATHAM as we addressed his concerns that were brought to the committee in Northeast Iowa. We also had other issues that were brought regarding Fort Ord. As we all know, CARES was sort of that snapshot in time, and now we are 4 years beyond CARES and it is almost being overtaken by certain events. So I appreciate Chairman FILNER allowing us to work through some of these in our language, and we are going to have to address CARES No. 2 probably or redux here in the upcoming future.

With that, I urge my colleagues to adopt the bill.

Madam Speaker, I yield back my time.

Mr. FILNER. Madam Speaker, I certainly appreciate the remarks of Mr. BUYER and the bipartisan work that was necessary to get this bill to the floor in the current form.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5856.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of Florida. Madam Speaker, I rise today in strong support of H.R. 5856, the VA Medical Facility Authorization and Lease Act of 2008. I am pleased that this bill will comprehensively address the needs of veterans throughout the Nation.

Important to delivering high quality care to our Nation's veterans is the planning for the construction of VA's substantial health care infrastructure. It is vital that veterans can continue to receive care where they need it most and will be able to receive it where they need it in the future. They have given so much for our country, and providing them with timely access to the best health care possible is just one important way we can show them how thankful we are for what all they have done.

This legislation improves access to care for veterans by ensuring that current VA facilities are modernized and that future construction occurs where it is needed. That means keeping track of where veterans live and locating facilities in those areas. Too often, veterans must travel great distances to receive their health care, but this is something that we can fix, and the VA Medical Facility Authorization and Lease Act of 2008 is an important step in that direction.

I commend Chairman MICHAUD for his work on this legislation through the Subcommittee on Health and the full Veterans' Affairs Committee, and look forward to its passage.

Mr. FILNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5856.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR CERTAIN PARENTS

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6048) to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

"(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

"(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless there is clear and convincing evidence that such a reinstatement is not in the best interest of the child.

"(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

"(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

"208. Child custody protection.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill, which was introduced by Mr. TURNER of Ohio, a member of our committee, amends the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

This measure restricts the ability of a court to order change in a custody arrangement that predates the deployment of a servicemember. It mandates that once a deployment is completed, the custody arrangements will be reinstated if changed during the deployment. The bill also requires that a court may not consider the absence of the servicemember because of deployment as a factor in determining the best interests of the child. Importantly, this bill provides courts with the ability to order a temporary custody arrangement or to prevent the reinstatement of a prior custody arrangement when the servicemember returns upon a showing of clear and convincing evidence that it is in the best interests of the child.

We are faced with a conflict between the protection of the rights of our servicemembers, which is a Federal responsibility, and child custody issues, which are traditionally within the purview of our States. I believe that Mr. TURNER's bill strikes the necessary balance between these interests and provides an important safeguard for our servicemembers and their children, and I urge my colleagues to support the measure.

I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 6048 would amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in supporting a contingency operation.

Very briefly, this bill would place restrictions on changes in child custody that a court could order during a period of a servicemember's deployment and upon the servicemember's return from deployment. Also, this bill would exclude consideration of military service from a court's determination of a "child's best interests."

Madam Speaker, I would explain to my colleagues that the paramount consideration in child custody cases is the best interests of the child. The simple fact that a servicemember parent is subject to deployment should not be permitted to work against him or her in child custody cases.

At this time I would defer to the author of this legislation, Mr. TURNER, who is an active member of the Veterans Affairs Committee, for a more detailed explanation of his legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Madam Speaker, I would like to thank House leadership, the House Armed Services Committee chairman, Chairman SKELTON, Ranking Member HUNTER, as well as the leaders from House Judiciary, Chairman JOHN CONYERS, and the Veterans Affairs Committee Chair and ranking member for their assistance in bringing H.R. 6048 to the floor today. I would like to thank our presiding Chair, ELLEN TAUSCHER, also for her support of this bipartisan bill.

This bill was originally included as an amendment to the House version of last year's National Defense Authorization Act when it passed the House by voice vote. The purpose of this bill is straightforward. It provides certainty to servicemembers deployed in a contingency operation that their child custody arrangements will be protected.

Imagine the stress and conflict in serving your country and fearing that a court will take your children away because of your service. In some cases, courts have overturned established custody arrangements because a custodial parent has served our country in a contingency operation such as Iraq or Afghanistan.

Recently, many cases have come to light where servicemembers who have been deployed have had their military service used against them in custody hearings. One such case was that of Eva Slusher. Eva spent nearly $25,000 and years trying to regain custody of her daughter after fighting courts that used her deployment as a factor against her.

We have heard from other servicemembers who have had similar court battles. In fact, recently my office learned about a servicemember who during her custody proceedings was told by a judge that the mere possibility of her deployment weighed against the best interests of the child in denying her custody.

Madam Speaker, I would like to submit for the RECORD two letters that were written to my office by servicemembers detailing their stories of how this legislation could have helped.

□ 1500

One of those letters is from Heather Watkins, and I want to read some excerpts from that letter. She writes:

At the time of the final custody hearing for my children, the court stated that even though he believed I was a good parent, my being stationed on the USS *Dwight D. Eisenhower* prevented me from being able to care for my children. Shared custody was granted.

In a subsequent court proceeding, the court again stated that he believed I was a good parent and stated that, with the way of the world today, I cannot be sure that you will not be called off of shore duty and deployed back to sea.

In June 2005, I was honorably discharged. It was implied to me by the court that once I was out of the Navy, I would be able to obtain custody of my children. This has not proven to be true. I was proud to serve my country in the Armed Forces for 13 years, but at this time I believe my children were the price I paid for the privilege of protecting the United States of America.

DEAR SIR AND MADAM, I urge you to support the Bill for amendment of the Service Members Civil Relief Act to provide for the protection of child custody for parents who are members of the Armed Forces deployed in the support of a contingency operation as presented by Congressman Mike Turner.

I have been separated/divorced from my ex-husband since 1998. At the time of my divorce I did not dream that my being a Proud Active member of the United States Armed Services could or would be utilized as a tool to separate me from my children.

At the time of the final custody hearing for my children the court stated that even though he believed that I was a good parent, my being stationed on the USS *Dwight D. Eisenhower* prevented me from being able to care for my children. Shared custody was granted.

I re-enlisted in 2001 on the advice of my lawyer to maintain work and income stability. My ship was in dry dock for many months of scheduled maintenance and I was on the shore duty portion of my enlistment contract. My next court date was in October 2001. At the time of my court date, the terrorist attack of September 11 against the United Stated of America was very fresh in the minds of the U.S. citizens and the court.

He again stated that he believed that I was a good parent and stated that, with the way of the world today, I cannot be sure that you will not be called off of shore duty and deployed back to sea. The court also voiced concerns that I would join the reserves and not be available to my children. The custody arrangement for my children was left unchanged.

In June 2005, I was Honorably Discharged. It was implied to me by the court that once I was out of the Navy, I would be able to obtain custody of my children. This has not proven to be true. As of today, I do not have custody of my children. The court does not wish to hear this case again. I have permission to change venue but am unable to find a Judge or court that will hear my case.

I have not spoken to or had other contact with my children since 12-26-2007. My calls to them have been unanswered and unreturned. I have been unable to get any assistance on local or state levels.

I was proud to serve my country in the Armed Forces for 13 years but at this time I believe my children were the price I paid for the privilege of protecting the United States of America. Again, I urge you to support this Bill as presented by Congressman Mike Turner and prevent any other children being separated from loving parents by virtue of their serving their country.

Respectfully,

HEATHER A. WATKINS.

Another letter I have is from Eva Slusher, and she writes that she was a full-time member of the Kentucky Army National Guard, proudly serving her country for nearly 19 years. In February of 2003, she was called to Active Duty to support the war on terror. She writes:

Initially, it was believed that I was going to Iraq, but once we arrived at Fort Knox, it was decided that our Personnel Services Detachment would be better used at Fort Knox to assist with the large number of troops mobilizing and that they were not equipped to facilitate. When I was alerted, I had three days to report. As a single parent, I made arrangements for my child, packed her up and moved her, and wrapped up all my affairs, financial and otherwise, in those three days. My ex-husband and I decided that Sara should stay with him while I was gone, but that it would only be temporary and that she would come back home when our tour was over.

After her tour was over, custody to her was refused.

In August 2004, we went to court. I was under the impression that we were there to have my rights as the custodial parent enforced as no one had filed a motion to change custody. However, the next week I received the ruling that Sara was to stay with her father as she was settled in and that was in her best interest. I was penalized for the time spent away from her in service of my country.

She ends with: Everyone wants to talk about supporting our troops. I beg you to support this legislation in order to support our troops.

MAY 19, 2008.

MEMBERS OF CONGRESS,
Washington, DC.

DEAR MEMBERS OF CONGRESS:

I am writing this letter in reference to Congressman Turner's Bill, HR 6048. I, personally, experienced the injustice of losing custody of my child, for no other reason than service to my country. It cost me 2 years of anguish and nearly $25,000 to get my daughter back. This proposed legislation is necessary to prevent this discrimination against our servicemembers.

I am LT Eva Slusher (formerly Crouch). I am a full time member of the Kentucky Army National Guard, proudly serving my country and State for nearly 19 years. I joined the military when I was 17 years old and a senior in high school. The military has paid for my college education and provided me with reliable, steady employment all of these years.

I am also a mother. My daughter, Sara, was born in 1994. Her father and I were divorced in 1996. When we divorced, I was award primary physical custody of my daughter, and her father had visitation. My military service was not questioned. This arrangement went unchallenged, even when I moved over 150 miles away from my ex-husband. I raised that child by myself, without any help from him while I worked full time and put myself through college. Sara was my life. Every day revolved around her. I volunteered at her school every other Monday (my day off); she played softball, soccer and cheered. I was an assistant coach of her soccer and cheerleading. I cooked dinner, helped with homework, bathed her and read her bedtime stories every night. I was an exceptional, loving and attentive mother.

In February 2003, I was called to active duty to support the War on Terror. Initially, it was believed that I was going to Iraq, but once we arrived at Ft. Knox, it was decided that our Personnel Services Detachment would be of better use at Ft. Knox to assist with the large number of troops mobilizing that they were not equipped to facilitate.

When I was alerted, I had 3 days to report. As a single parent, I had to make arrangements for my child, pack her up and move her and wrap up all of my affairs (financial and otherwise) in those 3 days. My ex-husband and I decided that Sara should stay with him while I was gone, but that it would only be temporary and that she would come back home when my tour was over.

I was very fortunate to have stayed in country and close enough that I could visit with Sara on the weekends. Nearly every weekend, I drove the 4½ hours from Ft. Knox to Ashland, KY to see her. I would pick her up and we'd stay in a hotel, and go to movies, dinner, shopping, etc. Many weekends, I would stop by Frankfort on my way and pick up one of her friends, so she could stay in touch with them. I spent about $300 per trip on gas money, hotels, food and entertainment, but it was all worth it to be with my daughter.

On July 20, 2004, as I pulled into my driveway, I called my ex-husband on the cell phone and told him I was home and that I would be picking Sara up the next day, and to please have her things packed. His response was "Not without a court order". Until that moment, no one made any indication to me that Sara would not be coming home as planned. I immediately hired an attorney to file a motion to have my daughter returned to me. In August 2004, we went to court. I was under the impression that we were there to have my rights as the custodial parent enforced, as no one filed a motion for change of custody. However, the next week I received the ruling that Sara was to stay with her father, as she was settled in there and it was in her "best interest". I was penalized for the time spent away from her in service to my country. When I got divorced the courts deemed me a fit parent, but now, suddenly, because I served my country, I should not be allowed to raise my child anymore? I was completely appalled! It never occurred to me that this could happen. Soldiers are protected under the Servicemember's Civil Relief Act, or so I thought; an employer has to give me my job back after I return from a deployment, but they don't have to give me my child back? That is insane!

I was devastated. After having a life that was so full of her, I now came home to an empty house every day! I didn't know what to do with myself! Sara was terribly distraught over the whole situation, to the point that we had to take her to Cincinnati Children's Hospital for stomach problems, all stress related. I only got to see her every other weekend, and she would cry and beg me not to make her go back. It ripped my heart out! Why would a parent put his child through all of this? The real question is: How could our justice system allow this to happen? I still don't have an answer for that.

After the Court ruling, I hired a new lawyer and we appealed the ruling. In September 2005, they ruled in my favor and my ex-husband appealed to the Kentucky Supreme Court. In September 2006, they also ruled in my favor and my daughter came home on October 15, 2006. I spent more than 2 years and between $20,000 and $25,000 in legal fees. Sara is now a happy, healthy, well adjusted child, but I lost so much time with her, and she is not the child I set out to raise. Our lives were turned upside down and the results are everlasting. All of this because I was deployed . . .

It is a disgraceful injustice to punish a Soldier for their service. The military has done so much for me: a college education, a way to pay my bills and feed my family, a sense of honor and pride . . . When they called on me to do my part, what should I have done? Said "No thanks, I need to stay home . . ." Even if that were an option, which it is not, I could not do that. It is not the right thing to do. Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage: these are the things I stand for, should I lose my child for that? What kind of message is that sending? How is the United States Military supposed to recruit when you send a message like that? Don't we, as Soldiers, already sacrifice enough? How is a Soldier to concentrate on his/her mission while worrying about what will happen to their children? No Soldier should have to incur the emotional and financial cost that I have, only because they serve their country.

I have my daughter back home with me, but I cannot sit back and allow this to happen to others if I can do anything about it. Since my story was publicized, I have learned that many other Soldiers have also had to deal with similar situations. Not to mention that every unmarried parent in the military, and every parent that has children from previous relationships and any parent that may be divorced in the future has to be concerned with whether or not they may be penalized for their service. This is not the way to treat our military service members.

Due to the nature of military service, there really needs to be guidance at the federal level. This issue needs to be spelled out

> as it is in Congressman Turner's Bill: (1) No court may permanently alter an existing custody agreement while a military parent is deployed; (2) Upon the return of the service member from deployment, any temporary change in custody shall be immediately reversed; and (3) No court may consider a military parents' deployment in determining the best interest of the child. Had this been the law in 2004, my daughter and I would not have had to deal with the separation, stress, expense and lifelong effects of a prolonged custody battle.
>
> Everyone wants to talk about supporting our troops, I beg you to support this legislation in order to support troops. We are not asking for any special consideration, only that our military service not be used against us.
>
> Very Respectfully,
>
> V. EVA SLUSHER,
> *Frankfort, KY.*

She has since regained custody of her daughter.

This bill prevents judges from changing the custody arrangements of servicemembers and their children during a servicemember's deployment unless clear and convincing evidence says a change would be in the best interest of the child. The purpose of this provision is to ensure that while one parent is deployed, another party cannot permanently change custody arrangements. Temporary orders may be enacted and entered until the serving parent returns.

Additionally, the bill requires a return to the original predeployment custody arrangement after the servicemember returns from the contingency operation. And, finally, the bill prohibits the use of a servicemember's absence because of their deployment, or the possibility of deployment, against that servicemember when ascertaining the best interest of the child. Their service cannot be used against them.

Much is asked of our servicemembers, and mobilization can disrupt and strain relationships at home. This additional protection is needed to provide them peace of mind that the courts will not take away their children because they answered the country's call to serve or have the possibility of being called to serve. This bill protects them and it protects their children.

Again, I thank the House leadership for their support of this bill, and I urge my colleagues to vote for it.

Mr. BUYER. As a practicing attorney during my private law practice in Monticello, Indiana, I handled a number of child custody cases, and as an Army JAG officer on Active Duty I provided legal assistance to servicemembers in child custody cases. I have a practitioner's perspective on these issues, and, quite frankly, they are some of the hardest cases I have seen where two parents are in a legal contest over the custody of their child.

From my perspective, I appreciate Mr. TURNER's objective of ensuring fair treatment of servicemembers in child custody matters when they are deployed and when they return home.

When I first learned just a few days ago that this bill had been introduced on the suspension calendar without any consideration by the Veterans' Affairs Committee, the committee of jurisdiction, I read the bill and had some questions. I wanted to know what were the official positions of the Department of Defense and the American Bar Association, Family Law Section. The answer was that neither had been asked for an official position, so none was available. There has never been a legislative hearing on this bill by any House committee to examine the legislation and to allow stakeholders to present their views.

Mr. TURNER's initiative and passion on this issue is commendable. As this legislation moves forward, I would like to work with my distinguished colleague from Ohio to ensure that the final product does what we would all like it to accomplish.

Madam Speaker, this amendment to the Servicemembers Civil Relief Act would, to the extent as applicable, have a preemptive effect on the existing body of State case law and statutory law in terms of substantive Servicemembers Civil Relief Act rights and protections, as well as the burdens of proof and procedures of each jurisdiction. However, I want to make clear that this legislation should be construed to provide additional remedies to those already available under the Servicemembers Civil Relief Act and State law. This measure is intended to expand the rights and protections of servicemembers, and not to result in any limitation of the Servicemembers Civil Relief Act as it applies to military family care plans, other custody cases, and family court matters not having a custody order in effect.

Madam Speaker, I want to thank Mr. TURNER for his active support and advocacy of our Nation's servicemembers and veterans, and I look forward to working with him as this bill goes to the United States Senate.

I yield back the balance of my time.

Mr. FILNER. Madam Speaker, we are coming to the conclusion of the 10-bill package that the Veterans' Affairs Committee presented today on the floor in anticipation of the Memorial Day holiday. We honor those whose lives were lost serving their Nation, and in their memory we have presented these 10 bills that provide a variety of benefits in all kinds of ways. And I thanked all the members of our subcommittees, but I want to thank the staff on both the majority and minority side who have participated in the drafting and the amending of these bills. It takes a lot of work from the staff, and we want to both, Mr. BUYER and I, thank them.

I will yield to the gentleman from Indiana.

Mr. BUYER. I thank the gentleman for yielding. All of these bills that we brought to the floor today take many, many hours on behalf of not only the staff on the Republican side but also the Democrat side, and they have grown together and they work well together. I want to thank the gentleman for his cooperation.

Mr. FILNER. Thank you, Mr. BUYER.

Madam Speaker, as I said, as we prepare for Memorial Day, I think all of us in this Congress want to assure the servicemembers who have served this Nation in the past and those who are deployed today.

We are fighting a war that is very divisive in this country and in this Congress, but we are united in saying that every young man and woman who comes back from that conflict is going to get all the care, the love, the attention, the honor, and dignity that they deserve.

They are coming back with enormous difficulties, many of them. Because of the advances in our medicine and the incredible expertise on the battlefield of those who medivac these injured out, the incredible medical teams in the forward base hospitals and the regional hospitals and in Germany, we are saving lives that in previous wars would not have been saved. If you survive a battlefield injury, you will have a 95 percent chance of surviving the war. That is an incredible statistic when compared to any other war in history.

But that means, when these soldiers come back there is a very high percentage of those with brain injury, a very high percentage of those with psychological wounds, one of which we refer to as PTSD, posttraumatic stress disorder. And we have an obligation as a Nation to treat every single one of these with the maximum quality of health care that they can get in this Nation. And yet, we have had examples of soldiers all around the Nation who have simply not gotten the attention that they require.

We have had reports of soldiers showing up to medical facilities saying they had PTSD or suicidal thoughts, being told that there was nobody to meet with them for 4 or 5 weeks, and they would go home and commit suicide. We have had lots of reports of those who did not receive adequate care. At the same time, we were not getting the full information on the numbers of cases of PTSD, the amount of resources needed to deal with them, or the number of suicides that were committed or are being committed by our Nation's veterans.

Madam Speaker, each month we have 1,000 suicide attempts by those under care of our VA system. And those under care mean only about one-fifth of all the veterans in our Nation. That is an astounding statistic which says that we have a job to do about mental health and about dealing with these, especially psychological injuries.

And we know what happens if we don't do our job right with these young men and women. We already had the canaries in the mine with our Vietnam vets. When our veterans returned from Vietnam, many of us who were opposed to that war made a mistake. We did not differentiate between the war and the warrior, and so the warriors did not get all the care, the love, the attention, the honor, and dignity that I talked about earlier. And this society has paid a heavy price for that. Individuals, families, neighborhoods have paid a heavy price. Half of the homeless on the street tonight, Madam Speaker, are Vietnam vets, about 200,000.

There have been more deaths by suicide of Vietnam vets than died in the original war by combat. And we have had the head of our mental health agency in this Nation say that the same will be probably true of Iraq; we will have more suicides than battlefield deaths.

That is not only a tragedy, but it is a preventible tragedy. We have to say that we are going to put the resources in to deal with these issues. It is part of the cost of war. As I said earlier, Madam Speaker, we are spending $1 billion every 2 days on the war in Iraq. Surely we can spend the hundreds of millions or billions that are required to treat the mental health needs of our older veterans and our newer veterans. This is absolutely required. We must do this job and do it right.

As George Washington said, the biggest factor in the morale of our fighting troops is the sense of how they are going to be treated when they come home. We have to do a better job of treating them when they come home.

Our committee, Madam Speaker, and this Congress provided in this fiscal year and the coming fiscal year almost $20 billion of new money for health care. That represents over a 40 percent increase in the budgets that we started off with 2 fiscal years ago. Our job is to make sure that the money is spent right, our oversight job. Now that they have the resources, are they hiring the mental health professionals? Are they doing the diagnoses and treatments?

It is absolutely apparent, Madam Speaker, that tens of thousands of our young people are getting out of the military or the Reserve or the National Guard without being adequately diagnosed for brain injury or PTSD. Let me say that again. We have tens of thousands of our young people being discharged from the military or from the Reserve or National Guard without diagnosis for PTSD or brain injury. That means tens of thousands of ticking time bombs are out on the street. We need to do a better job.

There is a stigma against adequate evaluation and early treatment. The military, or at least many members of the military, seem to give their younger troops the sense that it is not macho, it is not marine-like, it is not soldier-like to have mental illness. That it is a weakness. You have got to buck up, sergeant, and not have any mental illness. So we have folks who get a questionnaire about some of the risk factors, and they just say no. They know they are supposed to say no, because they want to be home, they don't want any influence on their future career or any possible promotion. So there is a dynamic within our military not to adequately diagnose.

The VA says they have mandatory screening for these illnesses, for these injuries when people come to the VA for treatment. Well, they may not come to the VA for treatment. We don't have an outreach that goes after every single one of them. And when they come in, they get a questionnaire by an intake clerk of two questions. Anybody who wants not to have any of the stigma of mental illness knows to say no on those two questions. Besides, we are told there are 15 risk factors for PTSD and suicide. Why don't we ask about all of them? Why don't we have a mandatory evaluation by competent mental health personnel before anybody gets discharged or leaves the National Guard or leaves the Reserves? This has to be done, Madam Speaker. We have to get rid of the stigma and do it in a way where we allow the soldiers to do it as part of their company, for example, so they have that comradeship and with their family to help both diagnosis and treatment.

So we have a big job to do as we celebrate this Memorial Day. We have a job to do with the 1.6 million troops who have been deployed already, 800,000 of them have returned home. We have a great deal to do with the other 23 million of our veterans from previous wars.

□ 1515

We have to do this job right, Madam Speaker. And on this Memorial Day, let us recommit ourselves to doing the job right.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material to H.R. 6048.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6048.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADDITIONAL TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3029) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 110–136 (121 Stat. 1453), is amended by striking "May 23, 2008" each place it appears and inserting "March 20, 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on May 22, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, today we will consider a short-term extension for programs in the Small Business Act and Small Business Investment Act. The measure extends the authorization of the Small Business Administration and these programs through March 20, 2009. This measure will ensure continued operations at the agency.

The legislation comes before us at a time when the American economy is facing many challenges. Fallout from the subprime crisis is driving a tightening of the credit market, the average price of a gallon of gas is almost $4, and unemployment is rising.

Entrepreneurs can help reverse these trends, if they have the proper tools. Throughout the 110th Congress, the Committee on Small Business has been working to improve and revitalize the economic environment for business activity. With nearly 20 bills passed out of the House, these reforms have been a collaborative and bipartisan effort. With the input of Ranking Member CHABOT and other Members of this body, this has included major changes to SBA programs which affect millions of small businesses.

We have already passed measures into law that will help small businesses cope with rising energy costs, as well as become part of the solution. The President also signed a bill earlier this year that provides needed assistance to veteran business owners. And just last week, the House and Senate cleared a package to strengthen the SBA's disaster relief initiatives, which failed so many Americans during Hurricane Katrina.

The House has also reported legislation that is awaiting Senate action. These include reforms to streamline the SBA access to capital initiatives, improve contracting opportunities, and increase the outreach of entrepreneurial programs. We will continue working with the Senate to get these reforms signed into law.

This extension would allow the chamber to move its own versions, setting the groundwork so we may work out any differences. In the interim, and in the midst of a weakened economy, it is essential that these programs continue to serve small firms. The SBA is the sole Federal agency charged with assisting these entrepreneurs, and this bill allows the agency to continue to meet their needs.

I urge support of the bill.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I rise today in support of this particular legislation, and I yield myself such time as I may consume.

The bill is very simple, Madam Speaker. It extends the authorization of all programs authorized by the Small Business Act, the Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated funds. This extension will last until March 20, 2009.

The extension is necessary because authorization for various programs operated by the Small Business Administration ceases on May 23, 2008, so in just a couple of days.

Working in a bipartisan effort with Chairwoman VELÁZQUEZ, as she always does, she's reached out many occasions to work in a bipartisan fashion in the committee. The committee has ordered 15 bills to be reported out of the committee, all of which have passed this body, the House of Representatives.

The most recent action taken by the House was the recent passage of legislation to extend the Small Business Innovation Research Program. With the passage of this bill, the House has finished all the necessary work to reauthorize all of the programs overseen by the Small Business Administration.

Even though the House finished its deliberations, we operate in a bicameral legislative system, of course, and time is needed for the legislative process to run its course and enable the two bodies to resolve any disagreements on the best way to move the Small Business Administration forward and helping America's entrepreneurs. That work simply cannot be completed by this Friday, and given the upcoming legislative work on appropriations matters, it remains unclear when the two bodies will be able to commence deliberations to iron out their differences.

As a result of the need for following regular order and ensuring due deliberation of important issues to the American economy, I would urge my colleagues to suspend the rules and pass S. 3029.

However, there are additional items that I believe this House should address when it comes to small business. We're looking at access to capital in the Small Business Administration, and that is one of the areas that small businesses all around the country struggle it, with, access to capital.

Taxes is another big issue, and that's why I believe that the tax cuts that we pass should be made permanent because many of the people who would benefit from those, that tax relief are small business owners, and they hire about 70 percent of the new workers in this country. So I believe we should make those tax cuts permanent.

Regulatory reform needs to happen. Small businesses continue to be overregulated, as many parts of our economy are. Health care is important. That's why we believe that Association Health Plans should pass. We ought to make sure that businesses are able to provide health care for their employees.

But there's one area that this Congress, I believe, has been woefully remiss in not addressing, and that's the area of energy, the fact that whether it's natural gas to heat our homes in the wintertime, or whether it's filling up one's gas tank at all-time record highs of almost $4 a gallon, it's absolutely unconscionable that Congress has not acted in a responsible manner and a bipartisan manner to actually do something to bring those gas prices down. Why are we seeing these gas prices at all time highs?

Well, we are far too reliant upon foreign sources of energy. Is there anything we can do about this? Absolutely.

I've been in Congress for 14 years, and I've voted 11 times to allow us to explore and drill and go after energy up in Alaska, in ANWR, where we believe we have up to 16 billion barrels of oil which is being kept off-limits.

So we're essentially handcuffing ourselves and saying, you can't go up there at all, even though most Alaskans are all for it. They believe that we should be able to go up there, as do most of their representatives, as do an awful lot of Members of this House. And we had the votes in previous Congresses to pass that here in the House. As I say, I voted for it 11 times. But we didn't have the votes over in the Senate.

But I just think it's absolutely outrageous that we've kept 16 billion barrels of oil off-limits. And that's only the start. We've also kept the entire Outer Continental Shelf off-limits. We think we have 86 billion barrels of oil there, and trillions of cubic feet of natural gas to heat our homes in the wintertime, which we've kept off-limits.

Now, we're not going to go after it, but Cuba has entered into an agreement with China to go after this oil out there that we ought to be getting. And so they're going to take advantage of it and we're not. And that's one of the main reasons that we see these high gas prices out there, because we have to buy the oil from somewhere, so we continue to buy it from some of the most unstable parts of the world, like the OPEC countries especially in the Middle East.

We're also buying oil from Venezuela. Hugo Chavez is down there, really a bitter enemy of the United States, yet we're forced to buy his oil. We buy oil from Mexico and Canada, Nigeria and other countries around the world as well. But we ought not to allow ourselves to be so dependent on foreign sources of energy.

We ought to go after those areas that we have control over, that we don't have to ask anybody's permission. But this Congress has kept that oil off-limits, and that's one of the main reasons we see prices as high as they are right now.

In addition, if we had the crude oil here, which we don't, but if we had it, we can't refine it quickly enough to be able to put it into our cars. Why? Because we don't have enough oil refineries in this country.

Back 30 years ago, which is the last time, more than 30 years, 32 years ago is the last time we built an oil refinery in this country. The regulations now make it virtually impossible to build an oil refinery. So we ought to change those regulations. We ought to make sure that we do it, you still build these refineries in an environmentally safe manner, just as we go after the oil in ANWR and the Outer Continental Shelf in an environmentally safe and friendly manner. But those are the types of things that we need to do. But because we take no action in those areas, we haven't built an oil refinery in this country in over 30 years.

We've put nuclear off-limits, no more nuclear power plants about 20 years ago. France can produce 75 percent of their electricity, completely, safely.

But we can't do that in the United States? I don't think so. I think that's just a very bad policy that we enacted about 20 years ago, making it impossible to build nuclear power plants. We need to change that.

Finally, we need as well to make sure that we have sufficient dollars going into research so that we can go after the cutting edge types of energies that are going to power us in the future, solar, wind, biomass, hydrogen fuel cells that we may be able to power our cars by in the future.

But most of these things, for the most part, are in the future. Yes, we do have wind now. But we're talking about less than 1 percent of the power in this country. So we have to have energy going in; we have to have sufficient dollars going into those technologies of the future.

But the bottom line is that at this time oil is one of the principal ways that we power our automobiles and other important things in this country. And when we put that stuff off-limits and we continue to buy it from foreign sources, we're going to continue to see these high prices. And that's just wrong.

The American people are suffering right now. We should have taken this action a long time ago. But since we didn't, we need to do it immediately. And that's what really bugs me when I hear people talk about, well, even if we opened up ANWR now, we're not going to have that oil for years. Well, that's why we should have opened up ANWR a long time ago. But we can't go back and undo what was, we can't go back and do what we didn't do back then, but if we passed it now, a lot of the price at the gas pump is reflected in speculators, what they think oil is going to be like in the future. If we opened up ANWR, I think you'd see an immediate effect on the prices at the pump that we would pay.

People are sick and tired of the high prices we're paying. It's time that Congress act, and we ought to act sooner rather than later.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I have no further speakers, if the ranking member is prepared to close.

Mr. CHABOT. I would like to yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. Eleven minutes.

Mr. SHIMKUS. Madam Speaker, this short-term extension is important. It's just too bad that we couldn't extend the low cost of energy that we had 18 months ago. Eighteen months ago the price of a barrel of crude oil was $58.31. Today it's $128 a barrel, a $70 increase.

What's important to small businesses is the cost of doing business. And the increase in energy cost, the increase in liquid fuel cost, the increase in electricity cost, bears a disproportionate share of the cost today, more so than 18 months ago.

□ 1530

Mr. WU. Would the gentleman yield?

Mr. SHIMKUS. I would be honored to yield to my friend from Oregon.

Mr. WU. Would my friend care to cite to us the price of a barrel of oil when this administration took power in 2001?

Mr. SHIMKUS. It was $27 a barrel when this administration came in.

Mr. WU. Would the gentleman care to cite the price of a barrel of oil when the war in Iraq began?

Mr. SHIMKUS. Do you know what it was?

Mr. WU. I was hoping——

Mr. SHIMKUS. I will debate this issue. This issue is about supply. I don't care who's responsible. This issue is about bringing more supply into the market. When a barrel costs $128 versus $58, this is what you get: You get gas prices that were at $2.33 when this Congress got sworn in to prices today that are $3.80 because we will not expand our supply.

Now, if you add climate change, my friend from Oregon is a good friend of mine, and I know he's concerned about climate change and global warming and a cap-and-trade system, conservatively, that's going to add 50 cents to a gallon of gas to comply with climate change. So today the average price $3.80, plus 50 cents, $4.30.

Now, I think yesterday in Chicago without the climate change gas tax increase, it was $4.50 a gallon.

So the debate is when are we going to say that it's okay to do these things? When is it okay that we can take coal and turn it into liquid fuel? When is it okay to go off the Outer Continental Shelf and harvest those billions of barrels of oil, those trillions of cubic feet of natural gas? When is it going to be okay to say let's continue to move aggressively in cellulosic and biofuels, coal-to-liquid, OCS, wind, and solar?

In 20 years, we're going to increase our electricity demand by 50 percent. We have to bring on more supply. We have to bring on more baseload supply because in rural America, which I represent, in over 30 counties it takes 2½ hours to drive from one part of my district to another. We don't have mass transit. We don't have light rail. In fact, it's an agricultural economy. It runs on big diesel trucks to haul the cattle, to haul the horses, to haul the hay. Diesel prices have doubled.

And so because of that, what we're trying to say is it is time that we start addressing and bring this to the floor. The chairwoman herself said in her opening statement, We have brought policies here, this Congress, to lower the cost for small business. That's kind of like the Speaker's promise in 2006, We've got a plan to lower gas prices. It didn't happen. It went up.

Ms. VELÁZQUEZ. Would the gentleman yield?

Mr. SHIMKUS. I would be honored to yield.

Ms. VELÁZQUEZ. H.R. 6——

Mr. SHIMKUS. It's a failure.

Ms. VELÁZQUEZ. You know why? Because your President, our President refuses to implement the provisions, at least the one that would lower the cost of loans for small businesses.

Mr. SHIMKUS. When your party will come to the floor and debate bringing more supply to the market, we can negotiate. But when you say, We're going to solve our 50-percent increase in demand on energy with solar and wind, it just doesn't pass the laugh test. We just can't get there.

We've got to expand nuclear power. We've got to expand coal-fired power. We've got to turn coal into liquid fuels. We've got to bring on more supply. Yes, we can do it. I've got it here. In fact, Illinois is going to be a great wind power State.

Mr. WU. Would the gentleman yield?

Mr. SHIMKUS. I would be happy to yield.

Mr. WU. I look forward to debating the gentleman from Indiana on this issue. As you know, this Congress has acted on every item that you have cited except for drilling on the Arctic Wildlife Reserve. We've acted on every other single one.

Mr. SHIMKUS. Do you know how big the Arctic Wildlife Refuge is?

Mr. WU. I believe it is a very, very short-term supply.

Mr. SHIMKUS. No. Do you know how big it is?

Mr. WU. It is a very large expanse of land.

Mr. SHIMKUS. It is the size of the State of South Carolina.

Do you know what the drilling platform is?

Mr. WU. Would the gentleman care to—I mean, we're asking——

Mr. SHIMKUS. We're debating back and forth.

Do you know how big the drilling platform would be?

Mr. WU. It would be a substantial size.

Mr. SHIMKUS. No, it would not be a substantial size. It would be the size of Dulles Airport. It would be like putting on a football field a postage stamp. That's the perspective. That's what gets lost in this debate. We can do it.

You know what? If you look at the OCS here, we do drill in the western gulf. Remember when Katrina went rolling up the gulf and we saw that big picture, tell me the environmental disaster that occurred with those derricks in the western gulf with Katrina rolling over the top of them. Can you name one? There wasn't one.

Mr. WU. Would the gentleman yield?

Mr. SHIMKUS. I would be happy to yield.

Mr. WU. I do believe that the oil derricks, as Katrina came through, were evacuated and covered, and the people who were responsible for those rigs did do a good job in Katrina, and I would be happy to concede that to the gentleman.

But I also want to mention to the gentleman that experts ranging from the CEO of Exxon to academicians on the topic all estimate that the current price of a barrel of oil should be about $60 a barrel. Instead, it's twice that price.

Let me just finish my statement.

Mr. SHIMKUS. I'm not going to argue. It's my time. I will debate, but I won't argue. It's my time.

Mr. WU. And most individuals agree that there are three reasons why the price is $128 a barrel rather than $60 a barrel. The three reasons are our presence in Iraq, instead of lowering the price of oil, it increased the price of oil; the permission from Wall Street to speculate on a purely financial basis in commodity futures; and the third reason is the lowering of the value of the U.S. dollar. Two of those policies are intentional policies, and the third policy was passed by the Republican Congress.

Mr. SHIMKUS. And because I'm enjoying this type of debate, I will concede the dollar price.

But let me tell you why, if we had our own resources, if we were drilling our own oil, isn't it criminal that we're relying on imported crude oil to fund our energy needs? Wouldn't it be better to use American dollars to drill on American soil in American land on American OCS? Then we wouldn't have to worry about the dollar, because an American dollar is an American dollar is an American dollar. And we wouldn't have to worry about our trade imbalances because we import all of this crude oil.

Now, to point two, the speculators. Do you know why they're bidding the price up? Because we won't open supply. They're taking a position that I am going to bid this up, and you know what? Those dummies in Congress, they're not going to open up more supply. So what I hold is going to cost more in the future. It's a futures market. It's risk management. They're betting about our inability to go here. Billions of barrels of oil, trillions of cubic feet of natural gas. We won't go there. They're betting against us going there. feet of natural gas. We won't go there. They're betting against us going there.

Mr. WU. Will the gentleman yield?

Mr. SHIMKUS. I'm from Southern Illinois. It's the Saudi Arabia of coal, 250 years worth. Fifty percent of our electricity that we generate today is by coal. We could also use that coal as the South Africans have done for 40 years. The Germans did it in World War II. Take that coal and turn it into liquid fuel.

We have had four budget airlines go broke. Why did they go broke? They couldn't afford the price of aviation fuel. How did South African airlines fuel their jets? Coal-to-liquid technology. Taking South African coal, turning it into aviation jet fuel. That's what our competitive advantage is. Our advantage is using our natural resources. Not assuming that our natural resources are an environmental hazard.

That's our policy. Don't go after our natural resources. It's an environmental hazard. Most countries say go after your natural resources; it makes you stronger. It makes you more competitive. It lowers the cost of doing business. It creates jobs. Look at the jobs that would be created here in southern Illinois. Build a coal mine, that creates jobs. Operate the coal mines, that creates jobs. Build a coal-to-liquid refinery, jobs. Operate the coal-to-liquid refinery, jobs. Build a pipeline, American jobs. Low-cost fuel, American jobs.

For every dollar a barrel increase on aviation fuel, do you know how much it costs us taxpayers? $60 million just to fund the Air Force.

So this policy of no supply hurts the taxpayers. And we have to pay for it. We had the authorization bill of the Coast Guard. For every dollar increase in diesel fuel, do you know what it cost the Coast Guard to operate and make sure our shores are protected? $24 million for every dollar increase.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Ms. VELÁZQUEZ. Madam Speaker, let me just say in closing that I, too, am concerned and outraged about the fact that we are dealing with an energy crisis that is impacting small businesses, but more important is the fact that we passed an energy bill that has provisions that will provide low-cost loans for small businesses to be able to cope with energy and the gas prices, and yet the President refuses to implement the program.

So I would ask the gentleman, Mr. SHIMKUS, to join with me in asking the administration and asking the President to implement this provision contained in a bill that was overwhelmingly supported, a bipartisan bill, the energy bill.

And then the gentleman comes here and gives this great speech about energy prices, and yet whenever there is an opportunity for the gentleman to support legislation that would provide relief to small businesses and consumers, he votes against it. Even today on the Gas Price Relief for Consumers Act, Mr. SHIMKUS voted against it.

Mr. SHIMKUS. Would the gentlelady yield?

Ms. VELÁZQUEZ. Not on this point. I will not yield.

Mr. SHIMKUS. You're referring to me. I would be happy to debate if you're going to bring my votes to the floor.

Ms. VELÁZQUEZ. Reclaiming my time.

You had a lot of time. You claimed a lot of time.

The gentleman voted against this bill.

Mr. SHIMKUS. Will the gentlelady yield?

Ms. VELÁZQUEZ. I will not yield at this time.

So, Madam Speaker, I will ask that the Members of this House support the reauthorization of the Small Business Administration, and I will invite everyone who is concerned about energy prices to come and support the bills that we pass that would provide relief to consumers and to small businesses.

You should put your money where your mouth is.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the Senate bill, S. 3029.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES AND SYMPATHY TO THE PEOPLE OF SICHUAN PROVINCE, CHINA

Mr. WU. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1195) expressing condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the earthquake of May 12, 2008 in Sichuan Province, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1195

Whereas on Monday, May 12, 2008, at 2:28 p.m. local time, a massive earthquake measuring 7.9 on the Richter scale struck a mountainous region of Sichuan Province in southwest China;

Whereas the epicenter of the earthquake was Wenchuan County, 60 miles northwest of the provincial capital of Chengdu;

Whereas the earthquake destroyed 80 percent of structures in some of the towns and small cities near the epicenter;

Whereas the death toll is currently estimated to exceed 22,000 and is expected to rise as the scope of the damage becomes clearer;

Whereas tens of thousands of people across southwest China remain buried beneath rubble, and hundreds of thousands of people are injured or homeless;

Whereas an estimated 900 eighth and ninth grade students and their teachers remain trapped, with as many as hundreds dead, after a school collapsed in Dujiangyan, a county located southeast of the epicenter;

Whereas another school with up to 1,000 students and teachers inside collapsed in the city of Mianyang;

Whereas two chemical plants have collapsed in Shifang, northeast of the epicenter, spilling 80 tons of toxic ammonia;

Whereas more than 150 people have been killed in the provinces of Gansu and Shaanxi, and in Chongqing municipality;

Whereas the People's Republic of China has mobilized 50,000 police and civilian rescue workers, who have been working tirelessly in disaster areas to aid in rescue and recovery efforts;

Whereas the tremors of the powerful earthquake were felt as far south as Vietnam and Thailand and set off another, smaller earthquake near the outskirts of Beijing, 900 miles away;

Whereas the earthquake is China's largest natural disaster since a previous earthquake struck the city of Tangshan in eastern China in 1976; and

Whereas the People's Republic of China has said that it is spending $120 million on rescue efforts and that it would accept international aid to cope with the disaster: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the massive earthquake centered in Sichuan Province;

(2) vows its full support for the people of the People's Republic of China as well as the members of the Chinese American community in the United States who have relatives in the affected areas of China; and

(3) expresses confidence that the people of the People's Republic of China will come together to help those in need and succeed in overcoming the hardships incurred because of this tragedy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WU. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

For the past week, the world has been shocked and saddened by the aftermath of the horrendous earthquake that struck the Chinese Sichuan Province last Monday, May 12. Chinese news reports now confirm that the 7.9 Richter scale magnitude earthquake has claimed the lives of over 40,000 people.

□ 1545

The number of fatalities climbs higher each day as the full scale of the devastation unfolds. Chinese authorities estimate that, despite strenuous rescue efforts, in the end as many as 50,000 people could have perished from the earthquake and its aftermath.

Particularly heartbreaking are the hundreds, perhaps thousands, of children who were killed as their schools collapsed on them. These young lives were cut far, far too short, and it is so tragic that had the earthquake occurred just 2 or 3 hours later, or had the schools that the children were in met applicable building codes, these young lives would have been spared.

We are all deeply moved by the images of parents overwhelmed by grief at the side of the limp, lifeless body of their child. As we speak, hundreds of parents are sifting through the wreckage with desperate hope that their child may still be alive under all that schoolhouse rubble.

Rescue workers continue to work tirelessly, day and night. Stories of heroism and miraculous survival are interwoven with tales of loss and devastation.

Doctors and nurses tend to injured victims around the clock, as hospitals handle many times their normal number of trauma injuries.

This earthquake is the most devastating natural disaster to strike China since 1976, and sadly, as major aftershocks continue to hit the area, the turmoil continues.

Just yesterday, Chinese media reported that more than 200 rescue workers were buried and killed by mudslides while they were repairing roads in Sichuan Province.

While the 1.3 billion people across China unite in grief for 3 days of mourning, it is fitting that this body expresses our deepest sympathies for the people of China. With this resolution, we offer our condolences to the people of China as they cope with this awful tragedy. Our thoughts and prayers are with them.

House Resolution 1195 also vows the full support of the House of Representatives to the people of China and expresses our confidence that they will succeed in coming together to help those in need and overcome this terrible disaster.

Finally, the House also extends its condolences and support to members of the Chinese American community here in the United States who have relatives and friends in the affected areas of China.

I urge strong support of this resolution, and I encourage my colleagues to join me in doing the same.

Madam Speaker, I reserve the balance of my time.

Mr. MANZULLO. Madam Speaker, I yield myself as much time as I may consume.

Today, we rise to offer our heartfelt condolences and sympathies to the people of China for the horrific loss they suffered as a result of the gigantic earthquake that struck Sichuan Province in southwestern China on May 12 of this year. The 7.9 earthquake struck without warning during the busiest time of the day when schools and office buildings were full of people. And as Congressman WU states, the toll of the dead has not yet been completed, except we know it remains in the tens of thousands, including those that remain missing. At least 10 to 12 million people remain displaced, and we all saw with horror on television the school that had collapsed on over 900 children on that one particular site.

I want to thank Mr. WU for sponsoring this resolution so that the House of Representatives can stand with the people of China in their hour of need. I also want to commend the American people for showing their generosity in pledging humanitarian support for the victims. In America, the sense of loss is perhaps felt strongest in the Chinese American communities where loved ones pray and hope for positive news from across the Pacific.

Madam Speaker, I chaired the U.S.-China Interparliamentary Exchange for 7 years, and I'm now the vice-chair. I had the opportunity to travel extensively in China, including the Chengdu area in 2005, as part of our official business. To see the utter destruction on television comes as a complete shock. I echo the words of the President in saying that we admire the spirit and the character of the Chinese people as they desperately strive to put their lives back together.

I also want to commend the Chinese Government for not being embarrassed or too proud to seek out and receive help from American resources. I only wish that the Government of Burma were as open under these particular and similar circumstances.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WU. At this time, I would like to yield 2 minutes to the gentlelady from California, BARBARA LEE, of the Ninth District of California.

Ms. LEE. Madam Speaker, first let me thank and applaud Congressman WU for his leadership in offering this very important resolution today.

It is with great sadness that all of us have watched the news reports of thousands of people who have been displaced or who have died as a result of the earthquake in China last week. I have talked with constituents in my district who have family and friends affected by this tragedy.

I was particularly pained by the children who were trapped in the collapsed schools and buildings. It is my hope and my prayer, like those of this entire body, that more survivors will be found and that more families will be reunited.

I want to extend my condolences to the Chinese people and especially to those families who have lost their loved ones.

The people of my district, the Ninth Congressional District of California, are rallying together in solidarity to provide humanitarian relief in response to the quake.

Donations to humanitarian relief agencies are already flowing in, and our local Chinatown Chamber of Commerce is working with the local Red Cross to place donation canisters at local restaurants and businesses to help raise additional funds. I know that 14 of the canisters have already been placed.

The people of my district and myself will do everything we can to help with the relief and recovery efforts during this tragic time. This is a natural disaster of enormous proportions that requires an unprecedented response. As a country, we must extend our hand of friendship and our heart of compassion.

My heart and my prayers go out to the people of China, but I know that with the world unified in assisting with these efforts that the people will receive some form of relief very quickly.

I thank Congressman WU for your leadership and for your compassion and for giving us the opportunity to talk about this very important, tragic natural disaster that has turned really into a human disaster.

Mr. MANZULLO. I recognize Mr. SMITH of New Jersey, ranking member of the Subcommittee on Africa and Global Health, for as much time as he may consume.

Mr. SMITH of New Jersey. I thank my good friend for yielding, Madam Speaker, and I especially want to thank Mr. WU, the gentleman from Oregon, for offering this very important resolution, and I'm very proud to be one of the cosponsors.

Madam Speaker, when a friend is struck by a tragedy, perhaps the death of a family member, we all know what to do. We call them up, we visit with them, we reach out to them. And that's what they need at that moment, to know that they are not alone, that they are accompanied by friends.

I think that is with nations as well. When tragedy strikes a nation, other nations have to reach out and remind them that they are part of a great human family and that other nations grieve with them. So it is right that our country should make this gesture after the tragedy that struck the great Chinese people.

Madam Speaker, lest anyone doubt the importance of this gesture, let me remind them of the outpouring of support that came from every corner of the globe after the attack on the World Trade Center in 2001. That meant so much to us.

Madam Speaker, many of us in this House number Chinese human rights activists among our friends, and among the list of people we admire most are people like Harry Wu, Joseph Kung, Wei Jingsheng, Bob Fu, and so many others come to mind. Over the past 10 days, I have been reminded of them as I have seen their mixture of practical earnestness and great generosity in the Chinese people's response to this tragedy, the outpouring of help from everywhere throughout China. The Chinese people continually amaze me for their willingness to stand by the unfortunate and the oppressed, and that sentiment is very strong among the people.

So, Madam Speaker, let us ask God to comfort all of those who have lost family members and friends in this terrible earthquake. I hope we can remember particularly the parents. Several days ago, I read an article in the Los Angeles Times, which I will enter into the RECORD, which reminds us, as the headline says, "One-Child Policy Adds to the Grief of China Quake." This is in the L.A. Times.

In Chinese culture, parents shower an extraordinary love on their children, investing their time and hope in them. The Chinese Government has cruelly and forcibly prevented most mothers and fathers from having more than one child, making brothers and sisters literally illegal. Now these parents have lost that one child. So we need to keep them in our prayers as well.

CHINA'S 1-CHILD POLICY CAUSES EXTRA PAIN

(By Christopher Bodeen)

After their daughter was born, Bi Kaiwei and his wife, Meilin, decided to adhere to China's one-child policy and its slogan, "Have fewer kids, live better lives."

For them and other couples who lost an only child in this week's massive earthquake, the tragedy has been doubly cruel. Robbed of their sole progeny and a hope for the future, they find it even harder to restart their shattered lives, haunted by added guilt, regret and gnawing loss.

"She died before becoming even a young adult," said Bi, an intense, wiry chemical plant worker, standing beside the grave of 13-year-old Yuexing—one of dozens sprinkled amid fields of ripened spring wheat and newly planted rice. "She never really knew what life was like."

Yuexing, a bright sixth-grader, was in school when Monday's quake struck, bringing the Fuxin No. 2 Primary School crashing down, killing her and 200 other students. Teachers had locked all but one of the school's doors during break time, parents said, leaving only a single door to escape through.

Many among the more than 22,000 people killed across central China were students in school. Nearly 6,900 classrooms collapsed, government officials said Friday, in an admission that highlighted a chronically underfunded education system especially in small towns and compounded the anger of many Chinese over the quake.

In Wufu, a farming village two hours north of the Sichuan provincial capital of Chengdu, most of the dead students were a couple's only child—born under a policy launched in the late 1970s to limit many families to one offspring. The policy was meant to rein in China's exploding population and ensure better education and health care.

The "one-child policy" has been contentious inside China as well as out. The government says it has prevented an additional 400 million births. But critics say it has also led to forced abortions, sterilizations and a dangerously imbalanced sex ratio as local authorities pursue sometimes severe birth quotas set by Beijing and families abort girls out of a traditional preference for male heirs. The policy is law but there are exceptions.

Farther down the lane from where Yuexing is buried, 10 more graves were laid out, some accompanied by favorite items—textbooks for English and music, a pencil box, a Chinese chess set. At one, grandmother threw herself to the dirt and wailed as her husband lit a handful of "spirit paper" believed to comfort the dead in the afterlife.

Another bereaved parent, Sang Jun, stood where his daughter, Rui, is buried, a simple mound of dirt beside his quake-shattered farmhouse. The house is surrounded by burned bushes—a traditional disinfectant. "The house is gone and the child is dead," said Sang, who wore a T-shirt and plastic sandals. His parents, both in their 70s, looked on with tears in their eyes.

Resistance by ordinary Chinese has forced Beijing to relax the policies, allowing many rural families to have a second child if the first was a girl. But in Wufu, the family planning committee seems to have prevailed on most families to stop at one child. Slogans daubed on boundary walls and houses all along the rutted country road leading to Wufu call on families to "stabilize family planning and create a brighter future."

Standing in the rubble of the school holding his daughter's ID and a posed shot taken at a local salon, Bi—pronounced "Bee"—said starting a new family, either by having another child or adoption, is simply imponderable.

"I'm 37 years old and my child was 13. If we were to do it again, I'd be 50 when this stage comes along," Bi said.

Parents who lose children in disasters often feel intense guilt for what they see as a failure to protect them, said psychology professor Shi Zhanbiao. Parents, he said, may also recall their past relationships with their children with regret, thinking they were too stern, did not show them sufficient love or did not interact with them enough.

"They'll think that if they just hadn't sent their children to school that day, they would have been saved," said Shi, a researcher with the Chinese Academy of Science in Beijing.

The loss is intensified for those with no other offspring to lavish with care and affection, Shi said. And in China, other, more practical concerns may also come into play because children are generally expected to care for their aging parents.

"They'll be worried about the future, because for the later part of their lives, they'll have no one to depend on," Shi said.

Bi said Yuexing was polite and smart. She had won a coveted place at the county's best high school on the recommendation of a teacher. She was a top student who got better after the family moved closer to school to reduce her commuting time, said Bi, who completed high school but failed the national university entrance exam.

In her pictures, Yuexing, whose name combined the Chinese characters for moon and star, is smiling and demure. The studio shot shows her wearing a bright yellow sweater and looking playfully over her shoulder.

Parents in Wufu said they plan to bring a formal complaint over what they say was corruption and malfeasance in construction of the school. They say officials moved the students from a group of one-story classrooms—all of which survived the quake—into a modern-looking, but unsafe building.

"We have nothing else, no other wish but to win justice for our children," said Sang's wife, Zhao Jing. "We put all our hopes on these kids, and this is the return we get."

[From the Los Angeles Times, May 15, 2008]

ONE-CHILD POLICY ADDS TO THE GRIEF OF CHINA QUAKE

(By Ching-Ching Ni)

XINGFU, CHINA.—On Sunday, Liu Li received a simple Mother's Day present from her only child: a basket of red, pink and white carnations wrapped in purple rice paper. That afternoon, her 15-year-old boy returned to boarding school knowing he had made his mother the happiest woman in their village.

Liu and her husband never thought about defying China's one-child policy. They already had everything they could hope for in a son. Meng Hao was not only a good student and star athlete, he was even the tallest kid around.

On Wednesday, the Mother's Day flowers were still fresh in the family's living room, next to rows of certificates of merit from Hao's school years. But Liu's beloved boy was dead.

"When I heard he was gone, my whole body went numb," she said. "I felt the sky falling."

As the death toll rises from the worst earthquake to hit China in 30 years, Sichuan province has become a valley of sadness. Schools were among the most badly damaged buildings, and some of the most grief-stricken residents are parents who lost an only child.

Liu, 38, slumped Wednesday in a chair in a makeshift tent among the wheat fields here. Not only are parents mourning the loss of a cherished child; the next generation is expected to look after their parents in old age in a society where the safety net is disappearing. And many in Chinese society regard people in their late 30s and early 40s as too old to have another child.

In Sichuan, one of China's most populous provinces, the government's one-child policy is strictly enforced among poor farmers.

"I'd say 90% of the people around here have only one child," said Wang Xia, hugging her 5-year-old daughter close after finding the girl with big, round eyes and two long braids alive at her kindergarten. "It takes a lot of money to raise children—we farmers have a hard time even supporting ourselves; how can we afford to pay fines to have more?"

The name of this town, Xingfu, means Happiness. But it has become a hell for parents who at first thought they had escaped the tragedy. When disaster struck Monday, Hao's parents raced to the nearby school and helped dig through the rubble.

First there was good news.

After being trapped under broken concrete for eight hours, Hao was rescued.

"He kept saying, 'I am OK, I want to go home,'" said his father, Meng Daoling, 44.

"When he was buried under all that debris, he told me he kept thinking of his parents. He held on for eight hours so he could see us again," said his mother, tears streaming down her face.

To their shock, a few hours after that brief reunion, their son died about an hour away at a hospital in Chengdu, where he had been rushed for treatment.

Like so many people here, Hao's parents had done everything they could to give him a good education. His father drives a tractor.

In addition to toiling in the family field, his mother works long hours at a factory making bottle caps.

Boarding school costs a bit more than regular school, but for many rural children, schools are too far for daily travel, so they live there.

"Everybody knew him," a villager said of Hao. "He was nearly 6 feet tall. He wanted to go to college and be a pilot."

One of Hao's schoolmates who escaped the falling building said he survived because his teacher told the students to run from the first-floor classroom when the magnitude 7.9 quake rocked the country.

"There were 66 students in our class. All but seven or eight made it out alive," said Ba Cong, 14.

He thinks he probably survived because he was in the second row. "I sat in the front because I am nearsighted. The people who didn't make it sat in the back."

Hao was in a third-floor classroom. Most of the students there were trapped.

"He told me his teacher told them, 'Don't run, duck,'" his mother said.

Parents say the school was built in the early 1990s—old by Chinese standards—and that students were to move into a new building next year.

Bitter villagers suspect shoddy construction is partly to blame for the catastrophe.

"Even our humble rural homes built by hand didn't collapse completely," said villager Gong Fuzhong. "How can a big school building collapse? Something is definitely wrong here."

Across an open field filled with makeshift shelters, another mother, Zheng Hongqun, 40, was so paralyzed by grief that she hadn't been able to get out of bed.

The body of her 15-year-old son, Wen Zheng, was pulled from the rubble about 24 hours after the earthquake.

"His father is a migrant worker far away in northeastern China so his son can have money to go to school," said neighbor Wang Xia. "We only told him he is still being rescued. We don't dare tell him the truth."

Outside their temporary shelter, a plastic tarp wrapped over sticks, Zheng's grandparents were surrounded by neighbors trying to distract them from the tragedy. It wasn't working.

"The child is gone. We can never see him again," Wen's silver-haired grandmother sobbed. "It should have been us."

PARENTS' LOSSES COMPOUNDED BY CHINA'S ONE-CHILD POLICY

SICHUAN, CHINA.—Li Yunxia wipes away tears as rescue crews dig through the ruins of a kindergarten class that has buried her only child—a 5-year-old boy.

Other parents wail as soldiers in blue masks trudge through the mud, hauling bodies from the rubble on stretchers.

"Children were screaming, but I couldn't hear my son's voice," she says, sobbing.

This grim ritual repeated itself Thursday across southwestern China, as thousands of mothers and fathers await news about their sons and daughters.

The death toll from Monday's massive earthquake could be as high as 50,000, according to state-run media.

The grief is compounded in many cases by a Chinese policy that limits most couples to one child, a measure meant to control explosive population growth.

As a result of the one-child policy, the quake—already responsible for at least 15,000 deaths—is producing another tragic aftershock:

Not only must thousands of parents suddenly cope with the loss of a child but many must cope with the loss of their only child.

China's population minister recently praised the one-child rule, which dates to 1979, saying it has prevented 400 million children from being born.

Some wealthy families ignore the order, have more children and pay a $1,000 fine. In rural areas—like earthquake-devastated Sichuan province—families can petition for an additional child, but there's no guarantee the authorities will approve the request—they usually don't.

That reality has cast parents like Li into an agonizing limbo—waiting to discover whether their only child is alive or dead.

Thousands of children were in class when the temblor hit Monday afternoon. Many of their schools collapsed on top of them.

In Dujiangyan City, more than 300 students were feared dead when Juyuan Middle School collapsed with 900 students inside. A similar number died at the city's Xiang'e Middle School.

Now parents cluster outside collapsed school buildings, held back by soldiers in some cases as rescue crews search for signs of life.

"Which grade are you in?" a rescuer asks a trapped child in Beichuan County.

"Grade 2," comes the answer.

"Hang on for a while," he says. "We are figuring out ways to rescue you."

The child is pulled from the rubble a short time later.

Madam Speaker, again I want to thank Mr. WU for sponsoring this resolution. We need to express our solidarity with those who have lost so much. This resolution does it very, very well.

Mr. WU. Madam Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from New Jersey for his leadership and always caring about the people of China.

I include the following news article from the Portland, Oregonian:

[From the Oregonian, May 20, 2008]

BOEING MAY BE THE TICKET FOR RELIEF SUPPLIES; CHINA QUAKE—NEW JETS ARE SCHEDULED FOR DELIVERY, AND OREGON AGENCIES HOPE THEIR AID CAN HITCH A RIDE

(By Richard Read)

Oregon aid agencies aim to piggyback on Boeing's booming sales to China, loading earthquake-relief supplies in new jets being delivered to Chinese airlines.

Managers of Medical Team International are negotiating to send $470,000 worth of supplies that Mercy Corps would help distribute to earthquake victims in China. A Boeing spokesperson says the aircraft manufacturer has entered similar deals in the past, but rarely in urgent response to humanitarian disasters.

Boeing and the relief workers are reviewing 15 aircraft that have been ordered by Chinese airlines, said Barbara Agnew, spokeswoman for Tigard-based Medical Teams International. The jets are scheduled for delivery to six Chinese cities, she said.

"None of these destinations are actually hubs that are near the disaster site," Agnew said. "So they're going back to specific airlines and saying, 'Would you be able to take this cargo to a closer hub?'"

The Boeing deal is one of several the humanitarian organizations are feverishly negotiating as disaster estimates grow in both China and cyclone-hit Myanmar. The aid agencies are forming partnerships to overcome government restrictions and other obstacles in the two countries.

Mercy Corps plans to load items ranging from school kits to rubber gloves in Portland for delivery in Seattle to DHL International. The global delivery company plans to fly the supplies for free to Bangkok, Thailand, for distribution in Myanmar and perhaps China, also providing warehouse space.

DHL is also working with Mercy Corps on a charter flight to carry pharmaceuticals from the United States to China. "Something like this would be impossible for us to do on our own," said Susan Laarman, a Mercy Corps spokeswoman, saying the charter otherwise could cost as much as $1 million.

In Myanmar, where the government has kept foreign relief workers out of hard-hit areas, Portland-based Mercy Corps expects to team with Merlin, a British organization already working inside the reclusive country. As with the Indian Ocean tsunami in 2004, Mercy Corps will most likely launch cash-for-work programs, paying local people to repair roads, clear debris and rebuild houses.

Already Mercy Corps has helped Merlin secure boats to carry emergency medical kits to Myanmar's Irrawaddy Delta, which took the brunt of the May 2 cyclone. Four Mercy Corps aid workers have managed to get into Myanmar—also known as Burma—but not beyond the capital, Yangon or Rangoon.

Michael Bowers, Mercy Corps Northeast Asia regional program director, departed Portland on Monday for Chengdu, China. There, too, the agency plans to team with local organizations.

"We think we'll focus particularly on youth and vulnerable women who may have been affected by the earthquake," said Bowers, adding that Chinese officials were easing access. "The authorities in this disaster took a pause before they went down the road of Burma."

Medical Teams International has no relief workers in either country yet, but a doctor on its staff plans to depart Wednesday for Myanmar. The first choice of the organization, formerly called Northwest Medical Teams, would be to send one of its volunteer medical-worker teams to Myanmar.

"The numbers are just speaking so loudly in Myanmar," Agnew said.

Myanmar is hardly a big aircraft buyer, but China is a giant Boeing customer, which could work in the aid agencies' favor. Boeing forecasts that China will require 3,400 new airplanes worth about $340 billion over the next two decades.

But arranging on short notice to pack antibiotics, bandages and pain relievers into new airplanes is a complex project, requiring sign-offs by numerous managers even within Boeing. Chinese customs inspectors also must approve the unusual shipments.

A Boeing spokeswoman confirmed Monday that negotiations were progressing on the program. "It's something that we're considering," she said.

Just today, Richard Read of The Oregonian printed that, "Oregon aid agencies aim to piggyback on Boeing's booming sales to China, loading earthquake-relief supplies in new jets being delivered to Chinese airlines.

"Managers of Medical Teams International are negotiating to send $470,000 worth of supplies that Mercy Corps would help distribute to earthquake victims in China."

Medical Teams International and Mercy Corps are domestic organizations, and they can be assisted directly by private parties.

"A Boeing spokesperson says the aircraft manufacturer has entered similar deals in the past, but rarely in urgent response to humanitarian disasters.

"Boeing and the relief workers are reviewing 15 aircraft that have been ordered by Chinese airlines," and Medical Teams International said that they're trying to get space. "The jets are scheduled for delivery to six different Chinese cities."

None of these cities are actually hubs that are near the disaster site so they're going back to specific airlines and asking the Chinese airlines: Would you be able to take this cargo to a closer hub?

The Boeing transaction is one of several that these humanitarian organizations have been feverishly negotiating as the disaster estimates grow in China.

Michael Bowers, Mercy Corps Northeast Asia regional program director, departed from Portland, Oregon, for Chengdu in China.

A Boeing spokesperson confirmed on Monday that negotiations were progressing on the program, and that, "It's something that we're considering."

We commend to the Boeing Corporation that it seriously, deeply and quickly consider this, and we are grateful for their consideration.

With that, I reserve the balance of my time.

Mr. MANZULLO. I have no more speakers. Can I inquire of Mr. WU if he has any more speakers?

Mr. WU. I understand that we have a couple of additional speakers who are on the way to the floor, but they are not here at this time.

Mr. MANZULLO. I'm ready to yield back the balance of my time, if the gentleman from Oregon is.

Mr. WU. If the gentleman is prepared to close, then I would be prepared to close with the caveat, if additional speakers show up, that I be permitted to recognize them.

□ 1600

Mr. MANZULLO. Mr. Speaker, I yield back the balance of my time.

Mr. WU. I want to recognize the hard work put in by staff on both sides of the aisle, particularly Elsa Tung on my staff, and Cobb Mixter on the Foreign Affairs staff. I want to thank their counterparts on the Republican side.

I want to thank Members on both sides of the aisle for signing aboard this resolution, bringing it to the floor quickly, permitting its markup in committee very, very quickly last week, and having it here on the floor within 8 days of this terrible humanitarian disaster. I ask all Members to support this resolution.

Mr. HONDA. Mr. Speaker, I rise in strong support of House Resolution 1195 authored by my good friend from Oregon, Mr. WU, and of which I am a proud cosponsor. H. Res. 1195 expresses our condolences and sympathy to our friends of the People's Republic of China for the tragic loss of life and devastation caused by the earthquake in Sichuan Province.

On May 12, 2008, a massive 7.9-magnitude earthquake shook China's mountainous southwest Sichuan province. This powerful quake and its aftershocks have killed over 40,000 people, injured hundreds of thousands more, and destroyed entire communities. The full impact of this disaster will not be realized for some time as rescue and recovery efforts are still ongoing.

I applaud the courage and determination of the emergency workers that are placing themselves in treacherous situations while still searching for survivors. The recent report of over 200 emergency workers overcome by a mudslide is testament to their peril.

The increased openness to news coverage in the devastated areas is also encouraging and has allowed the international community to share in China's sorrow and witness their massive emergency efforts. In support of these efforts, the United States offers any assistance that it can provide.

I would also like to reiterate my condolences and sympathy to the Burmese people tragically impacted by Cyclone Nargis, and sincerely hope that the Burmese regime recognizes the desperate need for immediate unfettered international assistance.

Mr. Speaker, I urge my colleagues to vote in support of H. Res. 1195. In times of great natural disasters, all humanity suffers. As the people of China have come together for a moment of silence, the world community must also unify in support of those that have suffered by these natural disasters.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1195, expressing condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the massive earthquake centered in Sichuan Province. I would like to thank my colleague Representative DAVID WU of Oregon for introducing this important legislation that reaffirms the humanitarian commitment of the United States to the people of the People's Republic of China who have become victims of a catastrophic earthquake. Let me also thank the Chairman of the Committee on Foreign Affairs, Chairman BERMAN, for his leadership in bringing this resolution to the floor today.

As my colleagues are aware, the province of Sichuan, in southwest China, was struck by a 7.9 magnitude earthquake on May 12th. Centered in Wenchuan County, the earthquake brought a plethora of devastating aftershocks, casualties, and tragedy. It is reported that the death toll has approached 40,000, and a further 250,000 people have been injured. With tens of thousands of people still missing, it is likely that these figures will only rise. Furthermore, the earthquake has left an estimated 4.8 million people homeless making this one of the most devastating earthquakes in China since the 1976 Tangshan earthquake.

A New York Times article published this morning describes the many residents of neighboring counties who have traveled long distances without hesitation to volunteer their services to the humanitarian needs of the victims. Record sums of money had also been donated to the victims of the earthquake. I hope that this resolution and stories of heroic action will also inspire others to take part in the global community to take action in contributing humanitarian aid.

While the human toll is tragic, the sheer numbers of people who have lost their homes is truly colossal. Though rescue efforts may be nearing a close, relief efforts are only just beginning. Five million people are reported to be homeless in the wake of the earthquake, with government officials citing a "desperate need for tents." Even as we work to meet these emergency needs, Mr. Speaker, we must also focus our efforts in studying and implementing ways on which we can prevent future disasters from affecting as many people.

As Chair of the Congressional Children's Caucus, I am particularly concerned by the large number of children who were trapped within collapsing school buildings when the earthquake hit. Particularly tragic was the collapse of a three-story school building in the city of Dujiangyan, burying an estimated 900 students. According to reports, it is still not known how many children were killed by their own schools as the buildings fell down on their heads, and the Chinese government has reportedly called for an investigation into the collapse of school buildings. I would especially like to extend my condolence to many children caught up in this immense disaster.

Mr. Speaker, I take this opportunity to commend the thousands of police and civilian rescue workers who have been working tirelessly in disaster areas to aid in rescue and recovery efforts. They are truly a testament to the good that exists in the world today.

I urge my colleagues to join me in supporting this legislation to extend sincere condolences and further the efforts of the United States to ensure the complete restoration of the tragic loss of life and devastation of the People's Republic of China.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support H. Res. 1195 and express my heartfelt sympathy for the many victims of the recent earthquake in China's Sichuan province. My prayers go out to all those who lost loved ones and property in this unfortunate tragedy, and it is my sincere hope that the people of the region will be able to recover quickly from the humanitarian crisis that has developed.

The devastating 7.8 magnitude earthquake that occurred on May 12, 2008 has already resulted in the loss of over 51,000 lives. More than 29,000 people remain missing, and nearly 300,000 others have been reported as injured. The earthquake also destroyed 80 percent of the buildings in the area, killing thousands of children who were trapped in collapsing schools. Roughly 5 million of the survivors are now homeless.

When faced with such tragedy, we must never forget the ability of the human spirit to persevere. The inspirational stories of courage and survival that have come out of this disaster remind us to never lose faith, even in the most trying of times. I would like to especially commend all those who have come out in support of the victims. From international relief organizations to local community volunteers, people of all backgrounds have set their differences aside and come together to help those in need. In the past week alone, the regions of China most affected by the earthquake have received over $2 billion in donations.

While some of this news is encouraging, it is clear that the people of the People's Republic of China have suffered greatly from this catastrophe. I truly wish them my heartfelt prayers as they work to rebuild their communities and move forward with their lives.

Mr. WU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and agree to the resolution, H. Res. 1195, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REAFFIRMING SUPPORT FOR THE GOVERNMENT OF LEBANON UNDER PRIME MINISTER FOUAD SINIORA

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1194) reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1194

Whereas, on May 7, 2008, the terrorist group Hizballah, in response to the justifiable exercise of authority by the sovereign, democratically-elected Government of Lebanon, initiated an unjustifiable insurrection by fomenting riots, blocking roads, seizing buildings, and organizing marauding groups of gunmen who took control of much of Beirut, including the sites of key government institutions, and provoked sectarian fighting elsewhere in Lebanon;

Whereas, in the course of this ongoing insurrection initiated by Hizballah, more than 80 Lebanese citizens have been murdered and more than 250 have been wounded;

Whereas, in the course of this fighting, Hizballah and allied fighters attacked the residences of Future Party leader Saad Hariri and Progressive Socialist Party leader Walid Jumblatt, both of whose parties are members of the legitimate governing coalition under Prime Minister Fouad Siniora;

Whereas, in the course of their insurrection, Hizballah and allied fighters forced the Future Party's television station off the air and burned the building housing the Future Party's newspaper;

Whereas Hizballah and its allies have turned over some of the areas they conquered in Beirut to the Lebanese Armed Forces;

Whereas key government institutions, including the prime ministry, remain under siege, as do the residences of Saad Hariri and Walid Jumblatt;

Whereas the purpose of Hizballah's insurrection is to intimidate the legitimate, democratically-elected Government of Lebanon, the Lebanese Armed Forces, and other legitimate Lebanese authorities, so that Hizballah will have maximum freedom of military action, can deepen its control over its "state within a state" in Shiite-dominated areas of Lebanon, and can enhance its influence on Lebanese Government decision-making in order to render Lebanon subservient to Iranian foreign policy;

Whereas United Nations Security Council Resolutions 1559, 1680, and 1701 affirm the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon;

Whereas United Nations Security Council Resolutions 1559, 1680, and 1701 call for the disbanding and disarming of all militias in Lebanon;

Whereas United Nations Security Council Resolution 1701 insists that no country transfer arms into Lebanon other than with the consent of the Government of Lebanon;

Whereas United Nations Security Council Resolution 1747 explicitly forbids Iran from transferring arms to any entity;

Whereas Hizballah has contemptuously dismissed the requirements of the United Nations Security Council by refusing to disarm;

Whereas Hizballah and its allies have repeatedly sought to undermine the legitimate Government of Lebanon under Prime Minister Siniora by preventing parliament from meeting and blocking the election of a new President, leaving that office vacant for the past half-year;

Whereas, contrary to the explicit and binding mandates of the United Nations Security Council, Iran continues to provide training, arms, and funding to Hizballah;

Whereas, contrary to the explicit and binding mandates of the United Nations Security Council, Syria continues to facilitate the transfer of arms to Hizballah via its territory;

Whereas Syria, through, inter alia, its support of Hizballah's efforts to undermine Prime Minister Siniora, its suspected campaign of assassinations of Lebanese leaders, its minimal cooperation with the international investigation of these assassinations, and its refusal to delineate its border with Lebanon, shows every sign of wanting to control Lebanon as it did prior to its April 2005 withdrawal;

Whereas it is highly likely that Hizballah provoked the recent fighting in Lebanon with the blessing of Syria and Iran; and

Whereas Hizballah and its Lebanese political allies continue to pursue an agenda favoring foreign interests over the will of the majority of Lebanese as expressed in a legitimate and democratic election: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its strong support for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora;

(2) expresses its profound sympathy to the people of Lebanon, who have again been thrust unjustly, and against their will, into a conflict initiated by Hizballah;

(3) offers its condolences to all those in Lebanon who have suffered displacement, injury, or death in their family, or among their loved ones, as a consequence of Hizballah's unjustifiable insurrection against the Government of Lebanon;

(4) condemns—

(A) Hizballah's illegitimate assault on the sovereign Government of Lebanon, which has led to the worst sectarian warfare in that country since the civil war from 1975 to 1990;

(B) Hizballah for its unprovoked attacks against Lebanese leaders, citizens, and against Lebanese public and private institutions and for its illegal occupation of territory under the sovereignty of the Government of Lebanon; and

(C) Syria and Iran for illegally transferring arms and providing other forms of military support to Hizballah, in clear violation of United Nations Security Council Resolutions 1559, 1680, 1701, and 1747;

(5) demands that Hizballah immediately cease its attacks and withdraw from all areas in Beirut and elsewhere in Lebanon that it has occupied since May 7, 2008, as a first step towards its total disarmament; and

(6) urges—

(A) the United States Government and the international community to immediately take all appropriate actions to support and strengthen the legitimate Government of Lebanon under Prime Minister Fouad Siniora;

(B) the United Nations Security Council to—

(i) condemn Syria and Iran for their blatant violation of United Nations Security Council Resolutions 1559, 1680, and 1701;

(ii) condemn Iran for its violation of Chapter-VII-based United Nations Security Council Resolution 1747; and

(iii) as part of sanctions on Iran for violating Chapter-VII-based United Nations Security Council Resolution 1747, prohibit all air traffic between Iran and Lebanon and between Iran and Syria;

(C) every country controlling possible transit routes from Iran to Lebanon to impose the strictest possible controls on the movement of Iranian vehicles, airplanes, and goods to ensure that Iran is not exploiting its land and airspace for the purpose of illegally transferring arms to Hizballah and other terrorist groups; and

(D) the European Union, in light of recent and earlier Hizballah actions, to designate Hizballah as a terrorist group and to treat it accordingly.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the resolution and yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank Chairman BERMAN for his leadership in getting this vitally important resolution to the floor so quickly. It's extremely important that the House be on record telling the brave men and women who fought and died defending Lebanon's independence and sovereignty that America has not forgotten you and will not abandon you.

While many in the Middle East, particularly in Lebanon, are trying to make sense of what has happened, I believe that it is critical that they know that the United States and the U.S. Congress still strongly support the democratically elected and legitimate Government of Lebanon, that we will stand behind its efforts to fully restore Lebanon's sovereignty and independence, and that the future of Lebanon is not with Iranian and Syrian sponsored thugs and bullies, but with the decent people of Lebanon of every sect and confession who only want the normal and peaceful life for themselves, for their children, and for their country.

Mr. Speaker, just as Hezbollah sucked Lebanon into its conflict with Israel in 2006 by hiding behind its women and children, they have now forced the Lebanese people to endure their war against the Lebanese state. The insurrection by Hezbollah was unjustified, illegitimate, and immoral. No conceivable Lebanese interest was served by it. Only the goals of Iran and Syria were advanced by Hezbollah and its allies' assault on the sovereignty of the Lebanese Government.

The pretense that Hezbollah is an authentic Lebanese political actor has fallen away, and in the arrogance of power they have declared their true allegiance. It is not to Lebanon, and it is not even to the Lebanese Shia. Their loyalty is to Iran and Syria, and to the needs and interests of Tehran and Damascus. In their Lebanese puppet state, Ayatollah Khamenei will be the true president and Bashar al-Assad the real prime minister.

We have seen this kind of fraud before in the 20th century. The culmination was called the Warsaw Pact. But what was true in Europe in the Cold War remains true today in the Middle East—a captive nation is no true ally of its captor, and no amount of power can make a lie become the truth. And no amount of thuggery, torture, intimidation and murder can make Hezbollah anything other than the terrorist arm of foreign powers and an enemy of Lebanese independence and sovereignty.

The United States and every other decent nation must continue to support the Government of Lebanon. The Lebanese Government was democratically elected, it is legitimate, and it deserves our aid. Justice must ultimately be done for those recently and unjustly killed, as well as all those Lebanese murdered for their support of Lebanese sovereignty going back to the assassination of former Prime Minister Rafic Hariri. I have said many times before, and I will keep repeating it, there must be no deal or arrangement that undercuts the Special Tribunal for Lebanon.

Mr. Speaker, you either believe that Lebanon is a sovereign and independent state that is to be governed by and for the Lebanese people alone, or you don't. The overwhelming majority of Lebanese, whether they're Sunni, Shia, Maronite, Orthodox, Druse, or any other group, believe in this principle. The entire international community, with the reprehensible exceptions of Syria and Iran, believes in this principle. The United States certainly believes in it. Only Hezbollah, Amal, and the delusional Aounists do not. And that is why Lebanon has suffered and remains in pain today.

I'm very proud of the resolution before us today. I strongly urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1194, which reaffirms America's support for the Government of Lebanon and condemns the violent Islamic group Hezbollah and its state sponsors, Iran and Syria, for undermining the sovereignty and independence of Lebanon.

For over two decades, Hezbollah and its state sponsors have done everything in their power to destroy any hope for a free and democratic Lebanon. In response, some have tried to compromise with Hezbollah to incorporate it into the Lebanese electoral system, to pretend that it is a group of Lebanese freedom fighters instead of a wholly-controlled subsidiary of Iran and Syria, to permit it to arm and re-arm in violation of U.N. Security Council resolutions, and to excuse its relentless attacks and incitement against America and Israel.

Mr. Speaker, America and other responsible nations must stop Hezbollah's current attempt to rule by the gun. We must support efforts in the U.N. Security Council and elsewhere to ensure that Hezbollah is disarmed and that Iran and Syria are barred from rearming that group. Moreover, we must hold Iran and Syria accountable for the continuing efforts to spread violence and to undermine our allies in the Middle East, including Lebanon, Iraq, and Israel.

Mr. Speaker, Iran and Syria continue to start fires throughout the region only to disingenuously step forward and offer to put them out for an unconscionable price. We must cease falling prey to their deception, and we must stop their deadly behavior, which undermines the security of Lebanon and the entire world.

I thank my good friend and colleague from California, Chairman BERMAN of the Foreign Affairs Committee, for introducing this resolution.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. LAHOOD), an esteemed member of the Committee on Appropriations.

Mr. LAHOOD. Mr. Speaker, I rise in strong support of this resolution and ask all Members to support the resolution.

I want to compliment Chairman BERMAN and Chairman ACKERMAN and Ranking Member MANZULLO for their leadership in bringing this very important resolution to the House floor.

No one has suffered more in the Middle East than the small country of Lebanon, caught in the crossfire of many different attacks from many different forces, not the least of which is Hezbollah. This resolution reaffirms the House's strong support for the legitimate democratically elected government, expresses sympathy to the people of Lebanon and condolences to those in Lebanon who have been displaced, injured, and lost relatives as a result of Hezbollah's violent action.

It urges the U.S. Government and the international community to immediately take all appropriate actions to support and strengthen the legitimate Government of Lebanon under the extraordinary leadership of Prime Minister Siniora, condemns Hezbollah and its state sponsors, Iran and Syria, for its efforts to undermine the Lebanese Government, including from approximately May 5–12, fomenting riots, blocking roads, seizing buildings, seizing control of West Beirut, and engaging in sectarian fighting in much of Lebanon.

The resolution demands that Hezbollah, as a first step toward total disarmament, immediately cease its attacks and withdraw from all areas in Lebanon that it has occupied.

The resolution urges the U.N. Security Council to condemn Iran and Syria for their violations of multiple UNSC resolutions and to sanction those nations by banning air traffic between Iran and Lebanon and between Iran and Syria. It urges every country controlling possible transit routes between Iran and Lebanon to impose strict controls to prevent Iran from arming Hezbollah. And it urges the European Union to designate Hezbollah as a terrorist group. This is a very good resolution.

Mr. Speaker, as someone who has traveled to Lebanon 12 out of the 14 years that I've been a Member of the House, I can tell you that Lebanon is caught in a very, very difficult situation.

I want to give credit, also, to President Bush and Secretary Rice for the interest that they've taken in Lebanon. More recently, the President was in the Middle East and spoke out in defense of Lebanon and calling on those countries, including the group Hezbollah, to cease and desist from their activity that they're participating in in this small country. I compliment President Bush and Secretary Rice for their involvement and their encouragement to the country of Lebanon and to the leaders that they met with most recently to become more involved in trying to help solve the problem and detach Hezbollah from the kind of hold that they have on the country.

One other thing, Mr. Speaker, I'd like to also encourage the Parliament in Lebanon, who have the responsibility for electing a president and have not taken on that responsibility, and given the fact that the Office of President of Lebanon has been vacant for a number of months, I call on the Parliament of Lebanon to convene themselves and elect a president. This would send a very strong message around the region and around the world that Lebanon is a country that can stand on its own and stand up to these terrorist groups if it has the help from other countries.

So I encourage the Speaker of the Parliament in Lebanon to take on the responsibility to call the Lebanese Parliament into session and to elect a president. I think it would be a very, very important move.

Again, I thank the Committee on Foreign Affairs for their interest in the country of Lebanon and the way that they have struck a very strong cord against Hezbollah and their activities in Lebanon. I urge all Members to support the resolution.

Mr. ACKERMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio, the chairman of the Oversight and Government Reform Subcommittee on Domestic Policy, DENNIS KUCINICH.

Mr. KUCINICH. I thank the gentleman.

I think that this House has concurrence, that we share concern about Lebanon. I certainly do, having had the chance, twice in the last 2 years, to not only visit the country, the northern and the southern part, but to meet with all the parties to the disputes.

One of the things that I thought was most telling was that there was a concern about working out an agreement without the interference of outside parties, without the interference of Iran or the interference of the United States. There is a feeling of Lebanon-for-Lebanon that exists very strongly in Lebanon. Yet the Lebanese have not had the opportunity to really stand that way.

Having gone to Lebanon, as I did right after the war that went past one month in the summer of 2006, and seeing the devastation there, there is no appetite for war on the part of the Lebanese people.

□ 1615

The role of Hezbollah is certainly worth looking at. It's also worth considering the depth of support they have among the Lebanese people.

We have to be very careful about how we dictate a certain policy in Lebanon for its effect on Lebanon and for its effect on the region. So, therefore, I must reluctantly oppose this resolution, as well intended as it might be, because I'm concerned that it will be seen by some as the United States trying to instigate more civil unrest in Lebanon at the same time that we say that we're supporting the central government.

I have met with Prime Minister Siniora. He has been a good friend of the United States. But he had to sit by while the United States either looked the other way or encouraged, depending on whose story you accept, the continued bombing of Lebanon, which actually undermined his government.

So we have a condition in Lebanon that really has been going on now for over 25 years, with Lebanon having only tenuous control of their own affairs, with the interference of so many outside governments.

We should be doing everything we can to strengthen a process of dialogue in Lebanon. I don't believe that this resolution accomplishes that. I think it accomplishes the opposite.

Again, I'm in support of whatever we can do to stabilize Lebanon. I just have my doubts that this resolution will accomplish that. I appreciate the concern of the sponsors. I think we need to have more of a discussion——

Mr. LAHOOD. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I certainly will.

Mr. LAHOOD. The gentleman knows that he and I have had a number of discussions about Lebanon.

I know of your deep interest in the country, and I know that you've traveled there.

The one thing, Mr. Speaker, that I would say to the gentleman is that Prime Minister Siniora did not turn a blind eye on a number of occasions when the bombing was taking place. He called for a cessation of the bombing in the southern part of the country; so I want to be sure the record is clear on this.

Mr. KUCINICH. I appreciate your pointing it out.

Mr. LAHOOD. He did not sit by and allow his country——

Mr. KUCINICH. I agree with you, and I appreciate your correcting the record in that he wasn't for it, that's for sure. But I'm suggesting to you that the fact that we had someone who was supporting us, and yet we continued as a government, our government did nothing to discourage the continued bombing of Lebanon during that period after the 6 days that Israel thought they basically had accomplished their objectives.

I was in southern Lebanon. I saw the devastation. And I talked to people both on the Israeli side and on the Lebanese side, and I see that there was a desire to stop but it continued. We undermined the Siniora government. What I'm suggesting is that it's the United States interference in Lebanon that does not serve the country's purpose of peace well. I don't see our purpose there as being benign, to my good friend, and I say this having talked to all sides. Let Lebanon be for Lebanon. Let the United States and all the other nations of the world provide some support when asked for it, but we have to be very careful about injecting ourselves in a way that we try to determine the outcome for that country. We do not do well when we try to determine the outcome of who should govern another country. It always, in the last few years, has been very difficult for us to do that.

I appreciate, though, the dedication that my good friend has to peace in Lebanon. We both agree on the necessity of civility there. We may have differences as to how that would be achieved.

I thank the gentleman.

Mr. MANZULLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. I don't want to belabor this to my friend from Ohio, Mr. Speaker, but I want to say this: I visited right after the bombing stopped in the southern part of Lebanon. I visited there, Mr. Speaker, with some other Members of Congress, and I can tell you this: The Siniora government and all government officials decried very much what was happening in the southern part of the country and asked the United States to help in this instance to raise an enormous amount of money to help rebuild the southern part of the country. And President Bush got on the telephone, Mr. Speaker, talked to a number of countries, raised an enormous amount of money, billions of dollars. Siniora, the Prime Minister, went to France and actually met with leaders and raised an enormous amount of money.

The country of Lebanon, the Prime Minister of Lebanon, has encouraged the kind of involvement of our country to help raise money to rebuild the south and also to say to those who have taken a place in the country for no other good but to disrupt the country that this is not the kind of activity that they want.

And so we do disagree on this, Mr. Speaker, and I do disagree with the gentleman from Ohio. We need to speak out. That's what this resolution does. It speaks out about a group of people in Lebanon whose only goal is to disrupt the country and to try to take over, for no good, and that's why this resolution is well drafted and well written.

Mr. KUCINICH. Mr. Speaker, will my friend yield?

Mr. LAHOOD. Of course.

Mr. KUCINICH. I'm maintaining that our government, the United States, has really not been for dialogue so as to try to bring all the parties together. We have pursued a path that has been quite narrow and that, in effect, keeps the conflict going. So I have concerns about that.

I would agree that Mr. Siniora is trying to do everything he can, but I also think that he's limited to what he can do because of the parameters that he has to work within in order to keep the confidence of the administration in Washington, DC. And that's my concern.

So this resolution, I don't think, really addresses the much deeper need for dialogue within Lebanon by the Lebanese instead of the United States injecting its point of view and its mandate onto Lebanon.

Mr. LAHOOD. Well, I would say this, Mr. Speaker: I would say there are a lot of back-channel talks going on that don't get the kind of headlines and the kind of publicity. But there are activities taking place, unbeknownst to many who serve here and unbeknownst really to the public. I think these are good discussions. But I urge the House to support this resolution because for one of the few times that I've been here in 14 years, it really sets out, I think, the right language that we, as the House of Representatives, want to send as a message to the Prime Minister of Lebanon and to a group there that wants to hurt the country and hurt the people in the country and have set on a course to do that.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

First let me express my appreciation for the gentleman from Ohio and for his good intentions and for his support of dialogue. Certainly nobody is against dialogue.

But we have a situation here where a democratic, freedom-loving, sovereign people are insisting on the results of their own self-determined election that they came to through democratic processes and are doing that in the face of outside interference in the form of armed opposition, murders, assassinations that are being sponsored by Hezbollah, financed by the Iranian and Syrian regimes. And the gentleman instead calls for dialogue. We call for nothing other than dialogue.

This is a nonbinding sense of the Congress resolution. And while other countries are running interference and murdering the people of Lebanon and preventing their democratic government from governing, we are sending them a message of hope, a message of support. And the gentleman's protestations say that we shouldn't interfere, let them have a dialogue.

What we are looking at, Mr. Speaker, is the equivalent of a rape, and I have just heard the argument that what we should do is not interfere and take sides between the victim and the raper and to say let them have a dialogue and work it out, while each and every day the rape continues. As a civilized, democratic society, we cannot sit idly by without saying a word.

I do appreciate the argument of those who are against violence, who are against arms, and who are against war. I stand with them on that. But we have no alternative than to act and at least send a message of support. There is no interference other than our best wishes while others are sending arms. There is nothing in the 17 whereases in this resolution that suggests that we're in favor of violence. And if the gentleman and those who argue his argument are truly opposed to raising an army, let them at least raise their voice. Let them speak out with us on this resolution. Let us reaffirm our dedication to the principles of democracy and self-determination of a people who have already made their choice in their election, and to stand by them, not by providing arms or violence, but by sending them the wishes of this Congress, of the American people, expressing our support for their determination to continue in their quest to effectuate the democracy to which they are entitled.

Mr. KUCINICH. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to my friend.

Mr. KUCINICH. My concern is this: that you had an assistant Secretary of State for the U.S., David Welch, who went to Lebanon, and he went there to basically make sure that the government took a hard-line position and that it would forestall the possibility of any dialogue. And then one of the clients of the United States, or so-called clients, basically escalated the situation by taking on the issue of disarmament of Hezbollah, which really ought to be done within the parameters of the Lebanese discussion.

Mr. ACKERMAN. Reclaiming my time, the Security Council of the United Nations has asked for the disarmament of Hezbollah. This is not our request. This is the United Nations. This is the international community. This is the entire peaceful world that has asked for that.

As far as the administration, I don't speak for the administration, heaven forbid. This is our Congress, and together Democrats and Republicans have joined in with words. Words are powerful. Words are important weapons. And if you want to avoid the weapons that go bang in the night, then words of support are important, important to a people who are under siege, whose democracy is being eroded by rogue states and terrorist organizations using violence and assassination, trying to blow up members of their elected parliament so that they no longer have a majority to continue their democratic work.

Mr. KUCINICH. Will my friend yield?

Mr. ACKERMAN. I yield.

Mr. KUCINICH. How much more effective it would be if the disarming of Hezbollah, which should occur, would occur within the context of an agreement within Lebanon as opposed to being imposed by someone else. The Lebanese should have control of their own government.

Mr. ACKERMAN. Let me say I'm not opposed to that happening. Let them disarm themselves. But let us in the meantime do what we can to be the voice of democracy and freedom.

The world looks at us as a beacon. We have spent so much of the goodwill that we have built up over 230 years of this democracy. At least let us speak out for freedom, speak out for freedom in the case of a people who are under siege, who are in the throes of having their duly elected government taken away from them by terrorist organizations and rogue regimes.

We know what Hezbollah is. The world knows what it is. We cannot stand idly by and not utter a word of support. This is our word of support. This is the resolution of this Congress. Would that it be more. Would that it be more forceful. Would that it be more effective. But at least we can continue to give those people who insist on living lives of freedom a rekindling of the belief that we too believe in what they believe in and that we support them in their struggle.

If the gentleman is prepared to yield back his time, I will do so.

Mr. MANZULLO. I am prepared to yield back. I want to commend the gentleman for his impassioned speech.

I thank you for the things you have said this afternoon in this Chamber.

Mr. ACKERMAN. You're quite welcome.

Mr. PAUL. Mr. Speaker, I rise in opposition to H. Res. 1194, mainly because this legislation reads like an authorization to use force in Lebanon.

As the key resolved clause of H. Res. 1194 states:

> *Resolved*, That the House of Representatives—
>
> * * * * *
>
> (6) urges—
>
> (A) the United States Government and the international community to immediately take all appropriate actions to support and strengthen the legitimate Government of Lebanon under Prime Minister Fouad Siniora;

This language is eerily similar to a key clause in the 2002 Iraq war authorization, H.J. Res. 114, which read:

> (a) AUTHORIZATION—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—
>
> (1) defend the national security of the United States against the continuing threat posed by Iraq;

I find it outrageous that this legislation, which moves us closer to an expanded war in the Middle East, is judged sufficiently "non-controversial" to be placed on the suspension calendar for consideration on the House Floor outside of normal parliamentary order. Have we reached the point where it is no longer controversial to urge the President to use "all appropriate actions"—with the unmistakable implication that force may be used—to intervene in the domestic affairs of a foreign country?

Mr. Speaker, the Arab League has been mediating the conflict between rival political factions in Lebanon and has had some success in halting the recent violence. Currently, negotiations are taking place in Qatar between the Lebanese factions and some slow but encouraging progress is being made. Regional actors—who do have an interest in the conflict—have stepped up in attempt to diffuse the crisis and reach a peaceful solution. Yet at the critical stage of negotiations the U.S. House is preparing to pass a very confrontational resolution endorsing one side and condemning competing factions. In threatening to use "all appropriate actions" to support one faction, the United States is providing a strong disincentive for that one faction to continue peaceful negotiations. Passing this resolution will most likely contribute to a return of violence in Lebanon.

This legislation strongly condemns Iranian and Syrian support to one faction in Lebanon while pledging to involve the United States on the other side. Wouldn't it be better to be involved on neither side and instead encourage the negotiations that have already begun to resolve the conflict?

Afghanistan continues to sink toward chaos with no end in sight. The war in Iraq, launched on lies and deceptions, has cost nearly a trillion dollars and more than 4,000 lives with no end in sight. Saber rattling toward Iran and Syria increases daily, including in this very legislation. Yet we are committing ourselves to intervene in a domestic political dispute that has nothing to do with the United States.

This resolution leads us closer to a wider war in the Middle East. It involves the United States unnecessarily in an internal conflict between competing Lebanese political factions and will increase rather than decrease the chance for an increase in violence. The Lebanese should work out political disputes on their own or with the assistance of regional organizations like the Arab League. I urge my colleagues to reject this march to war and to reject H. Res. 1194.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

With this resolution, we affirm our support for the legitimate government of Prime Minister Fouad Siniora and condemn the actions of Hizballah that recently provoked the most severe sectarian conflict in Lebanon since the miserable 15-year civil war that ended in 1990.

As we meet this morning, the fate of Lebanon hangs in the balance. Will Lebanon belong to its secular, pro-Western majority—or will it fall to Iran and its proxies? Terrorist Hizballah, showing contempt for legitimate authority and employing violence against Lebanon's most progressive forces, has made a strong bid to prove that the answer to that question is that pro-Iranian forces will dominate Lebanon. That is why it is important for this body to go on record—forcefully—as backing the Prime Minister Fouad Siniora's democratically-elected government. We cannot win the battle for the Lebanese—they must do that themselves—but we can at least demonstrate our solidarity.

When the government sought to assert its sovereignty by taking on Hizballah's illegal, private intelligence network, Hizballah responded by taking over parts of Beirut by force, shutting the major roads to the airport and initiating sectarian violence throughout Lebanon.

Hizballah fighters also shut down Saad Hariri's pro-government television station and torched the building housing Hariri's newspaper. They besieged the homes of Hariri and Druze leader Walid Jumblatt, another pillar of the legitimate governing coalition under Prime Minister Fouad Siniora.

These actions were intended to deepen Hizballah's control of its state-within-a-state, to intimidate Lebanon's rulers and thereby increase Hizballah's influence throughout the nation, and, most worrisome, to push Lebanon deeper into an Iranian-Syrian sphere of influence.

Unfortunately, Hizballah's violence worked, and the government backed down rather than risk civil war. At least for now, the government has abandoned its plans to close Hizballah's private communications network and remove a pro-Hizballah general who presides over security at Beirut International Airport. Perhaps the government will re-coup some of its losses during negotiations with Hizballah now taking place in Qatar—but it will not be easy.

Let me make two points. First, it is time to go beyond words. It is time for the United Nations Security Council to take specific actions in response to Syria's and Iran's flouting of Lebanese sovereignty in direct contravention of UN Security Council resolutions. Resolution 1701 forbids the transfer of arms into Lebanon without the consent of the Lebanese government. Resolution 1747, passed under Chapter VII, forbids Iran from transferring arms to any entity.

Iran provides training, equipment, and arms for Hizballah. Syria, at the least, facilitates the transfer of these arms. The resolution before us urges the Security Council to ban all air traffic between Iran and Lebanon and between Iran and Syria. It calls on all states on transit routes between Iran and Lebanon to implement strict controls. A total ban on commercial flights to and from Iran and Syria—such as that which brought Libya to its knees—also should not be ruled out.

Second, it is long past time for the European Union to designate Hizballah as a terrorist group and treat it accordingly. The European insistence that Hizballah should be seen as a legitimate political party is now transparently undermined by facts on ground, including the more than 80 Lebanese who have needlessly perished in the fighting of the past week.

Legitimate political parties do not have an independent military capability. They do not initiate wars with neighboring states. And they do not engage in international terrorism.

Last week The New York Times quoted Israeli journalist Ehud Yaari as labeling Iran's growing regional influence as "a pax Iranica." Fortunately, there are brave men and women in Lebanon who want to resist this pax Iranica, and at their head, I believe, is Prime Minister Siniora and his government, even if their most recent effort to assert their sovereignty over the Hizballah terrorists has fallen short. Now is the time for us to affirm our support for him and his legitimate, democratically-elected government and to urge the international community to do likewise.

That is why I support this resolution, and ask my colleagues to support it as well.

Ms. LEE. Mr. Speaker, although I support the legitimate Government of Lebanon, I could not support H. Res. 1194 because it contains language calling upon the United States "to immediately take all appropriate actions to support and strengthen" the current Government of Lebanon.

I believe this wording is unnecessarily broad and could he construed by some to implicitly endorse military action against any state or organization that this administration deems a threat to the Lebanese government. Because the resolution does not expressly exclude the use of force as one of the "appropriate actions" to be taken by the United States, I was not able to support it.

Ms. MOORE of Wisconsin. Mr. Speaker, I certainly share the concerns of the proponents of this resolution regarding the need to bring peace to Lebanon. I also add my voice in opposition to the use of violence against innocent civilians for any reason. It is wrong. I have always condemned such acts and certainly want to express my condolences to those killed, injured, or otherwise affected by the recent fighting.

I have been to Lebanon. I have talked to Parliamentarians in that country about the needs of that country. I have also supported a series of resolutions since coming to Congress expressing strong support for restoring and respecting Lebanon's sovereignty, disarming militias, and allowing the Lebanese people and their representatives to direct the affairs of the country without outside influence from any quarter.

My concern with this resolution is that it does nothing to bring the fighting to an end or to achieve any of its goals that it intends to advance, especially in light of recent events. Instead of writing resolutions that make Congress feel good, at this time the U.S. should be supporting and cooperating with countries in the region working to actually bring an end to the violence and putting Lebanon on track to resolve the political paralysis that has gripped the country.

I did not vote for this measure because I believe it does not move us forward in helping to bring peace to the region, especially in light of recent events that saw the Arab League and Qatar in particular take leading roles in actively working diplomatically to end the violence. While this resolution was pending a vote before the House, the Lebanese parties including the Lebanese government and its Arab neighbors were hammering out an agreement to resolve the political crisis fueling the recent violence which has crippled the country.

I have included a copy of New York Times articles on these regional efforts well as another article outlining the announcement by Israel of its negotiations with Syria using Turkey as a mediator. Nothing guarantees that these talks will succeed but it certainly shows that some of the parties most affected by violence in the region are tired of empty rhetoric and are willing to sit down and engage in diplomacy to prevent there country from returning to civil war.

Now is an opportunity to encourage the Lebanese and others in the region to build on these efforts to defuse tensions and begin to take a positive way forward. According to the reports, the Lebanon agreement was reached—not because of the Congressional resolution—but because the Lebanese parties, with the help of their neighbors in the region, sat down at the negotiating table to try and save their country from civil war.

According to these reports, the agreement addresses some of the issues that have polarized and paralyzed Lebanon and also makes clear that all parties "commit themselves not to use weapons or violence in order to achieve political gains under any circumstances."

While the agreement is not perfect and it remains to be seen whether it will change the situation on the ground, it has received the endorsement of all parties, Saudi Arabia, the U.N, and even the Bush Administration. The agreement will not resolve all the pressing problems in Lebanon but it helped check the most pressing of the moment: a slow march back to civil war.

While many Lebanese were expressing relief at this news and returning to deserted streets in Beirut, the House was voting on a resolution which had been eclipsed by events on the ground. Rather than amending the resolution to reflect new developments in the region and to support diplomatic to put an end to the violence, the only option presented to the House was a vote on a resolution that proposed no new solutions. Given the opportunity to vote on an amended resolution supporting the work of regional actors and the Lebanese government to find a solution, I would have gladly joined my colleagues.

Because of the diplomatic intervention by Qatar and others, we now have a "ceasefire" and a possible way out of the cycle of violence that has torn this nation apart.

The U.S. should continue to support the democratically elected government of Prime Minister Fouad Siniora and can do so by supporting diplomatic efforts by all parties to end the political crisis underlying the violence.

The head of Lebanon's U.S.-backed Army is Michel Suleiman—who oversaw the Army's deployment in the south under the U.N. resolution which halted the Hezbollah-Israel war in 2006. Suleiman, who will become the country's President under the agreement, recently stated that "I cannot save the country alone. This mission requires the efforts of all." I hope rather than passing outdated resolutions, the Administration and Congress will rally along with others to provide the diplomatic and other support needed by President Suleiman and the Lebanese people to make the most of this opportunity.

Now Lebanon has another chance to repair itself. Let's not waste it.

[From the New York Times, May 22, 2008]

ISRAEL HOLDS PEACE TALKS WITH SYRIA

(By Ethan Bronner)

JERUSALEM.—Israel and Syria announced on Wednesday that they were engaged in negotiations for a comprehensive peace treaty through Turkish mediators, a sign that Israel is hoping to halt the growing influence of Iran, Syria's most important ally, which sponsors the anti-Israel groups Hezbollah and Hamas.

Senior Israeli officials from Prime Minister Ehud Olmert's office and their Syrian counterparts were in Istanbul on Wednesday, where both groups had been staying separately, at undisclosed locations, since Monday. The mediators shuttled between the two. Syria and Israel have not negotiated this seriously in eight years.

Syria's motives are clear: it wants to regain the Golan Heights, captured by Israel in the 1967 war, and to re-establish a relationship with the United States, something it figures it can do through talks with Jerusalem.

For Israel—which has watched the Palestinian group Hamas take over Gaza and gain ground in the West Bank, and the Lebanese group Hezbollah display raw power in Beirut—an effort to pull Syria away from Iran could produce enormous benefits. An announcement on Wednesday of a peace deal that gives Hezbollah the upper hand in Lebanon's government probably added to Israel's sense of urgency.

The American government opposed Israeli-Syrian negotiations because they feared that such a negotiation would reward Syria at a time when the United States is seeking to isolate it for its backing of Hezbollah and its meddling in Lebanon, Bush administration and Israeli officials said. The United States yielded when it became clear that Israel was determined to go ahead, they said.

The talks come less than a week after President Bush, speaking to the Israeli Parliament, created a stir by criticizing those who would negotiate with "terrorists and radicals." Mr. Bush's remarks have become an issue in the American presidential campaign because they were widely perceived as a rebuke to Senator Barack Obama, the Democratic front-runner.

Turkey, a Muslim country and member of NATO, is a close ally of the United States. It is also Syria's neighbor and has an interest in securing regional peace.

The Turkish prime minister, Recep Tayyip Erdogan, has been working on convening negotiations for some time, an official in his office said, including holding phone conversations with leaders on both sides, and assigning a special envoy to handle the diplomatic back-and-forth. The fact that messages were being exchanged has been public for a couple of months, because of official Syrian statements.

The senior Israeli official said that shortly after Mr. Olmert became prime minister more than a year ago, he went to Turkey and held a long one-on-one meeting with Mr. Erdogan in which it was decided that Turkey would mediate between Israel and Syria.

Efforts to sign a treaty with Syria have often competed with those to build a comprehensive peace with the Palestinians. On Wednesday, Israeli officials tried to make clear that they were not seeking to upstage an important conference opening in Bethlehem—an attempt to make stability easier in the West Bank through economic investment—by saying that both tracks remained vital to them.

While Wednesday's announcement indicated the first real progress on the Israeli-Syrian front in years, and while both sides have clear goals and motivation for success, there is equally good reason for skepticism about the possibility of success.

Mr. Olmert is politically weak, with a thin parliamentary majority partly dependent on the right-wing religious Shas party. He faces a criminal investigation that many Israelis believe should lead him to step down or refrain from undertaking negotiations with the country's enemies. Moreover, twice before, under Prime Ministers Yitzhak Rabin and Ehud Barak, similar efforts to sign a deal with Syria failed.

In Israel, two-thirds of the public oppose a return of the Golan Heights to Syria, according to numerous opinion polls, and many strategists and generals have said that giving up the strategic advantage of the Heights in exchange for promises or even written treaties makes no sense.

"In a period in which Iran is on the march and extending its influence from Lebanon to Iraq, for Israel to consider giving up the Golan barrier would be a strategic error of the highest order," said Dore Gold, president of the Jerusalem Center for Public Affairs and a former official and adviser to conservative governments under the Likud Party, which is now the opposition.

"You have to make a cold assessment whether Israel could drive a wedge between Syria and Iran," Mr. Gold said. "Unfortunately, in the present period, Iran has Syria within its grip to a far greater extent than it did in the 1990s when previous negotiations with the Syrians were held."

On the other hand, many other Israeli officials and analysts see great benefits for Israel. Syria is a prime sponsor of Hezbollah and provides it with rockets and arms, many from Iran. Hamas and Islamic Jihad have headquarters in Damascus, and Israel will seek, in these negotiations, to have them closed.

To pull Syria out of the orbit of Iran and return it to the more pro-Western world of Egypt, Jordan and even Saudi Arabia would be a major victory for Israel.

A real peace treaty with Syria would bring Israel significant advantages in Lebanon and the Palestinian territories.

After the midday announcement here of the existence of the talks, the Israeli airwaves were filled with officials of the right and center expressing skepticism about the outcome and saying that Israel should not leave the Golan Heights. Politicians of the left, though, expressed hope.

Ran Cohen, a member of Parliament from the dovish Meretz Party, told Israel Radio: "I think this move is very important, very positive. It's too bad it did not begin a long time ago."

Others said they feared that the announcement was an attempt to divert attention from Mr. Olmert's legal troubles.

"I very much welcome any process that can advance peace between us and our neighbors, first and foremost with Syria," said Eitan Kabel, secretary general of the Labor Party, which is in the government with Mr. Olmert's Kadima Party. "I very much hope this isn't some sort of spin whose goal is pull a screen over the situation that the prime minister is in."

In the past, the sticking point in negotiations has been whether yielding the Golan to the Syrians gave them sovereignty all the way to the waterline of the Sea of Galilee. The Syrians say yes, but the Israelis have said no, fearing the loss of water rights and full access to the lake.

[From the Herald Tribune, May 22, 2008]

AGREEMENT STRUCK IN LEBANON TO END POLITICAL CRISIS

(By Robert F. Worth and Nada Bakri)

BEIRUT, LEBANON.—The agreement reached by Lebanese political factions early Wednesday amounted to a significant shift of power in favor of the militant Shiite group Hezbollah and its allies in the opposition, who won the power to veto any cabinet decision.

The sweeping deal to form a new government promised an end to 18 months of political deadlock here, and underscored the rising power of Iran and Syria, which have backed Hezbollah in a proxy battle against the governing coalition and its American and Saudi allies.

Government leaders said they had given way on major provisions because they felt the alternative to an agreement was war. They also said they won a pledge that no faction would use its weapons internally, as Hezbollah and its allies did during street battles this month in the worst internal fighting since Lebanon's 15-year civil war.

"We avoided civil war," said Walid Jumblatt, a leader of the governing coalition. He added that the agreement called for a future dialogue on weapons, a clause that he and other government leaders hoped would eventually allow them to raise the issue of Hezbollah's arsenal.

The agreement was brokered by Arab mediators in Doha, Qatar, and involved intensive last-minute diplomacy among the major regional players in Lebanon, including Syria, Iran and Saudi Arabia. Before the agreement, an Iranian adviser assured Saudi officials that Iran did not want a confrontation with Arab nations, said an adviser to the Saudi government, who spoke on the condition of anonymity because he was not authorized to comment publicly. Iran agreed to use its influence to prevent Hezbollah from entering Sunni Muslim areas of Lebanon, the adviser said; such incursions occurred during the clashes two weeks ago.

The agreement specifies a new government and a new election law, ending an 18-month opposition sit-in that had suffocated business in Beirut's downtown commercial center. It also calls for the election of the army chief, General Michel Suleiman, as president. The post has been vacant since November.

But the deal leaves unresolved the questions that provoked the crisis in December 2006. Those include Hezbollah's weapons and Lebanon's relations with Syria, which ended its 29-year military presence here in 2005 after the assassination of former Prime Minister Rafik Hariri.

The divisive issue of cooperation with a United Nations tribunal to investigate Hariri's murder and 10 other killings that followed also remains to be solved. Pro-government officials accuse Syria of involvement in those assassinations.

The governing coalition hailed the new pact as a fair compromise, as did officials in Syria, Iran, Saudi Arabia, and France.

In Washington, the Bush administration portrayed the agreement as a good step. C. David Welch, the assistant secretary of state for Near Eastern affairs, said that the deal could make Syria's eventual return to Lebanon impossible. He contended that the fighting had so damaged the images of Hezbollah and Syria as its backer that Lebanon's Sunnis and Christians would not welcome Syria back.

In the past, the United States has urged the government majority to take a firm stand in its conflict with the Hezbollah-led opposition.

Many Lebanese voiced relief at the news that their country's long political stalemate appeared to be over. Crowds flooded happily into the usually empty downtown on a warm afternoon, and many shops that had been closed for more than a year were reopening. The tents where opposition members had camped out for 18 months were slowly being dismantled, with people packing their gear into pickup trucks.

"We came here to celebrate; it's a dream coming true," said Chadi Ahmadieh, 32, who works at Solidere, the company that rebuilt the downtown area. But he added: "This solution is like a shot of anesthesia that will at least get us through the summer. There are still differences over many issues."

The agreement was announced as Israel acknowledged that it was involved in indirect talks on a possible peace deal with Syria brokered by Turkey. That fueled speculation that the two developments were linked, though officials involved in the Doha talks said they knew of no connection.

But some analysts said Hezbollah's decision to assert itself militarily this month might have been partly based on a calculation that it could be endangered by a deal between Israel, its nemesis, and Syria, its backer.

"Hezbollah's decision to use force might have been partly motivated by a fear that Syria and Israel were going to make peace, and that it had to consolidate its power in Lebanon before that happened," said Paul Salem, the director of the Carnegie Middle East Center in Beirut.

The agreement in Doha provides for a government of 16 cabinet seats for the governing majority, 11 for the opposition and 3 to be nominated by the new president. That will allow the opposition to veto cabinet decisions, a demand the governing coalition refused to accept until now.

Heated last-minute negotiations over how to reshape Lebanon's electoral districting system which will significantly influence power-sharing after the 2009 parliamentary elections led to a compromise that divides the country into smaller districts, allowing for more equal representation of its various sects.

Several Lebanese government officials said they felt they had no choice but to accept the deal. Although their side has long had strong verbal support from the United States and Saudi Arabia, they appeared to have overplayed their hand earlier this month when they challenged Hezbollah's private telecommunications network and its control over the Beirut airport.

Hezbollah's leader, Sheik Hassan Nasrallah, declared those government decisions an act of war, and the group sent its fighters and their allies into the streets on May 7. Within a day, the Shiite group had seized most of west Beirut. The violence continued in northern and eastern Lebanon, leaving at least 62 people dead and threatening to push the country into an open war.

Mr. MANZULLO. Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1194.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAHOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1630

CONFERENCE REPORT ON S. CON. RES 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. SPRATT submitted the following conference report and statement on the Senate concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013:

CONFERENCE REPORT (S. CON. RES. 70)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 70), setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal year 2008 and for fiscal years 2010 through 2013.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—RESERVE FUNDS

Subtitle A—House Reserve Funds

Sec. 201. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 202. Deficit-neutral reserve fund for America's veterans and servicemembers.
Sec. 203. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families.
Sec. 204. Deficit-neutral reserve fund for infrastructure investment.
Sec. 205. Deficit-neutral reserve fund for renewable energy and energy efficiency.
Sec. 206. Deficit-neutral reserve fund for middle-income tax relief and economic equity.
Sec. 207. Deficit-neutral reserve fund for reform of the alternative minimum tax.
Sec. 208. Deficit-neutral reserve fund for higher education.
Sec. 209. Deficit-neutral reserve fund for affordable housing.
Sec. 210. Deficit-neutral reserve fund for Medicare improvements.
Sec. 211. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency.
Sec. 212. Deficit-neutral reserve fund for Medicaid and other programs.
Sec. 213. Deficit-neutral reserve fund for a 9/11 health program.
Sec. 214. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization.
Sec. 215. Deficit-neutral reserve fund for county payments legislation.
Sec. 216. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements.
Sec. 217. Deficit-neutral reserve fund for the National Park Centennial Fund.
Sec. 218. Deficit-neutral reserve fund for child support enforcement.
Sec. 219. Deficit-neutral reserve fund for children and families.
Sec. 220. Reserve fund adjustment for revenue measures in the House.

Subtitle B—Senate Reserve Funds

Sec. 221. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.
Sec. 222. Deficit-neutral reserve fund for improving education.
Sec. 223. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 224. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.
Sec. 225. Deficit-neutral reserve fund for America's veterans and servicemembers.
Sec. 226. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families.
Sec. 227. Deficit-neutral reserve fund to improve America's health.
Sec. 228. Deficit-neutral reserve fund for reform of the alternative minimum tax.
Sec. 229. Deficit-neutral reserve fund for judicial pay and judgeships.
Sec. 230. Deficit-neutral reserve fund for immigration enforcement and reform.
Sec. 231. Deficit-neutral reserve fund for science parks.
Sec. 232. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States.
Sec. 233. Deficit-reduction reserve fund for increased use of recovery audits.
Sec. 234. Deficit-neutral reserve fund for food safety.
Sec. 235. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.
Sec. 236. Deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit, and other selected tax relief policies.
Sec. 237. Deficit-neutral reserve fund for a 9/11 health program.

TITLE III—BUDGET ENFORCEMENT

Subtitle A—House Enforcement Provisions

Sec. 301. Program integrity initiatives and other adjustments.
Sec. 302. Point of order against advance appropriations.

Subtitle B—Senate Enforcement Provisions

Sec. 311. Senate point of order against legislation increasing long-term deficits.
Sec. 312. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 313. Point of order against advance appropriations.
Sec. 314. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 315. Senate point of order against legislation increasing short-term deficit.

Subtitle C—Other Provisions

Sec. 321. Oversight of government performance.
Sec. 322. Budgetary treatment of certain discretionary administrative expenses.
Sec. 323. Application and effect of changes in allocations and aggregates.
Sec. 324. Adjustments to reflect changes in concepts and definitions.
Sec. 325. Exercise of rulemaking powers.

TITLE IV—POLICY

Sec. 401. Policy of the House on middle-income tax relief.
Sec. 402. Policy on defense priorities.

TITLE V—SENSE OF THE SENATE AND CONGRESS

Subtitle A—Sense of the Senate

Sec. 501. Sense of the Senate regarding Medicaid administrative regulations.

Subtitle B—Sense of the Congress

Sec. 511. Sense of the Congress on servicemembers' and veterans' health care and other priorities.
Sec. 512. Sense of the Congress on homeland security.
Sec. 513. Sense of the Congress regarding long-term fiscal reform.
Sec. 514. Sense of the Congress regarding waste, fraud, and abuse.
Sec. 515. Sense of the Congress regarding extension of the statutory pay-as-you-go rule.
Sec. 516. Sense of the Congress on long-term budgeting.
Sec. 517. Sense of the Congress regarding affordable health coverage.
Sec. 518. Sense of the Congress regarding pay parity.
Sec. 519. Sense of the Congress regarding subprime lending and foreclosures.
Sec. 520. Sense of the Congress regarding the need to maintain and build upon efforts to fight hunger.
Sec. 521. Sense of the Congress regarding the importance of child support enforcement.
Sec. 522. Sense of the Congress on the Innovation Agenda and America COMPETES Act.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,875,392,000,000.
Fiscal year 2009: $2,029,612,000,000.
Fiscal year 2010: $2,204,652,000,000.
Fiscal year 2011: $2,413,249,000,000.
Fiscal year 2012: $2,506,049,000,000.
Fiscal year 2013: $2,626,582,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2008: -$4,000,000,000.
Fiscal year 2009: -$67,755,000,000.
Fiscal year 2010: $21,270,000,000.
Fiscal year 2011: -$14,824,000,000.
Fiscal year 2012: -$151,572,000,000.
Fiscal year 2013: -$123,689,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,563,262,000,000.
Fiscal year 2009: $2,530,703,000,000.
Fiscal year 2010: $2,562,856,000,000.

Fiscal year 2011: $2,693,843,000,000.
Fiscal year 2012: $2,736,865,000,000.
Fiscal year 2013: $2,868,813,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,465,711,000,000.
Fiscal year 2009: $2,565,903,000,000.
Fiscal year 2010: $2,621,939,000,000.
Fiscal year 2011: $2,712,795,000,000.
Fiscal year 2012: $2,722,056,000,000.
Fiscal year 2013: $2,860,225,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $590,319,000,000.
Fiscal year 2009: $536,291,000,000.
Fiscal year 2010: $417,287,000,000.
Fiscal year 2011: $299,546,000,000.
Fiscal year 2012: $216,007,000,000.
Fiscal year 2013: $233,643,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,575,000,000,000.
Fiscal year 2009: $10,207,000,000,000.
Fiscal year 2010: $10,732,000,000,000.
Fiscal year 2011: $11,137,000,000,000.
Fiscal year 2012: $11,484,000,000,000.
Fiscal year 2013: $11,832,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,404,000,000,000.
Fiscal year 2009: $5,761,000,000,000.
Fiscal year 2010: $5,989,000,000,000.
Fiscal year 2011: $6,080,000,000,000.
Fiscal year 2012: $6,075,000,000,000.
Fiscal year 2013: $6,081,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $666,706,000,000.
Fiscal year 2009: $695,870,000,000.
Fiscal year 2010: $733,562,000,000.
Fiscal year 2011: $772,459,000,000.
Fiscal year 2012: $809,789,000,000.
Fiscal year 2013: $845,034,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $463,746,000,000.
Fiscal year 2009: $493,602,000,000.
Fiscal year 2010: $520,149,000,000.
Fiscal year 2011: $540,478,000,000.
Fiscal year 2012: $566,240,000,000.
Fiscal year 2013: $595,534,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $5,010,000,000.
(B) Outlays, $4,944,000,000.
Fiscal year 2009:
(A) New budget authority, $5,233,000,000.
(B) Outlays, $5,160,000,000.
Fiscal year 2010:
(A) New budget authority, $5,359,000,000.
(B) Outlays, $5,332,000,000.
Fiscal year 2011:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $5,475,000,000.
Fiscal year 2012:
(A) New budget authority, $5,653,000,000.
(B) Outlays, $5,626,000,000.
Fiscal year 2013:
(A) New budget authority, $5,817,000,000.
(B) Outlays, $5,789,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $250,000,000.
(B) Outlays, $237,000,000.
Fiscal year 2009:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2010:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2011:
(A) New budget authority, $275,000,000.
(B) Outlays, $275,000,000.
Fiscal year 2012:
(A) New budget authority, $284,000,000.
(B) Outlays, $284,000,000.
Fiscal year 2013:
(A) New budget authority, $293,000,000.
(B) Outlays, $293,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $590,686,000,000.
(B) Outlays, $576,173,000,000.
Fiscal year 2009:
(A) New budget authority, $542,497,000,000.
(B) Outlays, $573,362,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $560,726,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $560,099,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $556,699,000,000.
Fiscal year 2013:
(A) New budget authority, $576,233,000,000.
(B) Outlays, $568,829,000,000.

(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $32,648,000,000.
(B) Outlays, $32,843,000,000.
Fiscal year 2009:
(A) New budget authority, $37,158,000,000.
(B) Outlays, $35,749,000,000.
Fiscal year 2010:
(A) New budget authority, $37,901,000,000.
(B) Outlays, $36,591,000,000.
Fiscal year 2011:
(A) New budget authority, $38,221,000,000.
(B) Outlays, $36,864,000,000.
Fiscal year 2012:
(A) New budget authority, $38,491,000,000.
(B) Outlays, $36,824,000,000.
Fiscal year 2013:
(A) New budget authority, $38,451,000,000.
(B) Outlays, $36,537,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $30,639,000,000.
(B) Outlays, $29,072,000,000.
Fiscal year 2010:
(A) New budget authority, $31,701,000,000.
(B) Outlays, $31,192,000,000.
Fiscal year 2011:
(A) New budget authority, $32,863,000,000.
(B) Outlays, $32,642,000,000.
Fiscal year 2012:
(A) New budget authority, $34,115,000,000.
(B) Outlays, $33,891,000,000.
Fiscal year 2013:
(A) New budget authority, $35,450,000,000.
(B) Outlays, $34,694,000,000.

(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,550,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $6,514,000,000.
(B) Outlays, $2,795,000,000.
Fiscal year 2010:
(A) New budget authority, $6,615,000,000.
(B) Outlays, $4,092,000,000.
Fiscal year 2011:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $4,969,000,000.
Fiscal year 2012:
(A) New budget authority, $6,550,000,000.
(B) Outlays, $5,417,000,000.
Fiscal year 2013:
(A) New budget authority, $6,474,000,000.
(B) Outlays, $5,659,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $33,169,000,000.
(B) Outlays, $34,723,000,000.
Fiscal year 2009:
(A) New budget authority, $40,515,000,000.
(B) Outlays, $36,868,000,000.
Fiscal year 2010:
(A) New budget authority, $35,278,000,000.
(B) Outlays, $37,472,000,000.
Fiscal year 2011:
(A) New budget authority, $36,307,000,000.
(B) Outlays, $37,865,000,000.
Fiscal year 2012:
(A) New budget authority, $37,396,000,000.
(B) Outlays, $38,356,000,000.
Fiscal year 2013:
(A) New budget authority, $38,033,000,000.
(B) Outlays, $38,923,000,000.

(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $24,296,000,000.
(B) Outlays, $22,179,000,000.
Fiscal year 2009:
(A) New budget authority, $22,572,000,000.
(B) Outlays, $22,312,000,000.
Fiscal year 2010:
(A) New budget authority, $22,145,000,000.
(B) Outlays, $21,241,000,000.
Fiscal year 2011:
(A) New budget authority, $22,026,000,000.
(B) Outlays, $21,022,000,000.
Fiscal year 2012:
(A) New budget authority, $20,889,000,000.
(B) Outlays, $17,463,000,000.
Fiscal year 2013:
(A) New budget authority, $22,304,000,000.
(B) Outlays, $21,606,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,216,000,000.
(B) Outlays, $5,381,000,000.
Fiscal year 2009:
(A) New budget authority, $9,560,000,000.
(B) Outlays, $3,722,000,000.
Fiscal year 2010:
(A) New budget authority, $13,887,000,000.
(B) Outlays, $5,835,000,000.
Fiscal year 2011:
(A) New budget authority, $8,998,000,000.
(B) Outlays, $2,193,000,000.
Fiscal year 2012:
(A) New budget authority, $9,246,000,000.
(B) Outlays, $1,735,000,000.

Fiscal year 2013:
(A) New budget authority, $9,642,000,000.
(B) Outlays, $1,648,000,000.
(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $80,189,000,000.
(B) Outlays, $77,795,000,000.
Fiscal year 2009:
(A) New budget authority, $74,682,000,000.
(B) Outlays, $80,781,000,000.
Fiscal year 2010:
(A) New budget authority, $77,999,000,000.
(B) Outlays, $84,318,000,000.
Fiscal year 2011:
(A) New budget authority, $78,900,000,000.
(B) Outlays, $86,468,000,000.
Fiscal year 2012:
(A) New budget authority, $79,741,000,000.
(B) Outlays, $88,453,000,000.
Fiscal year 2013:
(A) New budget authority, $80,641,000,000.
(B) Outlays, $90,675,000,000.
(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,149,000,000.
(B) Outlays, $27,820,000,000.
Fiscal year 2009:
(A) New budget authority, $15,220,000,000.
(B) Outlays, $24,401,000,000.
Fiscal year 2010:
(A) New budget authority, $15,376,000,000.
(B) Outlays, $22,109,000,000.
Fiscal year 2011:
(A) New budget authority, $15,603,000,000.
(B) Outlays, $18,330,000,000.
Fiscal year 2012:
(A) New budget authority, $15,840,000,000.
(B) Outlays, $16,301,000,000.
Fiscal year 2013:
(A) New budget authority, $16,007,000,000.
(B) Outlays, $15,986,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $90,077,000,000.
(B) Outlays, $90,729,000,000.
Fiscal year 2009:
(A) New budget authority, $94,277,000,000.
(B) Outlays, $91,351,000,000.
Fiscal year 2010:
(A) New budget authority, $103,716,000,000.
(B) Outlays, $99,477,000,000.
Fiscal year 2011:
(A) New budget authority, $105,910,000,000.
(B) Outlays, $103,453,000,000.
Fiscal year 2012:
(A) New budget authority, $107,399,000,000.
(B) Outlays, $103,992,000,000.
Fiscal year 2013:
(A) New budget authority, $100,625,000,000.
(B) Outlays, $102,451,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $285,601,000,000.
(B) Outlays, $287,188,000,000.
Fiscal year 2009:
(A) New budget authority, $310,260,000,000.
(B) Outlays, $307,474,000,000.
Fiscal year 2010:
(A) New budget authority, $325,344,000,000.
(B) Outlays, $325,681,000,000.
Fiscal year 2011:
(A) New budget authority, $345,817,000,000.
(B) Outlays, $345,055,000,000.
Fiscal year 2012:
(A) New budget authority, $368,395,000,000.
(B) Outlays, $367,257,000,000.
Fiscal year 2013:
(A) New budget authority, $393,337,000,000.
(B) Outlays, $391,872,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,191,000,000.
(B) Outlays, $419,974,000,000.
Fiscal year 2010:
(A) New budget authority, $445,207,000,000.
(B) Outlays, $445,333,000,000.
Fiscal year 2011:
(A) New budget authority, $494,337,000,000.
(B) Outlays, $494,162,000,000.
Fiscal year 2012:
(A) New budget authority, $491,305,000,000.
(B) Outlays, $491,065,000,000.
Fiscal year 2013:
(A) New budget authority, $552,329,000,000.
(B) Outlays, $552,445,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $389,926,000,000.
(B) Outlays, $394,161,000,000.
Fiscal year 2009:
(A) New budget authority, $415,547,000,000.
(B) Outlays, $416,039,000,000.
Fiscal year 2010:
(A) New budget authority, $420,430,000,000.
(B) Outlays, $420,710,000,000.
Fiscal year 2011:
(A) New budget authority, $429,946,000,000.
(B) Outlays, $429,463,000,000.
Fiscal year 2012:
(A) New budget authority, $416,447,000,000.
(B) Outlays, $416,044,000,000.
Fiscal year 2013:
(A) New budget authority, $432,148,000,000.
(B) Outlays, $431,699,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,313,000,000.
(B) Outlays, $21,313,000,000.
Fiscal year 2010:
(A) New budget authority, $23,803,000,000.
(B) Outlays, $23,803,000,000.
Fiscal year 2011:
(A) New budget authority, $27,338,000,000.
(B) Outlays, $27,338,000,000.
Fiscal year 2012:
(A) New budget authority, $30,349,000,000.
(B) Outlays, $30,349,000,000.
Fiscal year 2013:
(A) New budget authority, $33,170,000,000.
(B) Outlays, $33,170,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,320,000,000.
(B) Outlays, $92,486,000,000.
Fiscal year 2010:
(A) New budget authority, $96,233,000,000.
(B) Outlays, $95,912,000,000.
Fiscal year 2011:
(A) New budget authority, $102,038,000,000.
(B) Outlays, $101,706,000,000.
Fiscal year 2012:
(A) New budget authority, $99,359,000,000.
(B) Outlays, $98,511,000,000.
Fiscal year 2013:
(A) New budget authority, $105,344,000,000.
(B) Outlays, $104,513,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,237,000,000.
(B) Outlays, $44,282,000,000.
Fiscal year 2009:
(A) New budget authority, $48,303,000,000.
(B) Outlays, $48,097,000,000.
Fiscal year 2010:
(A) New budget authority, $48,673,000,000.
(B) Outlays, $49,291,000,000.
Fiscal year 2011:
(A) New budget authority, $49,348,000,000.
(B) Outlays, $49,763,000,000.
Fiscal year 2012:
(A) New budget authority, $50,139,000,000.
(B) Outlays, $50,172,000,000.
Fiscal year 2013:
(A) New budget authority, $51,051,000,000.
(B) Outlays, $50,767,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $23,987,000,000.
(B) Outlays, $24,411,000,000.
Fiscal year 2010:
(A) New budget authority, $19,929,000,000.
(B) Outlays, $19,974,000,000.
Fiscal year 2011:
(A) New budget authority, $20,470,000,000.
(B) Outlays, $20,369,000,000.
Fiscal year 2012:
(A) New budget authority, $21,004,000,000.
(B) Outlays, $21,026,000,000.
Fiscal year 2013:
(A) New budget authority, $21,463,000,000.
(B) Outlays, $21,251,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,351,000,000.
(B) Outlays, $349,351,000,000.
Fiscal year 2009:
(A) New budget authority, $334,409,000,000.
(B) Outlays, $334,409,000,000.
Fiscal year 2010:
(A) New budget authority, $370,805,000,000.
(B) Outlays, $370,805,000,000.
Fiscal year 2011:
(A) New budget authority, $407,916,000,000.
(B) Outlays, $407,916,000,000.
Fiscal year 2012:
(A) New budget authority, $433,193,000,000.
(B) Outlays, $433,193,000,000.
Fiscal year 2013:
(A) New budget authority, $448,812,000,000.
(B) Outlays, $448,812,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $4,426,000,000.
(B) Outlays, $2,075,000,000.
Fiscal year 2009:
(A) New budget authority, -$13,201,000,000.
(B) Outlays, -$6,462,000,000.
Fiscal year 2010:
(A) New budget authority, -$11,955,000,000.
(B) Outlays, -$9,385,000,000.
Fiscal year 2011:
(A) New budget authority, -$12,307,000,000.
(B) Outlays, -$11,769,000,000.
Fiscal year 2012:
(A) New budget authority, -$12,689,000,000.
(B) Outlays, -$13,764,000,000.
Fiscal year 2013:
(A) New budget authority, -$13,000,000,000.
(B) Outlays, -$13,396,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, -$86,330,000,000.
(B) Outlays, -$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, -$67,060,000,000.
(B) Outlays, -$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, -$70,645,000,000.
(B) Outlays, -$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, -$73,364,000,000.
(B) Outlays, -$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, -$76,104,000,000.
(B) Outlays, -$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, -$79,691,000,000.
(B) Outlays, -$79,691,000,000.

(21) Overseas Deployments and Other Activities (970):

Fiscal year 2008:
(A) New budget authority, $108,056,000,000.
(B) Outlays, $28,901,000,000.
Fiscal year 2009:
(A) New budget authority, $70,000,000,000.
(B) Outlays, $74,809,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $47,407,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $18,251,000,000.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $5,176,000,000.
Fiscal year 2013;
(A) New budget authority, $0.
(B) Outlays, $1,775,000,000.

TITLE II—RESERVE FUNDS

Subtitle A—House Reserve Funds

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

In the House, the Chairman of the Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report, which contains matter within the jurisdiction of the Committee on Energy and Commerce that expands coverage and improves children's health through the State Children's Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as Medicaid) and that increases new budget authority that will result in no more than $50,000,000,000 in outlays in fiscal years 2008 through 2013, and others which contain offsets so designated for the purpose of this section within the jurisdiction of another committee or committees, if the combined changes would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 202. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS.

The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(2) maintain affordable health care for military retirees and veterans;

(3) expand the number of disabled military retirees who receive both disability compensation and retired pay, or would accelerate the date by which eligible retirees under section 1414 of title 10, United States Code, will fully receive both veterans' disability compensation and retired pay;

(4) eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(5) provide for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to if such members were not retired or separated;

(6) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas; or

(7) provide or increase benefits for Filipino veterans of World War II or their survivors and dependents

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.

The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) enhance educational benefits or assistance for servicemembers and veterans with service on active duty in the Armed Forces on or after September 11, 2001;

(2) allow for the transfer of education benefits from servicemembers to spouses, survivors, or dependents; or

(3) otherwise enhance education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit or decrease the surplus over either the period of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018.

SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR INFRASTRUCTURE INVESTMENT.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for a robust Federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; provides for reductions in greenhouse gas emissions; or facilitates the training of workers for these industries ("green collar jobs") by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 206. DEFICIT-NEUTRAL RESERVE FUND FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief for middle-income families and taxpayers or enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for small business expensing, extension of the deduction for State and local sales taxes, or a tax credit for school construction bonds, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible through reforms to the Higher Education Act of 1965 or other legislation by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 209. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for an affordable housing fund, offset by reforming the regulation of certain government-sponsored enterprises, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE IMPROVEMENTS.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves the Medicare program for beneficiaries and protects access to care, which may include measures such as—

(1) increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases;

(2) providing for—

(A) an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare Part D prescription drug benefit;

(B) an update in the income and asset allowances under the Medicare Savings Program and an annual inflationary adjustment for those allowances; or

(C) improved outreach and enrollment under the Medicare Savings Program and the Medicare Part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation;

(3) reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B; or

(4) limiting inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 211. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE QUALITY, EFFECTIVENESS, AND EFFICIENCY.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) provides incentives or other support for adoption of modern information technology, including electronic prescribing, to improve quality and protect privacy in health care;

(2) establishes a new Federal or public-private initiative for research on the comparative effectiveness of different medical interventions;

(3) provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

(4) improves health care, provides quality health insurance for the uninsured and underinsured, and protects individuals with current health coverage; or

(5) reauthorizes the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 212. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICAID AND OTHER PROGRAMS.

(a) Regulations and Administrative Actions.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that prevents or delays the implementation or administration of regulations or other administrative actions that would affect the Medicaid, SCHIP, or other programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(b) Transitional Medical Assistance and Qualifying Individuals.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that extends the transitional medical assistance program or the qualifying individuals program, which are included in title XIX of the Social Security Act, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(c) Demonstration Project Regarding Medicaid Coverage of Low-Income HIV-Infected Individuals.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(d) Pediatric Dental Care.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would provide for improved access to pediatric dental care for children from low-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 213. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001, attacks by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 214. DEFICIT-NEUTRAL RESERVE FUND FOR TRADE ADJUSTMENT ASSISTANCE AND UNEMPLOYMENT INSURANCE MODERNIZATION.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes the trade adjustment assistance program to better meet the challenges of globalization or modernizes the unemployment insurance system to improve access to needed benefits by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 215. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SAN JOAQUIN RIVER RESTORATION AND NAVAJO NATION WATER RIGHTS SETTLEMENTS.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 217. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL PARK CENTENNIAL FUND.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the establishment of the National Park Centennial Fund by the amounts provided in such measure for that purpose if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 218. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT ENFORCEMENT.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves Federal child support collection efforts or results in more collected child support reaching families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 219. DEFICIT-NEUTRAL RESERVE FUND FOR CHILDREN AND FAMILIES.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that assists children and families by improving child welfare programs, extending and improving provisions in the Temporary Assistance for Needy Families program, or providing up to $5,000,000,000 for the child care entitlement to States by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 220. RESERVE FUND ADJUSTMENT FOR REVENUE MEASURES IN THE HOUSE.

(a) In the House, with respect to consideration of any bill, joint resolution, amendment, or conference report that would have the net effect of increasing the deficit or reducing the surplus for the period of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018 and that would decrease total revenues for the period of fiscal years 2009 through 2013 below the Congressional Budget Office baseline for this concurrent resolution on the budget, the Chairman of the Committee on the Budget shall increase the revenue aggregates by $340,570,000,000 for the period of fiscal years 2009 through 2013 if the Chairman determines that such legislation does not include language consistent with the applicable provision set forth in the joint explanatory statement of managers accompanying this concurrent resolution. The Chairman may readjust such levels upon disposition of any measure under this section.

(b) Section 321 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, shall no longer apply.

Subtitle B—Senate Reserve Funds

SEC. 221. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.

(a) TAX RELIEF.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring and expired tax relief and refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing efforts to train and retrain manufacturing workers, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HOUSING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FLOOD INSURANCE REFORM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) TRADE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to trade, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;

(2) provides up to $5,000,000,000 for the child care entitlement to States;

(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(4) improves the unemployment compensation program; or

(5) reauthorizes trade adjustment assistance programs

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—

(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 222. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve education, which may include—

(1) making higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program or increasing Federal student loan limits;

(2) facilitating modernization of school facilities through renovation or construction bonds, reducing the cost of teachers' out-of-pocket expenses for school supplies, or providing tax incentives for highly-qualified teachers to serve in high-needs schools;

(3) improving student achievement during secondary education, including middle school completion, increasing high school graduation, and preparing students for higher education and the workforce; or

(4) promoting flexibility and accountability in Federal education programs

by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 223. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 224. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.

(a) ENERGY AND THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, encourage consumers to install smart electricity meters in homes and businesses, encourage the capture and storage of carbon dioxide emissions from coal projects, or preserve or protect national parks, oceans, or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax legislation such as a proposal to extend for 5 years energy tax incentives like the production tax credit for electricity produced from renewable resources, the biodiesel production tax credit, or the Clean Renewable Energy Bond program, to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles, or provisions to encourage energy efficient buildings, products, and power plants. Tax legislation under this section may be paid for by adjustments to section 167(h)(1) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.

(b) SETTLEMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the

period of the total of fiscal years 2008 through 2018.

SEC. 225. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(2) maintain affordable health care for military retirees and veterans;

(3) expand the number of disabled military retirees who receive both disability compensation and retired pay, or would accelerate the date by which eligible retirees under section 1414 of title 10, United States Code, will fully receive both veterans' disability compensation and retired pay;

(4) eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(5) provide for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to if such members were not retired or separated;

(6) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas; or

(7) provide or increase benefits for Filipino veterans of World War II or their survivors and dependents

by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 226. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) enhance educational benefits or assistance for servicemembers and veterans with service on active duty in the Armed Forces on or after September 11, 2001;

(2) allow for the transfer of education benefits from servicemembers to spouses, survivors, or dependents; or

(3) otherwise enhance education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 227. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MEDICARE IMPROVEMENTS.—

(1) PHYSICIAN PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) OTHER IMPROVEMENTS TO MEDICARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare program, which may include—

(A) reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B;

(B) the preservation or promotion of payment provisions that support America's rural health care delivery system;

(C) limits to inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling and telephone solicitations for in-home sales appointments with Medicare beneficiaries;

(D) a three-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removing the limit on the number of participating States under such pilot program; or

(E) measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers

by the amounts provided in such legislation for those purposes up to $10,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(3) MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare Part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare Part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare Part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—

(1) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) IMPROVING THE HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data

by the amounts provided for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—

(A) HEALTH INFORMATION TECHNOLOGY.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology, including incentives or other supports for the adoption of electronic

prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(B) ADHERENCE TO BEST PRACTICES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FOOD AND DRUG ADMINISTRATION.—

(1) REGULATION.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) MEDICAID.—

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the implementation or administration of regulations or other administrative actions pertaining to Medicaid or SCHIP or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(2) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(f) OTHER IMPROVEMENTS IN HEALTH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections, or through reducing barriers to cafeteria plans;

(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;

(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;

(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or

(5) provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) PEDIATRIC DENTAL CARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to pediatric dental care for children from low-income families, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 228. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families, by the amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 229. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 230. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION ENFORCEMENT AND REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that would provide for greater border security, enforcement of immigration laws, backlog reduction and improvement of immigration services, reimbursement to states for the costs of incarcerating criminal aliens, or immigration reform, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 231. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills; joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 232. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided for those purposes for a bill, joint resolution, amendment, motion, or conference report that would terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading "ADMINISTRATIVE PROVISIONS" under the heading "MINERALS MANAGEMENT SERVICE" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109), provided that such legislation would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 233. DEFICIT-REDUCTION RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 234. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or *conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop effective approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, or enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

SEC. 235. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SEC. 236. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING THE INCOME THRESHOLD FOR THE REFUNDABLE CHILD TAX CREDIT, AND OTHER SELECTED TAX RELIEF POLICIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment; extend enhanced charitable giving from individual retirement accounts, including life-income gifts; or incentivize utilization of accumulated alternative minimum tax and research and development credits, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 237. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels and limits in this resolution for a bill, joint resolution, motion, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, by the amounts provided in such legislation for those purposes, if such legislation would not increase the deficit over either the period of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

TITLE III—BUDGET ENFORCEMENT

Subtitle A—House Enforcement Provisions

SEC. 301. PROGRAM INTEGRITY INITIATIVES AND OTHER ADJUSTMENTS.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000, and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates $6,997,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $490,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates up to $198,000,000 and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $40,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(b) COSTS OF OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.—

(1) OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—

(A) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities and such amounts are so designated pursuant to this subparagraph, then the allocation to the Committee on Appropriations may be adjusted by the amounts provided in such legislation for that purpose up to the amounts of budget authority specified in section 104(21) for fiscal year 2008 or fiscal year 2009 and the new outlays resulting therefrom.

(B) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities above the amounts of budget authority and new outlays specified in subparagraph (A) and such amounts are so designated pursuant to this subparagraph, then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(2) EMERGENCY NEEDS.— In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts and such amounts are designated as necessary to meet emergency needs, then the new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(c) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report, the Chairman of the Committee on the Budget shall make the adjustments set forth in subsection (a) for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in subsection (a), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under subsection (b) of this section.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made under this concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974.

(d) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—In the House, if any measure making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Committee on the Budget shall make the appropriate adjustments in allocations and aggregates to reflect the difference between such measure and the corresponding levels assumed in this resolution.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), any bill, joint resolution, amendment, or conference report making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) EXCEPTIONS.—In the House, an advance appropriation may be provided for fiscal year 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers to accompany this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $28,852,000,000 in new budget authority, and for 2011, accounts separately identified under the same heading.

(c) DEFINITION.—In this section, the term "advance appropriation" means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

Subtitle B—Senate Enforcement Provisions

SEC. 311. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution

reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $5,000,000,000 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $5,000,000,000 in any of the 4 consecutive 10-year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) SUNSET.—This section shall expire on September 30, 2017.

(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 312. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2008, $1,050,478,000,000 in new budget authority and $1,094,944,000,000 in outlays; and

(2) for fiscal year 2009, $1,011,718,000,000 in new budget authority and $1,106,112,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(3) ADJUSTMENTS FOR OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2008 or 2009 for overseas deployments and other activities, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to the amounts of budget authority specified in section 104(21) for fiscal years 2008 and 2009 and the new outlays flowing therefrom.

(d) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays for 2008 and 2009 to reflect the difference between such measure and the corresponding levels assumed in this resolution.

(e) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 313. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $28,852,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the

case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 314. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

(h) INAPPLICABILITY.—In the Senate, section 209 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 315. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of $10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

Subtitle C—Other Provisions

SEC. 321. OVERSIGHT OF GOVERNMENT PERFORMANCE.

All committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the appropriate Committee on the Budget.

SEC. 322. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In the House and Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 323. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget.

(d) ADJUSTMENTS.—The Chairmen of the Budget Committees in the House and the Senate may adjust the aggregates, allocations, and other levels in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and the Senate, and is either waiting to be presented to the President or awaiting Presidential signature at the time of final consideration of this resolution.

SEC. 324. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of any bill or joint resolution providing for a change in concepts or definitions, the Chairman of the appropriate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 325. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of either the House of Representatives or the Senate to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives or the Senate.

TITLE IV—POLICY

SEC. 401. POLICY OF THE HOUSE ON MIDDLE-INCOME TAX RELIEF.

It is the policy of the House to—

(1) minimize fiscal burdens on middle-income families and their children and grandchildren;

(2) provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the alternative minimum tax (AMT) under current law, in the context of permanent, revenue-neutral AMT reform; and

(3) support extension of middle-income tax relief and enhanced economic equity through policies such as—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(E) extension of the research and experimentation tax credit;

(F) extension of the deduction for State and local sales taxes;

(G) extension of the deduction for small business expensing; and

(H) enactment of a tax credit for school construction bonds.

The House assumes that the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote a fairer distribution of taxes across families and generations, economic efficiency, higher rates of tax compliance to close the tax gap, and reduced taxpayer burdens through tax simplification.

SEC. 402. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) the Administration's budget requests should comply with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and the Administration should no longer attempt to fund overseas military operations through emergency supplemental appropriations requests;

(2) the Department of Defense should exclude nonwar requirements from its funding requests for Iraq and Afghanistan;

(3) implementing the recommendation of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to adequately fund cooperative threat reduction and nuclear nonproliferation programs (securing "loose nukes") is a high priority and should receive far greater emphasis than the President's budget provides;

(4) readiness of our troops, particularly the National Guard and Reserve, is a high priority, and that greater emphasis needs to be placed on mitigating equipment and training shortfalls;

(5) TRICARE fees for military retirees under the age of 65 should not be increased as the President's budget proposes;

(6) military pay and benefits should be enhanced to improve the quality of life of military personnel;

(7) improving military health care services continues to be a high priority and adequate funding to ensure quality health care for returning combat veterans should be provided;

(8) sufficient funds should be provided to the military services to expedite review of cases involving servicemembers who could have been erroneously discharged from service for a personality disorder, which resulted in a loss of benefits or care, as a result of a combat-related psychological injury (such as Post Traumatic Stress Disorder) or a closed head injury (such as Traumatic Brain Injury);

(9) higher priority defense needs could be addressed by funding missile defense at an adequate but lower level, not providing funding for development of space-based missile defense interceptors, and by restraining excessive cost and schedule growth in defense research, development and procurement programs;

(10) the Department of Defense should reassess current defense plans to ensure that weapons developed to counter Cold War-era threats are not redundant and are applicable to 21st century threats;

(11) sufficient resources should be provided for the Department of Defense to do an aggressive job of addressing as many as possible of the 1,260 pending recommendations made by the Government Accountability Office (GAO) over the last 7 years to improve practices at the Department of Defense, including investigation of the billions of dollars of obligations, disbursements and overcharges for which the Department of Defense cannot account;

(12) savings from the actions recommended in paragraphs (9) and (11) of this section should be used to fund the priorities identified in paragraphs (3) through (8);

(13) the Department of Defense report to Congress on its assessment of cold war weapons and progress on implementing GAO recommendations as outlined in paragraphs (10) and (11) by a time determined by the appropriate authorizing committees; and

(14) the GAO report to the appropriate congressional committees by the end of the 110th Congress regarding the Department of Defense's progress in implementing its audit recommendations.

TITLE V—SENSE OF THE SENATE AND CONGRESS

Subtitle A—Sense of the Senate

SEC. 501. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.

(4) Medicaid provides health insurance for more than one-quarter of America's children and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions.

(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

Subtitle B—Sense of the Congress

SEC. 511. SENSE OF THE CONGRESS ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of the Congress that—

(1) the Congress supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $48,202,000,000 in discretionary budget authority for 2009 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $4,940,000,000 more than the 2008 level, $3,654,000,000 more than the Congressional Budget Office's baseline level for 2009, and $3,284,000,000 more than the President's budget for 2009; and also provides more discretionary budget authority than the President's budget in every year after 2009;

(3) this resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center to improve military and veterans' health care facilities and services;

(4) this resolution assumes the rejection of the health care enrollment fees and pharmaceutical co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, post-

traumatic stress disorder, and traumatic brain injury; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 512. SENSE OF THE CONGRESS ON HOMELAND SECURITY.

It is the sense of the Congress that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2009 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2009, and additional amounts in subsequent years, in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip, train and support first responders (including enhancing interoperable communications and emergency management), strengthen border patrol, and increase the preparedness of the public health system.

SEC. 513. SENSE OF THE CONGRESS REGARDING LONG-TERM FISCAL REFORM.

It is the sense of the Congress that—

(1) both the Government Accountability Office and the Congressional Budget Office have warned that the Federal budget is on an unsustainable path of rising deficits and debt;

(2) using recent trend data and reasonable policy assumptions, CBO has projected that the gap between spending and revenues over the next 75 years will reach 6.9 percent of GDP;

(3) publicly held debt will rise from 36 percent today to 400 percent of GDP by the decade beginning in 2050 under CBO's alternative policy scenario;

(4) the most significant factor affecting the long-term Federal fiscal landscape is the expectation that total public and private health spending will continue to grow faster than the economy;

(5) the Congress calls upon governmental and nongovernmental experts to develop specific options to reform the health care system and control costs, that further research and analysis on topics including comparative effectiveness, health information technology, preventative care, and provider incentives is needed, and that of critical importance is the development of a consensus on the appropriate methods for estimating the budgetary impact and health outcome effects of these proposals; and

(6) immediate policy action is needed to address the long-term fiscal challenges facing the United States, including the rising costs of entitlements, in a manner that is fiscally responsible, equitable, and lasting, and that also honors commitments made to beneficiaries, and that such action should be bipartisan, bicameral, involve both legislative and executive branch participants, as well as public participation, and be conducted in a manner that ensures full, fair, and timely Congressional consideration.

SEC. 514. SENSE OF THE CONGRESS REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of the Congress that—

(1) all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending;

(2) title III of this resolution includes cap adjustments to provide appropriations for agencies that control programs that accounted for a significant share of improper payments reported by Federal agencies: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance Program Integrity;

(3) title III also includes a cap adjustment for the Internal Revenue Services for tax compliance efforts to close the $345,000,000,000 tax gap;

(4) the resolution's deficit-neutral reserve funds require authorizing committees to cut lower priority and wasteful spending to accommodate any new high-priority entitlement benefits; and

(5) title III of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the appropriate Committee on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act.

SEC. 515. SENSF OF THE CONGRESS REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of the Congress that to reduce the deficit, Congress should extend PAYGO consistent with provisions of the Budget Enforcement Act of 1990.

SEC. 516. SENSE OF THE CONGRESS ON LONG-TERM BUDGETING.

It is the sense of the Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Government's net operating cost, financial position, and long-term liabilities.

SEC. 517. SENSE OF THE CONGRESS REGARDING AFFORDABLE HEALTH COVERAGE.

It is the sense of the Congress that—

(1) nearly 47 million Americans, including nine million children, lack health insurance;

(2) people without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems;

(3) most Americans receive health coverage through their employers, and a major issue facing all employers is the rising cost of health insurance;

(4) small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, because of higher administrative costs and fewer people over whom to spread the risk of catastrophic costs;

(5) because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the Nation's uninsured individuals; and

(6) legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special circumstances affecting employees of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, by expanding comparative effectiveness research, and by promoting improvements in disease management and disease prevention.

SEC. 518. SENSE OF THE CONGRESS REGARDING PAY PARITY.

It is the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 519. SENSE OF THE CONGRESS REGARDING SUBPRIME LENDING AND FORECLOSURES.

It is the sense of the Congress that—

(1) over the last six months, the Nation has experienced a significant increase in the number of homeowners facing the risk of foreclosure with estimates of as many as 2.8 million subprime and other distressed borrowers facing the loss of their homes over the next five years;

(2) the rise in foreclosures not only has an immediate, devastating impact on homeowners and their families, but it also has ripple effects—

(A) local communities experiencing high levels of foreclosures experience deterioration as a result of the large number of vacant foreclosed and abandoned homes;

(B) rising foreclosure rates can accelerate drops in home prices, affecting all homeowners; and

(C) home mortgage default and foreclosure rates increase risk for lenders, further restricting the availability of credit, which can in turn slow economic growth; and

(3) the rise in foreclosures is not only a crisis for subprime borrowers, but a larger problem for communities as a whole, and considering the multi-layered effects of increasing foreclosures, the Congress should consider steps to address this complex problem.

SEC. 520. SENSE OF THE CONGRESS REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

It is the sense of the Congress that—

(1) 35.5 million Americans (12.6 million of them children) are food insecure—uncertain of having, or unable to acquire, enough food, and that 11.1 million Americans are hungry because of lack of food;

(2) despite the critical contributions of the Department of Agriculture nutrition programs (particularly the food stamp program), which significantly reduced payment error rates while providing help to partially mitigate the effects of rising poverty and unemployment, significant need remains, even among families that receive food stamps;

(3) nearly 25 million people, including more than nine million children and nearly three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year;

(4) additional resources are needed to ensure that nutrition assistance keeps up with inflation and rising food prices; and

(5) Department of Agriculture programs that help us fight hunger should be maintained and the Congress should continue to seize opportunities to reach Americans in need and to fight hunger.

SEC. 521. SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the Congress that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

SEC. 522. SENSE OF THE CONGRESS ON THE INNOVATION AGENDA AND AMERICA COMPETES ACT.

It is the sense of the Congress that—

(1) the Congress should provide sufficient funding so that our Nation may continue to be the world leader in education, innovation and economic growth;

(2) last year, Congress passed and the President signed the America COMPETES Act, bipartisan legislation designed to ensure that American students, teachers, businesses, and workers

are prepared to continue leading the world in innovation, research, and technology well into the future;

(3) this resolution supports the efforts authorized in the America COMPETES Act, providing substantially increased funding above the President's requested level for 2009, and increased amounts after 2009 in Function 250 (General Science, Space and Technology) and other functions;

(4) additional increases for scientific research and education are included in Function 270 (Energy), Function 300 (Environment and Natural Resources), Function 500 (Education, Employment, Training and Social Services), and Function 550 (Health), all of which receive more funding than the President's budget provides;

(5) because America's greatest resource for innovation resides within classrooms across the country, the increased funding provided in this resolution will support initiatives within the America COMPETES Act to educate tens of thousands of new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K-12 classrooms; and

(6) because independent scientific research provides the foundation for innovation and future technologies, this resolution will keep us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships, and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

And the House agree to the same.

JOHN SPRATT,
ROSA L. DELAURO,
CHET EDWARDS,
Managers on the part of the House.

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 70), setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate concurrent resolution after the resolving clause and inserted the House-passed concurrent resolution on the budget (H. Con. Res. 312) as a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate concurrent resolution and the House amendment. The differences between the Senate concurrent resolution, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DISPLAYS AND AMOUNTS

The required contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise noted.

The treatment of budget function levels in the House-passed and Senate-passed budget resolutions and the conference report is as follows:

House-passed Resolution

The House resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which are used to enforce a point of order applicable only in the Senate).

Senate-passed Resolution

The Senate concurrent resolution includes all of the items required under section 301(a) of the Congressional Budget Act.

Conference Agreement

The conference agreement includes all of the items required by section 301(a) of the Congressional Budget Act.

AGGREGATE AND FUNCTION LEVELS

Pursuant to section 301(a)(4) of the Congressional Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House concurrent resolution, the Senate concurrent resolution, and conference agreement for each major budget function, as well as revenue totals, are discussed in the section after the numerical tables. A summary of the overall budget policy is as follows:

Total spending is $3.034 trillion in budget authority (BA) and $3.066 trillion in outlays in 2009, and $16.155 trillion in BA and $16.228 trillion in outlays over 2009–2013.

Discretionary spending for 2009 totals $1.088 trillion in BA and $1.183 trillion in outlays in 2009, and $5.328 trillion in BA and $5.719 trillion in outlays over 2009–2013. Excluding funding for overseas deployments and other activities, discretionary spending for 2009 totals $1.013 trillion in BA and $1.075 trillion in outlays. These aggregate amounts (minus cap adjustments for program integrity initiatives) are allocated to the Appropriations Committees to be suballocated among their respective appropriations subcommittees.

Mandatory spending totals $1.945 trillion in BA and $1.883 trillion in outlays in 2009, and $10.827 trillion in BA and $10.509 trillion in outlays over 2009–2013.

Revenue totals $2.725 trillion in 2009, and $15.637 trillion over five years. Specific policies will be determined by the Committee on Finance in the Senate and the Committee on Ways and Means in the House.

The conference agreement uses the Congressional Budget Office (CBO) March baseline, updated for legislation that has passed the Congress since the baseline was developed.

The conference agreement reduces the budget deficit from $340.4 billion in 2009, to a surplus of $21.9 billion in 2012 and remains in surplus in 2013.

The following section describes the conference agreement's revenue levels and spending according to the budget's functional categories.

CONFERENCE REPORT 2009 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
Summary							
Total Spending:							
BA	3,036.355	3,033.637	3,091.795	3,243.167	3,312.473	3,474.182	16,155.254
OT	2,935.838	3,065.923	3,147.987	3,258.723	3,293.906	3,461.541	16,228.080
On-Budget:							
BA	2,563.262	2,530.703	2,562.856	2,693.843	2,736.865	2,868.813	13,393.080
OT	2,465.711	2,565.903	2,621.939	2,712.795	2,722 056	2,860.225	13,482.918
Off-Budget:							
BA	473.093	502.934	528.939	549.324	575.608	605.369	2,762.174
OT	470.127	500.020	526.048	545.928	571.850	601.316	2,745.162
Revenues:							
Total	2,542.098	2,725.482	2,938.214	3,185.708	3,315.838	3,471.616	15,636.857
On-budget	1,875.392	2,029.612	2,204.652	2,413.249	2,506.049	2,626.582	11,780.143
Off-budget	666.706	695.870	733.562	772.459	809.789	845.034	3,856.714
Surplus/Deficit (-)							
Total	-393.740	-340.441	-209.773	-73.015	21.932	10.075	-591.223
On-budget	-590.319	-536.291	-417.287	-299.546	-216.007	-233.643	-1,702.775
Off-budget	196.579	195.850	207.514	226.531	237.939	243.718	1,111.552
Debt Subject to Limit	9,575	10,207	10,732	11,137	11,484	11,832	na
Debt Held by the Public	5,404	5,761	5,989	6,080	6,075	6,081	na
By Function							
National Defense (050):							
BA	590.686	542.497	550.414	557.026	565.800	576.223	2,791.960
OT	576.173	573.362	560.726	560.099	556.699	568.829	2,819.715
International Affairs (150):							
BA	32.648	37.158	37.901	38.221	38.491	38.451	190.222
OT	32.843	35.749	36.591	36.864	36.824	36.537	182.565
General Science, Space, and Technology (250):							
BA	27.407	30.639	31.701	32.863	34.115	35.450	164.768
OT	26.456	29.072	31.192	32.642	33.891	34.694	161.491
Energy (270):							
BA	3.550	6.514	6.615	6.450	6.550	6.474	32.603
OT	1.681	2.795	4.092	4 969	5.417	5.659	22.932
Natural Resources and Environment (300):							
BA	33.169	40.515	35.278	36.307	37.396	38.033	187.529
OT	34.723	36.868	37.472	37.865	38.356	38.923	189.484
Agriculture (350):							
BA	24.296	22.572	22.145	22.026	20.889	22.304	109.936
OT	22.179	22.312	21.241	21.022	17.463	21.606	103.644
Commerce and Housing Credit (370):							
BA	12.666	10.818	14.454	8.973	9.230	9.635	53.110
OT	6 818	4.980	6.402	2.168	1.719	1.641	16.910

CONFERENCE REPORT 2009 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
On-budget:							
BA..........	11.216	9.560	13.887	8.998	9.246	9.642	51.333
OT..........	5.381	3.722	5.835	2.193	1.735	1.648	15.133
Off-budget:							
BA..........	1.450	1.258	0.567	-0.025	-0.016	-0.007	1.777
OT..........	1.437	1.258	0.567	-0.025	-0.016	-0.007	1.777
Transportation (400):							
BA....................	80.189	74.682	77.999	78.900	79.741	80.641	391.963
OT....................	77.795	80.781	84.318	86.468	88.453	90.675	430.695
Community and Regional Development (450):							
BA....................	20.149	15.220	15.376	15.603	15.840	16.007	78.046
OT....................	27.820	24.401	22.109	18.330	16.301	15.986	97.127
Education, Training, Employment and Social Services (500):							
BA....................	90.077	94.277	103.716	105.910	107.399	100.625	511.927
OT....................	90.729	91.351	99.477	103.453	103.992	102.451	500.724
Health (550):							
BA....................	285.601	310.260	325.344	345.817	368.395	393.337	1,743.153
OT....................	287.188	307.474	325.681	345.055	367.257	391.872	1,737.339
Medicare (570):							
BA....................	390.458	420.191	445.207	494.337	491.305	552.329	2,403.369
OT....................	390.454	419.974	445.333	494.162	491.065	552.445	2,402.979
Income Security (600):							
BA....................	389.926	415.547	420.430	429.946	416.447	432.148	2,114.518
OT....................	394.161	416.039	420.710	429.463	416.044	431.699	2,113.955
Social Security (650):							
BA....................	619.586	654.285	688.636	723.840	765.481	811.642	3,643.884
OT....................	616.633	651.371	685.745	720.444	761.723	807.589	3,626.872
On-budget:							
BA..........	19.378	21.313	23.803	27.338	30.349	33.170	135.973
OT..........	19.378	21.313	23.803	27.338	30.349	33.170	135.973
Off-budget:							
BA..........	600.208	632.972	664.833	696.502	735.132	778.472	3,507.911
OT..........	597.255	630.058	661.942	693.106	731.374	774.419	3,490.899
Veterans Benefits and Services (700):							
BA....................	86.365	93.320	96.233	102.038	99.359	105.344	496.294
OT....................	83.551	92.486	95.912	101.706	98.511	104.513	493.128
Administration of Justice (750):							
BA....................	46.237	48.303	48.673	49.348	50.139	51.051	247.514
OT....................	44.282	48.097	49.291	49.763	50.172	50.767	248.090
General Government (800):							
BA....................	56.407	23.987	19.929	20.470	21.004	21.463	106.853
OT....................	56.920	24.411	19.974	20.369	21.026	21.251	107.031
Net Interest (900):							
BA....................	233.951	217.009	249.005	276.316	290.193	293.112	1,325.635
OT....................	233.951	217.009	249.005	276.316	290.193	293.112	1,325.635

CONFERENCE REPORT 2009 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
On-budget:							
BA..........	349.351	334.409	370.805	407.916	433.193	448.812	1,995.135
OT..........	349.351	334.409	370.805	407.916	433.193	448.812	1,995.135
Off-budget:							
BA..........	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
OT..........	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
Allowances (920):							
BA....................	4.426	-13.201	-11.955	-12.307	-12.689	-13.000	-63.152
OT....................	2.075	-6.462	-9.385	-11.769	-13.764	-13.396	-54.776
Undistributed Offsetting Receipts (950):							
BA....................	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
OT....................	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
On-budget:							
BA..	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
OT..........	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
Off-budget:							
BA..........	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
OT	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
Overseas Deployments and Other Activities (970):							
BA....................	108.056	70.000	—	—	—	—	70.000
OT....................	28.901	74.809	47.407	18.251	5.176	1.775	147.418

CONFERENCE REPORT 2009 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
			Summary				
Total Spending:							
BA	1,158.534	1,088.447	1,038.121	1,047.900	1,066.323	1,087.151	5,327.942
OT	1,123.845	1,182.965	1,156.797	1,127.399	1,116 307	1,135.247	5,718.715
On-Budget:							
BA	1,153.274	1,082.956	1,032.495	1,042.125	1,060.386	1,081.041	5,299.003
OT	1,118.664	1,177.547	1,151.198	1,121.649	1,110.397	1,129.165	5,689.956
Off-Budget:							
BA	5.260	5.491	5.626	5.775	5.937	6.110	28.939
OT	5.181	5.418	5.599	5.750	5.910	6.082	28.759
			By Function				
National Defense (050)							
BA	587.221	537.769	545.539	551.962	560.690	571.154	2,767.114
OT	572.736	568.657	555.853	555.062	551.624	563.771	2,794.967
International Affairs (150):							
BA	36.702	38.313	38.387	38.625	38.949	39.335	193.609
OT	38.332	38.364	38.576	38.812	38.863	39.051	193.666
General Science, Space, and Technology (250):							
BA	27.282	30.514	31.576	32.738	33.990	35.325	164.143
OT	26.349	28.958	31.067	32.511	33.767	34.574	160.877
Energy (270):							
BA	4.986	7.749	7.718	7.783	7.880	7.979	39.109
OT	3.903	5.052	6.341	7.133	7.522	7.855	33.903
Natural Resources and Environment (300):							
BA	31.707	38.611	33.435	34.124	34.889	35.699	176.758
OT	33.901	35.616	35.869	35.908	36.025	36.479	179.897
Agriculture (350):							
BA	5.884	6.013	6.152	6.305	6.472	6.642	31.584
OT	6.084	5.961	6.070	6.229	6.388	6.559	31.207
Commerce and Housing Credit (370):							
BA	3.061	5.012	9.110	4.019	3.962	3.967	26.070
OT	3.107	4.852	8.257	4.667	3.956	3.981	25.713
On-budget:							
BA	2.811	4.754	8.843	3.744	3.678	3.674	24.693
OT	2.870	4.594	7.990	4.392	3.672	3.688	24.336
Off-budget:							
BA	0.250	0.258	0.267	0.275	0.284	0.293	1.377
OT	0.237	0.258	0.267	0.275	0 284	0.293	1.377
Transportation (400):							
BA	27.383	25.920	29.066	29.739	30.461	31.244	146 430
OT	76.137	78.692	82.094	84.125	86.045	88.187	419.143
Commonity and Regional Development (450):							
BA	20.276	15.121	15.286	15.502	15.738	15.978	77.625
OT	27.770	23.070	20 894	18.470	16.433	16.118	94.985

CONFERENCE REPORT 2009 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
Education, Training, Employment and Social Services (500):							
BA	79.771	84.337	89.383	90.320	91.381	92.540	447.961
OT	81.068	83.355	88.209	89.082	90.101	91.251	441.998
Health (550):							
BA	53.121	59.724	58.055	58.770	59.577	60.459	296.585
OT	53.614	56.334	57.675	58.092	58.745	59.446	290.292
Medicare (570):							
BA	4.929	5.227	5.412	5.616	5.864	6.153	28.272
OT	5.011	5.200	5.378	5.585	5.828	6.110	28.101
Income Security (600):							
BA	52.336	58.694	59.694	60.792	62.302	63.678	305.160
OT	57.995	61.128	61.598	61.985	63.499	64.573	312.783
Social Security (650):							
BA	5.010	5.233	5.359	5.500	5.653	5.817	27.562
OT	4.944	5.160	5.332	5.475	5.626	5.789	27.382
On-budget:							
BA	—	—	—	—	—	—	—
OT	—	—	—	—	—	—	—
Off-budget:							
BA	5.010	5.233	5.359	5.500	5.653	5.817	27.562
OT	4.944	5.160	5.332	5.475	5.626	5.789	27.382
Veterans Benefits and Services (700):							
BA	43.262	48.202	49.610	50.998	52.462	53.990	255.262
OT	40.575	47.527	49.457	50.713	51.844	53.389	252.930
Administration of Justice (750):							
BA	45.492	45.321	47.883	48.664	49.571	50.606	242.045
OT	43.319	46.476	47.708	48.550	49.596	50.316	242.646
General Government (800):							
BA	17.055	17.351	17.823	18.359	18.929	19.523	91.985
OT	17.446	17.880	17.941	18.276	18.794	19.367	92.258
Allowances (920):							
BA	5.000	-10.664	-11.367	-11.916	-12.447	-12.938	-59.332
OT	2.653	-4.126	-8.929	-11.527	-13.525	-13.344	-51.451
Overseas Deployments and Other Activities (970):							
BA	108.056	70.000	—	—	—	—	70.000
OT	28.901	74.809	47.407	18.251	5.176	1.775	147.418

CONFERENCE REPORT 2009 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
Summary							
Total Spending:							
BA	1,877.821	1,945.190	2,053.674	2,195.267	2,246.150	2,387.031	10,827.312
OT	1,811.993	1,882.958	1,991.190	2,131.324	2,177.599	2,326.294	10,509.365
On-Budget:							
BA	1,409.988	1,447.747	1,530.361	1,651.718	1,676.479	1,787.772	8,094.077
OT	1,347.047	1,388.356	1,470.741	1,591.146	1,611.659	1,731.060	7,792.962
Off-Budget:							
BA	467.833	497.443	523.313	543.549	569.671	599.259	2,733.235
OT	464.946	494.602	520.449	540.178	565.940	595.234	2,716.403
By Function							
National Defense (050):							
BA	3.465	4.728	4.875	5.064	5.110	5.069	24.846
OT	3.437	4.705	4.873	5.037	5.075	5.058	24.748
International Affairs (150):							
BA	-4.054	-1.155	-0.486	-0.404	-0.458	-0.884	-3.387
OT	-5.489	-2.615	-1.985	-1.948	-2.039	-2.514	-11.101
General Science, Space, and Technology (250):							
BA	0.125	0.125	0.125	0.125	0.125	0.125	0.625
OT	0.107	0.114	0.125	0.131	0.124	0.120	0.614
Energy (270):							
BA	-1.436	-1.235	-1.103	-1.333	-1.330	-1.505	-6.506
OT	-2.222	-2.257	-2.249	-2.164	-2.105	-2.196	-10.971
Natural Resources and Environment (300):							
BA	1.462	1.904	1.843	2.183	2.507	2.334	10.771
OT	0.822	1.252	1.603	1.957	2.331	2.444	9.587
Agriculture (350):							
BA	18.412	16.559	15.993	15.721	14.417	15.662	78.352
OT	16.095	16.351	15.171	14.793	11.075	15.047	72.437
Commerce and Housing Credit (370):							
BA	9.605	5.806	5.344	4.954	5.268	5.668	27.040
OT	3.711	0.128	-1.855	-2.499	-2.237	-2.340	-8.803
On-budget:							
BA	8.405	4.806	5.044	5.254	5.568	5.968	26.640
OT	2.511	-0.872	-2.155	-2.199	-1.937	-2.040	-9.203
Off-budget:							
BA	1.200	1.000	0.300	-0.300	-0.300	-0.300	0.400
OT	1.200	1.000	0.300	-0.300	-0.300	-0.300	0.400
Transportation (400):							
BA	52.806	48.762	48.933	49.161	49.280	49.397	245.533
OT	1.658	2.089	2.224	2.343	2.408	2.488	11.552
Community and Regional Development (450):							
BA	-0.127	0.099	0.090	0.101	0.102	0.029	0.421
OT	0.050	1.331	1.215	-0.140	-0.132	-0.132	2.142

CONFERENCE REPORT 2009 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
Education, Training, Employment and Social Services (500):							
BA	10.306	9.940	14.333	15.590	16.018	8.085	63.966
OT	9.661	7.996	11.268	14.371	13.891	11.200	58.726
Health (550):							
BA	232.480	250.536	267.289	287.047	308.818	332.878	1,446.568
OT	233.574	251.140	268.006	286.963	308.512	332.426	1,447.047
Medicare (570):							
BA	385.529	414.964	439.795	488.721	485.441	546.176	2,375.097
OT	385.443	414.774	439.955	488.577	485.237	546.335	2,374.878
Income Security (600):							
BA	337.590	356.853	360.736	369.154	354.145	368.470	1,809.358
OT	336.166	354.911	359.112	367.478	352.545	367.126	1,801.172
Social Security (650):							
BA	614.576	649.052	683.277	718.340	759.828	805.825	3,616.322
OT	611.689	646.211	680.413	714.969	756.097	801.800	3,599.490
On-budget:							
BA	19.378	21.313	23.803	27.338	30.349	33.170	135.973
OT	19.378	21.313	23.803	27.338	30.349	33.170	135.973
Off-budget:							
BA	595.198	627.739	659.474	691.002	729.479	772.655	3,480.349
OT	592.311	624.898	656.610	687.631	725.748	768.630	3,463.517
Veterans Benefits and Services (700):							
BA	43.103	45.118	46.623	51.040	46.897	51.354	241.032
OT	42.976	44.959	46.455	50.993	46.667	51.124	240.198
Administration of Justice (750):							
BA	0.745	2.982	0.790	0.684	0.568	0.445	5.469
OT	0.963	1.621	1.583	1.213	0.576	0.451	5.444
General Government (800):							
BA	39.352	6.636	2.106	2.111	2.075	1.940	14.868
OT	39.474	6.531	2.033	2.093	2.232	1.884	14.773
Net Interest (900):							
BA	233.951	217.009	249.005	276.316	290.193	293.112	1,325.635
OT	233.951	217.009	249.005	276.316	290.193	293.112	1,325.635
On-budget:							
BA	349.351	334.409	370.805	407.916	433.193	448.812	1,995.135
OT	349.351	334.409	370.805	407.916	433.193	448.812	1,995.135
Off-budget:							
BA	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
OT	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
Allowances (920):							
BA	-0.574	-2.537	-0.588	-0.391	-0.242	-0.062	-3.820
OT	-0.578	-2.336	-0.456	-0.242	-0.239	-0.052	-3.325
Undistributed Offsetting Receipts (950):							
BA	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
OT	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878

CONFERENCE REPORT 2009 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
On-budget:							
BA..........	-66.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
OT..........	-66.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
Off-budget:							
BA..........	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
OT..........	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014

HOUSE-PASSED 2009 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
			Summary				
Total Spending:							
BA	3,029.347	3,032.185	3,093.126	3,247.404	3,315.728	3,472.298	16,160.741
OT	2,932.743	3,063.405	3,148.367	3,262.946	3,300.867	3,458.775	16,234.360
On-Budget:							
BA	2,556.254	2,529.246	2,564.161	2,698.039	2,740.065	2,866.862	13,398.373
OT	2,462.616	2,563.380	2,622.295	2,716.979	2,728.965	2,857.394	13,489.013
Off-Budget:							
BA	473.093	502.939	528.965	549.365	575.663	605.436	2,762.368
OT	470.127	500.025	526.072	545.967	571.902	601.381	2,745.347
Revenues:							
Total	2,546.245	2,723.000	2,939.435	3,214.493	3,479.113	3,616.784	15,972.824
On-budget	1,879.540	2,027.124	2,205.864	2,442.025	2,669.315	2,771.740	12,116.067
Off-budget	666.705	695.876	733.571	772.468	809.798	845.044	3,856.757
Surplus/Deficit (-)							
Total	-386.498	-340.405	-208.932	-48.453	178.246	158.009	-261.536
On-budget	-583.076	-536.256	-416.431	-274.954	-59.650	-85.654	-1,372.946
Off-budget	196.578	195.851	207.499	226.501	237.896	243.663	1,111.410
Debt Subject to Limit	9,567	10,200	10,724	11,104	11,295	11,495	na
Debt Held by the Public	5,397	5,754	5,981	6,048	5,886	5,744	na
			By Function				
National Defense (050):							
BA	590.686	542.497	550.414	557.026	565.800	576.223	2,791.960
OT	576.173	573.362	560.726	560.099	556.699	568.829	2,819.715
International Affairs (150):							
BA	32.648	37.111	38.516	39.433	40.247	40.677	195.984
OT	32.843	35.702	36.918	37.679	38.154	38.346	186.799
General Science, Space, and Technology (250):							
BA	27.407	29.934	31.165	32.474	33.853	35.298	162.724
OT	26.456	28.700	30.604	32.201	33.564	34.477	159.546
Energy (270):							
BA	3.548	4.674	4.645	4.712	4.803	4.895	23.729
OT	1.681	2.192	2.878	3.371	3.738	4.020	16.199
Natural Resources and Environment (300):							
BA	32.560	38.651	33.782	34.670	35.568	36.490	179.161
OT	34.440	35.576	36.192	36.420	36.745	37.299	182.232
Agriculture (350):							
BA	22.456	21.529	21.719	21.891	22.263	22.621	110.023
OT	21.528	21.279	20.680	20.876	21.435	21.816	106.086
Commerce and Housing Credit (370):							
BA	12.666	10.818	14.454	8.973	9.230	9.635	53.110
OT	6.818	4.980	6.402	2.168	1.719	1.641	16.910

HOUSE-PASSED 2009 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
On-budget:							
BA..........	11.216	9.560	13.887	8.998	9.246	9.642	51.333
OT..........	5.381	3.722	5.835	2.193	1.735	1.648	15.133
Off-budget:							
BA..........	1.450	1.258	0.567	-0.025	-0.016	-0.007	1.777
OT..........	1.437	1.258	0.567	-0.025	-0.016	-0.007	1.777
Transportation (400):							
BA....................	79.794	73.444	77.507	78.534	79.485	80.478	389.448
OT....................	77.795	80.443	83.861	86.062	88.134	90.443	428.943
Community and Regional Development (450):							
BA....................	20.029	14.553	14.826	15.134	15.450	15.755	75.718
OT....................	27.819	24.251	21.816	17.874	15.817	15.561	95.319
Education, Training, Employment and Social Services (500):							
BA....................	90.077	95.235	102.594	105.612	107.828	101.690	512.959
OT....................	90.729	90.947	98.345	103.135	104.397	103.490	500.314
Health (550):							
BA....................	285.101	306.795	323.767	344.749	367.766	393.085	1,736.162
OT....................	286.688	305.334	324.138	343.718	366.312	391.326	1,730.828
Medicare (570):							
BA....................	390.458	420.191	445.225	494.370	491.353	552.389	2,403.528
OT....................	390.454	419.974	445.349	494.193	491.110	552.503	2,403.129
Income Security (600):							
BA....................	389.865	411.699	417.519	426.924	412.355	427.988	2,096.485
OT....................	394.100	414.032	418.617	427.541	412.831	427.703	2,100.724
Social Security (650):							
BA....................	619.586	654.285	688.653	723.873	765.529	811.701	3,644.041
OT....................	616.633	651.371	685.760	720.475	761.768	807.646	3,627.020
On-budget:							
BA..........	19.378	21.308	23.794	27.330	30.342	33.162	135.936
OT..........	19.378	21.308	23.794	27.330	30.342	33.162	135.936
Off-budget:							
BA..........	600.208	632.977	664.859	696.543	735.187	778.539	3,508.105
OT..........	597.255	630.063	661.966	693.145	731.426	774.484	3,491.084
Veterans Benefits and Services (700):							
BA....................	86.365	93.268	96.000	101.800	99.115	105.094	495.277
OT....................	83.551	92.443	95.710	101.475	98.271	104.268	492.165
Administration of Justice (750):							
BA....................	46.237	48.104	49.101	50.338	51.622	52.967	252.132
OT....................	44.282	47.936	49.602	50.596	51.501	52.542	252.177
General Government (800):							
BA....................	56.407	23.520	19.961	20.611	21.319	22.007	107.418
OT....................	56.920	23.890	19.987	20.496	21.332	21.787	107.492
Net Interest (900):							
BA....................	233.896	216.833	248.734	275.397	284.954	280.592	1,306.510
OT....................	233.896	216.833	248.734	275.397	284.954	280.592	1,306.510

HOUSE-PASSED 2009 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	'2009-2013
On-budget:							
BA.....	349.296	334.233	370.534	406.997	427.954	436.292	1,976.010
OT..........	349.296	334.233	370.534	406.997	427.954	436.292	1,976.010
Off-budget:							
BA..........	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
OT..........	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
Allowances (920):							
BA.....................	1.000	—	-0.150	-0.200	-0.200	-0.200	-0.750
OT.....................	0.531	0.307	-0.053	-0.164	-0.178	-0.200	-0.288
Undistributed Offsetting Receipts (950):							
BA.....................	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
OT.....................	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
On-budget:							
BA..........	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
OT..........	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
Off-budget:							
BA..........	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
OT..........	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
Overseas Deployments and Other Activities (970):							
BA.....................	108.056	70.000	—	—	—	—	70.000
OT.....................	28.901	74.809	47.407	18.251	5.176	1.775	147.418

HOUSE-PASSED 2009 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
Summary							
Total Spending:							
BA	1,154.534	1,089.773	1,042.073	1,055.523	1,076.220	1,099.928	5,363.517
OT	1,121.723	1,182.855	1,159.554	1,134.891	1,127.022	1,147.385	5,751.707
On-Budget:							
BA	1,149.274	1,084.282	1,036.430	1,049.716	1,070.237	1,093.761	5,334.426
OT	1,116.542	1,177.437	1,153.940	1,129.111	1,121.069	1,141.248	5,722.805
Off-Budget:							
BA	5.260	5.491	5.643	5.807	5.983	6.167	29.091
OT	5.181	5.418	5.614	5.780	5.953	6.137	28.902
By Function							
National Defense (050):							
BA	587.221	537.769	545.539	551.962	560.690	571.154	2,767.114
OT	572.736	568.657	555.853	555.062	551.624	563.771	2,794.967
International Affairs (150):							
BA	36.702	38.313	39.044	39.875	40.720	41.563	199.515
OT	38.332	38.364	38.945	39.665	40.208	40.862	198.044
General Science, Space, and Technology (250):							
BA	27.282	29.809	31.040	32.349	33.728	35.173	162.099
OT	26.349	28.586	30.479	32.070	33.440	34.357	158.932
Energy (270):							
BA	4.986	6.097	6.079	6.163	6.281	6.400	31.020
OT	3.903	4.507	5.223	5.703	6.062	6.336	27.831
Natural Resources and Environment (300):							
BA	31.707	37.556	32.570	33.422	34.324	35.251	173.123
OT	33.901	34.946	35.093	35.185	35.415	35.970	176.609
Agriculture (350):							
BA	5.884	6.013	6.152	6.305	6.472	6.642	31.584
OT	6.084	5.961	6.070	6.229	6.388	6.559	31.207
Commerce and Housing Credit (370):							
BA	3.061	5.012	9.110	4.019	3.962	3.967	26.070
OT	3.107	4.852	8.257	4.667	3.956	3.981	25.713
On-budget:							
BA	2.811	4.754	8.843	3.744	3.678	3.674	24.693
OT	2.870	4.594	7.990	4.392	3.672	3.688	24.336
Off-budget:							
BA	0.250	0.258	0.267	0.275	0.284	0.293	1.377
OT	0.237	0.258	0.267	0.275	0.284	0.293	1.377
Transportation (400):							
BA	27.383	24.682	28.574	29.373	30.205	31.081	143.915
OT	76.137	78.354	81.637	83.719	85.726	87.955	417.391
Community and Regional Development (450):							
BA	20.276	14.528	14.800	15.107	15.421	15.726	75.582
OT	27.770	22.941	20.657	18.102	16.038	15.773	93.511

HOUSE-PASSED 2009 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
Education, Training, Employment and Social Services (500):							
BA....................	79.771	85.295	88.261	90.022	91.810	93.605	448.993
OT....................	81.068	82.951	87.077	88.764	90.506	92.290	441.588
Health (550):							
BA....................	53.121	57.559	56.478	57.702	58.948	60.207	290.894
OT....................	53.614	55.494	56.132	56.755	57.800	58.900	285.081
Medicare (570):							
BA....................	4.929	5.227	5.430	5.649	5.912	6.213	28.431
OT....................	5.011	5.200	5.394	5.616	5.873	6.168	28.251
Income Security (600):							
BA....................	52.336	55.620	57.646	58.780	59.330	60.746	292.122
OT....................	57.995	59.704	60.227	60.945	61.288	61.711	303.875
Social Security (650):							
BA....................	5.010	5.233	5.376	5.532	5.699	5.874	27.714
OT....................	4.944	5.160	5.347	5.505	5.669	5.844	27.525
On-budget:							
BA..........	—	—	—	—	—	—	—
OT..........	—	—	—	—	—	—	—
Off-budget:							
BA..........	5.010	5.233	5.376	5.532	5.699	5.874	27.714
OT..........	4.944	5.160	5.347	5.505	5.669	5.844	27.525
Veterans Benefits and Services (700):							
BA....................	43.262	48.150	49.377	50.760	52.218	53.740	254.245
OT....................	40.575	47.484	49.255	50.482	51.604	53.142	251.967
Administration of Justice (750):							
BA....................	45.492	45.122	48.311	49.654	51.054	52.522	246.663
OT....................	43.319	46.315	48.019	49.383	50.925	52.091	246.733
General Government (800):							
BA....................	17.055	17.788	18.286	18.849	19.446	20.064	94.433
OT....................	17.446	18.263	18.385	18.752	19.302	19.900	94.602
Allowances (920):							
BA....................	1.000	—	—	—	—	—	—
OT....................	0.531	0.307	0.097	0.036	0.022	—	0.462
Overseas Deployments and Other Activities (970):							
BA....................	108.056	70.000	—	—	—	—	70.000
OT....................	28.901	74.809	47.407	18.251	5.176	1.775	147.418

HOUSE-PASSED 2009 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
			Summary				
Total Spending:							
BA	1,874.813	1,942.412	2,051.053	2,191.881	2,239.508	2,372.370	10,797.224
OT	1,811.020	1,880.550	1,988.813	2,128.055	2,173.845	2,311.390	10,482.653
On-Budget:							
BA	1,406.980	1,444.964	1,527.731	1,648.323	1,669.828	1,773.101	8,063.947
OT	1,346.074	1,385.943	1,468.355	1,587.868	1,607.896	1,716.146	7,766.208
Off-Budget:							
BA	467.833	497.448	523.322	543 558	569.680	599.269	2,733.277
OT	464.946	494.607	520.458	540.187	565.949	595.244	2,716.445
			By Function				
National Defense (050):							
BA	3.465	4.728	4.875	5.064	5.110	5.069	24.846
OT	3.437	4.705	4.873	5.037	5.075	5.058	24.748
International Affairs (150):							
BA	-4.054	-1.202	-0.528	-0.442	-0.473	-0.886	-3.531
OT	-5.489	-2.662	-2.027	-1.986	-2.054	-2.516	-11.245
General Science, Space, and Technology (250):							
BA	0.125	0.125	0.125	0.125	0.125	0.125	0.625
OT	0.107	0.114	0.125	0.131	0.124	0.120	0.614
Energy (270):							
BA	-1.438	-1.423	-1.434	-1.451	-1.478	-1.505	-7.291
OT	-2.222	-2.315	-2.345	-2.332	-2.324	-2.316	-11.632
Natural Resources and Environment (300):							
BA	0.853	1.095	1.212	1.248	1.244	1.239	6.038
OT	0.539	0.630	1.099	1.235	1.330	1.329	5.623
Agriculture (350):							
BA	16.572	15.516	15.567	15.586	15.791	15.979	78.439
OT	15.444	15.318	14.610	14.647	15.047	15.257	74.879
Commerce and Housing Credit (370):							
BA	9.605	5.806	5.344	4.954	5 268	5.668	27.040
OT	3.711	0.128	-1.855	-2.499	-2.237	-2.340	-8.803
On-budget:							
BA	8.405	4.806	5.044	5.254	5.568	5.968	26.640
OT	2.511	-0.872	-2.155	-2 199	-1.937	-2.040	-9.203
Off-budget:							
BA	1.200	1.000	0.300	-0.300	-0.300	-0.300	0.400
OT	1.200	1.000	0.300	-0.300	-0.300	-0.300	0.400
Transportation (400):							
BA	52.411	48.762	48.933	49.161	49.280	49.397	245.533
OT	1.658	2.089	2.224	2.343	2.408	2.488	11.552
Community and Regional Development (450):							
BA	-0.247	0.025	0.026	0.027	0.029	0.029	0.136
OT	0.049	1.310	1.159	-0.228	-0.221	-0.212	1.808

HOUSE-PASSED 2009 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
Education, Training, Employment and Social Services (500):							
BA	10.306	9.940	14.333	15.590	16.018	8.085	63.966
OT	9.661	7.996	11.268	14.371	13.891	11.200	58.726
Health (550):							
BA	231.980	249.236	267.289	287.047	308.818	332.879	1,445.268
OT	233.074	249.840	268.006	286.963	308.512	332.426	1,445.747
Medicare (570):							
BA	385.529	414.964	439.795	488.721	485.441	546.176	2,375.097
OT	385.443	414.774	439.955	488.577	485.237	546.335	2,374.878
Income Security (600):							
BA	337.529	356.079	359.873	368.144	353.025	367.242	1,804.363
OT	336.105	354.328	358.390	366.596	351.543	365.992	1,796.849
Social Security (650):							
BA	614.576	649.052	683.277	718.341	759.830	805.827	3,616.327
OT	611.689	646.211	680.413	714.970	756.099	801.802	3,599.495
On-budget:							
BA	19.378	21.308	23.794	27.330	30.342	33.162	135.936
OT	19.378	21.308	23.794	27.330	30.342	33.162	135.936
Off-budget:							
BA	595.198	627.744	659.483	691.011	729.488	772.665	3,480.391
OT	592.311	624.903	656.619	687.640	725.757	768.640	3,463.559
Veterans Benefits and Services (700):							
BA	43.103	45.118	46.623	51.040	46.897	51.354	241.032
OT	42.976	44.959	46.455	50.993	46.667	51.124	240.198
Administration of Justice (750):							
BA	0.745	2.982	0.790	0.684	0.568	0.445	5.469
OT	0.963	1.621	1.583	1.213	0.576	0.451	5.444
General Government (800):							
BA	39.352	5.732	1.675	1.762	1.873	1.943	12.985
OT	39.474	5.627	1.602	1.744	2.030	1.887	12.890
Net Interest (900):							
BA	233.896	216.833	248.734	275.397	284.954	280.592	1,306.510
OT	233.896	216.833	248.734	275.397	284.954	280.592	1,306.510
On-budget:							
BA	349.296	334.233	370.534	406.997	427.954	436.292	1,976.010
OT	349.296	334.233	370.534	406.997	427.954	436.292	1,976.010
Off-budget:							
BA	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
OT	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
Allowances (920):							
BA	—	—	-0.150	-0.200	-0.200	-0.200	-0.750
OT	—	—	-0.150	-0.200	-0.200	-0.200	-0.750
Undistributed Offsetting Receipts (950):							
BA	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
OT	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878

HOUSE-PASSED 2009 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2008	2009	2010	2011	2012	2013	2009-2013
On-budget:							
BA..........	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
OT..........	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
Off-budget:							
BA..........	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
OT..........	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014

FISCAL YEAR 2009 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Total Spending, Revenues, Deficit/Surplus, and Debt

$ billions	2008	2009	2010	2011	2012	2013	2009-2013
			Summary				
Budget Authority	**3,052.498**	**3,036.933**	**3,084.613**	**3,237.479**	**3,307.339**	**3,465.779**	**16,132.143**
Off	473.243	503.179	529.212	549.621	575.926	605.709	2,763.647
On	2,579.255	2,533.754	2,555.400	2,687.858	2,731.412	2,860.070	13,368.496
Outlays	**2,946.927**	**3,076.074**	**3,142.673**	**3,255.280**	**3,294.503**	**3,453.729**	**16,222.280**
Off	470.172	500.341	526.306	546.221	572.165	601.652	2,746.684
On	2,476.755	2,575.733	2,616.367	2,709.059	2,722.339	2,852.077	13,475.576
Revenues	**2,538.593**	**2,707.999**	**2,931.830**	**3,176.619**	**3,298.471**	**3,458.067**	**15,672.976**
Off	666.705	695.876	733.571	772.468	809.798	845.044	3,856.757
On	1,871.888	2,012.123	2,198.259	2,404.151	2,488.673	2,613.013	11,716.219
Deficit (-)/Surplus	**-408.334**	**-368.075**	**-210.843**	**-78.661**	**3.968**	**4.328**	**-649.284**
Off	196.533	195.535	207.265	226.247	237.633	243.392	1,110.073
On	-604.867	-563.610	-418.108	-304.908	-233.666	-239.064	-1,759.357
Debt Held by the Public	5,418.643	5,803.409	6,032.755	6,129.283	6,141.593	6,153.706	–
Public Debt	9,618.792	10,278.552	10,805.196	11,215.114	11,580.563	11,934.375	–
			By Function				
050 National Defense							
Budget Authority	693.273	612.502	550.414	557.026	565.800	576.223	2,861.965
Outlays	604.289	645.437	607.033	577.925	561.666	570.503	2,962.564
150 International Affairs							
Budget Authority	38.608	38.609	35.663	36.322	36.866	37.024	184.485
Outlays	33.771	39.450	37.040	35.932	35.705	35.243	183.370
250 General Science, Space and Technology							
Budget Authority	27.407	30.536	30.369	30.848	31.332	31.816	154.901
Outlays	26.456	28.987	30.490	31.167	31.650	31.635	153.929
270 Energy							
Budget Authority	3.548	7.026	6.935	6.916	6.895	6.858	34.630
Outlays	1.681	2.843	4.533	5.481	5.981	6.159	24.997
300 Natural Resources and Environment							
Budget Authority	32.560	39.835	34.730	35.424	36.111	36.812	182.912
Outlays	34.440	36.310	37.039	37.217	37.395	37.757	185.718
350 Agriculture							
Budget Authority	22.423	21.377	21.532	21.665	21.994	22.307	108.876
Outlays	21.495	21.127	20.501	20.659	21.176	21.513	104.976
370 Commerce and Housing Credit							
Budget Authority	12.966	10.606	11.700	7.688	8.012	8.247	46.255
Outlays	6.878	5.022	4.129	0.799	0.476	0.188	10.614
Off Budget Authority	1.450	1.258	0.567	-0.025	-0.016	-0.007	1.777
Outlays	1.437	1.258	0.567	-0.025	-0.016	-0.007	1.777
On Budget Authority	11.516	9.350	11.133	7.713	8.028	8.254	44.478
Outlays	5.441	3.764	3.562	0.824	0.492	0.195	8.837
400 Transportation							
Budget Authority	87.289	75.131	78.075	78.913	79.763	80.640	392.522
Outlays	81.370	83.311	85.504	86.779	88.515	90.534	434.643
450 Community and Regional Development							
Budget Authority	20.029	15.195	15.265	15.503	15.746	15.979	77.687
Outlays	27.819	24.487	22.116	18.241	16.187	15.873	96.904
500 Education, Training, Employment, and Social Services							
Budget Authority	91.381	94.680	103.891	106.486	108.255	101.660	514.972
Outlays	90.912	91.253	98.616	103.807	104.904	103.626	502.207

550 Health							
Budget Authority	286.108	313.109	324.863	345.558	368.273	393.283	1,745.087
Outlays	287.211	310.603	325.576	344.795	367.110	391.805	1,739.888
570 Medicare							
Budget Authority	390.458	420.389	445.380	494.477	491.399	551.039	2,402.683
Outlays	390.454	420.150	445.513	494.305	491.163	551.161	2,402.292
600 Income Security							
Budget Authority	393.591	414.369	416.322	425.435	411.468	426.718	2,094.314
Outlays	394.613	419.023	418.871	426.242	411.597	426.612	2,102.344
650 Social Security							
Budget Authority	619.736	654.525	688.900	724.129	765.792	811.974	3,645.320
Outlays	616.678	651.687	685.994	720.729	762.031	807.917	3,628.357
Off Budget Authority	600.358	633.217	665.106	696.799	735.450	778.812	3,509.384
Outlays	597.300	630.379	662.200	693.399	731.689	774.755	3,492.421
On Budget Authority	19.378	21.308	23.794	27.330	30.342	33.162	135.936
Outlays	19.378	21.308	23.794	27.330	30.342	33.162	135.936
700 Veterans Benefits and Services							
Budget Authority	86.365	93.320	95.615	100.959	97.782	103.241	490.917
Outlays	83.551	92.398	95.399	100.749	97.064	102.521	488.131
750 Administration of Justice							
Budget Authority	46.282	49.432	48.018	48.907	49.819	50.768	246.944
Outlays	44.322	46.896	49.714	50.114	50.089	50.706	247.520
800 General Government							
Budget Authority	56.407	24.477	19.972	20.395	20.796	21.107	106.747
Outlays	56.920	24.435	20.172	20.407	20.940	20.991	106.945
900 Net Interest							
Budget Authority	234.062	217.710	250.453	278.210	292.762	296.280	1,335.416
Outlays	234.062	217.710	250.453	278.210	292.762	296.280	1,335.416
Off Budget Authority	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
Outlays	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
On Budget Authority	349.462	335.110	372.253	409.810	435.762	451.980	2,004.916
Outlays	349.462	335.110	372.253	409.810	435.762	451.980	2,004.916
920 Allowances							
Budget Authority	9.500	-14.941	-8.179	-8.466	-8.916	-9.110	-49.613
Outlays	9.500	-4.100	-10.713	-9.361	-9.295	-10.207	-43.677
950 Undistributed Offsetting Receipts							
Budget Authority	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
Outlays	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
Off Budget Authority	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
Outlays	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
On Budget Authority	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
Outlays	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864

FISCAL YEAR 2009 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Discretionary Spending

$ billions	2008	2009	2010	2011	2012	2013	2009-2013
Summary							
TOTAL DISCRETIONARY							
Budget Authority	**1,167.034**	**1,085.381**	**1,031.162**	**1,042.135**	**1,059.422**	**1,078.551**	**5,296.651**
Outlays	**1,125.744**	**1,185.468**	**1,151.562**	**1,123.863**	**1,112.450**	**1,127.781**	**5,701.123**
DEFENSE							
Budget Authority	689.808	607.774	545.539	551.962	560.690	571.154	2,837.119
Outlays	600.852	640.732	602.160	572.888	556.591	565.445	2,937.816
NONDEFENSE							
Budget Authority	477.226	477.607	485.623	490.173	498.732	507.397	2,459.532
Outlays	524.892	544.736	549.402	550.975	555.859	562.336	2,763.307
By Function							
050 National Defense							
Budget Authority	689.808	607.774	545.539	551.962	560.690	571.154	2,837.119
Outlays	600.852	640.732	602.160	572.888	556.591	565.445	2,937.816
150 International Affairs							
Budget Authority	42.662	39.811	36.191	36.764	37.339	37.910	188.016
Outlays	39.260	42.112	39.067	37.918	37.759	37.759	194.615
250 General Science, Space and Technology							
Budget Authority	27.282	30.411	30.244	30.723	31.207	31.691	154.276
Outlays	26.349	28.873	30.365	31.036	31.526	31.515	153.315
270 Energy							
Budget Authority	4.986	8.449	8.369	8.367	8.373	8.363	41.921
Outlays	3.903	5.158	6.878	7.813	8.305	8.475	36.629
300 Natural Resources and Environment							
Budget Authority	31.707	38.740	33.518	34.176	34.867	35.573	176.874
Outlays	33.901	35.680	35.940	35.982	36.065	36.428	180.095
350 Agriculture							
Budget Authority	5.884	6.013	6.117	6.231	6.355	6.480	31.197
Outlays	6.084	5.961	6.043	6.164	6.281	6.408	30.857
370 Commerce and Housing Credit							
Budget Authority	3.361	4.802	6.356	2.734	2.744	2.579	19.215
Outlays	3.167	4.894	5.984	3.298	2.713	2.528	19.417
Off Budget Authority	0.250	0.258	0.267	0.275	0.284	0.293	1.377
Outlays	0.237	0.258	0.267	0.275	0.284	0.293	1.377
On Budget Authority	3.111	4.544	6.089	2.459	2.460	2.286	17.838
Outlays	2.930	4.636	5.717	3.023	2.429	2.235	18.040
400 Transportation							
Budget Authority	34.383	27.270	29.042	29.652	30.283	30.943	147.190
Outlays	79.712	81.222	83.280	84.436	86.107	88.046	423.091
450 Community and Regional Development							
Budget Authority	20.276	15.170	15.239	15.476	15.717	15.950	77.551
Outlays	27.770	23.177	20.957	18.469	16.408	16.085	95.096

500	**Education, Training, Employment, and Social Services**							
	Budget Authority	81.075	84.740	89.558	90.896	92.237	93.575	451.006
	Outlays	81.251	83.257	87.348	89.436	91.013	92.426	443.481
550	**Health**							
	Budget Authority	53.638	62.613	57.577	58.511	59.456	60.406	298.564
	Outlays	53.640	59.488	57.573	57.832	58.599	59.380	292.871
570	**Medicare**							
	Budget Authority	4.929	5.425	5.585	5.756	5.958	6.188	28.911
	Outlays	5.011	5.376	5.558	5.728	5.926	6.151	28.739
600	**Income Security**							
	Budget Authority	56.029	58.138	56.297	57.139	58.291	59.324	289.191
	Outlays	58.475	64.543	60.329	59.494	59.902	60.468	304.735
650	**Social Security**							
	Budget Authority	5.160	5.473	5.623	5.788	5.962	6.147	28.993
	Outlays	4.989	5.476	5.581	5.759	5.932	6.115	28.862
	Off Budget Authority	5.160	5.473	5.623	5.788	5.962	6.147	28.993
	Outlays	4.989	5.476	5.581	5.759	5.932	6.115	28.862
	On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
700	**Veterans Benefits and Services**							
	Budget Authority	43.262	48.202	48.992	49.919	50.885	51.887	249.885
	Outlays	40.575	47.439	48.944	49.756	50.397	51.397	247.933
750	**Administration of Justice**							
	Budget Authority	45.537	46.450	47.228	48.223	49.251	50.323	241.475
	Outlays	43.359	45.275	48.131	48.901	49.513	50.255	242.076
800	**General Government**							
	Budget Authority	17.055	17.841	17.866	18.284	18.721	19.167	91.879
	Outlays	17.446	17.904	18.139	18.314	18.708	19.107	92.172
900	**Net Interest**							
	Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
920	**Allowances**							
	Budget Authority	0.000	-21.941	-8.179	-8.466	-8.916	-9.110	-56.613
	Outlays	0.000	-11.100	-10.713	-9.361	-9.295	-10.207	-50.677
950	**Undistributed Offsetting Receipts**							
	Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000

FISCAL YEAR 2009 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Mandatory Spending

$ billions	2008	2009	2010	2011	2012	2013	2009-2013
Summary							
TOTAL MANDATORY							
Budget Authority	1,885.464	1,951.552	2,053.450	2,195.343	2,247.917	2,387.229	10,835.492
Outlays	1,821.183	1,890.606	1,991.110	2,131.417	2,182.054	2,325.949	10,521.137
OFF-BUDGET							
Budget Authority	467.833	497.448	523.322	543.558	569.680	599.269	2,733.277
Outlays	464.948	494.607	520.458	540.187	565.949	595.244	2,716.445
ON-BUDGET							
Budget Authority	1,417.631	1,454.104	1,530.128	1,651.785	1,678.237	1,787.960	8,102.215
Outlays	1,356.237	1,395.999	1,470.652	1,591.230	1,616.105	1,730.705	7,804.692
By Function							
050 National Defense							
Budget Authority	3.465	4.728	4.875	5.064	5.110	5.069	24.846
Outlays	3.437	4.705	4.873	5.037	5.075	5.058	24.748
150 International Affairs							
Budget Authority	-4.054	-1.202	-0.528	-0.442	-0.473	-0.886	-3.531
Outlays	-5.489	-2.662	-2.027	-1.986	-2.054	-2.516	-11.245
250 General Science, Space and Technology							
Budget Authority	0.125	0.125	0.125	0.125	0.125	0.125	0.625
Outlays	0.107	0.114	0.125	0.131	0.124	0.120	0.614
270 Energy							
Budget Authority	-1.438	-1.423	-1.434	-1.451	-1.478	-1.505	-7.291
Outlays	-2.222	-2.315	-2.345	-2.332	-2.324	-2.316	-11.632
300 Natural Resources and Environment							
Budget Authority	0.853	1.095	1.212	1.248	1.244	1.239	6.038
Outlays	0.539	0.630	1.099	1.235	1.330	1.329	5.623
350 Agriculture							
Budget Authority	16.539	15.364	15.415	15.434	15.639	15.827	77.679
Outlays	15.411	15.166	14.458	14.495	14.895	15.105	74.119
370 Commerce and Housing Credit							
Budget Authority	9.605	5.806	5.344	4.954	5.268	5.668	27.040
Outlays	3.711	0.128	-1.855	-2.499	-2.237	-2.340	-8.803
Off Budget Authority	1.200	1.000	0.300	-0.300	-0.300	-0.300	0.400
Outlays	1.200	1.000	0.300	-0.300	-0.300	-0.300	0.400
On Budget Authority	8.405	4.806	5.044	5.254	5.568	5.968	26.640
Outlays	2.511	-0.872	-2.155	-2.199	-1.937	-2.040	-9.203
400 Transportation							
Budget Authority	52.906	47.861	49.033	49.261	49.480	49.697	245.332
Outlays	1.658	2.089	2.224	2.343	2.408	2.488	11.552
450 Community and Regional Development							
Budget Authority	-0.247	0.025	0.026	0.027	0.029	0.029	0.136
Outlays	0.049	1.310	1.159	-0.228	-0.221	-0.212	1.808
500 Education, Training, Employment, and Social Services							
Budget Authority	10.306	9.940	14.333	15.590	16.018	8.085	63.966
Outlays	9.661	7.996	11.268	14.371	13.891	11.200	58.726

550 Health							
Budget Authority	232.470	250.496	267.286	287.047	308.817	332.877	1,446.523
Outlays	233.571	251.115	268.003	286.963	308.511	332.425	1,447.017
570 Medicare							
Budget Authority	385.529	414.964	439.795	488.721	485.441	544.851	2,373.772
Outlays	385.443	414.774	439.955	488.577	485.237	545.010	2,373.553
600 Income Security							
Budget Authority	337.562	356.231	360.025	368.296	353.177	367.394	1,805.123
Outlays	336.138	354.480	358.542	366.748	351.695	366.144	1,797.609
650 Social Security							
Budget Authority	614.576	649.052	683.277	718.341	759.830	805.827	3,616.327
Outlays	611.689	646.211	680.413	714.970	756.099	801.802	3,599.495
Off Budget Authority	595.198	627.744	659.483	691.011	729.488	772.665	3,480.391
Outlays	592.311	624.903	656.619	687.640	725.757	768.640	3,463.559
On Budget Authority	19.378	21.308	23.794	27.330	30.342	33.162	135.936
Outlays	19.378	21.308	23.794	27.330	30.342	33.162	135.936
700 Veterans Benefits and Services							
Budget Authority	43.103	45.118	46.623	51.040	46.897	51.354	241.032
Outlays	42.976	44.959	46.455	50.993	46.667	51.124	240.198
750 Administration of Justice							
Budget Authority	0.745	2.982	0.790	0.684	0.568	0.445	5.469
Outlays	0.963	1.621	1.583	1.213	0.576	0.451	5.444
800 General Government							
Budget Authority	39.352	6.636	2.106	2.111	2.075	1.940	14.868
Outlays	39.474	6.531	2.033	2.093	2.232	1.884	14.773
900 Net Interest							
Budget Authority	234.062	217.710	250.453	278.210	292.762	296.280	1,335.416
Outlays	234.062	217.710	250.453	278.210	292.762	296.280	1,335.416
Off Budget Authority	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
Outlays	-115.400	-117.400	-121.800	-131.600	-143.000	-155.700	-669.500
On Budget Authority	349.462	335.110	372.253	409.810	435.762	451.980	2,004.916
Outlays	349.462	335.110	372.253	409.810	435.762	451.980	2,004.916
920 Allowances							
Budget Authority	9.500	7.000	0.000	0.000	0.000	0.000	7.000
Outlays	9.500	7.000	0.000	0.000	0.000	0.000	7.000
950 Undistributed Offsetting Receipts							
Budget Authority	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
Outlays	-99.495	-80.956	-85.306	-88.917	-92.612	-97.087	-444.878
Off Budget Authority	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
Outlays	-13.165	-13.896	-14.661	-15.553	-16.508	-17.396	-78.014
On Budget Authority	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864
Outlays	-86.330	-67.060	-70.645	-73.364	-76.104	-79.691	-366.864

REVENUES

Summary

The revenue component of the budget resolution reflects all of the federal government's tax receipts that are classified as "on-budget." This includes individual income taxes; corporate income taxes; excise taxes, such as the gasoline tax; and other taxes, such as estate and gift taxes. Taxes collected for the Social Security system—the Old Age and Survivors and Disability Insurance (OASDI) payroll tax—are "off-budget." The Hospital Insurance payroll tax portion of Medicare, the Federal Unemployment Tax Act payroll tax, railroad retirement and other retirement systems are all "on-budget." Customs duties, tariffs, and other miscellaneous receipts are also included in the revenue component. Pursuant to the Congressional Budget Act of 1974 and the Budget Enforcement Act of 1990, Social Security payroll taxes are not included in the budget resolution.

House-passed Resolution

The House budget resolution matches the total level of revenues under the CBO baseline over the 2008–2013 period, with revenue losses in 2009 and an offsetting gain in 2010–2013, consistent with the resolution's reconciliation instruction to the Ways and Means Committee regarding revenue. For the unified budget, the House resolution calls for a total of $2.7 trillion in revenues for 2009, and $16.0 trillion over five years. (The budget resolution provides only the on-budget amounts, which are $2.0 trillion in revenues for 2009, and $12.1 trillion over five years.)

By following the baseline revenue total for 2008–2013, the House resolution achieves current-law total revenue levels, but does not assume maintaining current tax law. Thus, the House-passed budget resolution accommodates reform of the Alternative Minimum Tax (AMT) and extension of tax cuts benefitting middle-income households (including, but not limited to, the child tax credit, marriage penalty relief, the 10 percent bracket, and the deduction for State and local sales taxes), as long as such changes to tax law are accomplished, consistent with the House pay-as-you-go rule, in a deficit-neutral manner over the 2008–2013 and 2008–2018 periods.

The House resolution also accommodates deficit-neutral extension of other expiring tax provisions, such as the research and experimentation tax credit and the deduction for small business expensing. In addition, the House resolution accommodates deficit-neutral elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit. It also accommodates other high priority deficit-neutral revenue adjustments, such as tax incentives for energy efficiency and renewable energy, and a tax credit for local bonds to support the repair or construction of public schools.

Senate-passed Resolution

The Senate budget resolution includes $2.0 trillion in on-budget revenues for 2009, and $11.7 trillion over 2009–2013. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2009 and $15.6 trillion over five years.)

The revenue level in the Senate resolution is $407.5 billion below the levels in the CBO baseline over 2008–2013. This provides for one year of relief from the AMT, protecting more than 20 million taxpayers from being subject to the AMT in 2008. It also provides for the extension after 2010 of middle-class tax relief—child tax credit, the 10 percent bracket, and marriage penalty relief—as well as continuation of the estate tax at 2009 levels adjusted for inflation. In addition, this revenue level accommodates a number of other tax policies, such as property tax relief; relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita; tax relief for America's troops and veterans; enhancement of the refundable portion of the child tax credit; and extension of the adoption and dependent care tax credits. Finally, this total accommodates revenue provisions that could be part of an overall economic stimulus package.

The Senate resolution also includes the effects of a number of other tax policies whose cost is offset over the period covered by the resolution. For instance, the resolution reflects tax relief to make college education more affordable and reflects incentives to encourage the development of renewable energy, promote more conservation and energy efficiency, and reduce dependence on foreign energy supplies. In a similar fashion, the resolution assumes that tax provisions that have been routinely extended in the past will be extended and that their cost will be offset.

In addition, the Senate resolution includes several reserve funds that provide for tax relief, including refundable tax relief and the extension of expiring tax relief, as long as the costs of these provisions are offset. These deficit-neutral reserve funds would accommodate, for instance, tax policies designed to encourage the continued production in the United States of advanced technologies, extend enhanced charitable giving from individual retirement accounts, make it easier for companies to use accumulated alternative minimum tax and research and development credits, reduce the cost of teacher out-of-pocket expenses for classroom supplies, encourage highly qualified teachers to serve in high-needs schools, extend existing energy tax incentives as well as provide additional incentives for clean-burning wood stoves, cellulosic ethanol production, plug-in hybrid vehicles, and energy-efficient buildings, products, and power plants. Deficit-neutral reserve funds in the resolution also address AMT reform and reducing the income threshold for the refundable portion of the child tax credit starting in 2009.

The Senate resolution assumes that any additional revenues needed under the resolution can be achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes. To help close the tax gap and bolster Internal Revenue Service (IRS) enforcement, the resolution fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment that directs $490 million to IRS enforcement activities.

Conference Agreement

The conference agreement includes $2.0 trillion in on-budget revenues for 2009, and $11.8 trillion over 2009–2013. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2009 and $15.6 trillion over five years.) The conference agreement provides immediate relief from the AMT, with its cost fully offset. The agreement supports tax relief to benefit the middle class—including extension of the child tax credit, 10 percent bracket, and marriage penalty relief—and provides for estate tax reform. In addition, the agreement reflects the effects of tax policies in other areas, such as energy and education tax incentives and the extension of expiring and expired provisions, whose costs are offset over the period covered by the resolution. Further, the agreement includes several deficit-neutral reserve funds that provide for a wide range of tax policies.

The revenue level in the conference agreement is $340.570 billion below the levels under current law over 2008–2013. Revenue legislation is subject to House and Senate pay-as-you-go rules. In addition, the House reserve fund adjustment for revenue measures (section 220)—the House "trigger" mechanism—creates a second procedural hurdle in the House only, in addition to the pay-as-you-go rule, to ensure fiscal responsibility.

NATIONAL DEFENSE: FUNCTION 050

Function Summary

The National Defense function includes the military activities of the Department of Defense (DoD), the nuclear weapons-related activities of the Department of Energy (DOE) and the National Nuclear Security Administration, and the national security activities of several other agencies such as the Selective Service, Coast Guard, and Federal Bureau of Investigation. The programs in this function include: the pay and benefits of active, Guard, and reserve military personnel; DoD operations including training, maintenance of equipment, and facilities; health care for military personnel and dependents; procurement of weapons; research and development; construction of military facilities, including housing; research on nuclear weapons; and the cleanup of nuclear weapons production facilities.

House-passed Resolution

The House resolution reflects a total of $542.5 billion in BA and $573.4 billion in outlays in 2009, and $2.8 trillion in BA and outlays over five years. There is no higher priority than the defense of our nation. The House resolution accordingly provides robust funding for Function 050 (National Defense). The House resolution calls, however, for a reallocation of resources to address the most severe threats facing the nation, to emphasize readiness, to guarantee first-rate health care for members of our armed forces, and to improve the quality of life of our troops and their families. The House resolution also calls for greater accountability at the Department of Defense. It includes assumptions on specific defense policy in Title V, section 502.

The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) identified terrorists with weapons of mass destruction as one of the nation's gravest threats. It recommended that Congress supply more resources to secure nuclear weapons and the fissile materials used in making these weapons. It is the policy of the House resolution that non-proliferation programs, such as the Cooperative Threat Reduction program, be given greater priority and higher funding.

As a result of our overseas deployments, military readiness has suffered, especially the readiness of our National Guard and Reserve. The Commission on National Guard and Reserve concluded in its final report, issued on January 31, 2008, that there are substantial shortcomings in the nation's ability to respond during a national crisis. In view of this, the House resolution calls for greater attention to mitigating readiness shortfalls to ensure our military is ready when called upon.

The country owes a great debt of gratitude to those who have sacrificed and to those who are currently sacrificing by serving in the Armed Forces. To honor their service, the country should not only support the troops when they are called to duty, but it should also improve the quality of life of the troops and their families, and ensure that the resources are available when they are discharged from service to provide them the excellent health care they deserve and the assistance they need to make the transition to civilian life. For that reason, the House resolution opposes TRICARE fee increases proposed by the President and calls for a substantial increase in funding for the veterans' health care system. The House resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center. The House resolution also calls for enhanced pay and benefits to improve the quality of life of the troops and their families, including emphasis on providing adequate funding for programs like the Yellow Ribbon Reintegration Program, which provides support and assistance to troops and their families while they are deployed and when they return from deployments to readjust to civilian life.

The President's 2009 budget is noncompliant with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, by excluding a full request for overseas military operations. The House resolution reaffirms section 1008. It also calls on the Administration to end the practice of including non-war requirements in funding requests for overseas military operations as a way to avoid making tradeoffs in the defense budget. The Congressional Budget Office reported in September 2007 that 40 percent of supplemental funds requested for Army "reset" (fixing and replacing equipment) was instead used for upgrading the capability of weapons systems and procuring new equipment to eliminate shortfalls, and in some cases, shortfalls that were long-standing.

It is the policy of the House resolution that missile defense acquisition be funded at lower, but still adequate levels and development of space-based interceptors as part of the missile defense program should be de-emphasized. The House resolution also points out the need to restrain excessive cost and schedule growth in defense research, development, and procurement programs. DoD has allowed the cost of its major acquisition programs to grow at an unsustainable rate. The Department's major acquisition programs grew by more than $392 billion above their initial projections from 2002 to 2007.

The House resolution recognizes the need for DoD to root out wasteful spending with far more diligence. Eighteen years after passage of the Chief Financial Officers Act of 1990, DoD still cannot pass a standard audit. The Department cannot adequately track what it owns or what it spends in its annual budgets. DoD has awarded contracts for its foreign deployments that have been grossly more wasteful than domestic contracts, especially in Iraq. Furthermore, DoD continues to fund weapons systems that were developed years ago to counter Cold War era threats, which may not be as effective in protecting the nation from today's threats.

Over the last seven years, the Government Accountability Office (GAO) has performed numerous audits of DoD's financial management, contracting, and business practices. GAO made 2,864 recommendations, of which 1,260 have yet to be implemented. The House resolution assumes that enhancing accounting practices at DoD and implementing many GAO recommendations would yield substantial savings that could be applied to other security needs, including those mentioned above.

The House resolution also encourages the committees with jurisdiction over defense to conduct more oversight with the objective of ferreting out wasteful practices, fraud, and abuse. It encourages the committees to require DoD to report to Congress on its progress in implementing GAO audit recommendations and to report on the applicability of Cold War era weapons to 21st century challenges. The House resolution also directs GAO to report by the end of the 110th Congress on DoD's progress in implementing its audit recommendations.

The House resolution also recognizes the need for DoD to do a better job of reconciling its plans with its budget, including the Navy's shipbuilding plan. Unrealistic expectations of technology development and ship designs have led to high unit costs and a plan that is not viable in terms of providing the Navy with an adequate ship force, or the shipbuilding industrial base with a sustainable level of work. The House resolution therefore encourages more congressional oversight to ensure the Administration puts more emphasis on developing a viable shipbuilding plan to maintain a naval ship force and a shipbuilding industrial base that meets the challenges of the 21st century.

In addition to emphasizing nuclear nonproliferation programs at the Department of Energy, the House recognizes the importance of the Department's Environmental Management program and that nuclear cleanup activities are a high priority.

For mandatory programs, the House resolution matches the President's request.

Senate-passed Resolution

The Senate resolution calls for a total of $612.5 billion in BA and $645.4 billion in outlays for 2009, and $2.9 trillion in BA and $3.0 trillion in outlays over five years. This includes full funding for the President's requests for war costs in 2008 and 2009.

Excluding requested war funds, the Senate resolution provides $542.5 billion in BA for defense in 2009, an increase of $26.2 billion in BA over the 2008 level adjusted for inflation.

The Senate resolution provides for a 3.4 percent pay raise for military personnel, and again rejects the President's proposals for new TRICARE enrollment fees and deductibles for military retirees under the age of 65.

The Senate resolution also assumes no less than $5.8 billion in funding for the Defense Environmental Cleanup account, an increase of $500 million compared to the President's request. The environmental management program is charged with efficiently cleaning up the environmental damage resulting from 50 years of nuclear weapons production. The President's budget underfunded cleanup efforts at several major sites addressed under this program including Hanford, Idaho Falls, Oak Ridge, and Savannah River. This increase brings total environmental management funding for nuclear site cleanup (including amounts in other budget functions) to $6.4 billion.

The National Guard has a long history of outstanding service to our nation, and our nation's reliance on the Guard has only increased since September 11, 2001. The Senate resolution assumes that the Department of Defense will provide at least $49.1 billion to recruit, train, equip, and sustain National Guard and Reserve units. The Appropriations Committee is encouraged to identify additional resources within the defense budget to address critical needs for National Guard equipment left unfunded in the President's budget.

Some servicemembers injured in Iraq and Afghanistan have been inappropriately given "personality disorder" discharges that cost them access to various veterans' benefits and care. The defense funding level in the Senate resolution includes an amendment addressing the backlog at the military services' respective Boards for the Correction of Military Records to allow these servicemembers to have their discharges promptly reviewed and, if appropriate, upgraded to "honorable" status.

The Administration continues to seek war funding as an emergency, five years into the war in Iraq. The Armed Services and Foreign Relations Committees have indicated that they believe these costs should no longer be handled on an emergency basis. The Senate resolution includes a $70 billion cap adjustment provision that allows the Chairman of the Budget Committee to revise the discretionary spending cap for non-emergency appropriations related to the wars in Iraq and Afghanistan. The Senate resolution's levels of deficits and debt assume that this cap adjustment is fully utilized.

The existence of this cap adjustment would not prevent the Appropriations Committee from reporting emergency supplemental appropriations legislation if war costs exceed the allotted level. Emergency funding falls outside the discretionary spending caps included in the resolution, and hence does not require an adjustment.

The Senate resolution also includes a program integrity cap adjustment dedicated to reducing waste in defense contracting. The cap adjustment allows the Chairman of the Budget Committee to increase the discretionary spending cap by up to $100 million to accommodate legislation appropriating funding for the Department of Defense for additional activities to reduce waste, fraud, abuse and overpayments in defense contracting; achieve the legal requirement for the Pentagon to submit auditable financial statements; reduce waste by improving accounting for and ordering of spare parts; or subject contracts performed outside the United States to the same ethical standards as those performed domestically. When billions of dollars are wasted due to poor contracting practices, ordering of unneeded spare parts, or other waste, fraud and abuse, it is our troops that suffer.

Conference Agreement

The conference agreement for Function 050 includes a total of $542.5 billion in BA and $573.4 billion in outlays in 2009, and $2.8 trillion in BA and outlays over five years. The conference agreement does not assume enactment of the President's proposals for new TRICARE enrollment fees and deductibles for military retirees under the age of 65. Consistent with both the House- and Senate-passed resolutions, the conference agreement affirms the need for increased emphasis on programs to provide support to troops and their families while troops are deployed and to assist with reintegration when troops return from deployments. The conference agreement also reaffirms the importance of adequate funding for atomic energy defense environmental cleanup activities.

For mandatory programs, the conference agreement is consistent with current law.

The conference agreement reflects the cost of overseas deployments and other activities in Function 970, as in the House-passed resolution.

The conference agreement also includes two deficit-neutral reserve funds (section 202 and section 203 in the House, and section 225 and section 226 in the Senate) to accommodate initiatives related to meeting our commitments to the nation's military personnel and veterans, and their survivors.

The conference agreement includes a statement of policy on defense issues (section 402) that outlines key priorities to be funded within the defense allocation and the need for the Department of Defense to do a better job of reining in wasteful spending, particularly with regard to contracting practices and continuing funding of Cold War era weapons systems that may not be as effective against today's threats. Consistent with the Senate-passed resolution, the statement of policy also calls for expediting review of cases involving former servicemembers suffering from post traumatic stress disorder or a traumatic brain injury and whose discharge from service was handled erroneously, resulting in a loss of benefits or care.

INTERNATIONAL AFFAIRS: FUNCTION 150

Function Summary

Function 150 covers funding for U.S. international activities, including: operating and securing U.S. embassies and consulates throughout the world; providing military assistance to allies; assisting refugees; aiding developing nations; dispensing economic assistance to fledgling democracies; promoting U.S. exports abroad; making U.S. payments to international organizations; and contributing to international peacekeeping efforts. The major agencies in this function include the Departments of State, Agriculture, and the Treasury; the U.S. Agency for International Development; and the Millennium Challenge Corporation.

House-passed Resolution

The House resolution calls for a total of $37.1 billion in BA and $35.7 billion in outlays for 2009, and for $196.0 billion in BA and $186.8 billion in outlays over five years. The function's negative mandatory budget authority and outlay levels reflect receipts of the foreign military sales trust fund, the repayment of loans and credits by foreign nations, and the liquidation of economic assistance loans, foreign military financing loans, Export-Import Bank loans, and housing and other credit guaranty programs.

The House resolution's discretionary budget authority for 2009 is $4.0 billion (11.6 percent) above the 2008 level excluding emergencies and $3.3 billion (9.6 percent) more than the amount needed to maintain purchasing power at the 2008 level. The House resolution matches the President's Function 150 request for HIV/AIDS relief. The House resolution also provides funding for the Department of State to hire a significant number of new staff to strengthen the United States' diplomacy and national security.

Consistent with the President's budget, the House resolution provides $2.6 billion for Foreign Military Financing (FMF) for Israel. The United States signed a new agreement with Israel in 2007 to provide $30 billion in FMF over ten years.

The House resolution provides additional funding above the President's requested level for 2009 for the McGovern-Dole International Food for Education and Child Nutrition Program. This additional funding will be used to maintain and expand the number of children, especially girls, who benefit from this program as food and transportation costs rise.

The House notes the importance of robust funding for child survival and health programs, development assistance, and the United States' contributions to international organizations and peacekeeping.

The House notes the large amount of funding for the Millennium Challenge Corporation (MCC) that remains unobligated or unspent. MCC has received about $7.5 billion in total appropriations from 2004 through 2008.

The House recognizes the humanitarian problem of millions of Iraqis who are refugees in neighboring countries or are internally displaced in Iraq.

The House notes the strong support for H.R. 1595, the Guam World War II Loyalty Recognition Act, which the House approved on May 8, 2007. The bill authorizes compensation to the Guamanian victims of the Imperial Japanese military occupation during World War II.

Senate-passed Resolution

The Senate resolution calls for a total of $38.6 billion in BA and $39.5 billion in outlays in 2009, and $184.5 billion in BA and $183.4 billion in outlays over five years, excluding emergencies. The amount provided in 2009 is $2 million less than the President's request.

Overall, the Senate resolution assumes a U.S. contribution to the Global Fund for HIV/AIDS, Tuberculosis and Malaria of $1.35 billion. In addition, the Senate resolution assumes additional funds will be provided to respond to international appeals for Iraqi refugee assistance, and for victims of humanitarian disasters in Africa and the Middle East.

Conference Agreement

The conference agreement provides a total of $37.2 billion in BA and $35.7 billion in outlays for 2009, and $190.2 billion in BA and $182.6 billion in outlays over five years, excluding emergencies. The conference agreement provides $38.3 billion in BA for 2009 for discretionary programs, which is $3.3 billion (9.6 percent) more than the amount needed to maintain purchasing power at the 2008 level, excluding emergencies. (The total BA and outlay levels are lower than the discretionary BA and outlay levels because this function has negative mandatory BA and outlay levels, reflecting various U.S. receipts from other nations.)

GENERAL SCIENCE, SPACE AND TECHNOLOGY: FUNCTION 250

Function Summary

The General Science, Space, and Technology function includes funding for the National Aeronautics and Space Administration (NASA), except aviation programs, the National Science Foundation (NSF), as well as programs in the Department of Energy (DOE) Office of Science.

House-passed Resolution

The House resolution calls for a total of $29.9 billion in BA and $28.7 billion in outlays for 2009, and for $162.7 billion in BA and $159.5 billion in outlays over five years. Funding in Function 250 exceeds the funding levels in the President's budget and the current services level for all five years in the budget window. Additional increases for scientific research and education are included in Function 270 (Energy), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 370 (Commerce and Housing Credit), Function 400 (Transportation), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health), all of which receive more funding than the President requested. These increases will support the goals of the House Leadership's Innovation Agenda and the America COMPETES Act: To put NSF funding on a path toward doubling, to train more qualified science and math teachers, and to invest in basic research on energy technologies.

Senate-passed Resolution

The Senate resolution calls for a total of $30.5 billion in BA and $29.0 billion in outlays for 2009, and $154.9 billion in BA and $153.9 billion in outlays over five years.

The Senate resolution assumes $18.7 billion for NASA, $1 billion above the President's 2009 request. This level of funding reflects the ongoing need to reimburse NASA for the catastrophic loss of Space Shuttle Columbia as well as the costs of investigating the Columbia tragedy. The United States' goals for space exploration were defined in the President's 'Vision for Space Exploration' and included in the National Aeronautics and Space Administration Authorization Act of 2005, which is scheduled to be updated and renewed during the current session of Congress. The Senate resolution recognizes the importance of our nation's space program and endorsed the Act's balanced goals of exploration, science and aeronautics. The Act calls for retirement of the Space Shuttle by 2010 and launching the Crew Exploration Vehicle (CEV) as close to 2010 as possible. NASA currently projects that the CEV will not be operational before 2015, thus creating a five-year gap in U.S. human space flight capability. The Senate resolution recognizes the strategic importance of uninterrupted access to space and supports efforts to reduce this five-year gap in U.S. human space flight.

In addition, the Senate resolution fully funds the President's 2009 request for programs authorized in the America COMPETES Act. These programs help to ensure that the U.S. maintains its technological innovation advantage in the global economy.

Conference Agreement

The conference agreement includes $30.6 billion in BA and $29.1 billion in outlays in 2009, and $164.8 billion in BA and $161.5 billion in outlays over five years. The conference agreement provides significant increases in this function in every year within the budget window for competitiveness programs that support the goals of the COMPETES Act and other Innovation programs, with additional resources provided in other functions. In addition, for NASA, the conference agreement recognizes the contributions of our nation's space program and the strategic importance of uninterrupted access to space. The conference agreement provides $18.7 billion for NASA, $1 billion above the President's budget in 2009, and significant increases in the outyears.

ENERGY: FUNCTION 270

Function Summary

Function 270 covers energy-related programs including research and development, environmental clean-up, and rural utility loans. Most of these programs are within the Department of Energy (DOE). This function covers about 20 percent of appropriated funding for DOE but does not include DOE's national security activities, which are in Function 050 (National Defense), or its basic research and science activities, which are in Function 250 (General Science, Space and Technology). This function also includes the Agriculture Department's Rural Utilities Service, the Tennessee Valley Authority, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

House-passed Resolution

The House resolution calls for a total of $4.7 billion in BA and $2.2 billion in outlays for 2009, and for $23.7 billion in BA and $16.2 billion in outlays over five years. The House resolution provides $1.1 billion in appropriated funding above the 2008 level and $1.2 billion above the President's budget for 2009, funding that could be used for energy efficiency and renewable energy programs. The

House resolution maintains the Weatherization Assistance Program, which the President's budget unwisely terminates.

The House resolution also invests in new initiatives for renewable energy and energy efficiency, emerging energy and vehicle technologies, carbon capture and sequestration, and worker training for green collar jobs.

Senate-passed Resolution

The Senate resolution calls for a total of $7.0 billion in BA and $2.8 billion in outlays for 2009, and $34.6 billion in BA and $25.0 billion in outlays over five years. This funding level would provide a significant commitment of resources to invest in clean energy, create green collar jobs in our communities, and reduce our dependence on imported energy. The resolution assumes $8.45 billion in 2009 energy discretionary spending. This would represent the highest discretionary spending level for the energy function since 1981.

The Senate resolution includes $2.7 billion to invest in green jobs in our nation's communities (including $100 million in Function 500). This funding level could accommodate significant increases in a variety of loan guarantee and grant programs which would fund energy efficiency and conservation activities, the production of fuel efficient vehicles, worker training programs, and biofuels production. These programs were authorized in the Energy Independence and Security Act of 2007 and not adequately funded in the President's budget. Funding these programs will move our nation towards energy independence, cleaner energy, and energy efficiency while also developing new industries and creating green jobs. The resolution also assumes funding increases for similar programs authorized in the Energy Policy Act of 2005.

The Senate resolution assumes approximately $2 billion for DOE's Energy Efficiency and Renewable Energy program. This funding level is $738 million above the President's request and would accommodate significant increases for programs such as wind, solar, geothermal, biomass and biorefinery R&D, hydrogen, and vehicle/building technologies. This funding level would also provide $450 million for the Weatherization Assistance Program, a program which was zeroed out in the President's budget. The resolution significantly increases funding for the Energy Efficiency and Conservation Block Grant Program and Energy Grants for Universities and Institutions.

The Senate resolution includes significant increases for fossil energy R&D. This funding would provide additional resources for programs such as carbon sequestration and clean coal research. The resolution also significantly increases funding for DOE's Office of Electricity Delivery and Energy Reliability.

The Senate resolution supports consideration by the Budget Committees of the reclassification of receipts for the annual operating expenses of Southeastern, Southwestern, and Western Area Power Administrations. By reclassifying the receipts, power rates will become more closely linked to the annual appropriations they fund. This direct link will promote long-term planning and improve the overall efficiency and reliability of the federal power program:

The Senate resolution includes a deficit-neutral reserve fund for legislation that would decrease greenhouse gas emissions, reduce our nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas. The legislation may include tax legislation. The resolution also includes deficit-neutral reserve funds for legislation that would improve energy efficiency and production or provide for investments in energy infrastructure.

Conference Agreement

The conference agreement provides a total of $6.5 billion in BA and $2.8 billion in outlays for 2009, and $32.6 billion in BA and $22.9 billion in outlays over five years. The conference agreement provides $7.7 billion for discretionary programs in this function. This amount is $2.8 billion more than the President's proposed funding level for 2009. (The total BA and outlay levels are lower than the discretionary BA and outlay levels because this function has negative mandatory BA and outlay levels, reflecting that the U.S. government collects more money than it spends marketing federally produced power and collects fees from commercial nuclear reactors.)

The conference agreement includes $2.0 billion to create green collar jobs in our nation's communities. The conference agreement includes a significant commitment of resources to invest in cleaner energy, promote renewable energy and energy efficiency, and reduce our nation's dependence on imported energy. It also provides increases for the Weatherization Assistance Program and emerging energy technologies such as carbon capture and sequestration.

The conference agreement includes deficit-neutral reserve funds to accommodate energy legislation in both the House and the Senate.

NATURAL RESOURCES AND ENVIRONMENT: FUNCTION 300

Function Summary

The Natural Resources and Environment function consists of funding for water resources, conservation, land management, pollution control and abatement, and recreational resources. Major departments and agencies in this function are the Department of the Interior (including the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, and the Minerals Management Service), conservation-oriented and land management agencies within the Department of Agriculture (including the Forest Service), the National Oceanic and Atmospheric Administration at the Department of Commerce, the Army Corps of Engineers, and the Environmental Protection Agency (EPA).

House-passed Resolution

The House resolution calls for a total of $38.7 billion in BA and $35.6 billion in outlays for 2009, and for $179.2 billion in BA and $182.2 billion in outlays over five years. The House resolution rejects the President's deep and misguided cuts to priority programs, such as the Land and Water Conservation Fund, the Fish and Wildlife Service's wildlife refuge system, the EPA's Clean Water State Revolving Fund and other grants to States and Tribes to address water and air quality, and other EPA programs. It also includes funding to address high-priority brownfield redevelopment concerns. In addition, the House resolution accommodates the President's emergency Army Corps spending for efforts related to Hurricane Katrina rebuilding. Additionally, the House resolution recognizes that in recent years, fire suppression costs have overwhelmed the Forest Service's budget, and that Congress should work to identify solutions to this problem and to address the impact of increasing fire suppression costs.

The House resolution includes deficit-neutral reserve funds for Secure Rural Schools and Payments in Lieu of Taxes, San Joaquin River Restoration and Navajo Nation Water Rights Settlements, and the establishment of the National Park Centennial Fund. Additional funding addressing environmental quality is accommodated in the House resolution's deficit-neutral renewable energy and energy efficiency reserve fund.

Senate-passed Resolution

The Senate resolution calls for a total of $39.8 billion in BA and $36.3 billion in outlays for 2009, and $182.9 billion in BA and $185.7 billion in outlays over five years. The Senate resolution includes approximately $7.9 billion for the EPA. This funding level will accommodate significant increases for programs such as Superfund and EPA's programs to support clean and safe drinking water. The resolution rejects the President's proposal to cut a variety of environmental protection programs. The resolution also rejects the President's cuts to a variety of discretionary programs which fund climate change research.

The Senate resolution provides significant increases for the Army Corps of Engineers and the Bureau of Reclamation and includes a deficit-neutral reserve fund to accommodate legislation that provides for investments in water infrastructure.

The Senate resolution includes $5.8 billion in 2009 emergency funding for the Corps of Engineers to continue its Katrina-related recovery work in Louisiana. The Senate resolution also includes increases sufficient to fully fund ongoing Everglades Restoration Activities at the Army Corps of Engineers and the Department of the Interior. These additional funds are provided to commence construction of the Indian River Lagoon which received only planning funding in the President's request. Additionally, these funds will provide increases to Modified Water Deliveries, the C–111 canal, and the Kissimmee River Restoration, all critical components of Everglades Restoration.

The Senate resolution rejects the President's proposal to cut crucial Great Lakes funding. The resolution recognizes the importance of the Great Lakes, as they make up 90 percent of the United States surface fresh water and serve as a source of drinking water for over 35 million people. The Senate resolution also recognizes that the approximately 5,000 miles of U.S. shoreline along the Great Lakes is greater than that of either the Eastern or Western seaboard. Unfortunately, the Great Lakes continue to face unique and challenging problems such as toxic sediment remediation, invasive species, non-point source pollution, and habitat loss. The Senate resolution includes $175 million for Great Lakes programs including the Great Lakes Legacy Act, the Great Lakes Fish and Wildlife Restoration Act, Great Lakes Fishery and Ecosystem Restoration, Remedial Action Plan (RAP) Assistance, Great Lakes Environmental Research Lab and the Great Lakes Basin Program.

The Senate resolution includes a reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements. The reserve fund would accommodate legislation that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas. It would also accommodate legislation that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act.

The Senate resolution rejects the President's cuts to numerous programs at the Department of the Interior and the Forest Service. The Senate resolution reflects concerns that, in recent years, the President's budget has significantly underestimated fire suppression costs. The Senate resolution also responds to concerns that increasing fire suppression costs are having a negative impact on funding levels for other discretionary programs at agencies such as the Forest Service. The funding levels in the resolution assume that if the severity of the fire season requires additional funding, wildland fire suppression activities will be funded for 2009 at no less than $500 million above the ten-year average.

The Senate resolution does not assume savings from proposals to permit oil and gas leasing in the Arctic National Wildlife Refuge. The Senate resolution also does not assume any savings from the President's proposal to sell federal lands. The Senate resolution includes a deficit-neutral reserve fund that would accommodate legislation that terminates deductions from mineral revenue payments to states.

The Senate resolution rejects the proposal in the President's budget to reallocate the repayment of the capital costs of the Pick-Sloan Missouri Basin irrigation program to power customers. The Senate resolution recognizes the importance of the Bureau of Reclamation rural water program to support ongoing Municipal, Rural, and Industrial (MR&I) systems for the Great Plains Region. The Bureau of Reclamation supplies drinking water to 2.6 million people in the Great Plains region and is encouraged to prioritize the completion of the Pick Sloan-Missouri Basin Program—Garrison Diversion Unit, Mni Wiconi, Lewis and Clark, Perkins County, Fort Peck Reservation/Dry Prairie, and Rocky Boy's/North Central rural water system projects. The Senate supports funding these vital rural water development projects at a level that is as close to $306 million as possible.

The Senate resolution includes increases for the United States Geological Survey and Endangered Species Act assistance.

Conference Agreement

The conference agreement includes a total of $40.5 billion in BA and $36.9 billion in outlays for 2009, and $187.5 billion in BA and $189.5 billion in outlays over five years.

The conference agreement includes significant increases for natural resources and environment programs, including a variety of programs at the EPA. The agreement provides additional resources for agencies such as the Army Corps of Engineers and the Bureau of Reclamation to invest in national water infrastructure priorities. It also increases funding for a number of other programs throughout the Department of the Interior and the Forest Service. The funding levels in the conference agreement assume that if the severity of the fire season requires additional funding, wildland fire suppression activities will be funded for 2009 at a level that is above the ten-year average.

AGRICULTURE: FUNCTION 350

Function Summary

The Agriculture function includes farm income stabilization, agricultural research, and other services administered by the U.S. Department of Agriculture. The discretionary programs include research and education programs, economics and statistics services, administration of the farm support programs, farm loan programs, meat and poultry inspection, and a portion of the Public Law 480 international food aid program. The mandatory programs include commodity programs, crop insurance, and certain farm loans.

House-passed Resolution

The House resolution calls for a total of $21.5 billion in BA and $21.3 billion in outlays for 2009, and for $110.0 billion in BA and $106.1 billion in outlays over five years. The budget resolution provides greater funds than the President to ensure sufficient resources to bolster commodity support, agricultural research, and animal and plant inspection programs. The House resolution also assumes sufficient resources for the farm bill, providing resources for such objectives as to secure an economic safety net for agricultural producers, conserve our natural resources, and address nutrition needs.

Senate-passed Resolution

The Senate resolution reflects a total of $21.4 billion in BA and $21.1 billion in outlays for 2009, and $108.9 billion in BA and $105.0 billion in outlays over five years. With the 2002 Farm Bill expiring, the Senate resolution provides a deficit-neutral reserve fund for the reauthorization of agricultural programs. To address the needs of rural America and promote new sources of renewable energy from U.S. farm products, it would provide a $15.0 billion deficit-neutral reserve fund for the 2008 through 2013 period to reauthorize the Farm Bill. The reauthorization of the Farm Bill will provide an economic safety net for agricultural producers, enhance the stewardship of our natural resources, address domestic nutrition needs, increase agricultural research, and improve our export competitiveness.

Conference Agreement

The conference agreement calls for a total of $22.6 billion in BA and $22.3 billion in outlays for 2009, and for $109.9 billion in BA and $103.6 billion in outlays over five years. For discretionary spending, the agreement matches CBO's baseline estimate in 2009. For mandatory spending, the agreement incorporates the effects of the recently passed Farm Bill in this and several other functions where its effects appear. In addition, in the event further action is required by Congress, the conference agreement includes a Senate-only deficit-neutral reserve fund (section 221(g)(1)) for the Farm Bill and related changes.

COMMERCE AND HOUSING CREDIT: FUNCTION 370

Function Summary

The Commerce and Housing Credit function includes mortgage credit, the Postal Service, deposit insurance, and other advancement of commerce (the majority of the discretionary and mandatory spending in this function). The mortgage credit component of this function includes housing assistance through the Federal Housing Administration, the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), the Government National Mortgage Association (Ginnie Mae), and rural housing programs of the Department of Agriculture. The function also includes net Postal Service spending and spending for deposit insurance activities of banks, thrifts, and credit unions. Most of the Commerce Department is provided for in this function, including the International Trade Administration, the Bureau of Economic Analysis, the Patent and Trademark Office, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, and the Bureau of the Census. Finally, the function also includes funding for independent agencies such as the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, and the majority of the Small Business Administration.

House-passed Resolution

For the unified budget, the House resolution calls for a total of $10.8 billion in BA and $5.0 billion in outlays for 2009, and for $53.1 billion in BA and $16.9 billion in outlays over five years. (The budget resolution provides only the on-budget amounts, which are $9.6 billion in BA and $3.7 billion in outlays for 2009, and $51.3 billion in BA and $15.1 billion in outlays over five years.) The discretionary function total includes significantly increased funding for the Bureau of the Census, reflecting continued preparation for the 2010 census, and continues to support agencies such as the National Institute of Standards and Technology. For 2009, and over the following four years, funding in Function 370 is above the level in the President's budget.

Senate-passed Resolution

The Senate resolution calls for a total of $10.6 billion in unified BA and $5.0 billion in unified outlays for 2009, and $46.3 billion in unified BA and $10.6 billion in unified outlays over five years. (The corresponding on-budget figures are $9.4 billion in BA and $3.8 billion in outlays for 2009, and $44.5 billion in BA over five years and $8.8 billion in outlays over five years.) The Senate resolution rejects the President's proposal to cut assistance to America's small businesses. The President proposes to eliminate the Manufacturing Extension Program, which helps small businesses adopt advanced manufacturing technologies. The Senate resolution restores funding to this vital program to the level authorized in the America COMPETES Act. The Senate resolution also provides robust resources for the Small Business Administration and the Census Bureau.

Conference Agreement

For the unified budget, the conference agreement calls for a total of $10.8 billion in BA and $5.0 billion in outlays for 2009, and for $53.1 billion in BA and $16.9 billion in outlays over five years. (The conference agreement provides only the on-budget amounts, which are $9.6 billion in BA and $3.7 billion in outlays for 2009, and $51.3 billion in BA and $15.1 billion in outlays over five years.) The discretionary function total includes significantly increased funding for the Bureau of the Census, reflecting continued preparation for the 2010 census, and continues to support programs such as the Manufacturing Extension Program and the Technology Innovation Program. For 2009, and over the following four years, funding in Function 370 is above the level in the President's budget.

TRANSPORTATION: FUNCTION 400

Function Summary

The Transportation function consists mostly of the programs administered by the Department of Transportation, including programs for highways, mass transit, aviation, and maritime activities. This function also includes two components of the Department of Homeland Security: the Coast Guard and the Transportation Security Administration. In addition, this function includes several small transportation-related agencies and the research program for civilian aviation at NASA.

House-passed Resolution

The House resolution calls for a total of $73.4 billion in BA and $80.4 billion in outlays for 2009, and for $389.4 billion in BA and $428.9 billion in outlays over five years. This resolution recognizes the importance of investing in infrastructure systems on which our Nation depends. Our society depends on transportation systems to integrate the economies of our communities. However, those systems are stressed from growing congestion and a backlog of repair needs. It is imperative that, in the last year of the current surface transportation authorization, the budget place these systems in a position to address the challenges of the 21st century. To that end, the House resolution fully funds the highway, transit, and highway safety programs at the levels originally authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Specifically, considering the country's infrastructure challenges, the House resolution does not accept the President's estimate of revenue aligned budget authority (RABA), or the further cuts in highway and transit funding included in the President's 2009 budget. Rather, the House resolution continues to invest in infrastructure, laying the groundwork for a reauthorization of these programs in 2010.

The House resolution increases funding for Amtrak and provides additional funding for grants to airports, in anticipation of a new aviation authorization.

Senate-passed Resolution

The Senate resolution calls for a total of $75.1 billion in BA and $83.3 billion in outlays for 2009, and $392.5 billion in BA and $434.6 billion in outlays over five years. The Senate resolution rejects the President's cuts to transportation programs and fully funds the highway, transit, and highway safety programs authorized in SAFETEA-LU for 2009. The Senate resolution also provides an additional $7 billion for "ready-to-go" infrastructure projects. Additionally, the Senate resolution provides $1.8 billion in BA for Amtrak, a funding level that is $1 billion above the President's request. Amtrak is a vital link to many small communities, and the Senate resolution will help Amtrak pay off debt and continue to improve its operations.

Conference Agreement

The conference agreement calls for a total of $74.7 billion in BA and $80.8 billion in outlays for 2009, and for $392.0 billion in BA and $430.7 billion in outlays over five years. This agreement recognizes the importance of investing in infrastructure systems on which our Nation depends. Our society depends on transportation systems to integrate the economies of our communities. However, those systems are stressed from growing congestion and a backlog of repair needs. The conference agreement fully funds the highway, transit, and highway safety programs at the levels originally authorized in SAFETEA-LU. Specifically, considering the country's infrastructure challenges, the agreement does not accept the President's estimate of RABA, or the further cuts in highway and transit funding included in the President's 2009 budget. Rather, the agreement continues to invest in infrastructure, laying the groundwork for a reauthorization of these programs in 2010.

The conference agreement provides $1.8 billion in BA for Amtrak and provides additional funding for grants to airports, in anticipation of a new aviation authorization.

COMMUNITY AND REGIONAL DEVELOPMENT: FUNCTION 450

Function Summary

The Community and Regional Development function includes federal programs to improve community economic conditions, promote rural development, and assist in federal preparations for and response to disasters. This function provides appropriated funding for the Community Development Block Grant, Department of Agriculture rural development programs, the Bureau of Indian Affairs (BIA), the Federal Emergency Management Agency (FEMA) (including homeland security grants), and other disaster mitigation and community development-related programs. It also provides mandatory funding for the federal flood insurance program.

House-passed Resolution

The House resolution calls for a total of $14.6 billion in BA and $24.3 billion in outlays for 2009, and for $75.7 billion in BA and $95.3 billion in outlays over five years. The budget resolution provides substantially more than the President's 2009 discretionary funding level for Function 450, rejecting the President's deep cuts to the Community Development Block Grant program, first responder grants, and rural development.

Senate-passed Resolution

The Senate resolution calls for a total of $15.2 billion in BA and $24.5 billion in outlays for 2009, and $77.7 billion in BA and $96.9 billion in outlays over five years. This level restores cuts proposed in the President's budget for community development programs and several Department of Homeland Security grant programs, including first responder grants. In addition, the Senate resolution includes increases in funding for interoperable communications equipment grants, FEMA operations and management, and BIA tribal justice programs.

Conference Agreement

The conference agreement includes a total of $15.2 billion in BA and $24.4 billion in outlays for 2009, and $78.0 billion in BA and $97.1 billion in outlays over five years. The conference agreement rejects the President's deep cuts to community and rural development programs, including the Community Development Block Grant, and to several Department of Homeland Security grant programs, including first responder grants. The agreement accommodates higher funding for programs such as interoperable communications equipment grants, FEMA operations and management, a new Department of Homeland Security headquarters, and BIA tribal justice programs.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES: FUNCTION 500

Function Summary

The Education, Training, Employment and Social Services function includes funding for the Department of Education, as well as programs in the Department of Health and Human Services (HHS) and the Department of Labor. This function provides funding for elementary and secondary, career and technical, and post-secondary educational programs; job training and employment services; children and family services; and statistical analysis and research related to these areas. It also contains funding for the Library of Congress and independent research and arts agencies such as the Corporation for Public Broadcasting, the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, the National Endowment for the Arts, and the National Endowment for the Humanities.

House-passed Resolution

The House budget resolution calls for a total of $95.2 billion in BA and $90.9 billion in outlays for 2009, and for $513.0 billion in BA and $500.3 billion in outlays over five years. The House resolution specifically rejects the President's cuts to education funding, including his plan to eliminate many education programs, including all vocational education programs. The House resolution also rejects the President's steep cuts to job training and social services programs—programs, needed now more than ever when the economy is slowing and the cost of living is rising.

In contrast to the President's funding cuts, the House budget resolution makes a down payment toward addressing long-standing needs in education, training, employment, and social services. To that end, the House resolution provides an appropriated program level for Function 500 that is $7.1 billion above the 2009 level in the President's budget.

The House resolution's increased funding could be used to support vital assistance to help children learn and succeed. Increased funding could support key programs such as Head Start, Impact Aid, and the Individuals with Disabilities Education Act. It also could support the No Child Left Behind Act programs to ensure that children can read and achieve at grade level, including programs such as Title I, school improvement programs, teacher quality improvement, and education technology state grants. Finally, the House resolution's funding increase for education can help make college more affordable and accessible by raising the maximum Pell grant, maintaining Supplemental Educational Opportunity Grants and Perkins Loans, and broadening access to Historically Black Colleges and Universities as well as Hispanic-serving institutions and other minority-serving institutions, which continue to make important contributions towards increasing the percentage of minority students gaining a college degree.

Increased funding could be used to enhance funding for the Workforce Investment Act programs, which provide important job training and assistance. It could also support training for green collar jobs in renewable energy and energy efficiency fields. Other aspects of the Democratic leadership's innovation agenda could also be supported, including math and science education, development of basic and applied research, as well as demonstrations of effective approaches to innovative learning such as those in H.R. 3631, the Revolutionizing Education Through Digital Investment Act of 2007.

The House resolution rejects the President's proposed cuts to the Corporation for Public Broadcasting, and provides a funding level that could be used to support an increase. The House continues to support two-year advance funding for the Corporation.

The House resolution also contains a reserve fund to accommodate legislation that makes college more affordable, consistent with the House pay-as-you-go rule.

Senate-passed Resolution

The Senate resolution calls for a total of $94.7 billion in BA and $91.3 billion in outlays for 2009, and $515.0 billion in BA and $502.2 billion in outlays over five years.

The Senate-passed budget resolution recognizes that strong education and training programs at all levels are critical for building a highly skilled workforce that can compete in the global marketplace. It makes this effort a high priority by providing an increase for discretionary education and training program-level funding of $9.3 billion above the

President's request, or $6 billion above 2009 baseline levels.

The Senate-passed resolution rejects the President's proposed cuts in education, training and social services, including his proposal to eliminate programs and slash resources for the Corporation for Public Broadcasting. It assumes that additional funding will be invested in critical areas from birth through post-secondary education, including Head Start; key programs authorized by the No Child Left Behind Act, especially Title I; the Individuals with Disabilities Education Act (IDEA); Pell Grants; and job training. The increased investments will:

- ensure that more preschool children will be ready for school;
- help grade schools, middle schools, and high schools close achievement gaps, increase graduation rates, and reduce the need for remedial education;
- ensure that all schools can attract, train, and retain high-quality teachers and reduce class sizes;
- keep our commitment to educate students with disabilities;
- expand access to higher education by making college more affordable;
- ensure that employers have increasingly well-educated employees that can compete in the global marketplace; and
- expand job training opportunities to help workers respond to shifts in the economic landscape, including training for green jobs.

With regard to the Department of Education, the Senate resolution increases overall program-level funding by $5.7 billion above the President's requested level. In contrast, the President cuts Department of Education funding by $612 million in 2009, or one percent, below the 2008 inflation-adjusted level. To help schools meet the requirements of the No Child Left Behind Act and IDEA, the Senate resolution provides the largest increase for elementary and secondary education programs since 2002. In addition, the Senate resolution assumes an increase in the maximum Pell grant award, and fully funds the Pell shortfall.

The Senate adopted amendments to increase funding for the Teacher Incentive Fund, adult literacy and civics programs, and programs under the Older Americans Act, including the Lifespan Respite Care Act at the Administration on Aging.

The Senate resolution provides deficit-neutral reserve funds to facilitate enactment of legislation to improve college access and affordability, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, provide tax incentives for highly qualified teachers to serve in high-needs schools, improve student achievement during secondary education, and promote flexibility in existing federal education programs.

Conference Agreement

The conference agreement calls for a total of $94.3 billion in BA and $91.4 billion in outlays for 2009, and for $511.9 billion in BA and $500.7 billion in outlays over five years. The conference agreement rejects the cuts to education, training, and social services programs in the President's 2009 budget, including the President's proposal to eliminate many programs that boost student achievement, provide needed social services, and provide workers with training and assistance. In contrast to the President's funding cuts, the conference agreement increases funds for vital programs, providing $8.4 billion more than the President's budget for program year 2009.

The conference agreement recognizes the importance of investing in strong education and training programs and supporting social services, particularly when the cost of living is rising rapidly and we are building a highly skilled workforce that can compete in the global marketplace. It therefore includes significant increases for education programs to help students from early childhood through post-secondary education, which include programs such as Head Start, Title I, services under the Individuals with Disabilities Education Act, Pell Grants, and other key programs.

The conference agreement contains a deficit-neutral reserve fund for the House to accommodate legislation that makes college more affordable. It also includes a Senate reserve fund to facilitate enactment of legislation to make higher education more accessible or more affordable, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, provide tax incentives for highly qualified teachers to serve in high-needs schools, improve student achievement during secondary education, and promote flexibility and accountability in federal education programs.

HEALTH: FUNCTION 550

Function Summary

The Health function includes most direct health care service programs as well as funding for anti-bioterrorism activities, national biomedical research, protecting the health of the general population and workers in their places of employment, providing health services for under-served populations, and promoting training for the health care workforce. The major programs in this function include Medicaid, the State Children's Health Insurance Program (SCHIP), health benefits for federal workers and retirees, the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Health Resources and Services Administration (HRSA), the Centers for Disease Control and Prevention (CDC), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Indian Health Service (IHS), and the Agency for Healthcare Research and Quality.

House-passed Resolution

The House resolution calls for a total of $306.8 billion in BA and $305.3 billion in outlays for 2009, and for $1.7 trillion in BA and $1.7 trillion in outlays over five years. The budget resolution rejects the Administration's harmful cuts to Medicaid.

The discretionary resources for Function 550 for 2009 represent an increase over both the 2008 level and the President's 2009 request, with a particular focus on NIH, CDC, FDA, and the Occupational Safety & Health Administration (OSHA). The House resolution increases resources for public health, which includes programs focused on addressing health promotion and disease prevention. Preventative health care measures and disease management have the potential to lead to more efficient use of health care spending, and reduced illness, as well as an improvement in the health of the public. The House resolution also includes increased funding for food safety, access to quality health care for under-served populations, and other important programs.

Programs in Function 550 are also addressed in the House resolution's deficit-neutral reserve funds for SCHIP and for Medicaid.

Senate-passed Resolution

The Senate resolution calls for a total of $313.1 billion in BA and $310.6 billion in outlays for 2009, and $1.7 trillion in BA and $1.7 trillion in outlays over five years. The Senate resolution includes increases above the 2008 enacted level adjusted for inflation and above the President's request for NIH, HRSA, FDA, CDC, and IHS. Significant increases for Community Health Centers, health professions, and the National Health Service Corps within HRSA are also included. The Senate resolution rejects the President's proposed cuts for Rural Health Activities in HRSA. The Senate resolution also supports funding demonstration programs to provide patient navigator services as authorized in the Patient Navigator, Outreach, and Chronic Disease Prevention Act under HRSA as well as funding to support research into the causes, diagnoses, and treatments for postpartum depression. The Senate resolution also includes increases for the Maternal and Child Health Block Grant, for autism research, education, and early detection, and for the organ transplantation program. In addition, the Senate resolution contains various health care related deficit-neutral reserve funds, including a reserve fund for SCHIP legislation.

Conference Agreement

The conference agreement includes a total of $310.3 billion in BA and $307.5 billion in outlays for 2009, and $1.7 trillion in BA and $1.7 trillion in outlays over five years. The conference agreement rejects the Administration's harmful cuts to Medicaid.

The discretionary resources for Function 550 for 2009 include increases above the 2008 enacted level adjusted for inflation and above the President's request for NIH, HRSA, FDA, CDC, IHS, and OSHA. The conference agreement includes an increase for the Indian Health Service to help meet the health needs of American Indians and Alaska Natives. The conference agreement assumes additional FDA funding to give the agency resources to protect and promote the health of American families. Significant increases for Community Health Centers, the National Health Service Corps, and health professions within HRSA are also included as well as increases for patient navigator services, the Maternal and Child Health Block Grant, and resources to enhance federal efforts on autism. The conference agreement increases resources for programs focused on addressing health promotion and disease prevention. Preventative health care measures and disease management have the potential to lead to more efficient use of health care spending, and reduced illness, as well as an improvement in the health of the public.

Programs in Function 550 are also addressed in various deficit-neutral reserve funds, including those addressing SCHIP and Medicaid.

MEDICARE: FUNCTION 570

Function Summary

The Medicare function includes funding to administer and to provide benefits under the Medicare program. Medicare is a federal health insurance program that currently covers 44 million Americans aged 65 and older, as well as younger adults who are disabled or suffer from end-stage renal disease.

Congress provides an annual appropriation for the costs of administering Medicare, including resources to conduct program integrity activities to guard against improper payments, fraud, and abuse. The remainder of spending in this function is mandatory and reflects payments to health care providers and private insurance plans, as well as beneficiary premiums and other receipts and payments to the Medicare trust funds, under the Part A Hospital Insurance (HI) program, the Part B Supplementary Medical Insurance (SMI) program, the Part C Medicare Advantage program, and the Part D Prescription Drug program.

House-passed Resolution

The House resolution reflects a total of $420.2 billion in BA and $420.0 billion in outlays in 2009, and $2.4 trillion in BA and $2.4 trillion in outlays over five years.

The House resolution rejects the Administration's harmful cuts to Medicare. The House resolution assumes the extension of Medicare premium assistance for qualified individuals with incomes between 120 and 135 percent of the federal poverty level and limited financial resources. The House resolution assumes that savings from Medicare program efficiency improvements will offset the costs of extending the premium assistance program as well other initiatives to improve the Medicare program for beneficiaries.

The House resolution assumes targeted assistance to hospitals with 100 beds or more that have faced a reduction in Medicare disproportionate share hospital payments due to assignment to a Micropolitan area.

The House resolution provides a discretionary cap adjustment of $198 million for additional activities aimed at detecting and preventing Medicare fraud. The Health Care Fraud and Abuse Control program—a joint effort of the Department of Health and Human Services, the HHS Office of Inspector General, and the Department of Justice—generated roughly $4 in program savings for every dollar spent in 2004 and 2005.

The House resolution also contains a reserve fund to accommodate legislation for Medicare program improvements.

Senate-passed Resolution

The Senate resolution calls for a total of $420.4 billion in BA and $420.2 billion in outlays for 2009, and $2.4 trillion in BA and $2.4 trillion in outlays over five years.

For 2009, the discretionary funding levels in this function include a discretionary cap adjustment of up to $198 million for program integrity activities of the Health Care Fraud and Abuse Control (HCFAC program) to address improper payments, fraud, and abuse in the Medicare program.

In addition, the mandatory funding levels in this function assume Medicare savings of $1.3 billion in 2013, allowing for legislation to delay the Medicare trigger. Specific policies to enact these savings will be determined by the Senate Finance Committee.

Conference Agreement

The conference agreement reflects a total of $420.2 billion in BA and $420.0 billion in outlays in 2009, and $2.4 trillion in BA and $2.4 trillion in outlays over five years. Discretionary and mandatory spending levels in this function are consistent with the CBO baseline funding levels.

For 2009, the discretionary funding levels in Function 920 include a discretionary cap adjustment of up to $198 million for program integrity activities of the Health Care Fraud and Abuse Control program, to address improper payments, fraud, and abuse in the Medicare program.

INCOME SECURITY: FUNCTION 600

Function Summary

The Income Security function contains a range of income security programs including: 1) major cash and in-kind means-tested entitlements; 2) general retirement, disability, and pension programs excluding Social Security and veterans' compensation programs; 3) federal and military retirement programs; 4) unemployment compensation; 5) low-income housing programs; and 6) other low-income support programs. Major federal entitlement programs in this function include unemployment insurance, food stamps, child nutrition, Temporary Assistance to Needy Families (TANF), foster care, child support enforcement, child care, Supplemental Security Income, and spending for the refundable portion of the Earned Income Credit.

House-passed Resolution

The House resolution calls for a total of $411.7 billion in BA and $414.0 billion in outlays for 2009, and for $2.1 trillion in BA and $2.1 trillion in outlays over five years. The discretionary resources for Function 600 represent an increase over both the 2008 level and the President's request. The funding will support efforts to reduce the unacceptable number of Americans who live in poverty and to provide assistance to those in need. The budget resolution includes additional funding to address the current shortfall in the project-based rental assistance program, prevent a shortfall in the tenant-based rental assistance program which would occur under the President's budget, and improve supportive housing for the elderly, as in H.R. 2930 as passed by the House. The House resolution also specifically rejects the President's cut to the Low-Income Home Energy Assistance Program (LIHEAP).

Economic uncertainty and rising costs are increasing the need for food assistance for children and adults. The House budget resolution rejects the President's proposals to terminate food stamps for 390,000 working families and eliminate the Commodity Supplemental Food Program and notes that legislation that passed the House with bipartisan support was an appropriate first step toward ensuring that nutrition assistance keeps up with inflation and rising food prices.

Mandatory programs in Function 600 are also addressed in the House resolution's deficit-neutral reserve funds for trade adjustment assistance and unemployment insurance modernization, and child support enforcement.

Senate-passed Resolution

The Senate resolution calls for a total of $414.4 billion in BA and $419.0 billion in outlays for 2009, and $2.1 trillion in BA and $2.1 trillion in outlays over five years. The Senate resolution includes increases for the Low-Income Home Energy Assistance Program to continue providing heating and cooling assistance to over five million low income households, including the working poor, disabled persons, elderly, and families with young children. The Senate resolution rejects the President's proposals to cut various housing assistance programs and includes significant resources for Section 8 housing assistance in order to address the funding shortfall for the project-based Section 8 program. The Senate resolution also provides increases for the Child Care Development Block Grant and for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The Senate resolution also includes several deficit-neutral reserve funds including reserve funds for up to an additional $5.0 billion in mandatory child care funding, for the reauthorization of the Temporary Assistance for Needy Families supplemental grants, for improvements to TANF, child welfare, or child support enforcement, for improvements to the unemployment compensation program, and the reauthorization of the trade adjustment assistance programs.

Conference Agreement

The conference agreement calls for a total of $415.5 billion in BA and $416.0 billion in outlays for 2009, and for $2.1 trillion in BA and $2.1 trillion in outlays over five years. The conference agreement supports a total funding level of $5.1 billion for LIHEAP—$3.1 billion in regular funding and $2 billion in contingency funding. Rising fuel costs have strained family budgets. The conference agreement level for LIHEAP will provide heating and cooling assistance to over five million low income households, including the working poor, disabled persons, elderly, and families with young children. The conference agreement also recognizes that additional funding above the 2008 level adjusted for inflation will be needed for WIC.

The conference agreement accommodates additional funding for the project-based rental assistance program shortfall and to increase funding for the tenant-based rental assistance program. The conference agreement also includes funding to improve supportive housing for the elderly, as in H.R. 2930 as passed by the House.

Mandatory programs in Function 600 are addressed in several deficit-neutral reserve funds in the House and the Senate, including reserve funds for up to an additional $5.0 billion in mandatory child care funding, for reauthorization or expansion of TANF grants, for child welfare or child support enforcement, for modernization of the unemployment compensation program, and for the reauthorization of the trade adjustment assistance programs.

SOCIAL SECURITY: FUNCTION 650

Function Summary

The Social Security function includes funding for the Old-Age, Survivors, and Disability Insurance (OASDI) programs, which provide earned Social Security benefits to nearly 50 million eligible retired workers, disabled persons, and their spouses and survivors. In addition, this function provides funding to the Social Security Administration (SSA) and the Office of the Inspector General (OIG) to administer the Social Security program and ensure program integrity.

Under provisions of the Congressional Budget Act and the Budget Enforcement Act, the Old-Age and Survivors Insurance (OASI) trust fund and the Disability Insurance (DI) trust fund are off-budget and do not appear in the budget resolution totals. A small portion of spending in Function 650, the general fund transfer of income taxes on Social Security benefits to the trust funds, is considered on-budget and appears in the budget resolution totals.

House-passed Resolution

For the unified budget, the House resolution calls for a total of $654.3 billion in BA and $651.4 billion in outlays for 2009, and for $3.6 trillion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are $21.3 billion in BA and outlays for 2009, and $135.9 billion in BA and outlays over five years.) The House resolution rejects the President's private account proposal for Social Security.

The administrative budget for the SSA includes resources in Function 570 (Medicare) and Function 600 (Income Security) as well as Function 650. The House resolution assumes a $10.4 billion discretionary funding level for the administrative expenses of SSA and the OIG. The increased resources will enable SSA to address the significant number of individuals waiting for disability and hearing decisions and thereby reduce its unacceptable backlog in case reviews.

The House resolution also accommodates an additional $240 million above the funding level through a discretionary cap adjustment for program integrity initiatives. The cap adjustment allows the agency to conduct an increasing number of Continuing Disability Reviews (CDRs) and Supplemental Security Income redeterminations.

Senate-passed Resolution

The Senate resolution calls for $21.3 billion in on-budget BA and outlays for 2009, and $135.9 billion in on-budget BA and outlays over five years. (The corresponding figures on a unified basis are $654.5 billion in BA and $651.7 billion in outlays for 2009 and $3.6 trillion in BA and outlays over five years.) This spending reflects the general fund transfer of income taxes on Social Security benefits to the trust funds.

For 2009, the Senate resolution provides $5.5 billion in BA and $5.5 billion in outlays for SSA administrative expenses, as outlined in section 102(c) of the resolution, which represents a $240 million increase over the President's request. The resolution also provides $150 million in additional one-time funding for SSA administrative expenses. The additional funding is intended to help address the serious backlog of Social Security disability claims and hearings, as well as other backlog workloads for which additional resources are needed.

Conference Agreement

For the unified budget, the conference agreement calls for $654.3 billion in BA and $651.4 billion in outlays for 2009, and $3.6 trillion in BA and outlays over five years. (The conference agreement provides only the on-budget amounts, which are $21.3 billion in BA and outlays for 2009, and $136.0 billion in BA and outlays over five years.) The conference agreement rejects the President's private account proposal for Social Security.

For 2009, the conference agreement provides total net discretionary resources for the administrative expenses of SSA and the OIG (across all relevant functions) of $10.7 billion, $240 million above the President's requested level. The total SSA funding level in the conference agreement assumes both the President's full request for a cap adjustment in Function 920 for program integrity efforts (including CDRs and SSI redeterminations), and additional resources to address the serious backlog of disability claims and hearings, as well as other backlog workloads for which additional resources are needed.

VETERANS BENEFITS AND SERVICES: FUNCTION 700

Function Summary

Function 700 covers the programs of the Department of Veterans Affairs (VA), including veterans' medical care, compensation and pensions, education and rehabilitation benefits, and housing programs. It also includes the Department of Labor's Veterans' Employment and Training Service, the United States Court of Appeals for Veterans Claims, and the American Battle Monuments Commission. More than 99 percent of appropriated veterans' funding goes to VA, and more than 85 percent of this funding is for VA medical care and hospital services.

House-passed Resolution

The House resolution calls for a total of $93.3 billion in BA and $92.4 billion in outlays for 2009, and for $495.3 billion in BA and $492.2 billion in outlays over five years. For 2009, the House resolution provides $4.9 billion of discretionary budget authority over the 2008 level and $3.2 billion above the President's 2009 budget. The House resolution reflects the very high priority that Congress places on adequately funding veterans' medical care. The House resolution also rejects the health care enrollment fees and drug co-payment increases proposed by the President's budget.

The House resolution provides full funding to support excellent health care for veterans. The House resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center to improve military and veterans' health care facilities and services.

The House resolution provides funding in Function 700 above the President's requested level for 2009 to address important priorities including veterans' mental health, post-traumatic stress disorder, and traumatic brain injury. There have been many traumatic brain injuries in Iraq and Afghanistan. The House notes that there is legislation to address the prevalence of epilepsy among veterans, especially those with traumatic brain injury. Research conducted by VA and the Department of Defense found that about half of Vietnam veterans who suffered penetrating head injuries developed epilepsy. The House resolution also has additional funding for disability compensation claims processing so that VA can continue to address the inventory of pending claims.

The House notes that many military service families are experiencing financial difficulties due to overseas military deployments and that Congress should consider ways to address these difficulties.

Senate-passed Resolution

The Senate resolution calls for a total of $93.3 billion in BA and $92.4 billion in outlays for 2009, and $490.9 billion in BA and $488.1 billion in outlays over five years. The Senate resolution provides $48.2 billion in BA in 2009 for discretionary veterans' programs, including medical care. This amount is $3.3 billion more than the President's proposed funding level. The funding in the Senate resolution will ensure that the Veterans Health Administration within VA can provide the highest quality health care for all veterans.

Over the past several years, the President has consistently underestimated the needs of veterans, and Congress has made up the shortfall. In 2005, the President's budget underfunded the Veterans Health Administration, which required Congress to pass two supplemental funding bills. Last year, the nation was shocked to learn of the mistreatment of soldiers recuperating from wounds at the Walter Reed Army Medical Center. To address these and other funding shortfalls in the President's budget, last year's budget resolution paved the way for the largest funding increase in VA's history.

The Senate resolution also recognizes the difficulties veterans leaving active duty have in transitioning their medical records to the VA. These administrative disconnects can have dramatic and sometimes dire consequences on our young men and women when they leave the military. It is also difficult for VA to evaluate and treat veterans because VA may not have a complete medical record. Therefore, the Senate resolution supports efforts to implement fully the Wounded Warrior Act, section 1635 in the National Defense Authorization Act. This provision requires the Department of Defense and VA to develop a "fully interoperable electronic personal health information system" as well as establish a joint program office to oversee the creation of this new healthcare system.

Additionally, the Senate resolution recognizes that the President's proposed funding for VA major construction projects will result in significant delays and cost-growth to on-going projects. Therefore, the Senate resolution provides robust resources for VA major projects. The Senate resolution also notes the importance of medical research at VA, including the Air Force Health Study, and provides the resources for this important priority. The Senate resolution also supports robust funding for State Veterans Cemeteries.

Conference Agreement

The conference agreement provides a total of $93.3 billion in BA and $92.5 billion in outlays for 2009, and $496.3 billion in BA and $493.1 billion in outlays over five years. The conference agreement provides $48.2 billion for 2009 for discretionary veterans' programs, including medical care. This amount is $4.9 billion more than the 2008 enacted level, $3.7 billion more than the amount needed to maintain purchasing power at the 2008 level, and $3.3 billion more than the President's proposed funding level for 2009. Over five years (2009–2013) the agreement provides $39.0 billion more than the President's budget. The conference agreement level enjoys the strong support of major veterans organizations, including the Independent Budget which is developed by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars the American Legion, Iraq and Afghanistan Veterans of America, and Vietnam Veterans of America.

ADMINISTRATION OF JUSTICE: FUNCTION 750

Function Summary

The Administration of Justice function includes funding for federal law enforcement activities at the Department of Justice (DOJ) including criminal investigations by the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA). The function also includes funding for border enforcement by the Department of Homeland Security (DHS). Additionally, the function includes funding for civil rights enforcement and prosecution; federal block, categorical, and formula law enforcement grant programs to state and local governments; prison construction and operation; the United States Attorneys; and the federal judiciary.

House-passed Resolution

The House resolution calls for a total of $48.1 billion in BA and $47.9 billion in outlays for 2009, and for $252.1 billion in BA and $252.2 billion in outlays over five years. For Function 750, the House resolution rejects the President's repeated cut of local law enforcement programs. Instead, the function total includes enough resources to increase homeland security programs and provide for law enforcement programs, such as the State Criminal Alien Assistance Program (SCAAP)—and recognizes the importance of this critical reimbursement program.

In addition to rejecting the repeated cuts to SCAAP in the President's budget, the House resolution also rejects the President's cuts to Community Oriented Policing Services (COPS) and Edward Byrne Memorial Justice Assistance Grants—both of which are important priorities for keeping our communities safe. The House resolution values the funding Byrne-JAG provides to local law enforcement at a time when many communities are combating problems including a methamphetamine epidemic and other crimes.

In addition, the House resolution protects both our youth and victims of crime by restoring cuts to both juvenile justice and programs to prevent violence against women and by limiting amounts diverted from the Crime Victims Fund. The House resolution provides funding above the President's budget level for 2009 for these purposes and to protect the border.

Senate-passed Resolution

The Senate resolution calls for a total of $49.4 billion in BA and $46.9 billion in outlays for 2009, and $246.9 billion in BA and $247.5 billion in outlays over five years. This level restores cuts proposed in the President's budget and provides additional resources for several law enforcement grant programs such as COPS, including meth hotspot grants, and the Edward Byrne Memorial Justice Assistance Grant program. In addition, the Senate resolution restores cuts and provides additional resources to the State Criminal Alien Assistance Program, Violence Against Women Act programs, and DOJ Tribal Justice programs. The Senate resolution also includes increases in funding proposed in the President's budget for border security.

Conference Agreement

The conference agreement calls for a total of $48.3 billion in BA and $48.1 billion in outlays for 2009, and for $247.5 billion in BA and $248.1 billion in outlays over five years. For Function 750, . the agreement rejects the President's repeated cuts and provides additional resources for law enforcement programs such as COPS, including meth hotspot grants, the Edward Byrne Memorial Justice Assistance Grant program, and SCAAP an important reimbursement program for our state and local law enforcement agencies.

In addition, the conference agreement protects both our youth and victims of crime by rejecting cuts to juvenile justice, programs to prevent violence against women, and DOJ tribal justice programs. The agreement provides funding for these purposes and to protect the border.

GENERAL GOVERNMENT: FUNCTION 800

Function Summary

The General Government function consists of the activities of the Legislative Branch, the Executive Office of the President, general tax collection and fiscal operations of the Department of the Treasury (including the IRS), the Office of Personnel Management, the property and personnel costs of the General Services Administration, and general purpose fiscal assistance to states, localities, the District of Columbia, and U.S. territories.

House-passed Resolution

The House resolution calls for a total of $23.5 billion in BA and $23.9 billion in outlays for 2009, and for $107.4 billion in BA and $107.5 billion in outlays over five years. The budget resolution includes a program integrity initiative to increase IRS tax compliance efforts to collect unpaid taxes from those who are not paying what they owe. Funding in this function could be used for items such as H.R. 3548, the Plain Language in Government Communications Act of 2007, to enhance citizen access to government information and services by establishing plain language as the standard style of covered government documents issued to the public.

Senate-passed Resolution

The Senate resolution calls for $24.5 billion in BA and $24.4 billion in outlays for 2009, and $106.8 billion in BA and $106.9 billion in outlays over five years. The Senate resolution fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment that directs an additional $490 million to IRS enforcement activities. The Senate resolution includes funding to carry out the Freedom of Information Act (FOIA) by establishing the Office of Government Information Services at the National Archives. The Senate resolution also includes funding to construct a new headquarters for the Department of Homeland Security.

The Senate resolution includes a deficit-neutral reserve fund to accommodate legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, or makes changes to the Payments in Lieu of Taxes Act of 1976, or both. The Senate resolution also includes a deficit-neutral reserve fund for legislation that achieves savings by requiring that agencies increase their use of recovery audits.

Conference Agreement

The conference agreement includes $24.0 billion in BA and $24.4 billion in outlays for 2009, and $106.9 billion in BA and $107.0 billion in outlays over five years. It fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment (included in Function 920) that directs $490 million to IRS enforcement activities. The conference agreement includes a deficit-neutral reserve fund to accommodate legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, or makes changes to the Payments in Lieu of Taxes Act of 1976, or both.

NET INTEREST: FUNCTION 900

Function Summary

The Net Interest function is entirely mandatory with no discretionary components. It consists primarily of the interest paid by the federal government to private and foreign government holders of U.S. Treasury securities. It includes the interest on the public debt after deducting the interest income received by the federal government from trust fund investments, loans and cash balances, and earnings of the National Railroad Retirement Investment Trust.

House-passed Resolution

For the unified budget, the House resolution calls for a total of $216.8 billion in BA and outlays for 2009, and for $1.3 trillion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are $334.2 billion in BA and outlays for 2009, and $2.0 trillion in BA and outlays over five years.)

Since 2001, the federal government's net interest payments on its debt have grown dramatically, becoming one of the largest and fastest-growing components of the federal budget, exceeding spending on education, veterans' affairs, and homeland security combined.

Senate-passed Resolution

The Senate resolution calls for BA and outlays of $217.7 billion in unified net interest payments in 2009 and a total of $1.3 trillion over five years. (The on-budget totals for BA and outlays are $335.1 billion for 2009 and $2.0 trillion over five years.)

Conference Agreement

For the unified budget, the conference agreement calls for a total of $217.0 billion in BA and outlays for 2009, and for $1.3 trillion in BA and outlays over five years. (The on-budget amounts are $334.4 billion in BA and outlays for 2009, and $2.0 trillion in BA and outlays over five years.)

ALLOWANCES: FUNCTION 920

Function Summary

The Allowances function is used for planning purposes to address the budgetary effects of proposals or assumptions that cross several budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget function.

House-passed Resolution

The House resolution calls for a total of $0.0 billion in BA and $0.3 billion in outlays for 2009, and for −$0.8 billion in BA and −$0.3 billion in outlays over five years. The House resolution includes $1.0 billion in 2008 discretionary budget authority to cover unanticipated needs, should they arise. The House resolution also includes $750 million in mandatory savings over six years. These savings reflect a reconciliation instruction to the Ways and Means Committee. To meet the instructions, savings can be achieved in any program within the Committee's jurisdiction, other than Social Security, which reconciliation cannot impact.

Senate-passed Resolution

The Senate resolution calls for a total of −$14.9 billion in BA and −$4.1 billion in outlays for 2009, and −$49.6 billion in BA and −$43.7 billion in outlays over five years.

Conference Agreement

The conference agreement includes a total of −$13.2 billion in BA and −$6.5 billion in outlays for 2009, and −$63.2 billion in BA and −$54.8 billion in outlays over five years. These funding levels reflect adjustments for program integrity and other non-security adjustments.

UNDISTRIBUTED OFFSETTING RECEIPTS: FUNCTION 950

Function Summary

The Undistributed Offsetting Receipts function includes major offsetting receipt items that would distort the funding levels of other functional categories if they were distributed to them. Examples of such items include the employer share of federal employee retirement benefits, outer continental shelf rents and royalties, and the sale of major assets.

House-passed Resolution

For the unified budget, the House resolution calls for a total of −$81.0 billion in BA and outlays for 2009, and for −$444.9 billion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are −$67.1 billion in BA and outlays for 2009, and −$366.9 billion in BA and outlays over five years.) The negative spending in Function 950 represents CBO's baseline estimate of undistributed offsetting receipts.

Senate-passed Resolution

The Senate resolution calls for unified undistributed offsetting receipts of $81.0 billion in BA and outlays for 2009 and −$444.9 billion in BA and outlays over five years. (The on-budget totals for BA and outlays are −$67.1 billion for 2009 and −$366.9 billion over five years.) The Senate resolution matches CBO's baseline estimate of undistributed offsetting receipts.

Conference Agreement

For the unified budget, the conference agreement includes undistributed offsetting receipts of −$81.0 billion in BA and outlays for 2009, and −$444.9 billion in BA and outlays over five years. (The on-budget amounts are −$67.1 billion in BA and outlays for 2009, and −$366.9 billion in BA and outlays over five years.)

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES: FUNCTION 970

Function Summary

This function includes funding for overseas deployments and other activities.

House-passed Resolution

The House resolution includes, as a placeholder, an amount equal to the President's pending request for 2008 and 2009 to account for any future House consideration of appropriations for overseas deployments and other activities.

Senate-passed Resolution

The Senate resolution did not include Function 970.

Conference Agreement

The conference agreement includes Function 970 in an amount equal to the President's pending request for 2008 and 2009 as a placeholder to account for any future consideration of appropriations for overseas deployments and other activities.

RECONCILIATION

House-passed Resolution

Section 201 of the House-passed resolution contains reconciliation instructions. Reconciliation is a special congressional procedure used to implement the spending and revenue targets in a budget resolution. The instructions direct a committee to make changes in laws under its jurisdiction that affect revenues or direct spending to achieve a specified budgetary result. The legislation used to implement those instructions is reported as a reconciliation bill.

Section 201 contains two separate instructions to the House Committee on Ways and Means. Subsection (a) directs the Committee to report a measure by September 12, 2008, that reduces direct spending by $750 million for the period of 2008 through 2013. Subsection (b) directs the Committee to report a measure by July 15, 2008, to decrease revenues by $70 billion in 2009 and to increase revenues by $70 billion for the period of 2010 through 2013. When only one committee receives an instruction the measure is reported directly to the House.

Last year the House adopted a rule relating to reconciliation instructions (clause 7, Rule XXI). The rule requires that any reconciliation instruction must not increase the deficit or reduce the surplus over the pay-as-you-go time periods. These instructions satisfy the requirement established under clause 7 of Rule XXI.

Senate-passed Resolution

The Senate resolution did not include any reconciliation instructions.

Conference Agreement

The conference agreement does not include any reconciliation instructions.

RESERVE FUNDS

The House and the Senate use reserve funds in connection with consideration of deficit-neutral legislation that complies with each chamber's rules. The conference agreement therefore contains reserve funds for the House and for the Senate to address the rules and procedures that apply in each chamber.

House-passed Resolution

Sec. 301. Deficit-neutral reserve fund for the State Children's Health Insurance Program

The reserve fund accommodates legislation, within the jurisdiction of the Committee on Energy and Commerce, of up to $50 billion in additional outlays to improve children's health through reauthorization of the State Children's Health Insurance Program (SCHIP) as long as the authorizing legislation placed before the House complies with the pay-as-you-go principle. These additional resources will sustain current caseloads, expand coverage, and reduce the number of uninsured children. There are over nine million uninsured children in this nation. Last year, Congress twice passed bipartisan legislation that would have expanded coverage to nearly four million additional children if the President had not twice vetoed the legislation.

Sec. 302. Deficit-neutral reserve fund for veterans and servicemembers

The reserve fund accommodates legislation that enhances medical care for wounded or disabled military personnel or veterans; maintains affordable health care for military retirees and veterans; improves disability benefits or evaluations for wounded or disabled military personnel or veterans, including measures to expedite the claims process; expands eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay; eliminates the offset between Survivor Benefit Plan annuities and veterans' Dependency and Indemnity Compensation; or provides or increases benefits for Filipino veterans of World War II or their survivors and dependents, to the extent that any such legislation complies with the pay-as-you-go principle.

Sec. 303. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families

The reserve fund accommodates legislation that enhances education benefits or assistance for servicemembers, members of the National Guard, reservists, veterans, or their spouses, survivors, or dependents, to the extent that such legislation complies with the pay-as-you-go principle. Among the proposals that the reserve fund could accommodate is H.R. 3882, which would address a provision in law that results in certain members of the National Guard and Reserves receiving less in Montgomery GI bill (MGIB) education benefits than servicemembers who served about the same amount of time on active duty. The current requirement for receiving full MGIB benefits is active-duty service of 24 months.

Sec. 304. Deficit-neutral reserve fund for infrastructure investment

The reserve fund accommodates legislation that provides for increased investment in infrastructure projects, so long as it complies with the pay-as-you-go principle. The fund accommodates new investment in highways, bridges, transit, rail, aviation, ports, waterways, and water treatment facilities, among other types of infrastructure.

Sec. 305. Deficit-neutral reserve fund for renewable energy and energy efficiency

The reserve fund accommodates legislation that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; provides for reductions in greenhouse gas emissions; or facilitates the training of workers for these industries (green collar jobs), to the extent that any such legislation complies with the pay-as-you-go principle. For example, one item that the reserve fund could accommodate is extension of the solar energy and fuel cell investment tax credit.

Sec. 306. Deficit-neutral reserve fund for middle-income tax relief and economic equity

The reserve fund for middle-income tax relief supports legislation to reduce tax burdens on middle-income families and taxpayers that complies with the pay-as-you-go principle. This includes legislation such as the extension of the 10 percent individual income tax rate, marriage penalty relief, the child tax credit, the research and experimentation tax credit, the deduction for small business expensing, and the deduction for State and local sales taxes. It also accommodates elimination of estate taxes on all but a minute fraction of estates, and a tax credit for school construction.

Sec. 307. Deficit-neutral reserve fund for reform of the alternative minimum tax

The reserve fund for Alternative Minimum Tax (AMT) relief accommodates legislation that reforms the tax code to shield middle-income families from the AMT as long as it adheres to the pay-as-you-go principle. Without reform, the number of taxpayers subject to the AMT will rise from 4.2 million in 2007 to 25.7 million in 2008 and to 28.3 million in 2009, according to the Joint Committee on Taxation.

Sec. 308. Deficit-neutral reserve fund for higher education

The reserve fund accommodates reforms to the student loan programs or changes in law that increase benefits to students, consistent with the pay-as-you-go principle adopted by the House. Both the House and the Senate have passed bills to reauthorize the Higher Education Act, and this reserve fund will provide committees maximum flexibility in finding offsets to make college more affordable and accessible for students.

Sec. 309. Deficit-neutral reserve fund for affordable housing

The reserve fund accommodates legislation that creates an affordable housing fund, offset by savings from reforming the regulation of certain government-sponsored entities, such as Fannie Mae and Freddie Mac, to the extent that such legislation complies with the pay-as-you-go principle.

Sec. 310. Deficit-neutral reserve fund for Medicare improvements

The reserve fund accommodates additional mandatory spending for Medicare program improvements such as increasing the Medicare reimbursement rate for physicians while holding beneficiaries harmless from associated premium increases, as long as the legislation is consistent with the House pay-as-you-go principle. Under current law, physicians face a 10.6 percent cut in their Medicare payment rate on July 1 of this year, and further cuts every year through 2016. The reserve fund also accommodates other program improvements, such as greater access to preventive benefits; additional assistance for low-income beneficiaries; and better efficiencies within the Part D program, such as prompt payment of prescription drug claims; as long as the legislation is consistent with the pay-as-you-go principle.

Sec. 311. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency

The reserve fund accommodates legislation that: provides incentives or other support for adoption of modern health information technology; establishes a new federal or public-private initiative for research on the comparative effectiveness of different medical interventions; or that provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs; as long as the legislation is consistent with the House pay-as-you-go principle.

Sec. 312. Deficit-neutral reserve fund for Medicaid and other programs

The reserve fund accommodates legislation that prevents or delays the implementation or administration of regulations or administrative actions affecting Medicaid, SCHIP, or other programs, as well as extension of the Transitional Medical Assistance (TMA) or Qualified Individuals (QI) programs, as long as the legislation complies with the pay-as-you-go principle. TMA provides temporary Medicaid assistance for families transitioning to the workforce and QI provides premium assistance for lower-income Medicare beneficiaries.

Sec. 313. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization

The reserve fund accommodates legislation to reauthorize and expand the trade adjustment assistance program (TAA) and modernize the unemployment insurance (UI) system, consistent with the pay-as-you-go rule adopted by the House. Last year, the House passed legislation that included much-needed reforms to substantially increase the number of workers able to receive needed income support and job training.

Sec. 314. Deficit-neutral reserve fund for county payments legislation

The reserve fund accommodates any legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act (Public Law 106-393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), to the extent that such legislation complies with the pay-as-you-go principle. Public Law 106-393 provides economic assistance for roads and schools in rural communities affected by the loss of receipts from sales on federal lands in their communities. Federal payments under Public Law 94-565 to local governments are designed to offset lost property tax revenue from federal lands within the localities. Both forms of assistance are intended to compensate local governments for the tax-exempt status of the national forests and other federal lands.

Sec. 315. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements

The reserve fund accommodates legislation that would fulfill the purposes of the San Joaquin River Restoration Settlement Act, implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act, or both, to the extent that the legislation complies with the pay-as-you-go principle.

Sec. 316. Deficit-neutral reserve fund for the National Park Centennial Fund

The reserve fund accommodates any legislation that provides for the establishment of the National Park Centennial Fund, so long as it complies with the pay-as-you-go principle. The Centennial Fund would provide additional funding for specific Interior-approved, community-supported projects within the National Park system to improve parks and provide better visitor experiences.

Sec. 317. Deficit-neutral reserve fund for child support enforcement

The reserve fund accommodates legislation to increase the number of children who receive the full child support that is owed to them by enhancing federal collection efforts or supporting state initiatives to pass through 100 percent of collected child support to families, as long as the legislation complies with the pay-as-you-go principle. For every dollar the federal government spends on child support enforcement, $6.50 is collected on behalf of working families. Last year, the child support enforcement system collected $22 billion in private support for 17 million children.

Senate-passed Resolution

Sec. 301. Strengthening and stimulating the American economy and providing economic relief to American families

(a) Tax Relief. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of tax relief legislation, which may include extensions of expiring tax cuts and reinstatement of expired tax relief, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(b) Manufacturing. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation aimed at revitalizing the manufacturing sector in the United States, which may include tax incentives, increased research and development, and other important support, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(c) Housing. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide housing assistance, which may include low-income rental assistance, or establish an affordable housing fund to finance low-income housing investments, financed by contributions from the government-sponsored enterprises or other sources, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(d) Flood Insurance Reform. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that authorizes flood insurance reform and modernization, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(e) Trade. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to address our nation's trade agreements, preferences, sanctions, enforcement, or customs laws, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(f) Economic Relief for American Families. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation in the following areas, provided it is deficit-neutral over the total of 2008–2013 and 2008–2018:

(1) TANF—legislation reauthorizing Temporary Assistance for Needy Families supplemental grants or making improvements to the TANF program, child welfare programs, or child support enforcement. The legislation for improving child welfare includes steps to help support foster children being raised by grandparents, older youth aging out of foster care, and other improvements in child welfare financing to prevent child abuse and neglect and promote permanent families for children. In addition, legislation that strengthens support for treatment options for families struggling with substance abuse and addiction, and in particular takes steps to prevent the increased use of methamphetamines as well as provides treatment for addicted individuals and families can be accommodated within this reserve fund to improve child welfare.

(2) Child Care—legislation providing up to $5 billion for the child care entitlement to states.

(3) Emergency Food Assistance—legislation providing up to $40 million for the emergency food assistance program.

(4) Unemployment Compensation—legislation improving the unemployment compensation program.

(5) TAA—legislation reauthorizing trade adjustment assistance programs.

(g) America's Farms and Rural America.

(1) Farm Bill. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to reauthorize agricultural programs, address the needs of rural America, promote new sources of renewable energy from U.S. farm products, provide an economic safety net for agricultural producers, enhance the stewardship of our natural resources, address domestic nutrition needs, increase agricultural research, and improve our export competitiveness, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(2) County Payments. The Senate-passed resolution includes a deficit-neutral reserve fund allowing the Chairman of the Budget Committee to revise the levels and limits in the resolution for legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, makes changes to the Payments in Lieu of Taxes Act of 1976, or both, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 302. Improving education

The Senate-passed resolution includes deficit-neutral reserve funds allowing the Chairman of the Budget Committee to revise the levels in the resolution for—

(a) legislation to make higher education more accessible or more affordable, which may include increasing funding for the federal Pell Grant program or increasing federal student loan limits, modernize school facilities through renovation or construction bonds, reduce the cost to teachers of out-of-pocket expenses for school supplies, or provide tax incentives for highly-qualified teachers to serve in high-needs schools; and

(b) legislation to improve student achievement during secondary education—

provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 303. Investing in infrastructure

The Senate-passed resolution provides a reserve fund allowing the Chairman of the Budget Committee to revise the levels and limits in the resolution for legislation to provide a sustained, robust federal investment in our nation's infrastructure, which may include transit, housing, energy, water, highways, bridges, or other important infrastructure projects, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 304. Investing in clean energy, preserving the environment, and providing for certain settlements

(a) Energy and the Environment: The Senate-passed resolution includes a deficit-neutral reserve fund that will allow the Chairman of the Budget Committee to revise the levels and limits in the resolution for energy legislation or environmental legislation that would decrease greenhouse gas emissions, reduce our nation's dependence on imported energy, produce "green" jobs, or protect national parks, oceans, or coastal areas, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018. The legislation may include tax provisions.

(b) Settlements: The Senate-passed resolution includes a deficit-neutral reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation to carry out the San Joaquin River Restoration Settlement Act, or legislation to implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 305. Providing for America's veterans, wounded servicemembers, and a post-9/11 G.I. bill

The Senate-passed resolution includes deficit-neutral reserve funds allowing the Chairman of the Budget Committee to revise the levels in the resolution for—

(a) Veterans and Wounded Servicemembers: Legislation that would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans;

(2) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents;

(3) allow for the transfer of education benefits from servicemembers to family members or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation);

(4) provide for continuing payment to Armed Forces Members retired or separated due to combat-related injury after September 11, 2001, of bonuses they were entitled to prior to retirement or separation; or

(5) enhance availability of health care and other services for veterans in rural areas

—provided the legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or other third-party insurance payment offsets, and provided it is deficit-neutral over the total of 2008–2013 and 2008–2018.

(b) A Post-9/11 G.I. Bill: Legislation to enhance educational benefits of servicemembers and veterans with service on active duty in the Armed Forces on or after September 11, 2001, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 306. Improving America's health

The Senate-passed resolution includes deficit-neutral reserve funds allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation in the following areas, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(a) SCHIP: Legislation to reauthorize the State Children's Health Insurance Program, expand coverage of the estimated six million children eligible but not enrolled in either SCHIP or Medicaid, and maintain coverage for all currently-enrolled children.

(b) Medicare Improvements—

(1) Physician Payments: Legislation to increase the reimbursement rate for physician services under Medicare Part B. Under current law, without further Congressional action, physician payments under Medicare Part B will be cut over ten percent on July 1, 2008, and an additional five percent in subsequent years. The President's budget does not propose to prevent this cut. If no adjustments are made, over time, more and more physicians will stop providing services to Medicare patients, reducing seniors' access to care.

(2) Other Medicare Improvements: Legislation to make other improvements to the Medicare program, including improvements to the prescription drug benefit under Medicare Part D, adjustments to the Medicare Savings Program, reductions to beneficiary cost-sharing for preventive benefits under Medicare Part B, and to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers.

(3) Electronic Prescribing: Legislation to promote deployment and use of electronic prescribing technologies.

(4) Rural Equity Payment Policies: Legislation to preserve existing Medicare payment provisions supporting rural health care and promote Medicare payment policies that increase access to quality health care in isolated and undeserved rural areas.

(5) Medicare Low-Income Programs: Legislation making improvements to the Medicare Savings Program and the Medicare Part D low-income subsidy program.

(c) Health Care Quality, Effectiveness, Efficiency, and Transparency, including:

(1) Comparative Effectiveness Research: Legislation to establish a new federal or public-private initiative for comparative effectiveness research.

(2) Improving the Health Care System: Legislation to create a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in federal programs and the private health care system, while protecting the privacy of beneficiaries and other proprietary information.

(3) Health Information Technology and Best Practices—

(A) Health Information Technology: Legislation to provide incentives or other support for adoption of modern health information technology, including the adoption of electronic prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data.

(B) Best Practices: Legislation that provides for payments that are based on adherence to clinical "best practices."

(d) FDA, including:

(1) Regulation: Legislation that authorizes the Food and Drug Administration (FDA) to regulate products and assess user fees on manufacturers and importers of these products to cover the cost of FDA's regulatory activities, and

(2) Drug Importation: Legislation allowing for the safe importation of prescription drugs approved by the FDA.

(e) Medicaid, including:

(1) Rules or Administrative Actions: Legislation addressing certain rules or administrative actions, and

(2) TMA: Legislation extending the Transitional Medical Assistance program.

(f) Other Improvements in Health, including legislation making health insurance coverage more affordable and available to small businesses and their employees, improving health care and provide quality health insurance for the uninsured and underinsured, reauthorizing special diabetes programs, improving long-term care, or providing for mental health parity.

(g) Pediatric Dental Care, for legislation providing for improved access to pediatric dental care for children from low-income families. The Senate recognizes the importance of pediatric dental services in the overall health of children and the potential preventative dental care services have to save costs in the long run. However, access to pediatric dental services can be improved. For example, community-based dental clinics cite low reimbursement as a strain on their ability to treat uninsured patients and improve access to Medicaid and SCHIP beneficiaries. To address this issue, the Senate-passed resolution includes a deficit-neutral reserve fund for legislation to improve pediatric oral health and increase access to such services, including adequately compensating qualified dental clinics and other oral health providers for treatment of children from low-income families.

Sec. 308. Judicial pay and judgeships

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that authorizes salary adjustments for justices and judges of the United States or increases the number of federal judgeships, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 309. Reforming the AMT for individuals

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would reinstate the pre-1993 rates for the alternative minimum tax for individuals, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 310. Repealing the 1993 increase in the income tax on Social Security benefits

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would repeal the 1993 increase in the income tax on Social Security benefits, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 311. Improving energy efficiency and production

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation including specific proposals to improve energy efficiency and production, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 312. Immigration reform and enforcement

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide increased border security, immigration law enforcement, staffing, reform measures, and penalties against employers hiring undocumented immigrants; prohibit employers hiring undocumented immigrants from receiving federal contracts; provide funding for enforcing sanctions against such employers; deploy National Guard troops to the northern or southern borders of the U.S. under certain circumstances; evaluate noncitizen prison populations for removable criminal aliens; or implement exit data, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 313. Border security, immigration enforcement, and criminal alien removal

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that funds border security, immigration enforcement, and criminal alien removal programs, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 314. Science parks

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides grants and loan guarantees for developing and constructing science parks to promote innovation through high technology, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 315. Pilot program for background checks on long-term care employees

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides for a three-year extension of the pilot program for national and state background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and removes the limit on the number of participating states under the pilot program, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 316. Studying the effect of cooperation with local law enforcement

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that requires an assessment of the impact of local ordinances prohibiting cooperation with the Department of Homeland Security regarding the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activities by immigrant victims of crime, and level of public safety; changes in the number of reported incidents or complaints of racial profiling; or wrongful detention of U.S. citizens and lawful permanent residents, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 317. Terminating deductions from mineral revenue payments to states

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would terminate the authority to deduct certain amounts from mineral revenues payable to states, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 318. Establishing state internet sites for disclosure of information regarding payments made under the state Medicaid program

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution if legislation is reported by the Finance Committee that provides for states to disclose through a publicly accessible internet site institutional providers receiving payment under the state Medicaid program, amounts paid to each provider each year, the number of patients treated by each provider, and the dollar amount paid per patient to each provider, provided that the Finance Committee is within its committee allocation pursuant to section 302(a) of the Congressional Budget Act of 1974 and such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 319. Traumatic brain injury

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide at least $9 million for 2009 to fund traumatic brain injury programs, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 320. Improving the animal health and disease program

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would fully fund the animal health and disease program, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 321. Implementing yellow ribbon reintegration program for National Guard and Reserve members

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide for implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve, provided such legislation is deficit-neutral over the total of 2008–2013.

Sec. 322. Reimbursing states for costs of housing undocumented criminal aliens

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would reimburse states and local governments for costs incurred to house undocumented criminal aliens, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 323. Acceleration of phased-in eligibility for concurrent receipt of benefits

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would change the date from December 31, 2013, to September 30, 2008, by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation would be fully phased in, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 324. Increased use of recovery audits

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would achieve savings by requiring agencies to increase their use of recovery audits and use those savings to reduce the deficit, provided such legislation would not increase the deficit over the total of 2008–2013 or 2008–2018.

Sec. 325. Food safety

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would expand FDA and Department of Agriculture food safety inspection services, develop risk-based approaches to inspecting domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education, and enhance the FDA's recall authority, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 326. Demonstration project regarding Medicaid coverage of low-income HIV-infected individuals

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide for a demonstration project under which a state may apply to provide medical assistance under a state Medicaid program to HIV-infected individuals who are otherwise ineligible for such medical assistance, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 327. Reducing the income threshold for the refundable child tax credit

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would reduce the income threshold for the refundable child tax credit to $10,000 for 2009 and 2010 with no inflation adjustment, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 329. Education reform

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would promote flexibility in federal education programs, restore state and local authority in education, ensure that public schools are held accountable for results, and prevent discrimination against homeschoolers, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 330. Processing naturalization applications

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide for adjudication of name check and security clearances by the FBI or provide for adjudication of applications, including interviewing and swearing-in of applications by the Department of Homeland Security/U.S. Citizenship and Immigration Services by October 1, 2008, for individuals who have submitted applications for naturalization before March 1, 2008, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 331. Access to quality and affordable health insurance

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would promote choice and competition to drive down costs and improve access to health care for all Americans without increasing taxes, strengthen health care quality by promoting wellness and empowering consumers with information on quality and cost, protect Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability, and promote advanced research and development of new treatments and cures, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 332. 9/11 health program

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution if the HELP Committee reports legislation to establish a program that includes medical monitoring and treatment to address adverse health impacts linked to the September 11, 2001 attacks, and if the HELP

Committee finds that previously spent World Trade Center Health Program funds were used to provide screening, monitoring, and treatment services and directly related program support, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Sec. 333. Banning Medicare Advantage and Medicare prescription drug plan sales and marketing abuses

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would limit inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting recommendations agreed to by leaders of the health insurance industry on March 3, 2008, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

Conference Agreement

Title II of the conference agreement contains reserve funds.

Subtitle A: House reserve funds

Subtitle A of the conference agreement contains the following reserve funds that apply only in the House:

Sec. 201. Deficit-neutral reserve fund for SCHIP legislation (Sec. 301 of the House-passed resolution)

Sec. 202. Deficit-neutral reserve fund for America's veterans and servicemembers (Sec. 302 of the House-passed resolution, as modified)

Sec. 203. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families (Sec. 303 of the House-passed resolution, as modified)

Sec. 204. Deficit-neutral reserve fund for infrastructure investment (Sec. 304 of the House-passed resolution, as modified)

Sec. 205. Deficit-neutral reserve fund for renewable energy and energy efficiency (Sec. 305 of the House-passed resolution)

Sec. 206. Deficit-neutral reserve fund for middle-income tax relief and economic equity (Sec. 306 of the House-passed resolution)

Sec. 207. Deficit-neutral reserve fund for reform of the alternative minimum tax (Sec. 307 of the House-passed resolution)

Sec. 208. Deficit-neutral reserve fund for higher education (Sec. 308 of the House-passed resolution)

Sec. 209. Deficit-neutral reserve fund for affordable housing (Sec. 309 of the House-passed resolution)

Sec. 210. Deficit-neutral reserve fund for Medicare improvements (Sec. 310 of the House-passed resolution, as modified)

Sec. 211. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency (Sec. 311 of the House-passed resolution, as modified)

Sec. 212. Deficit-neutral reserve fund for Medicaid and other programs (Sec. 312 of the House-passed resolution, as modified)

Sec. 213. Deficit-neutral reserve fund for a 9/11 health program (Sec. 332 of the Senate-passed resolution, as modified)

Sec. 214. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization (Sec. 313 of the House-passed resolution)

Sec. 215. Deficit-neutral reserve fund for county payments legislation (Sec. 314 of the House-passed resolution)

Sec. 216. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements (Sec. 315 of the House-passed resolution, as modified)

Sec. 217. Deficit-neutral reserve fund for the National Park Centennial Fund (Sec. 316 of the House-passed resolution)

Sec. 218. Deficit-neutral reserve fund for child support enforcement (Sec. 317 of the House-passed resolution)

Sec. 219. Deficit-neutral reserve fund for children and families (Sec. 301(f) of the Senate-passed resolution, as modified)

Sec. 220. Reserve fund adjustment for revenue measures in the House

Last year, section 321 of the Conference Report to accompany S. Con. Res. 21 created a reserve fund for consideration of any revenue measure (including a conference report) in the House. This section supersedes last year's provision. It applies to revenue measures that would increase the deficit or reduce the surplus in violation of the House PAYGO rule and would reduce revenues below the revenue levels for the period of fiscal years 2009 through 2013 as measured against the Congressional Budget Office baseline used for consideration of this concurrent resolution. The revenue measure can become effective only upon certification by the Secretary of the Treasury and the Director of the Office of Management and Budget that any reduction in revenues for the period comprising the fiscal years through 2013 will not exceed the lesser of $340.570 billion or 80 percent of the sum of the unified budget surplus for fiscal years 2012 and 2013, as estimated by them no earlier than October 1, 2009. If this certification provision is not included in the language of the measure, the Chairman of the House Budget Committee will adjust aggregate revenue levels in the resolution to create a point of order in the House against the measure under section 311 of the Congressional Budget Act. The Chairman would readjust the levels upon disposition of any measure considered in violation of this section. This point of order would be in addition to a House PAYGO point of order, which lies against any bill that is not deficit-neutral over the periods specified in the PAYGO rule, notwithstanding any other provisions of this conference agreement.

Any measure, including a conference report, that is in violation of the PAYGO rule and decreases revenues in fiscal years 2009 through 2013 below the CBO baseline for that period, would have this additional point of order against it in the House, unless the measure includes a provision consistent with the following:

> None of the provisions of this Act or amendments made by it shall have legal force or effect unless on or after October 1, 2009, the Secretary of the Treasury and the Director of the Office of Management and Budget project a unified budget surplus for the fiscal years 2012 and 2013, estimate the budgetary impact of this Act, and certify by a joint communication, published in the Federal Register, that the estimated reduction in revenues for the period comprising the fiscal years through 2013 resulting from this Act (including any amendments made by this Act) will not exceed the lesser of $340.570 billion or 80 percent of the sum of the projected unified surplus for fiscal years 2012 and 2013.

Section 220 is a reserve fund that applies in the House only. It does not apply in the Senate. Its inclusion in this conference report, and the inclusion of the above language by the House of Representatives in this joint statement regarding the operation of this section in the House, is not to be construed as setting any procedural precedent in the Senate and does not reflect the Senate's agreement to any provisions in any conference agreement on revenue measures that are affected in the House by the requirements of this reserve fund.

Subtitle B: Senate reserve funds

Subtitle B of the conference agreement contains the following reserve funds that apply only in the Senate:

Sec. 221. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families (Sec. 301 of the Senate-passed resolution, as modified)

Sec. 222. Deficit-neutral reserve fund for improving education (Secs. 302 and 329 of the Senate-passed resolution, as modified)

Sec. 223. Deficit-neutral reserve fund for investments in America's infrastructure (Sec. 303 of the Senate-passed resolution)

Sec. 224. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements (combines provisions from Sec. 304 and Sec. 311 of the Senate-passed resolution, as modified)

Sec. 225. Deficit-neutral reserve fund for America's veterans and servicemembers (Sec. 305(a) of the Senate-passed resolution, as modified)

Sec. 226. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families (Sec. 305(b) of the Senate-passed resolution, as modified)

Sec. 227. Deficit-neutral reserve fund to improve America's health (Secs. 306, 315, and 333 of the Senate-passed resolution, as modified)

Sec. 228. Deficit-neutral reserve fund for reform of the alternative minimum tax (Sec. 309 of the Senate-passed resolution, as modified)

Sec. 229. Deficit-neutral reserve fund for judicial pay and judgeships (Sec. 308 of the Senate-passed resolution)

Sec. 230. Deficit-neutral reserve fund for immigration enforcement and reform (replaces Secs. 312, 313, 316, 322, and 330 of the Senate-passed resolution)

Sec. 231. Deficit-neutral reserve fund for science parks (Sec. 314 of the Senate-passed resolution, as modified)

Sec. 232. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States (Sec. 317 of the Senate-passed resolution, as modified)

Sec. 233. Deficit-neutral reserve fund for increased used of recovery audits (Sec. 324 of the Senate-passed resolution)

Sec. 234. Deficit-neutral reserve fund for food safety (Sec. 325 of the Senate-passed resolution, as modified)

Sec. 235. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals (Sec. 326 of the Senate-passed resolution)

Sec. 236. Deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit, and other selected tax relief policies (Sec. 327 of the Senate-passed resolution, as modified)

Sec. 237. Deficit-neutral reserve fund for a 9/11 health program (Sec. 332 of the Senate-passed resolution, as modified)

Throughout this subtitle, the use of the word "limits" refers to the discretionary spending limits in the Senate.

BUDGET ENFORCEMENT

The House and the Senate use enforcement provisions to ensure that legislation is consistent with the budget plan set forth in the budget resolution. The conference agreement contains enforcement provisions for the

House and Senate to accommodate the procedures that apply to consideration of legislation in each chamber. Other provisions applicable in both the House and Senate are included in Subtitle C.

House-passed Resolution

Sec. 401. Program Integrity Initiatives

Section 401 provides for specific allocation adjustments for the Committee on Appropriations when the Committee reports legislation that includes increased appropriations for the following four program integrity initiatives: 1) continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration; 2) improved compliance with the provisions of the Internal Revenue Code; 3) the Health Care Fraud and Abuse Control program at the Department of Health and Human Services; and 4) unemployment insurance in-person reemployment and eligibility assessments and improper payment reviews.

The adjustments under this section are intended to do no more than provide additional administrative funding for current program integrity activities to eliminate errors or fraud in the operation of a number of federal programs and to promote compliance with federal tax laws. For example, the adjustment for unemployment compensation programs is provided to increase limited administrative funding for current program integrity activities, and not to finance other proposals that would adversely affect workers who have received unemployment benefits. The section outlines procedures for these allocation adjustments.

Sec. 402. Oversight of Government Performance

Section 402 directs Committees of the House of Representatives to review programs within their jurisdiction for waste, fraud, and abuse and to include recommendations for improved governmental performance in views and estimates submitted to the Budget Committee pursuant to section 301(d) of the Congressional Budget Act.

Sec. 403. Advance Appropriations

Section 403 limits the amount and type of advance appropriations for fiscal years 2010 and 2011. Under this section, advance appropriations for fiscal year 2010 are restricted to $27.558 billion for the programs, projects, activities, or accounts to be included in the joint explanatory statement of managers to accompany the conference report on this resolution. Advances for 2011 are listed separately. The section defines advance appropriations as any new discretionary budget authority provided in a bill or joint resolution making general or continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

Sec. 404. Overseas Deployments and Emergency Needs

Section 404 establishes a procedure whereby provisions or measures reported by the Committee on Appropriations will be exempt from the restrictions under titles III and IV of the Congressional Budget Act of 1974. The exemption will apply if: (1) the Committee determines and designates that amounts appropriated are necessary for overseas deployments and related activities; or, (2) the Committee provides discretionary appropriations and designates those amounts as necessary to meet emergency needs.

Sec. 405. Budgetary Treatment of Certain Discretionary Administrative Expenses

Section 405 provides that administrative expenses of the Social Security Administration and of the Postal Service shall be part of the annual appropriations process by including those expenses in the allocation to the Committee on Appropriations pursuant to section 302 of the Congressional Budget Act.

Sec. 406. Application and Effect of Changes in Allocations and Aggregates

Section 406 details the allocation and aggregate adjustment procedures that are required to accommodate legislation for the reserve funds and program integrity initiatives in this resolution. This section provides that the adjustments shall apply while the legislation is under consideration and take effect upon enactment of the legislation. In addition, the section requires the adjustments to be printed in the Congressional Record.

The section also notes that, for purposes of enforcement, aggregate and allocation levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the original levels of Title I of this budget resolution. This section also provides that the Committee on the Budget shall determine the budgetary levels and estimates which are required to enforce points of order under the Congressional Budget Act.

Sec. 407. Adjustments to Reflect Changes in Concepts and Definitions

Section 407 requires the chairman of the Committee on the Budget to adjust levels and allocations in this budget resolution upon enactment of legislation that changes concepts or definitions.

Sec. 408. Exercise of Rulemaking Powers

Section 408 provides that, once adopted, the provisions of the budget resolution are incorporated into the rules of the House of Representatives and shall supersede inconsistent rules. The section recognizes the constitutional right of the House of Representatives to change those rules at any time.

Senate-passed Resolution

The FY2008 budget resolution (S. Con Res. 21, 110th Congress) included many important enforcement provisions which remain in effect in the Senate. These include:

- The Senate pay-as-you-go point of order (Sec. 201), requiring that new mandatory spending and tax cuts be offset or get 60 votes. The Senate-passed resolution assumed that all existing balances on the Senate pay-as-you-go ledger would be eliminated, and the scorecard reset to zero for 2008–2013 and 2008–2018;
- The 60-vote point of order against reconciliation increasing the deficit (Sec. 202);
- The 60-vote point of order against emergency designations (Sec. 204);
- Continued 60-vote enforcement of Senate budgetary points of order (Sec. 205); and
- The requirement that the discretionary administrative expenses of the Social Security Administration be included in the Appropriations Committee's 302(a) allocation in any budget resolution (Sec. 210).

The Senate-passed resolution for 2009, S. Con. Res. 70, included the following enforcement provisions, most of which updated provisions that were part of the 2008 budget resolution.

Subtitle A—Direct Spending and Receipts

Sec. 201. Point of order against legislation increasing long-term deficits

The Senate-passed resolution included a point of order in the Senate against legislation that would cause a net deficit increase (including changes in revenues and mandatory spending, but excluding debt service) in any of the four consecutive ten-year periods beginning with the first fiscal year that is ten years after the budget year provided for in the most recently-adopted budget resolution (for 2009 these time periods would be 2019–2028, 2029–2038, 2039–2048, and 2049–2058). The point of order could be waived with 60 votes, and it would sunset at the end of 2017.

Sec. 202. Point of order—20 percent limit on new direct spending in reconciliation legislation

The Senate-passed resolution would create a 60–vote point of order against provisions of any reconciliation legislation that would increase outlays if the effect of all the provisions in any committee's jurisdiction would create gross new direct spending exceeding 20% of the total savings instruction to that committee.

Subtitle B—Discretionary Spending

Sec. 211. Discretionary spending caps

The Senate-passed resolution would strengthen fiscal responsibility by establishing discretionary spending limits for 2008 and 2009, and enforce them with a point of order in the Senate that could only be waived with 60 votes. For 2008, it provides a cap of $1,055.478 billion in budget authority and $1,093.343 billion in outlays. For 2009, it sets a cap of $1,008.482 billion in budget authority and $1,108.449 billion in outlays.

As in past years, the Senate resolution would permit adjustments to the discretionary spending limits in 2009 for program integrity initiatives, such as Social Security Administration continuing disability reviews (CDRs) and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for the Health Care Fraud and Abuse Control (HCFAC) program at the Department of Health and Human Services, and unemployment insurance improper payments reviews at the Department of Labor. It also provides for adjustments in 2008 and 2009 for the wars in Iraq and Afghanistan, as well as adjustments in 2009 for comparative effectiveness research at the Agency for Healthcare Research and Quality (AHRQ).

The Senate resolution also includes a program integrity cap adjustment dedicated to reducing waste in defense contracting. It allows the Chairman of the Budget Committee to increase the discretionary spending cap by up to $100,000,000 to accommodate legislation appropriating funding for the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting; achieve the legal requirement for the Pentagon to submit auditable financial statements; subject contracts performed outside the U.S. to the same requirements as those performed domestically; or improve accounting for and ordering of spare parts.

Sec. 212. Advance appropriations

As in past years, the Senate-passed resolution provided a supermajority point of order in the Senate against appropriations in fiscal year 2009 bills that would first become effective in any year after fiscal year 2009, and against appropriations in fiscal year 2010 bills that would first become effective in any year after fiscal year 2010. It would not apply against appropriations for the Corporation for Public Broadcasting, nor against changes in mandatory programs or deferrals of mandatory budget authority from one year to the next. There is an exemption for each of fiscal years 2009 and 2010 of up to $29.352 billion for the following:

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS IN THE SENATE

Labor, HHS:

Employment and Training Administration
Job Corps
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Career, Technical, and Adult Education
Financial Services and General Government: Payment to Postal Service
Transportation, Housing and Urban Development: Section 8 Renewals

Sec. 213. Appropriations changes in mandatory programs (ChIMPs) with net costs

The Senate-passed resolution again included a 60-vote point of order against any provision of appropriations legislation that would have been estimated as affecting direct spending or receipts if it were included in legislation other than appropriations legislation, if all three of the following conditions are met:

(1) the provision would increase BA in—

(a) at least one of the nine fiscal years that follow the budget year, and

(b) over the period of the total of the budget year and the nine fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the nine fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the nine fiscal years following the budget year.

The point of order would not apply against any ChIMPs that were enacted in each of the three fiscal years prior to the budget year. The point of order works like the Byrd rule in that it applies against individual provisions of legislation rather than against an entire bill, amendment, or conference report. If the point of order is not waived then the offending provision is stricken.

Sec. 214. Treatment of Postal Service administrative expenses

The 2008 budget resolution included a provision, which remains in effect, requiring that all budget resolutions include the Administrative Expenses of the Social Security Administration in the 302(a) allocations to the Appropriations Committee. The Senate-passed resolution for 2009 included a new, similar requirement, that all budget resolutions include the Administrative Expenses of the Postal Service in the 302(a) allocations to the Appropriations Committee.

Subtitle C—Other Provisions

Sec. 221. Application and effect of changes in allocations and aggregates

This section of the Senate-passed resolution details the adjustment procedures required to accommodate legislation provided for in this resolution, and requires adjustments made to be printed in the Congressional Record. For purposes of enforcement, the levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the levels of Title I of this resolution. The Committee on the Budget of the Senate determines the budgetary levels and estimates required to enforce budgetary points of order, including those pursuant to this resolution and the Congressional Budget Act of 1974.

Sec. 222. Adjustments to reflect changes in concepts and definitions

This section of the Senate-passed resolution allows the Chairman of the Committee on the Budget to adjust levels in this resolution upon the enactment of legislation that changes concepts or definitions.

Secs. 223 and 224. Debt disclosure

These sections reflected an amendment adopted in the Senate Budget Committee regarding the levels of debt assumed in the budget resolution and to require budget resolutions to contain a debt disclosure section.

Sec. 225. Exercise of rulemaking powers

This section of the Senate-passed resolution recognizes that the provisions of this resolution are adopted pursuant to the rulemaking power of the Senate, and also recognizes the Constitutional right of the Senate to change those rules as they apply to the Senate.

Sec. 226. Circuit breaker to protect Social Security

This section of the Senate resolution would create a 60-vote point of order, in any year in which CBO projects an on-budget deficit for the budget year or any subsequent fiscal year, against a budget resolution for that year (and amendments thereto) which would fail to reduce on-budget deficits relative to CBO's projections and put the budget on a path to achieve on-budget balance within five years. There is an exception during times of war and low economic growth.

Conference Agreement

Title III contains the following enforcement provisions:

Subtitle A: House Enforcement Provisions

Sec. 301. Program integrity initiatives and other adjustments (Secs. 401 and 404 of the House-passed resolution, as modified, and Sec. 211 (d) of the Senate-passed resolution, as made applicable in the House)

Sec. 302. Point of order against advance appropriations (Sec. 403 of the House-passed resolution, as modified)

Accounts identified for advance appropriations in the House:

Advance Appropriations for Fiscal Year 2010:

Employment and Training Administration
Job Corps
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Career, Technical and Adult Education
Payment to Postal Service
Tenant-based Rental Assistance
Project-based Rental Assistance

Advance Appropriations for Fiscal Year 2011:

The Corporation for Public Broadcasting

Subtitle B: Senate Enforcement Provisions

The FY2008 budget resolution (S. Con Res. 21, 110th Congress) included many important enforcement provisions which remain in effect in the Senate. These include:

- The Senate pay-as-you-go point of order (Sec. 201), requiring that new mandatory spending and tax cuts be offset or get 60 votes. The Senate-passed resolution assumed that all existing balances on the Senate pay-as-you-go ledger would be eliminated, and the scorecard reset to zero for 2008–2013 and 2008–2018;
- The 60-vote point of order against reconciliation increasing the deficit (Sec. 202);
- The 60-vote point of order against emergency designations (Sec. 204);
- Continued 60-vote enforcement of Senate budgetary points of order (Sec. 205); and
- The requirement that the discretionary administrative expenses of the Social Security Administration be included in the Appropriations Committee's 302(a) allocation in any budget resolution (Sec. 210).

Sec. 311. Senate point of order against legislation increasing long-term deficits (Sec. 201 of the Senate-passed resolution, as modified)

Sec. 312. Discretionary spending limits, program integrity initiatives, and other adjustments (Sec. 211 of the Senate-passed resolution, as modified)

Sec. 313. Point of order against advance appropriations (Sec. 212 of the Senate-passed resolution, as modified)

Accounts identified for advance appropriations in the Senate:

Labor, HHS:
Employment and Training Administration
Job Corps
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Career, Technical, and Adult Education
Financial Services and General Government: Payment to Postal Service
Transportation, Housing and Urban Development:
Tenant-based Rental Assistance
Project-based Rental Assistance

Sec. 314. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs (Sec. 213 of the Senate-passed resolution, as modified)

Sec. 315. Senate point of order against legislation increasing short-term deficit

This section creates a point of order in the Senate against legislation other than appropriations measures that would increase the on-budget deficit by more than $10 billion in any year covered by the budget resolution, unless the legislation is fully offset over the total of all of the years covered by the budget resolution. Its purpose is to complement paygo, by requiring that any measure with a cost of over $10 billion in any year be paid for over the budget window. The point of order can be waived only with 60 votes. Like paygo and other Senate points of order, it will remain in place until September 30, 2017.

Subtitle C: Other Provisions

Sec. 321. Oversight of government performance (Sec. 402 of the House-passed resolution and Sec. 211(d) of the Senate-passed resolution, as modified)

Sec. 322. Budgetary treatment of certain discretionary administrative expenses (Sec. 405 of the House-passed resolution and Sec. 214 of the Senate-passed resolution, as modified)

Sec. 323. Application and effect of changes in allocations and aggregates (Sec. 406 of the House-passed resolution and Sec. 221 of the Senate-passed resolution, as modified)

Sec. 324. Adjustments to reflect changes in concepts and definitions (Sec. 407 of the House-passed resolution and Sec. 222 of the Senate-passed resolution, as modified)

Sec. 325. Exercise of rulemaking powers (Sec. 408 of the House-passed resolution and Sec. 225 of the Senate-passed resolution, as modified)

POLICY

House-passed Resolution

Title V of the House-passed resolution contains the following policy sections:

Sec. 501. Policy on middle-income tax relief

Sec. 502. Policy on defense priorities

Senate-passed Resolution

Unlike Title V of the House-passed resolution, the Senate resolution did not contain a policy statement title.

Conference Agreement

Title IV of the conference agreement contains the following policy sections:

Sec. 401. Policy on middle-income tax relief

Sec. 401 applies only in the House.

The policy of the Senate with regard to middle-income tax relief is as follows:

The Senate adopted by a vote of 99 to 1 an amendment to S. Con. Res. 70 as reported by the Senate Committee on the Budget which, with regard to tax relief, reduced the revenue aggregates by $340.570 billion to provide for—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) reform of the estate tax to protect small businesses and family farms;

(E) extension of the adoption tax credit;

(F) extension of the dependent care tax credit;

(G) tax relief for America's troops and veterans;

(H) property tax relief for homeowners;

(I) expansion of the availability of the child tax credit for low-income families;

(J) relief for those whose homes were damaged or destroyed by Hurricanes Katrina and Rita; and

(K) other, unspecified tax relief.

It is the policy of the Senate that this resolution supports both the enactment of the policies listed above and the Senate pay-as-you-go rule in section 201 of the FY2008 budget resolution (S. Con Res. 21, 110th Congress), and that any additional revenues needed to meet the Senate's tax policy goals can be achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes.

Sec. 402. Policy on defense priorities

Sec. 402 applies in both the House and the Senate.

SENSE OF THE HOUSE, SENATE, AND CONGRESS

House-passed Resolution

Title VI of the House-passed resolution contains the following Sense of the House sections:

Sec. 601. Sense of the House on the Innovation Agenda and America COMPETES Act

Sec. 602. Sense of the House on servicemembers' and veterans' health care and other priorities

Sec. 603. Sense of the House on homeland security

Sec. 604. Sense of the House regarding long-term fiscal reform

Sec. 605. Sense of the House regarding waste, fraud, and abuse

Sec. 606. Sense of the House regarding extension of the statutory pay-as-you-go rule

Sec. 607. Sense of the House on long-term budgeting

Sec. 608. Sense of the House regarding the need to maintain and build upon efforts to fight hunger

Sec. 609. Sense of the House regarding affordable health coverage

Sec. 610. Sense of the House regarding pay parity

Sec. 611. Sense of the House regarding subprime lending and foreclosures

Sec. 612. Sense of the House regarding the importance of child support enforcement

Senate-passed Resolution

Title III of the Senate-passed resolution contains the following Sense of the Senate sections:

Sec. 307. Sense of the Senate regarding Medicaid administrative regulations

The Senate-passed resolution expresses the sense of the Senate that administrative regulations should not undermine Medicaid's role as a critical component of health care in the United States, cap Medicaid spending or otherwise shift Medicaid cost burdens to state or local governments and their taxpayers and health providers, or undermine the federal guarantee of health insurance coverage that Medicaid provides.

Sec. 328. Sense of the Senate regarding diversion of funds set aside for USPTO

The Senate-passed resolution expresses the sense of the Senate that none of the funds recommended by this resolution or appropriated or otherwise made available under any other Act to the U.S. Patent and Trademark Office shall be diverted, redirected, transferred, or used for any purpose other than that for which the funds were intended.

Sec. 334. Sense of the Senate regarding "moving to work agreement"

The Senate-passed resolution expresses the sense of the Senate that the Philadelphia Housing Authority should be granted a one-year extension of its "Moving to Work Agreement" with the U.S. Department of Housing and Urban Development.

Sec. 335. Sense of the Senate regarding balanced budget amendment to the Constitution of the United States

The Senate-passed resolution expresses the sense of the Senate that a balanced budget amendment to the Constitution should be voted on at the earliest opportunity.

Sec. 336. Sense of the Senate regarding comprehensive legislation to legalize importation of prescription drugs from highly-industrialized countries with safe pharmaceutical infrastructures

The Senate-passed resolution expresses the sense of the Senate in support of Senate consideration of comprehensive legislation to legalize the importation of prescription drugs from highly-industrialized countries with safe pharmaceutical infrastructures and create a regulatory pathway to ensure such drugs are safe.

Conference Agreement

Title V of the conference agreement contains the following sense of the Senate and Congress provisions:

Subtitle A: Sense of the Senate

Sec. 501. Sense of the Senate regarding Medicaid administrative regulations

Subtitle B: Sense of the Congress

Sec. 511. Sense of the Congress on servicemembers' and veterans' health care and other priorities

Sec. 512. Sense of the Congress on homeland security

Sec. 513. Sense of the Congress regarding long-term fiscal reform

Sec. 514. Sense of the Congress regarding waste, fraud, and abuse

Sec. 515. Sense of the Congress regarding extension of the statutory pay-as-you-go rule

Sec. 516. Sense of the Congress on long-term budgeting

Sec. 517. Sense of the Congress regarding affordable health coverage

Sec. 518. Sense of the Congress regarding pay parity

Sec. 519. Sense of the Congress regarding subprime lending and foreclosures

Sec. 520. Sense of the Congress regarding the need to maintain and build upon efforts to fight hunger

Sec. 521. Sense of the Congress regarding the importance of child support enforcement

Sec. 522. Sense of the Congress on the Innovation Agenda and America COMPETES Act

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is built upon the economic forecasts developed by the Congressional Budget Office, as updated in March 2008 to include the forecasted economic effects of the fiscal stimulus package.

House-passed Resolution

CBO's economic assumptions were used.

SENATE-PASSED RESOLUTION

CBO's economic assumptions were used.

CONFERENCE AGREEMENT

CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION

[Calendar Years]

	2008	2009	2010	2011	2012	2013
Real GDP, Percent Change, Year Over Year	1.9	2.3	3.9	3.6	2.7	2.6
GDP Price Index, Percent Change, Year Over Year	1.8	1.7	1.9	1.9	1.8	1.9
Consumer Prices, Percent Change, Year Over Year	2.8	1.9	1.9	2.1	2.2	2.2
Unemployment Rate, Percent, Yearly Average	5.2	5.5	5.1	4.8	4.8	4.8
3-Month Treasury Bill Rate, Percent, Yearly Average	2.1	2.4	4.4	4.6	4.7	4.7
10-Year Treasury Bond Rate, Percent, Yearly Average	3.6	3.8	5.0	5.2	5.2	5.2

ALLOCATIONS

As required in section 302 of the Congressional Budget Act, the joint statement of managers includes an allocation, based on the conference agreement, of total budget authority and total budget outlays among each of the appropriate committees. The allocations are as follows:

Allocation of Spending Authority to House Committee on Appropriations
(In millions of dollars)

		2008 1/	2009
Discretionary Action	BA	1,050,478	1,011,718
	OT	1,094,944	1,106,112
Current Law Mandatory	BA	585,962	576,002
	OT	569,537	564,401

1/ Revision to amounts included in S. Con. Res. 21. Includes emergencies incorporated in the Congressional Budget Office March baseline.

ALLOCATIONS OF SPENDING AUTHORITY
TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS
(In millions of dollars)

			Total
	2008 1/	2009	2009-2013
Committee on Agriculture			
Current Law			
BA	11,727	4,722	19,098
OT	14,389	4,172	18,040
Reauthorizations			
BA	696	49,116	258,683
OT	195	48,992	256,484
Legislation Pending Signature			
BA	2,631	2,915	10,751
OT	995	2,345	6,882
Total			
BA	15,054	56,753	288,532
OT	15,579	55,509	281,406
Committee on Armed Services			
Current Law			
BA	118,947	126,033	668,582
OT	118,740	125,867	667,924
Committee on Education and Labor			
Current Law			
BA	5,300	4,599	37,419
OT	5,776	3,447	38,266
Reauthorizations			
BA	0	2,975	17,690
OT	0	1,934	16,179
Total			
BA	5,300	7,574	55,109
OT	5,776	5,381	54,445
Committee on Energy and Commerce			
Current Law			
BA	243,778	260,159	1,466,490
OT	245,897	260,365	1,467,530
Reauthorizations			
BA	0	0	20,160
OT	0	1,552	22,030
Total			
BA	243,778	260,159	1,486,650
OT	245,897	261,917	1,489,560
Committee on Financial Services			
Current Law			
BA	7,255	3,992	23,648
OT	2,337	-566	-7,256

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

(In millions of dollars)

	2008 1/	2009	Total 2009-2013
Committee on Foreign Affairs			
Current Law			
BA	15,852	15,966	73,053
OT	15,819	15,955	73,024
Committee on Homeland Security			
Current Law			
BA	1,751	1,561	8,455
OT	1,443	1,532	8,509
Committee on House Administration			
Current Law			
BA	70	69	341
OT	225	19	343
Committee on the Judiciary			
Current Law			
BA	6,228	8,673	34,780
OT	6,505	7,343	35,103
Committee on Natural Resources			
Current Law			
BA	5,393	5,730	28,505
OT	5,182	5,325	27,868
Committee on Oversight and Government Reform			
Current Law			
BA	85,092	88,841	480,005
OT	83,280	86,824	467,921
Committee on Science and Technology			
Current Law			
BA	126	126	630
OT	108	115	619
Committee on Small Business			
Current Law			
BA	-333	0	0
OT	-333	0	0

ALLOCATIONS OF SPENDING AUTHORITY
TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS
(In millions of dollars)

	2008 1/	2009	Total 2009-2013
Committee on Transportation and Infrastructure			
Current Law			
BA	63,279	56,120	116,919
OT	13,701	14,286	75,635
Reauthorizations			
BA	920	3,405	190,697
OT	0	0	1,752
Legislation Pending Signature			
BA	52	-56	-53
OT	-2	0	2
Resolution Change			
BA	395	1,496	4,176
OT	0	0	0
Total			
BA	64,646	60,965	311,739
OT	13,699	14,286	77,389
Committee on Veterans Affairs			
Current Law			
BA	746	1,166	5,595
OT	801	1,247	6,208
Reauthorizations			
BA	0	930	12,395
OT	0	857	12,074
Total			
BA	746	2,096	17,990
OT	801	2,104	18,282
Committee on Ways and Means			
Current Law			
BA	858,305	824,443	4,590,546
OT	858,650	825,158	4,598,093
Reauthorizations			
BA	0	947	65,298
OT	0	698	58,515
Total			
BA	858,305	825,390	4,655,844
OT	858,650	825,856	4,656,608

1/ Revision to amounts for 2008 included in S.Con.Res. 21.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2008
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations				
General Purpose Discretionary	1,050,478	1,094,944		
Memo: *off-budget*	5,260	5,181		
on-budget	1,045,218	1,089,763		
Mandatory	585,962	569,537		
Total	1,636,440	1,664,481		
Agriculture, Nutrition, and Forestry	14,910	15,413	74,287	58,027
Armed Services	119,050	118,842	105	101
Banking, Housing, and Urban Affairs	15,285	1,628	0	0
Commerce, Science, and Transportation	13,964	9,363	1,182	1,126
Energy and Natural Resources	4,800	5,214	62	61
Environment and Public Works	39,658	2,196	0	0
Finance	1,100,866	1,102,864	442,523	442,584
Foreign Relations	15,852	15,819	159	159
Homeland Security and Governmental Affairs	86,027	84,221	10,573	10,573
Judiciary	7,262	7,533	611	610
Health, Education, Labor, and Pensions	9,874	9,745	13,208	13,229
Rules and Administration	70	225	122	121
Intelligence	0	0	263	263
Veterans' Affairs	746	801	42,867	42,683
Indian Affairs	453	451	0	0
Small Business	-333	-333	0	0
Unassigned to Committee	-604,458	-596,472	0	0
TOTAL	2,460,466	2,441,991	585,962	569,537

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2009
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations				
General Purpose Discretionary	1,011,718	1,106,112		
Memo: *off-budget*	5,491	5,418		
on-budget	1,006,227	1,100,694		
Mandatory	621,707	608,653		
Total	1,633,425	1,714,765		
Agriculture, Nutrition, and Forestry	15,688	14,530	76,307	63,526
Armed Services	126,030	125,863	105	100
Banking, Housing, and Urban Affairs	12,680	-1,239	0	0
Commerce, Science, and Transportation	14,432	10,250	1,149	1,145
Energy and Natural Resources	5,091	4,839	62	63
Environment and Public Works	34,528	2,291	0	0
Finance	1,085,706	1,087,193	473,803	473,788
Foreign Relations	15,966	15,955	149	149
Homeland Security and Governmental Affairs	89,749	87,732	10,599	10,599
Judiciary	9,749	8,414	624	627
Health, Education, Labor, and Pensions	9,349	8,088	14,129	14,116
Rules and Administration	69	19	127	127
Intelligence	0	0	279	279
Veterans' Affairs	1,166	1,247	44,374	44,134
Indian Affairs	529	542	0	0
Small Business	0	0	0	0
Unassigned to Committee	-594,692	-586,021	0	0
TOTAL	2,459,465	2,494,468	621,707	608,653

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

5-YEAR TOTAL: 2009-2013
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Agriculture, Nutrition, and Forestry	76,466	69,479	387,350	329,869
Armed Services	668,567	667,908	456	458
Banking, Housing, and Urban Affairs	66,961	-10,748	0	0
Commerce, Science, and Transportation	75,918	49,960	6,322	6,294
Energy and Natural Resources	25,399	25,021	302	303
Environment and Public Works	173,099	11,833	0	0
Finance	6,165,537	6,172,346	2,703,905	2,703,728
Foreign Relations	73,053	73,024	660	660
Homeland Security and Governmental Affairs	484,637	472,579	51,467	51,467
Judiciary	40,735	41,031	3,207	3,241
Health, Education, Labor, and Pensions	62,263	60,084	79,175	78,944
Rules and Administration	341	343	685	685
Intelligence	0	0	1,481	1,481
Veterans' Affairs	5,595	6,208	236,997	235,550
Indian Affairs	2,158	2,216	0	0
Small Business	0	0	0	0

PAY-AS-YOU-GO SCORECARD FOR THE SENATE REFLECTING LEVELS FOR THE CONFERENCE AGREEMENT

Period of the current fiscal year, the budget year, and the four fiscal years following the budget year: $0.

Period of the current fiscal year, the budget year, and the nine fiscal years following the budget year: $0.

HOUSE RULE XXVIII

The adoption of this conference agreement by the two houses would result in the engrossment of a House Joint Resolution changing the statutory limit on the public debt pursuant to House Rule XXVIII, clause 3. The rule requires a joint resolution in the following form:

Resolved, by the Senate and the House of Representatives of the United States in Congress assembled, that subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $10,615,000,000,000.

Legislative jurisdiction over the public debt remains with the Finance Committee in the Senate and the Committee on Ways and Means in the House.

JOHN SPRATT,
ROSA L. DELAURO,
CHET EDWARDS,
Managers on the Part of the House.

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
Managers on the Part of the Senate.

HIGHER EDUCATION EXTENSION

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3035) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "May 31, 2008" and inserting "June 30, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Florida (Mr. KELLER) will each control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on S. 3035 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 3035, a bill to temporarily extend programs under the Higher Education Act of 1965. At the beginning of February, the House took the next step in the reauthorization of the Higher Education Act in passing H.R. 4137, the College Opportunity and Affordability Act. Now we find ourselves in the final phase in completing the reauthorization of the Higher Education Act as we work towards a compromise bill with the Senate to ensure that the doors of college are truly open to all qualified students.

It is our goal to ensure that a final bill encompasses the major issues addressed in H.R. 4137, including skyrocketing college prices, a needlessly complicated student aid application process, and predatory tactics by student lenders.

The bill under consideration today, S. 3035, will extend the programs under the Higher Education Act until June 30, 2008, to allow sufficient time for final deliberations on the two bills reported out of the respective chambers. It has been nearly 10 years since the Higher Education Act was last reauthorized, and I believe Members on both sides of the aisle and in both chambers are anxious to complete work on a compromise bill in this Congress, and we believe it can happen.

I look forward to joining my colleagues on the committee in completing this work with the respective members on behalf of our Nation's hardworking families and students. I urge my colleagues to support this extension.

I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 3035, a 1-month extension of the Higher Education Act. I would like to begin by extending my thoughts and prayers to Senator KENNEDY and his family in this difficult time. We are all saddened to learn of the diagnosis of his malignant brain tumor and we are hoping and praying for a speedy and full recovery.

I was just with Senator KENNEDY a few days ago in the Oval Office with President Bush, as the President signed into law the Ensuring Continuing Access to Student Loans Act on May 7. Senator KENNEDY was in a jovial mood and was in good spirits. We look forward to seeing him in the same condition in the future.

Senator KENNEDY obviously has played a very integral role in the development of this higher education legislation, and I want to recognize him for his passion for education and his longstanding efforts to ensure that all young people receive a quality education and have the opportunity to obtain a college degree. As we extend the Higher Education Act and allow additional time to negotiate the renewal of this landmark law, I think all of us know that this legislation will bear the indelible imprint of Senator KENNEDY's hard work and commitment.

Just last month, we were on the floor passing what we thought and hoped would be the last extension of the Higher Education Act. Unfortunately, while we have made a tremendous amount of progress on the bill, the size of the bill and our concern about producing a thoughtful product prevented us from completing our work.

The Education and Labor Committee, I am happy to report, has worked in a bipartisan fashion to produce a bill that received strong bipartisan support here on the House floor. Chairman MILLER and Ranking Member MCKEON have been leading our efforts to negotiate a final compromise with the Senate colleagues. We have a handful of issues, however, that remain outstanding, and we believe that we will be able to reach resolution on these issues over the next few weeks. Of course, there may be some complications outside of our control, not the least of which is possibly Senator KENNEDY's situation and recovery.

As we move toward finalizing this broad overhaul of Federal higher education programs, our top priority must remain college access and affordability. Bolstering our higher education and student aid programs has long been a priority of Congress. I know, for me personally, making college more affordable is a top priority. All children, rich or poor, should have the opportunity to get a first class college education.

This extension of the Higher Education Act is particularly important because it extends the significant and popular programs such as the Pell Grant program and Perkins student loan programs. This reauthorization is a long time coming. I am pleased to be here supporting what we hope and expect to be the final extension before this law is finally renewed. I urge my colleagues to also support this extension.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, let me first associate myself with the heartfelt comments of Mr. KELLER regarding Senator KENNEDY. I know that everyone in this Chamber hopes and prays for his speedy recovery.

With that, I'd like to yield 4 minutes to a fellow member of the committee, the gentleman from Oregon (Mr. WU).

Mr. WU. I want to thank the gentleman from New York (Mr. BISHOP) for his leadership in education. I rise in support of this temporary extension of the Higher Education Act and also rise to associate myself with the remarks of the gentleman from Florida. Our hearts and prayers go out to Senator KENNEDY, his family, friends, and many supporters around the country, and look forward to his return to the other body as the lion of the Senate, with teeth and claws and roar completely intact.

I also look forward to the new Higher Education Act, which we are close to completing in conference with the other body, and the many provisions that my colleague from New York referred to. I just wanted to point out three. One is a substantial expansion of financial aid, especially to the neediest students in America. Second, a late but very appropriate recognition of the role of community colleges in higher education, and in particular the encouragement of articulation agreements between community colleges and their peers and 4-year colleges.

What articulation agreements would basically permit would be students to seamlessly go between community colleges, and between community colleges and 4-year colleges, because what we have found in Oregon is that students study and learn in a different way today, so that someone may take a class at a community college in the morning, work, and then take a class at a 4-year college at night. We want that system to work for the students and want the institutions to work together so that students do not need to fill out two financial aid forms, two entrance forms, and multiple other forms. These articulation agreements are very, very important. It's a little bit technical. But it will serve the modern education need very, very well.

Finally, I want to point out one area addressed by this higher education bill, and this is a topic on which my office has received the most mail of any topic that we have worked on in my decade in Congress, this is mail from all around the country, from college students, and that is the textbook fairness pricing issue.

Sometimes you will find a book in the college book store here selling for $150. If you go on Amazon U.K., you will find the same textbook being sold, in English, the same textbook in the U.K. for $50. In this Internet era, with a highly motivated, highly educated consumer group, namely college students, this kind of pricing unfairness just can't stand the test of either fairness or propriety anymore.

We have some minimal provisions in the House version of the higher education bill to bring some fairness, some openness to college textbook pricing. Currently, students are cooperating, professors are cooperating, bookstores are cooperating, but the textbook industry is fighting this particular provision very, very hard. I just want to say that we will not give up on this issue. We will insist on the House language because college students who can make a difference, who will make a difference, will insist upon this.

We look forward to the new version of the higher education bill and support this temporary extension.

Mr. KELLER of Florida. Mr. Speaker, I have no further speakers at this time. I would urge my colleagues on both sides of the aisle to vote "yes" on S. 3035, to extend the Higher Education Act, and thereby extend the Pell Grant program and the Perkins student loan program. I urge my colleagues to vote "yes."

I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the Senate bill, S. 3035.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BISHOP of New York. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 355

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 3, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 22, 2008, through Friday, May 30, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 2, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on House Concurrent Resolution 355 will be followed by 5-minute votes on motions to suspend the rules on H.R. 1464, H.R. 2649, and H.R. 2744.

The vote was taken by electronic device, and there were—yeas 239, nays 175, not voting 20, as follows:

[Roll No. 334]

YEAS—239

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Foxx
Frank (MA)
Gerlach
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)

Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pitts
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Fallin
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—20

Andrews
Bishop (UT)
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rush
Sessions
Stark
Wilson (NM)

□ 1709

Mrs. MUSGRAVE, Messrs. KELLER of Florida, KIRK, BARRETT of South Carolina, FLAKE, HALL of Texas, CARTER, Mrs. EMERSON, Messrs. PETRI, HELLER of Nevada, WITTMAN of Virginia, REICHERT, ENGLISH of Pennsylvania, FORBES, BRADY of Texas, CULBERSON, Mrs. MYRICK, and Mr. BOEHNER changed their vote from "yea" to "nay."

Ms. SCHAKOWSKY changed her vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GREAT CATS AND RARE CANIDS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1464, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1464, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. TERRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 119, not voting 21, as follows:

[Roll No. 335]

AYES—294

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—119

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)

Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa

Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kline (MN)
LaHood
Lamborn
Latta
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Pickering
Pitts

Poe
Price (GA)
Radanovich
Rehberg
Renzi
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Young (AK)

NOT VOTING—21

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Ferguson
Gilchrest

Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rush

Sensenbrenner
Sessions
Smith (NJ)
Wasserman Schultz
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1717

Messrs. GORDON of Tennessee, COLE of Oklahoma and WITTMAN of Virginia changed their vote from "aye" to "no."

Mr. FORBES changed his vote from "no" to "aye."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ON THE PASSING OF LIONEL VAN DEERLIN

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to honor the life of a distinguished former Member of this body.

On Sunday, May 18, the San Diego community was grieved to learn of Lionel Van Deerlin's passing. He was a Member of the House for 18 years, between 1962 and 1980, having served the San Diego region honorably, and with a tenacious spirit and the purest sense of loyalty to his constituents.

Congressman Lionel Van Deerlin, who liked to be called simply Van, was equally respected on both sides of the aisle, well known for his grace, civility and humor that he brought to any debate.

As the chairman of the House Communications Subcommittee at the time, Representative Van Deerlin was a pivotal player in positively transforming our Nation's telecommunications industry.

Before and after his days in the House, Congressman Van Deerlin had a distinguished career in journalism and education. Even at 93 years old, Van was a regular commentator to the San Diego Union Tribune, passionately observing both local and national politics with a keen wit. I remember reading his final column last Tuesday, and was awaiting his next, as I always did.

He was unfailingly optimistic, always present with a sparkle in his eye and a smile on his face. This consummate gentleman will be deeply missed by his family, his friends, his colleagues, and certainly the entire San Diego community.

I yield to my colleague from San Diego, Mr. HUNTER.

Mr. HUNTER. I thank the gentlelady for yielding, and I want to join with her and all of our colleagues who knew Lionel Van Deerlin. You know, Van's trademark was his intellect and his wit. In fact, in our first debate in 1980, I noticed, I looked over and I saw my dad roaring with laughter at every one of Van's one-liners. And I had to ask him after the debate was over whose side he was on.

Some good things do come out of political contests, and one thing that came out of ours was a 28-year friendship.

A lot of people here, in fact, I just talked to JOHN CONYERS here who remembered Van, and a lot of us remember his political skills. He will be known in this city for political skills.

But for those who really knew him in San Diego and around this country, they'll remember him as just a wonderful, wonderful human being.

Mrs. DAVIS of California. Mr. Speaker, I ask we observe a moment of silence in memory of Lionel Van Deerlin.

The SPEAKER pro tempore. All Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2649, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2649, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. TERRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 374, noes 39, not voting 21, as follows:

[Roll No. 336]

AYES—374

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn

Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)

Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)

Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—39

Akin
Blunt
Broun (GA)
Burton (IN)
Campbell (CA)
Cannon
Coble
Conaway
Culberson
Davis, David
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Goode
Hensarling
Jones (NC)
Jordan
Lamborn
Linder
MiHer (FL)
Myrick
Neugebauer
Paul
Pence
Pitts
Poe
Price (GA)
Royce
Scalise
Shadegg
Stearns
Tancredo
Walberg
Wamp
Westmoreland

NOT VOTING—21

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rangel
Rush
Sensenbrenner
Sessions
Wilson (NM)

□ 1729

Messrs. AKIN, DAVID DAVIS of Tennessee and CANNON changed their vote from "aye" to "no."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2744, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 2744, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 9, not voting 23, as follows:

[Roll No. 337]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—9

Broun (GA)
Campbell (CA)
Duncan
Flake
Garrett (NJ)
Hensarling
Jordan
Latta
Paul

NOT VOTING—23

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Jones (OH)
Kaptur
Kennedy
Kingston
Linder
Pryce (OH)
Putnam
Rangel
Rush
Sensenbrenner
Sessions
Wilson (NM)

□ 1737

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE STABILIZATION OF IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–114)

The SPEAKER pro tempore (Mr. COURTNEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2008.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken in response to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 20, 2008.*

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be authorized to file a supplemental report on the bill, H.R. 5658.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CELEBRATING THE 60TH ANNIVERSARY OF ISRAEL

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, I rise today to celebrate the anniversary of America's staunchest ally in the Middle East, Israel. After 60 years, Israel has proved that a nation that embraces liberty and democracy can flourish in the face of even the strongest adversity. Despite decades of violence and terrorist attacks, the Israeli people have achieved an outstanding level of economic, intellectual, and cultural success.

Among its most notable achievements has been its well-earned reputation as a free sanctuary for millions of refugees from around the world. No other nation in the Middle East has embraced a diverse array of oppressed people like Israel. Over the last 60 years, individuals from more than 100 countries have traveled there and found a welcome home. And, as in America, this great diversity has created a vibrant culture, one that I have enjoyed on several occasions.

In Israel, I have seen firsthand the impressive contributions Israelis have made to the world in areas from scholarship and engineering to cooking and music.

Mr. Speaker, I would like to congratulate the people of Israel on this historic achievement. Their efforts have created for America a powerful ally and a dynamic trading partner, and I'm confident that our close relationship will remain strong for many years to come.

CELEBRATING THE WOMEN IN THE U.S. MILITARY AND EXPRESSING OUR SYMPATHY TO THE PEOPLE OF CHINA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it's an honor to be able to rise today to celebrate two important statements that were made on the floor of the House today. I might alter that and say "celebrate" but also to acknowledge and commemorate.

I do want to associate myself with the legislation of Congresswoman SUSAN DAVIS of California in acknowledging the women in the United States military. Women have shown themselves in Iraq and Afghanistan and all around the world to be true leaders. Many have been injured, many of them have seen serious injuries. They have been mothers, they have been sisters and daughters. They have led their families, but yet they have been warriors and battlers for the freedom of America. I salute them and celebrate them as we commemorate Memorial Day.

Let me also join Mr. WU in offering my deepest sympathy to the people of China for this tragic earthquake and the loss of now some thousands upon thousands of individuals. We extend our hand not only of friendship but of support and charity, and I look forward to working with the Counsulate General in Houston to be able to provide support for those families here in the United States as well as those who are suffering in China.

Our deepest prayers and deepest sympathy for those who mourn the loss of their loved ones.

□ 1745

CONGRATULATIONS TO REALTORS ON 100TH ANNIVERSARY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on May 14, the National Association of Realtors celebrated 100 years of support to Realtors and the communities in which they serve.

The NAR consists of 1.3 million members from around the country who are working together to promote positive and ethical service to Americans looking to sell or purchase a home. They are an advocate for homeownership, sound housing policies, and property rights. As a former real estate attorney, I have worked with the Realtors for over 25 years, and I know firsthand of their professionalism.

Homeownership is part of the foundation of the American dream. It is a sign of success and prosperity for millions of Americans and, most often, the largest investment a family will make. Today, a record of almost 70 percent of Americans own their own homes. This is a testament to the excellence efforts of Realtors.

I commend the Realtors for their hard work and congratulate them on their anniversary, ably led in South Carolina by Andy Walker as State president and Nick Kremydas as executive director. I'd like to pay a special tribute to Jerry Fowler who was one of our finest Realtors who sadly passed away over the weekend but what a great citizen, and he will always be remembered.

In conclusion, God bless our troops, and we will never forget September the 11th.

HONORING THE SERVICE AND ACHIEVEMENTS OF WOMEN IN THE ARMED FORCES AND FEMALE VETERANS

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of

House Resolution 1054, to honor the service and achievements of women in the Armed Forces and female veterans. I want to thank my colleague and good friend, Chairwoman SUSAN DAVIS, for sponsoring this resolution.

Next Monday, we will observe Memorial Day, which honors the brave men and women who have courageously served and died in uniform. Women have voluntarily served in support of U.S. military efforts since the Revolutionary War as nurses, cooks and laundresses. Now, women have risen through the ranks and occupy the roles of generals, commanders, pilots, and drill sergeants.

American women have served this country selflessly and with great courage. Today, I recognize the nearly 800,000 women who have served and the hundreds who have been killed or taken prisoner of war. Their service demonstrates that women are fully capable and willing to make the ultimate sacrifice for their country. They are an example to all women and men who will follow in their footsteps.

ISRAEL'S 60TH ANNIVERSARY

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL of California. Mr. Speaker, in 1948, the United Nations established the Nation of Israel so that a dispossessed and tyrannized people might have the opportunity to return to their historic homeland.

Now, 60 years later, what does Israel stand for in our world community of nations? It stands proudly as the first democracy in the Middle East and the first multiethnic society in the region to proclaim the rights of fundamental liberty for all of its inhabitants.

Israel's commitment to freedom is evidenced by the fact that over 20 percent of its citizens are Arab, but freedom of worship and freedom of speech is granted to all.

Congratulations to Israel and all Israelis on the first 60 years of the modern era. May Israelis enjoy at least another 600.

MAKE THE R&D TAX CREDIT PERMANENT

(Mr. SALI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALI. Mr. Speaker, I rise to address the subject of the R&D tax credit which lapsed on December 31 of last year.

One of this country's greatest strengths has been its ability to innovate, to create and develop new ideas. The lack of a competitive R&D tax credit here at home is driving American businesses to invest in R&D abroad.

In the last 5 years alone, over 100 global companies have established R&D centers in India due to the long-term benefits provided by that government. With benefits such as a 15-year phased income tax holiday, deductions for in-house R&D equal to 1½ times the expenses incurred, coupled with accelerated tax deductions on prior period expenses, it is easy to see why companies are choosing to invest in India over the U.S., especially now that we have allowed our R&D tax credit to expire.

The R&D tax credit should be renewed and made permanent as soon as possible, to create jobs in America and ensure we will always be on the cutting edge of innovation.

GAS PRICES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, gas prices are now over $4 a gallon and may be headed higher. Almost all environmental radicals come from very wealthy or very upper income families. Environmentalists apparently want gas to go even higher so people will drive less.

Well, maybe these wealthy environmentalists can afford $5 a gallon gas, but many poor and lower income and working people are already hurting. Week before last we heard that 935 trucking companies have gone out of business in the first quarter of this year.

We can produce oil now in environmentally safe ways, and we don't have to produce all of our oil. But if we don't start producing a little more, and soon, we're going to become even more vulnerable to foreign oil producers, and we're going to hurt many working people in the process.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JIMMY STEWART—ACTOR—U.S. GENERAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, he was born in Indiana, Pennsylvania, on May 20, 1908.

Jimmy became a Boy Scout and remained active in the organization throughout his adulthood.

Of course, I'm talking about Jimmy Stewart. He made more than 80 films, including comedies, Westerns and dramas.

Jimmy Stewart won an Academy Award for best performance by an actor in 1940 for his performance in "The Philadelphia Story." He also received four other Oscar nominations for his performances in "Mr. Smith Goes to Washington," a movie which by the way all Members of Congress should be required to watch, and my personal favorite, "It's a Wonderful Life." He also appeared in "Anatomy of a Murder."

Jimmy Stewart was voted the third greatest movie star of all time by Entertainment Weekly. Jimmy Stewart appeared in a number of television shows and Broadway plays and received a Tony award.

Although Jimmy Stewart would have preferred to attend the Naval Academy, Stewart entered his father's alma mater, Princeton University, in the fall of 1928. He initially considered engineering, but he finally settled on architecture as his course of study, at which he excelled. He graduated from Princeton in 1932.

While he was building his reputation as an actor, the rest of the world was about to go to war. Germany occupied numerous countries in the early part of 1940, and it led Congress to be concerned. And on September 16, 1940, this Congress passed the Selective Service Bill, which we now refer to as "The Draft."

Stewart's draft number was 310, and when his number was called, he appeared at Draft Board No. 245 in Los Angeles in February of 1941.

A 6-foot-3 Stewart weighed only 138 pounds. He was 5 pounds under the acceptable weight limit. He was turned down, but Stewart wanted to fly and serve his country, but by May of 1941 he would have been too old to get into flight school. He went home after that day of being rejected by the draft, and he ate everything he could that fattened him up. He went back and he enlisted in the Army Air Corps, and he passed the physical with 2 ounces to spare.

While others tried to avoid the draft, Jimmy Stewart actually wanted to serve in the military. Later, he would actually campaign to see combat. He was already a licensed pilot. He was interested in aviation as a child. He had taken his first flight while still in Indiana from one of those barnstorming pilots that used to travel throughout the Midwest.

He was a successful actor in 1935, and so he was able to afford flying lessons. He often flew cross-country to visit his parents in Pennsylvania, and he navigated by watching the railroad tracks.

In the military, he was to make extensive use of his pilot training. In March 1941, at the age of 32, he reported for duty as Private James Stewart at Fort MacArthur and was assigned to the Army Air Corps. To comply with the regulations of the Army

Air Corps Proficiency Board, he was required to take 100 additional flying hours, and he did so and bought them at a nearby field at his own expense.

Then, in January 1942, Stewart was commissioned a second lieutenant. He was then sent to California at Mather Field as a twin engine instructor which included both B–17s and B–24s. Much to his dismay, Stewart stayed stateside for almost 2 years, until his commanding officers finally yielded to his constant request to be sent overseas and to see combat.

So, in November of 1943, Captain Stewart, now a captain and operations officer for the 703rd Squadron, 445th Bombardment Group, of the Eight Air Force, he arrived in England. Later, he was transferred to the 453rd Bombardment Group.

While stateside, Stewart flew B–17s, commonly called the Flying Fortress, and in England and over Europe he flew B–24s, referred to by historians as The Liberator, and he did so for the remaining years of the war.

Stewart's war record included 20 dangerous combat missions as command pilot, wing commander or even squadron commander. He was awarded the Distinguished Flying Cross with two Oak Leaf Clusters; the Air Medal with three Oak Leaf Clusters; the French Croix de Guerre with Palm; and at the end of the war, he had risen to the rank of colonel.

After the war, he remained in the United States Air Force Reserves and was promoted to brigadier general in 1959. Mr. Speaker, he remains the highest ranking officer in U.S. military history that was also a Hollywood actor.

In 1985, President Ronald Reagan awarded Jimmy Stewart the Nation's highest civilian honor, the Presidential Medal of Freedom.

Jimmy Stewart believed in hard work, love of country, love of family, love of community, and love of God. Jimmy Stewart passed away on July 2, 1997, at the age of 89. Jimmy Stewart would be 100 years old today, and America still needs heroes, and Jimmy Stewart still continues to fit that bill.

And that's just the way it is.

SUPPORTING THE MENTAL HEALTH NEEDS OF OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week, Members of this House were given a chance to put some real action behind the slogan, "Support the Troops," because one of the spending votes that we had before us included a provision to support the 21st Century Veterans Bill of Rights.

This Bill of Rights will restore full, 4-year college scholarships to veterans of the Iraq and Afghanistan Wars to help make these troops, these soldiers part of an economic recovery like the veterans of World War II.

The first 2 years of the new GI Bill would cost what we spend in 2 days in Iraq. Imagine that. We could provide our veterans with 2 years of the GI Bill for 2 days of what we spend in Iraq. And yet some folks here in the House could not bring themselves to support the provision. All I can say is, what does that say to our brave men and women in uniform?

Veterans who have sacrificed for our country deserve to receive our Nation's support. The administration sent them to Iraq, and because they are vigilant and dedicated, very few of us standing here today serving in the U.S. House of Representatives or Senate have sent our sons and daughters over there.

□ 1800

We haven't had to watch our kids be killed or wounded.

And we must not let our troops down. A prime example of letting them down comes from one of our Nation's top research arms, the National Institute of Mental Health. In a recently released report, the Institute found that the number of suicides among veterans of the wars of Iraq and Afghanistan may exceed the combat death toll because of inadequate mental health care. According to the Director of Community Mental Health Centers, hobbled by financial limits, haven't provided enough scientifically sound care, especially in rural areas.

We've lost more than 4,000 of our Nation's bravest to deadly attacks in Iraq alone. How can a nation stand by while we lose that many men and women to suicide? It is unbelievable that we would be allowing this to happen.

According to a report by the Rand Corporation, soldiers who have been exposed to combat trauma were the most likely to suffer from depression or post-traumatic stress disorder. About 53 percent of soldiers sought treatment during the past year; half of those who received care were judged by Rand researchers to have gotten inadequate treatment. That means about three-quarters of those in need of mental health assistance are going without or are receiving inadequate treatment. Is that how a grateful nation shows its appreciation?

Meeting the needs of our returning troops should be how we show our appreciation, and it should be paramount in our fiscal deliberations. But we can go one step further. We can bring our troops home. We can reject the administration's call to send more troops into the theater. Once we fully fund the safe and orderly redeployment of our troops and military contractors, we can focus our efforts on the men and women walking with hidden wounds, the wounds of PTSD.

I urge my colleagues to reject a blank check for the administration's endless occupation of Iraq. When the House receives the Senate-passed supplemental, we must oppose any bill that does not truly support our troops. We must oppose any spending that is not dedicated to redeploying our soldiers home to their families.

We must bring our troops home. We must end the occupation of Iraq. And we must provide the troops with the care and services they need. We must show them just how much we appreciate their service.

TANKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I come to the House floor late this afternoon to express my concern with the United States Air Force's decision to award the $35 billion contract to build the next generation of aerial refueling tankers to a foreign-led consortium of companies over a proposal put forth by American-based Boeing.

As I stand here today, Americans across the country are hopefully receiving in the mail our effort to stimulate the U.S. economy, that $600 check. Why, during this time when we're trying to address the issue of our economy and create jobs, is our government outsourcing a multi-billion dollar tanker contract to a foreign company instead of creating those jobs here in America?

The Air Force's selection of European Aeronautic Defence and Space will lead to about 19,000 aerospace jobs in Europe. This decision has a significant impact, of course, in my home State of Kansas. Boeing's finishing and test center for tankers would take place in Wichita. Throughout the State, local suppliers would provide support services and parts for Boeing. In Kansas alone, Boeing's proposal would create or sustain 3,800 jobs and $145 million annually, important investments that Europe now stands to gain.

Not only is the Air Force's decision a blow to American jobs, it's bad for our servicemembers and bad for the American taxpayer. Now that we've had a chance to look at the Air Force's analysis, we see how badly flawed the tanker selection competition was. The result is that the Air Force chose a tanker that is higher cost, higher risk, less capable, less survivable, and less efficient.

Boeing has filed a protest with the Government Accountability Office. I have listened to the explanation of the Air Force and the Department of Defense officials and I remain unconvinced that this was a fair competition. And so we now eagerly await GAO's results later this summer.

In the meantime, the Air Force's decision has raised questions that Congress should address. How does this decision impact America's economic security? How does it impact our military security? What are the national security effects of outsourcing critical military work to France and other foreign countries that often oppose our country's foreign policy? Should the Department of Defense's procurement process take into account billions of WTO-disputed foreign subsidies that give foreign manufacturers heavily weighted advantage in these competitions?

Air Force refueling tankers allow our military to operate around the world. In this day and age, the importance of modernizing our aging tanker fleet with the best available option cannot be overstated. In the coming weeks and months, I urge my colleagues in Congress to work to ensure that the right choice is made for Americans and America's military men and women.

BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise to express my disappointment with the votes we took last week on Iraq. There were some provisions in the amendment that I voted against that I strongly support, including the ban on torture and the requirement for sufficient rest time for our troops between deployments.

I helped lead the effort in this House to prohibit the administration from establishing permanent military bases in Iraq. I have been outspoken on the failure of previous Congresses to hold private contractors accountable and to punish waste, fraud and profiteering. But last week I could not vote for these provisions because the amendment did not include a firm, responsible deadline to bring our troops safely home.

Let me be clear: Any funding bill that does not contain a binding deadline to end this war is an open-ended commitment to continue it. That's why I have and will continue to vote against such legislation.

It is now 62 months since the invasion of Iraq and 60 months since President Bush's "Mission Accomplished" pronouncement. It has been 16 months since the beginning of the troop surge that President Bush and his congressional allies believed would give the Iraqis breathing space to resolve their internal conflicts and assume responsibility for their own security.

The vast majority of Americans concluded a long time ago that this war was a mistake. It has strengthened al Qaeda and Iran. It is time to end the war responsibly and bring our Armed Forces safely home.

The death toll of brave Americans now stands at 4,072, with nearly 30,000 wounded, many with life-shattering physical and mental and emotional scars. More than one in three soldiers and marines returning from Iraq later sought help for post-traumatic stress disorder or other mental health problems. The toll on our military families is tremendous. More than 1.7 million Americans have served at least one tour in Iraq or Afghanistan. Four in 10 of these troops have served more than one war zone mission.

Our open-ended commitment in Iraq undermines our ability to meet challenges to our national security elsewhere.

We clearly have much work to do in Afghanistan, where the 9/11 attacks originated. We must also be concerned about the readiness of our Armed Forces in the event that a new threat arises elsewhere in the world. And then there is the toll the war continues to take on our ability to address our needs here at home.

More than 5 years into this war, we know that it will cost more than $600 billion, but we still don't know what its final price tag will be or how much longer we will continue to pay it. We do know that our national debt is soaring, that our economy is either teetering on the edge or already in recession, and that the price of crude oil is approaching $130 per barrel. In my hometown of Portland, unleaded gasoline has jumped to nearly $4 a gallon, with heating oil now surpassing $4 per gallon.

And we know that these fuel costs are draining family budgets throughout Maine and across America. Is there any question that our open-ended presence in Iraq contributes to these soaring costs? Is there any doubt that the money we are borrowing to pay for this war, largely from the Chinese and the Saudis, will leave our children an enormous debt to pay?

We are spending more than $3,800 on this war every second. In the time since I began to speak, we've spent another million dollars. These are funds that we could use to fix our ailing health care system, to repair our crumbling infrastructure, to invest in education for our kids, to implement an energy policy to reduce our dependence on foreign oil, fight climate change, create new jobs, and stimulate new technologies.

Mr. Speaker, more than 140,000 courageous and capable American forces remain in Iraq. They continue to serve with great ability and tremendous courage in the crossfire of a bloody, intractable religious civil war waged, in one form or another, for more than a thousand years.

We need much more than a change in mission for fighting the war in Iraq. Congress must change policy through a firm, responsible deadline to end it. As George Mitchell demonstrated in northern Ireland, only a firm deadline will compel the leaders of the warring factions to assume responsibility for their own security and their own future. And we need a plan to win the peace by engaging Iraq's neighbors to join us to create a stable, successful Iraq because that outcome is as vital to their long-term interests as it is to ours.

Enough is enough. Let's close the open-ended commitment President Bush and his allies in Congress have given to this war. Let's set a firm, responsible deadline and bring our troops safely home.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 20, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,902 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems too sad to me, Mr. Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this, chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,902 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 20, 2008—12,902 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

TO SECURE OUR BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, the U.S. Department of State recently issued a travel warning alerting American citizens about the deteriorating security situation in Mexico. Violence has become so widespread and rampant that even the State Department is having difficulty papering over the problems with diplomatic language.

According to the travel warning, which was issued last month, a war between criminal organizations struggling for control of the lucrative narcotics trade continues along the U.S.-Mexico border. That's right, a war, and it's in our back yard. And the blood bath isn't only claiming Mexican casualties. According to the State Department, Americans have been among the victims of homicides and kidnappings in the border region. Dozens of U.S. citizens were kidnapped and/or murdered in Tijuana in 2007. There have been public shootouts during daylight hours near shopping areas.

And this conflict between drug cartels is not just a neighborhood turf war fought between dime store thugs with switchblades. According to the travel warning, the conflict between the Mexican Government and "heavily armed narcotics cartels has escalated to levels equivalent to military small-unit combat and have included use of machine guns and fragmentation grenades. Criminals are armed with a wide array of sophisticated weapons. In some cases, assailants have worn military uniforms and have used vehicles that resemble police vehicles."

And endemic corruption in Mexico's government is tipping the scales in favor of the cartels. Police and soldiers desert their posts to give traffickers inside knowledge about tactics and surveillance. And because of their history of corruption and abuse, the police and army are often less popular than the drug cartels who hand out cell phones and employ taxi drivers and youth as lookouts.

Several high-ranking police officials have been gunned down in Mexico this month. This includes Mexico's Acting Federal Police Chief, Edgar Millan Gomez, who was killed by the Sinaloa cartel. In another case, a Mexico City district police chief was the target of a bomb that exploded near the police headquarters. Saul Pena, who was to be named one of the five police chiefs in Ciudad Juarez on the border with Texas, was shot dead earlier this month, making him the 20th police official to be killed in Juarez this year.

Just yesterday, a new Juarez police chief quit his post after receiving death threats. And more than 100 of the city's 1,700-member police force have quit their jobs since January. Several Mexican police commanders have crossed into the United States and are seeking asylum, saying they are unprotected and fear for their lives. And who can blame them?

According to the Associated Press, "Police who take on the cartels feel isolated and vulnerable when they become targets, as did 22 commanders in Ciudad Juarez when drug traffickers named them on a handwritten death list. It was addressed to those who still don't believe in the power of the cartels. Of the 22, seven have been killed, three wounded in assassination attempts. Of the others, all but one have quit, and city officials said they didn't want to be interviewed."

The Zetas, an infamous group of soldiers turned drug hit men are perhaps the most notorious of the drug enforcers. In Mexico, they hang banners above bridges offering jobs, good-paying family benefits to soldiers and police who desert their posts and join the narcotraffickers. The message the drug cartels are sending, Mr. Speaker, is clear: "Join us or die."

Many Americans might be shocked to learn that many of the Zetas receive their advance training courtesy of the American taxpayer. And the Bush administration is poised to make the problem worse by providing an additional $1.4 billion in assistance for this purpose. With just $1.4 billion in taxpayer aid, the argument goes, we can train Mexican police and military to better fight the armed elements of the drug cartels.

But we've been there before. Our border patrol agents in Texas and California have already seen U.S.-provided Humvees and other equipment being used by drug cartels and by rogue units of the Mexican military assisting the smugglers.

Mr. Speaker, handing out another $1 billion in taxpayer money to a Mexican government so rife with corruption so we can watch the scenario repeat itself makes about as much sense as dropping cash out of helicopters. A better use of the $1.4 billion, Mr. Speaker, would be to secure our own border before any more of this violence spills over to our country and across that dangerous frontier which is separating us from Mexico.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4008. An act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

RECOGNIZING REVEREND KENNETH E. MARCUS

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Madam Speaker, let me first begin by paying just a few words to our beloved Senator EDWARD KENNEDY, who is at this very moment, as we know, fighting for his life.

Senator KENNEDY is beloved by all of us. He is truly the lion in the Senate. Our prayers are with him and his family at this great hour of need.

Madam Speaker, let me just say one word very quickly. This is Memorial

Day, and all of us will be visiting our troops. I know I along with other Members of Congress and our entourage will be going over to Europe and into the Middle East to see firsthand about our troops, and I can't think of a better way to celebrate and commemorate Memorial Day than to be over with our troops as they are in harm's way.

Now, Madam Speaker, let me rise to give recognition to an extraordinary American and Georgian and a constituent in my district, in the 13th District of Georgia, and that is Pastor Kenneth E. Marcus, who is now celebrating his 20th anniversary as pastor of the Turner Chapel AME Church in Marietta, Georgia, in Cobb County, in the heart of my district. Let me just say a few words about this outstanding individual.

Reverend Marcus was born in Trinidad in the West Indies. He came to this country in 1975. Then he went to Morris Brown College and got his bachelor's degree from Atlanta University. And, Madam Speaker, it was there as a college student that Reverend Marcus received the word and the call from God to preach. He then immediately went to Emory University in Atlanta, Georgia, where he received his master's degree in divinity. And he started off his career in Athens as his first assignment at the St. Luke/Nimno Circuit in Athens, Georgia. Then he moved on to the Greater Smith Chapel AME in Atlanta, Georgia. And then in 1988 this extraordinary Georgian Reverend Kenneth E. Marcus was appointed pastor of the Turner Chapel AME Church in Marietta, Georgia.

And let me just say, Madam Speaker, to show you the significance of this individual, when he was appointed there at Turner Chapel in 1988, there were just 150 members of that church, and now today, just 20 years later, that church has a membership of over 6,000 people. That in and of itself is testimony to the great leadership and the contribution of this outstanding pastor. And this church that he started, he started in a high school gymnasium in Cobb County, and now today Turner Chapel is in an extraordinary cathedral, a modern edifice of extraordinary magnitude which now seats 3,000 members. This is just the testimony of this great, great pastor.

They have over 100 ministries that are serving us throughout Georgia and in some parts of this Nation. And we are so proud of Reverend Kenneth E. Marcus on his 20th anniversary as the pastor of Turner Chapel AME Church in Marietta.

But he did not do that alone. With God's help, God provided him with an extraordinary partner in Ms. Cassandra Young Marcus, who not only is his partner and his wife but is also the assistant pastor at Turner Chapel. What a great story, what a great American story of achievement and attainment, and we are so proud to, in this Congress, celebrate and recognize his 20 years of service.

You know, Madam Speaker, God calls people for various purposes, and God each Sunday calls this individual, Reverend Kenneth E. Marcus, and gives him utterance to speak boldly as he ought to speak about the mysteries of the Gospel. And he does it with boldness and vision and inspiration each Sunday.

And in conclusion, when you talk about greatness, Madam Speaker, and in this measure we are talking about a great man in Reverend Marcus, that greatness is measured by three people that I would like to mention. When the word "greatness" or what it means to be a great person was put to the great philosopher Aristotle, he said in order to be great, you have to, first of all, "know thyself." Well, Reverend Marcus not only knows himself but he knows whose he is as well.

And Marcus Aurelius, the great Roman general, said in order to be great, you need to have discipline. But just a measure of moving a church from 150 parishioners to 6,000 is that.

And then, finally, when the question was put to the great Messiah, Jesus Christ, Jesus said in order to be great and certainly a great minister, you must, first of all, sacrifice yourself. And this is a story of a great man who has sacrificed himself so that the world can be a better place.

It is with great pride that this Congress of the United States commemorates and recognizes Pastor Marcus on his 20th anniversary as the pastor of Turner Chapel AME Church in Marietta, Georgia.

Mr. CANNON. Madam Speaker, will the gentleman yield?

Mr. SCOTT of Georgia. Yes, I will.

Mr. CANNON. I thank the gentleman for yielding.

Madam Speaker, I simply want to associate myself with the gentleman's remarks about our friend TED KENNEDY. I'm going to do a Special Order in a little while about energy. I think he would disagree with most of what I say, but he would do it in an agreeable fashion. He has been a good friend and great legislator. And I want the gentleman to know that, with him, my prayers and the prayers of many others on our side of the aisle go out to the Senator in this time of great difficulty.

Mr. SCOTT of Georgia. Absolutely. And as this indicates, Madam Speaker, Senator KENNEDY is beloved by all of us, both Democrats and Republicans.

RECOGNIZING PIZZA HUT ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. "Gather 'round the good stuff." That's what Pizza Hut says in their ads today. But they have been gathering around the good stuff for 50 years.

Madam Speaker, I rise today to recognize the 50th anniversary of an American success story, Pizza Hut. It has grown from a single brick building in Wichita, Kansas, to more than 11,000 stores worldwide with sales of more than $1.8 billion in the last fiscal quarter alone.

Founded on May 31, 1958, by Dan and Frank Carney, Wichita, Kansas, natives, Pizza Hut represents the very essence of the American Dream. The Carney brothers borrowed $600 from their mother, purchased used kitchen equipment, and rented a 550 square foot brick building and began selling pizzas.

The business grew quickly, and in 1959 they opened their first franchise restaurant in Topeka, Kansas. By 1966, just 8 years after opening, Pizza Hut established its first home office in Wichita to oversee the booming business of 145 restaurants.

In the late 1960s, a pizza company from California was beginning to expand eastward, and the Carney brothers were faced with new business challenges. They decided that Pizza Huts would be the neighborhood pizza restaurants, with standard layouts and looks. In 1969 the red roof was instituted as the national standard for Pizza Hut locations. The move paid off, as Pizza Hut became the number one pizza chain in the world, both in term of sales and in the number of restaurants.

Frank Carney attributes the early success of Pizza Hut to the good values and solid work ethic he and his brother learned from helping their father at his neighborhood grocery store. They believed that growth would come through a commitment to quality and an attitude of service from dedicated employees.

The 1970s were a significant time of growth for Pizza Hut. They became a publicly traded corporation in 1970, opened their 1,000th store in Wichita, Kansas, in 1972, and their first international restaurant in Costa Rica that same year. Four years later the 100th international store opened in Australia and the 2,000th Pizza Hut store worldwide. In 1977 they merged with PepsiCo.

Since then Pizza Hut has grown in terms of restaurants and menu options. In 1986 they began offering delivery services. In 2000 Pizza Hut joined with several other restaurant holdings, including KFC and Taco Bell, to become YUM! Brands.

A number of events are planned to celebrate the 50th anniversary of Pizza Huts' founding, culminating in a gala at the Gaylord Hotel in the DC area here on the evening of May 31. I want to especially commend Bev Jeskie for all her hard work in organizing these events and for making sure that I remained informed of their activities.

Madam Speaker, the idea began 50 years ago in a little hut in Wichita, Kansas. It has been immensely successful. Dan Carney cites the relationships he developed, strengthened with friends, family members, co-workers, and franchisees, as being the most important aspect of Pizza Hut. Madam Speaker, I encourage my colleagues to take a cue from a couple of good Kansans: "Gather 'round the good stuff."

SECURITY OVERREACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, Ian Lustick, a professor of the University of Pennsylvania and research fellow at the Independent Institute in California, wrote an article in The Hill newspaper a few days ago which made a great deal of sense. He wrote this:

"Nearly 7 years after September 11, 2001, what accounts for the vast discrepancy between the terrorist threat facing America and the scale of our response? Why, absent any evidence of a serious domestic terror threat, is the war on terror so enormous, so all-encompassing, and still expanding? The fundamental answer is that al Qaeda's most important accomplishment was not to hijack our planes but to hijack our political system. For a multitude of politicians, interest groups, professional associations, corporations, media organizations, universities, local and State governments, and Federal agency officials, the war on terror is now a major profit center, a funding bonanza, and a set of slogans and sound bites to be inserted into budget, project, grant, and contract proposals.

"For the country as a whole, however, it has become a maelstrom of waste and worry that distracts us from more serious problems."

Michael Chertoff, Secretary of Homeland Security, testified before the Senate a few months ago in a way no other Cabinet member probably ever has. He essentially said we are spending too much on security and should not let an over-exaggerated threat of terrorism "drive us crazy," into bankruptcy, trying to defend against every conceivable threat. He went on to say: "We do have limits and we do have choices to make. We don't want to break the very systems we're trying to protect. We don't want to destroy our way of life trying to save it. We don't want to undercut our economy trying to protect our economy, and we don't want to destroy our civil liberties and our freedoms in order to make ourselves safer."

Secretary Chertoff was exactly right. I believe that most Members of Congress will vote for almost anything if the word "security" is attached to it so that they will not be blamed if something bad happens later. We should do some things to protect against terrorism, but we should not go overboard if we still believe in things like freedom and liberty.

Actually, most security spending is more about money for government contractors and increased funding for government agencies than it is about any serious threat. Just 3 weeks after 9/11, when security requests for money were already pouring in, the Wall Street Journal hit the nail on the head in an editorial:

"We'd like to suggest a new post-September 11 rule for Congress: Any bill with the word 'security' in it should get double the public scrutiny and maybe four times the normal wait lest all kinds of bad legislation become law under the phony guise of fighting terrorism."

☐ 1830

The Wall Street Journal was exactly right. Unfortunately, Congress has not followed this good advice. But it is just as relevant today as it was when it first written.

Bruce Fein was a high ranking Justice Department official during the Reagan administration. He says the Federal Government has, "inflated the international terrorism danger in order to aggrandize executive power." This is true, in part. Most agencies and departments do exaggerate the threats or problems they are confronting to get more power. But they primarily do so to keep getting increased appropriations.

Certainly, we need to take realistic steps to fight terrorism. But if we gave the Department of Homeland Security the entire Federal budget, we still could not make everyone totally safe. In a cost benefit analysis, you fairly quickly reach a point in the terrorism threat where more spending is almost totally wasted. People are hundreds of times more likely to be killed in a wreck or die from a heart attack or cancer. We need to spend more on the greatest threats. Also, we need to make sure we do not lose our liberty in a search for an illusive security.

Bruce Fein wrote that if the, "war against international terrorism is not confronted with corresponding skepticism, the Nation will have crossed the Rubicon into an endless war, a condition that Madison lamented would be the end of freedom."

Madam Speaker, to sum up, a few people are getting rich at the expense of many by claiming that they are trying to increase our security. We don't need to make our already bloated Big Brother government even bigger just because some company or some bureaucrat callously uses the word "security" just to get more money and power.

THE ACRE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, Congress recently approved the farm bill and it's now on its way to a Presidential veto. Any farm bill that increases the size and scope of government, lacks real reform, continues to provide for wasteful agricultural subsidies, and even allows millionaires to continue to receive these subsidies, deserves the veto that it's going to get. It also uses a lot of budget gimmicks to get under the level that would allow it to pass in the first place. So I am glad that the President has decided to veto the bill. We should sustain it.

There's another big reason to sustain a Presidential veto of the farm bill. It's recently come to light, and we only know this because we got the final draft of the bill I believe on the day or just the day before that we voted on it so very few of us were able to actually look through it and to see what was in it. One of the programs in it is called the Average Crop Revenue Election, or ACRE program. This will allow farmers starting in 2009 the option of taking a 20 percent reduction in direct payments and other farm supports in return for a Federal guarantee on their revenue.

Now as we talked about during the debate on the farm bill, farmers can receive direct payments that don't relate to the price of commodities at all. They simply receive payments based on acreage that they had way back when. These payments total about $5 billion a year. They should be done away with completely. But they are now seen as an entitlement. We tried and failed to remove those direct payments from the bill. Those are received, as I mentioned, by millionaires. In fact, a couple, a farm couple, husband and wife in farm and nonfarm income, can make as much as $2.5 million and still receive direct payments in this legislation.

If that wasn't enough, this new ACRE program will allow farmers to actually claim subsidies at a level far higher than they used to under the old bill. Under the farm bill, 2002, which was bloated in itself, once crops dropped below a certain price, then some subsidies would kick in. But apparently those prices were too low for this new bill. And so under this new program, at a far higher threshold, new subsidies will kick in.

The Department of Agriculture estimates that if the price of corn drops, for example, to $3.25 per bushel, the program, this new ACRE program that is new to this bill would dole out nearly $10 billion just to corn farmers. If the price of wheat drops to $4.50 a bushel, wheat farmers would be eligible for $2.5 million in assistance. Again, this is assistance above and beyond what we have done in the past, or what the bill calls for, anyway.

This is new money that taxpayers are exposed to. This is a lot of exposure.

It's indecent exposure for the taxpayers. If soybeans, for example, drop to about $7 per bushel, that is another $7 billion in assistance that will be going out to farmers. Now CBO's estimate of this program showed a net savings, but that was largely due to being forced to use outdated projections associated with the 2007 baseline.

The bottom line is we have skyrocketing corn, wheat, soybean prices. When we base a new subsidy program off these high level prices, then we are going to kick in a lot more readily than we would have otherwise, and we are going to be paying out a lot more. The taxpayers will be on the hook for a lot more.

These estimates, I think had they been available, had more people been aware of this new subsidy program, I think we would have had a lot more votes against the farm bill. It provides Members with a good reason, even if they voted for the farm bill last week, to sustain the President's veto and say let's go back to the drawing board. We simply cannot, cannot expose the taxpayers to this much subsidy.

Way back when, part of what is driving corn prices so high, for example, are the ethanol subsidies that we are providing. We have been told for decades these were just to prime the pump. Once we get it started, get this program started, we won't need to subsidize ethanol any more. Yet, here again the bill we passed last week subsidizes ethanol heavily. It also imposes tariffs on imported ethanol.

Now I believe that some people are worried that those ethanol subsidies, because we are learning how much they're increasing the cost of food and how much degradation of the environment is actually being caused by ethanol, that those ethanol subsidies might be going away. This is a way to guarantee money still being paid, regardless of ethanol subsidies, because the cry will be, Well, if we get rid of ethanol subsidies, the price of corn will drop and the taxpayers will be paying anyway if the price drops under this new subsidy program. So this is a way to simply ensure that we are paying subsidies, regardless. We shouldn't be doing so.

We know that the farm bill, the old farm bill that we just replaced, the new farm bill, it pays out unnecessary subsidies, it distorts the free market, it forces farmers to plant where they shouldn't plant and not plant where they should, and it also distorts our international trade obligations and makes it less likely that we can open new markets.

I would urge us, Madam Speaker, to sustain the President's veto of this farm bill.

ENERGY PRODUCTION IN OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Energy is the lifeblood of the American economy. Our economic prosperity is closely tied to the availability of reliable and affordable supplies of energy. Unfortunately, U.S. energy production has grown only 13 percent, while energy consumption has grown by 30 percent since 1973.

Instead of traveling to spend time with loved ones, record gas prices will keep many Americans home this Memorial Day. Gas prices are now over $1.46 higher nationally than when Speaker PELOSI took over, and will shortly be over $4 a gallon. These high prices are forcing many to choose between taking a vacation or paying bills.

It should come as no shock to anyone that AAA predicts that the percentage of Americans traveling more than 50 miles from home over this holiday weekend will fall by nearly 1 percent from last year. That one percent represents hundreds of thousands of families.

Skyrocketing gas prices and a risky dependence on fuel supplied by volatile foreign nations highlight our need for an American energy policy that emphasizes production and decreases our reliance upon Middle Eastern oil.

Many here in Congress bemoan America's addiction to foreign oil, yet they refuse to allow access to American oil and gas supplies that are necessary to cure this addiction. America has been blessed with abundant natural resources and we should not be hesitant to tap into them, especially at a time when energy prices are soaring so high and are climbing higher.

The Outer Continental Shelf is estimated to contain 19 billion barrels of oil and 84 trillion cubic feet of natural gas. Alaska's ANWR is estimated to contain between 5.7 and 16 billion barrels of oil. What do these two areas share in common? They are both off limits to any development. At the same time, China is fixing to tap into our natural gas resources off the coast of Florida by 45 to 50 miles, and we can't do it ourselves. Not even 100 or 200 miles off shore.

Developing American oil and gas on these lands will help bring the price down and help break the stranglehold on energy that hostile countries in the Middle East enjoy. This can be done in an environmentally sound manner and should be implemented immediately.

What is the opposition's solution to this national emergency? How about raising the Federal tax on gasoline by 50 cents a gallon, on top of an already existing Federal tax of 18.4 cents per gallon and increasing the tax on diesel fuel by 24.4 cents per gallon. Gasoline is not taxed too little. It is taxed too much. With economic disruptions caused by the current high price of gasoline, Congress should vigorously oppose any efforts to increase fuel taxes and instead reduce or eliminate the already existing Federal fuel taxes.

Environmental groups haven't allowed a new oil refinery to be built in the United States in decades. It does little good to increase our use of domestic supplies of oil if we do not have the refinery capacity to quickly convert our crude oil into a usable form. Members on both sides of the aisle need to stand up to these fringe groups and implement policies that encourage construction of new refineries in the United States.

Many Americans are feeling the financial hardship this Memorial weekend of record high gasoline prices and will choose not to travel. Our energy problems were not created overnight, and will not be solved overnight. Congress just act swiftly to address this growing energy crisis. America's energy policy must make us stronger and less reliant on countries hostile to freedom.

Passing any so-called "energy" bill that fails to produce even one single kilowatt of new energy, or produce a gallon of gas, is not the solution. We must pass legislation that will allow for responsible use of our known American supplies of energy that reduce excessive and burdensome environmental policies and encourage the development of alternative forms of energy, such as nuclear power, that has proven to be incredibly safe and a successful source of energy.

I stand ready to do so, and encourage my colleagues to do the same.

ENERGY POLICY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. CANNON) is recognized for 60 minutes as the designee of the minority leader.

Mr. CANNON. I would like to speak this evening about energy policy in America, and the sources of energy, and I expect to be joined here in this discussion with several other Members of Congress. ADRIAN SMITH from Nebraska is going to be speaking to us, and I will yield to him very shortly about the Alaskan National Wildlife Reserve; JOHN PETERSON will be with us about natural gas and the need to develop that resource; ROB BISHOP will join us I think shortly to talk about what it means in the human costs to not have the resources that we need. We expect to be joined by PHIL GINGREY of Georgia and perhaps JOHN SHIMKUS of Illinois as well.

□ 1845

Let me begin by just saying that the U.S. policy to use corn for ethanol and drive up the prices of grain worldwide and to not develop the resources that we have so richly in America are not morally neutral. They are profoundly wrong. So I hope that after some discussion about these issues tonight, our colleagues in Congress will begin to understand what the resources are and how we can use them.

Now I would like to yield to the gentleman from Nebraska (Mr. SMITH), and when he is finished talking about the ANWR issue, I would like to put that in perspective by talking about what other resources we have and how that fits. But drilling in ANWR is profoundly important. If we had done that some years ago, we would absolutely not have prices over $100 a barrel for oil.

I yield to Mr. SMITH.

Mr. SMITH of Nebraska. Thank you to the gentleman from Utah for yielding me time so that we can have a bit of a conversation on energy. I truly believe that our country is lacking a balanced policy. I think that our country is lacking a commonsense policy, which certainly leaves consumers out of the mix for what they need with food, with fuel for their vehicles, energy to heat their homes, energy to run a small business. The list goes on and on.

But as we do address and look to the future, I think that utilizing today's technology and even tomorrow's technology so that we can certainly use the resources afforded our country, we can do that in a very responsible manner, and that we would not have certain issues become symbols of I think an extreme agenda that are endorsed by I think a relatively small group of Americans.

In 1980, the Congress, and President Carter, I will add, created the nearly 20 million acre Arctic National Wildlife Refuge, but they set aside 1.5 million acres of ANWR's northern coastal plain for the purpose of future energy exploration and development. Let me repeat that. They set aside, this is Congress and President Carter in 1980, 1.5 million acres of ANWR's northern coastal plain for the purpose of future energy exploration and development. This parcel is known as the 1002 area, named after the section of the act that set it aside for its energy resources.

Energy exploration will be limited to just 2,000 acres of ANWR's 1002 area, an acreage limitation made possible by 21st century technology. This 2,000 acres, I will add, is equivalent to one-tenth of 1 percent of ANWR's total acreage.

According to the U.S. Energy Administration, the mean estimate of recoverable oil in ANWR is 10.4 billion barrels, all of which is now economically recoverable. That is more than the twice the proven oil reserves in all of Texas. That is almost half of the total U.S. proven reserves of 21 billion barrels. That represents a possible 50 percent increase in total U.S. proven reserves.

EIA also estimates daily ANWR would provide 1 million barrels per day for 30 years. Will that affect oil prices? Absolutely. Is that a government subsidy? No. I hope that we can get beyond the policies of just saying "no" to domestic sources of energy. This is equivalent to what the entire State of Texas produces daily. ANWR's 30 year, 1 million barrel per day supply, also equals 30 years of imports from Hugo Chavez of Venezuela.

Let's talk about the revenue. According to a recent CRS report, at today's prices of $125 per barrel, ANWR development would deliver $191.1 billion in corporate income tax and royalty revenue to the Federal Government. Let's talk about fiscal responsibility. Bonus bids alone would deliver close to $4 billion to the Federal Treasury.

Economically speaking, relating to jobs, ANWR energy production would create between 250,000 and 750,000 good jobs in America across the country. These are good, broad-based jobs in the energy sector that, in the end, help consumers. A study from the National Defense Council Foundation says that the figure could be as high as 1 million new jobs for Americans in all 50 States and the District of Columbia.

In terms of environmental protection, ANWR's leasing plan will be certainly environmentally sound. The Interior Department must administer the leasing program to result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources or the environment. The leasing program will be subject to stringent regulations that at a minimum will require some of these details. Let me share them.

Meeting or exceeding environmental mitigation measures established in the prior environmental impact statement.

Limiting exploration generally to the period between November and May.

Imposing seasonal limits to protect breeding, spawning and wildlife migration patterns.

Using ice roads, airstrips and other low impact transportation methods while limiting air traffic to reduce disturbance to fish and wildlife.

Requiring pipelines and roads to be designed to minimize adverse effects on migratory caribou, other wildlife and surface water flow.

Protecting streams, springs, rivers, wetlands and riparian habitats from the effects of water used in drilling.

Treating and disposing of all waste products by use of a hazardous material tracking system and filing an annual report on waste management.

Educating crew members on environmental protection methods.

Complying with all applicable air and water quality standards and utilizing the best commercially available technology for the exploration and development, not only today, but in the future as well.

I could go on and on with many of these details that assure the responsible development, exploration and henceforth the development, but let me give some perspective to this briefly.

The size of the small wildlife refuges that currently exist barely measure as a fraction of ANWR's 19.6 million acres, yet the ecosystem and energy production in the refuges coexist without harm. Consider the size of these following National Wildlife Refuges supporting active oil and gas production, according to information provided by the U.S. Fish and Wildlife Service:

Hewitt Lake National Wildlife Refuge in Montana, total size, 1,680 acres; Hagerman National Wildlife Refuge, Oklahoma/Texas, 11,000 acres; Kirtland's Warbler National Wildlife Refuge in Michigan, 6,543 acres; Delta National Wildlife Refuge in Louisiana, 48,000 acres. We are talking about a good chunk there. San Bernard National Wildlife Refuge in Texas, 37,000 acres; Crosby Wetland Management District in North Dakota, 86,000 acres. But, my friends, ANWR in Alaska, the total size of the refuge is 19.6 million acres, and proposed development is 2,000 acres.

I would argue that what is best for consumers is a good, balanced energy policy that isn't just about petroleum. It is about many other sources. And the frustration from consumers in the Third District of Nebraska is getting higher and higher and higher, because they understand the economics of various sources of energy, whether it is biofuels that many people are speaking out against, or even nuclear power, nuclear energy that we know is friendly to the environment in terms of carbon emissions.

Hydropower, it was interesting to learn that New Zealand is one of the world's, I would say, most green countries in terms of energy. They are about 80 percent dependent on hydropower. And there is so much pushback here in America on the development of hydropower, consumers are getting frustrated. It is not just policymakers, but it is consumers as well, because they can do the math.

Clean coal technology, we have come so far with clean coal, and there is even greater promise in the future. Why would we want to sell ourselves short on that? Oil shale, that I know will be discussed here momentarily, certainly is a domestic source of energy. We heard earlier about some comments about becoming energy independent, oil independent, but yet there is so much pushback from developing our own resources in a very responsible manner.

Mr. CANNON. Would the gentleman be willing to answer a couple of questions?

Mr. SMITH of Nebraska. I will do my best.

Mr. CANNON. Thank you. They won't be hard. I might point out in Utah we had 76 billion tons of coal locked up by one monument that President Clinton made, the Grand Staircase-Escalante National Monument. That is the equivalent, the gentleman mentioned coal-to-liquid, that is the equivalent of 150 billion barrels of oil locked up in a monument.

But let me make sure I have these numbers right, because they are actually startling. The whole Alaska National Wildlife Reserve is 19.6 million, almost 20 million acres. That is bigger than most northeastern States.

Mr. SMITH of Nebraska. Even bigger than the Third District of Nebraska, which is huge. Well, not acres-wise, but it is a large area.

Mr. CANNON. The Third District of Utah is large as well that I represent, and that is about the size of that. And so we have about 1.5 million acres that were set aside by President Carter and the Congress when the refuge was established for oil development. Now we are talking about 2,000 acres of land to develop oil on. That is the proposal. That yields 10 billion barrels of oil.

Mr. SMITH of Nebraska. That is correct.

Mr. CANNON. That would mean, I think you said, about 1 million barrels of oil a day.

Mr. SMITH of Nebraska. Correct.

Mr. CANNON. What would happen to the $120, now pushing on or moving toward $130, per barrel of oil if we had 1 million additional barrels of oil production a day?

Mr. SMITH of Nebraska. Well, I can't make any promises, but certainly as it does speak to economics, there is concern that so much of the price of oil per barrel today is based on speculation, that the mere announcement that we would be opening up some domestic sources of petroleum resources, we would be perhaps warning those folks in the speculative world that things may change a bit.

Mr. CANNON. Those speculators have virtually no downside. The upside is limited only by what they are willing to guess on in the future. So to bring that oil price down, I think we need to bring some new sources on or make it clear we are going to bring some new sources on. I think, like the gentleman, that would cause these prices to plummet.

Mr. SMITH of Nebraska. Absolutely. I think the numbers certainly speak for themselves.

Folks, in our economy, on the front lines of our economy, they can do the math. They are very frustrated with what is taking place right now. And while the Third District of Nebraska is a large place, I am not saying it is smaller than this subject area, but we even have opportunities with so many different sources of energy. Why would we want to take something off the table, when there are domestic supplies that with technology today and tomorrow we can do so much more?

But more than that, it strikes me as absolutely amazing that the local folks of these subject areas, specifically ANWR, are supportive of this development. I think you spoke earlier of some places in Utah that you pointed out that the locals support. If it were truly going to plunder the environment, as many would speculate and suggest, the local folks would be fighting against that.

Mr. CANNON. I think that is absolutely right. Reclaiming my time, I thank the gentleman. I would like to point out to him, I paid $3.59 for gas the last time I bought gas. That is obscene. It is obscene. If we had been thoughtful about ANWR, if we had acknowledged the desires of the people who live in ANWR, who care about the land in ANWR, we would be drilling there, having minimal effects, and producing a much, much lower price for gas. That is an obscenity that we ought to be rid of.

Mr. SMITH of Nebraska. I drive a diesel vehicle, and even though diesel is more efficient on a gallon-for-gallon basis, it is painful. I close with that.

Mr. CANNON. As you leave, I appreciate that. I drove to a new gas station the other day. I went to the pump and put my card in and got ready to pay for the gas, and as I did that, I reached over to get the gas hose and it said $4.39 a gallon. I was stunned. Then I looked. It was green and I realized that that pump had a diesel handle on it as well. The 15 or 20 percent better mileage you get doesn't cover the extra dollar that you pay, the 25 percent higher prices. So I sympathize with the gentleman.

But I would point out that oil shale is essentially diesel fuel and then can be used for that, and if we develop that, it should bring your prices down, Mr. SMITH, significantly, and all the rest of the world's as well, which I think is the right thing to do.

Thank you very much for your time. We appreciate that.

We are now joined by Congressman BISHOP from Utah, who agreed to join us despite the fact he is hosting a group of German members of the Bundestag. So I would like to turn some time over to him to talk about whatever he wishes, but probably the human costs of these horrible energy prices and policies that we have in America.

I yield to the gentleman.

□ 1900

Mr. BISHOP of Utah. I appreciate my good friend and colleague from Utah that clearly understands this particular issue.

I want to start by introducing you to a character in American history by the name of Elbridge Gerry. Elbridge Gerry is a former Vice President, Governor of Massachusetts, signed the Declaration of Independence. He is also one of three people who spent the entire time at the Constitutional convention and then refused to sign the document.

Now, we have had others; the gentleman up to my left who appear on the ceiling, one of the two Americans that we had in this icon of lawgivers in the history of the world. George Mason was one who stayed there and refused to sign the document. He had a specific reason, and that was it didn't have a bill of rights.

Elbridge Gerry did not have a specific reason. He had a litany of little ticky issues that he thought were wrong with the document. They are so small and so insignificant that I have yet to find a history book that actually lists the reasons for his refusal to sign this particular document. In fact, I had a teacher that one time told me that he had a personality that was the kind so prickly that if the Savior said that the millennium will start on Tuesday, he would say, I can't do that, I have a haircut; we have to wait until at least Thursday to do it. Now, that is what he did.

Despite the fact that he had a litany of problems with the document, the document itself turned out to be a pretty good document. As P.J. O'Rourke would say, the Constitution of the United States is 21 pages that is the operating manual for 300 million people, compared to the operating manual of the Toyota Camry which is four times as long and only seats five. The document worked.

Well, one of the problems and the reason I am introducing you to Elbridge Gerry is we have an Elbridge Gerry attitude towards energy policy. We all agree that we need to be energy secure and energy independent, and we agree we have to do that. But we can't have windmills off the coast of Massachusetts. We need to be energy secure, but we can't have a liquid natural gas port on the East Coast. We need to be energy secure, but we can't do any kind of offshore drilling even if it is 100 miles away and no one can see it because it might bother the tourists who can't see the drilling going on. We need to be energy secure, but we won't go up to the arctic in Alaska to an area set aside by the Carter administration for the simple purpose of producing energy, and we won't drill there, as the gentleman from Nebraska just recently explained.

We have this idea that we have all these ticky little reasons and details that we won't do this and we won't do that, and the end result is we miss the bigger focus and the bigger issue, and that is we need to be energy secure for our Nation and for the individuals of the Nation.

Our policy towards energy has always caused problems. It has caused problems for businesses, has for several years, and it is causing problems in the way people live their life. Because the issue is not our country's energy policy in the abstract; the issue is, how do people cook their food? How do people heat their homes? How do people create and hold on to a job? Because every time the price of energy increases, jobs are lost, incomes vanish, social programs suffer. Every individual in this Nation suffers with higher and increasing energy prices.

Rising utility bills are indeed one of the major causes of homelessness in this country. And that means, when energy increases in price and cost, the poor and those on fixed income, and there is about 43 million of them in the United States, are the first ones who are hurt and suffering. And how do our people react to this?

There is a couple in Maryland who have decided to take their kids out of weekend activities. So their daughter that was in dance and gymnastics, they no longer drive them to these activities. A Vermont church found itself recently in a $10,000 arrears simply because it didn't budget enough for its energy. In Maine, in Wisconsin, schools simply have lowered the temperatures in their classes. So, in a district in western Wisconsin the kids in the winter are now wearing fleeces and zip sweaters, to the fact that they even had a fashion show to show kids how to dress warmly as they are now coming to schools. Unfortunately, they held it on a day when it was snowed out, but that is still the fashion show they tried to do. In Louisiana, they no longer run their sprinklers on the ball field. In North Dakota, they are talking about a four-day school week. In Iowa, they have cancelled trips for choirs, athletics, and field trips for the junior high kids.

And schools simply don't have a way of handling this. You can't just put more money into the heating salary. Schools are on a very tight budget, with the majority of schools' budgeting coming from the cost of salaries, which simply means if energy prices increase, teacher salaries will decrease. They simply can't afford to do it in any other particular way.

We have a Chicago nurse who has cut out her cable television. She can't afford it anymore. Elderly people on fixed incomes especially feel trapped in their apartments because they do not have the flexibility to go anywhere. They can't afford to. We have an example of an elderly gentleman in St. Paul, Minnesota who now travels most of the time on his electric wheelchair because electricity comes with his rent and that is for free, and he can plug it in in the apartment and he doesn't have to buy gas to get around. Now, that is what is happening to real people.

It is happening to the country as well. In the military defense of this country, our costs in the last 3 years for energy for our military has risen from $3 billion a year to $7 billion a year.

Our increase in prices are putting our Nation at risk, are putting individuals in jeopardy, and we simply cannot afford to talk about it any longer. We cannot afford to have secret plans that we refuse to identify any longer. We simply have to do something. Because for every dollar spent on higher energy costs, it is a dollar you can't spent on luxuries like tuna casseroles; for our energy is the great social equalizer of this country and it is the one that creates economic opportunity in this country. Our energy should not be those who are rich in government or rich in society or rich economically, the elite that can afford this.

One of our Presidential candidates went in one day on three different jets, each of which spewed out 25,000 pounds of CO_2 per hour. Now, the average American spews out 15,000 pounds of CO_2 per year. And the solution to that was simple: Recognizing that they are now adding to the emissions in the atmosphere, they paid $11,000, and urged you to all buy mercury light bulbs made in China by coal-powered plants.

Another one of our good friends who makes a great deal of emphasis on the fact of global climate change and global warming lives in a house that consumes 20 times the amount of electricity that an average house does in this country. And his solution to that? Paying offsets that he uses his own company to pay the offsets.

We have a concept right here now of the elite who are not cutting back on their energy consumptions; they are simply paying for it with offsets in a similar way as medieval dukes used to pay for indulgences with the church. And yet, while they are still living in comfort in the elite, what we have is a situation that is harming individuals, and especially individuals who are poor, on fixed incomes, and the elderly.

That is one of the reasons the Western Caucus will be introducing shortly a comprehensive energy bill, one that realizes that if we are going to solve this problem, not just talk about it but solve it, there are three principles that have to be introduced:

We must increase the production of energy in this country. And we are going to have multiple speakers who will be talking on that aspect. That won't work alone. We also have to increase our efforts of conservation. We cannot solve the problem of our energy future without conservation efforts. But, we cannot solve the problem of our energy independence and our energy security needs by conservation alone. It has to work with other principles. Because it is true, every gallon that we save, every watt of electricity that we do not use is a gallon that does not have to be imported, does not become emitted.

Yet, even by the strictest standards of conservation alone, we can account for only about one-half of the amount of oil that we import into this country every year. It would be hypocritical to rely on this. In fact, it would be, as the Ron Arnold book title says, our goal would be "Freezing in the Dark." It has to be more than that.

In addition to that, though, there is a third element that has to be there that will be an essential part of this bill, which is innovation. If you go back to the turn of the century, Jules Verne could not have imagined what would have happened in the next 100 years. He could not have imagined going from radios to I-pods, and rockets, computers, going from antibiotics to organ transplants. Couldn't even have imagined bottled water. But that has been the reality of the past 100 years.

We have technological abilities that sometimes come slow and sometimes come as fast as new cell phone plans that will provide the ability to use these two concepts to reach the needs so that we can become energy secure. We have certain specific problems that need to be addressed in this process of innovation. We have not had a new refinery built since 1976. In 1980, we had 324 in this country; today, there are 148 that are operating. We can produce 17 million barrels of oil per day from our refinery capacity. Unfortunately, this country needs 21 million barrels of oil per day from our refinery capacity.

We have outdated processes and regulations that need to be put in place along with tax reform to encourage both conservation and production.

We use about 5 million miles of electricity distribution and 1 million miles of natural gas distribution lines. That is not enough. We need to be developing new corridors so that we can more easily transport energy from section to section.

One of the other areas we are looking at is also the workforce. There has been a 90 percent drop in the number of petroleum engineers and geoscience graduates since 1982. At that rate, by the year 2010 we will find a 38 percent shortage in this critical profession that we need to try and find our way to use the knowledge that we have to build and move us into the future. We need to come up with smart meters, point of sales generations. We need to use the technological abilities that we have to find solutions.

We need to use a system that has financial rewards and prizes to reach our technological goals, because we have found that voluntary innovation and experimentation are always preferable to bureaucratic or international intervention and regulation. Former efforts that failed were not driven by market forces, but they were driven into failure by self-serving governments. We need to combine all these three areas into one. But we cannot overlook the first and most important effort, which is simply production.

We in the West perhaps have a different attitude. To be honest, the West produces the energy the East consumes. So I think by all rights we have the ability to be a little bit holier than thou, both realistically as well as spiritually. But the issue is, we have the ability in this country to be energy secure. The stuff is here. There is more energy imprisoned in this country than most nations actually have, and all we have to do is simply be wise enough to realize we need to go at it, we need to develop it, we need to conserve it, and we need to be creative in the way we distribute it.

We can talk all day as some people do about profits that the companies are receiving, what we should do with those profits. At the end of that discussion, you have to realize it is a useless discussion, because you can talk all day about what we do with profits. Not one new barrel of oil is provided to anybody by that discussion. The only thing we need to do is start talking about going to where the energy is and developing it, conserving it, and being smarter in the way we do it. That means an attitude change. So our goal is to produce, to conserve, and be smarter in the way we do it. And by that method, that method, we will solve the problem.

This Nation needs more than anything else to not talk about the issues any longer, not have secret plans about the issues any longer, but simply to do it. We have the resources, we have the capability, we have the ability to provide for ourselves into the future. And it is almost criminal if we do not do that in a comprehensive and intellectual way.

I still have faith that this country can proceed into that future, and I hope America will join us in this effort to meet these criteria. And I applaud my good friend from Utah, who understands this issue instinctively, and his effort to bring this to the attention of the American people with a lot of different people who understand elements of this, and hopefully we can bring together a comprehensive plan for the future of this country so that we can have energy security and energy independence for our future.

Mr. CANNON. Would the gentleman be willing to enter into a colloquy?

We talked a little bit about innovation. I think that in the bill that we are proposing as the Western Caucus, we have some prizes in there for energy efficiency including what is under consideration, a prize for a motor or an engine or gasoline engine that would go say 100 miles per gallon. And the gentleman probably knows this, but the typical engine in America gets about 17 percent efficiency. In other words, you get about 17 percent of the energy out. The highest efficiency are diesel engines on long-haul trucks, which get about 35 percent; meaning 70, 65, or 83 percent is wasted in the process.

If innovation would support us in doubling the efficiency of engines, what would happen to the price of gasoline in America and diesel?

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Mr. BISHOP of Utah. The gentleman is perfect, right on with this one. The problem we have is a simple concept of supply and demand. If the demand is great and the supply is not, the price goes up. And how do you simply get the price to come down? You increase the supply, whether by production increases or conservation increases or new technology increases. But, once again, spot on accurate.

If we don't do that, it's kids who are freezing in classrooms; it's elderly who are stuck in their homes by the fear of going anywhere because they can't afford to get back; it's poor people who will lose their jobs because we don't have enough energy to expand the market.

That's why we do this. We do this for people who are counting on us to have a wise, comprehensive policy.

And we've found also, if you ask, prizes are a wonderful way because people are so creative. People are innovative. And if we allow that spark of creativity and innovation to come forth, we can solve every problem that we face. And it doesn't have to be done by experts sitting in a room in Washington. People have the ability to do that, and they have the ability to do it better than probably we can.

Mr. CANNON. Heaven help us, from experts sitting in Washington who get paid to continue the problem instead of solve the problem.

Thank you, Mr. BISHOP. Appreciate your time.

Let me just point out that production and conservation are both matters of innovation. We're going to talk tonight about new ways to innovate in production, and also in other areas of conservation.

A new motor would conserve a great deal, a new, more efficient motor would conserve a great deal of energy. And I think that if you doubled the efficiency of engines on the highway today, or if you had an engine that doubled the efficiency, the threat of that doubling of efficiency would almost immediately result in a plummeting of the price of oil overnight, without any additional production.

We're joined now by Congressman PETERSON from Pennsylvania. And Mr. PETERSON has been a great advocate of developing our natural gas resources with reasons why this is a critical part of what we're doing in the country. And I would yield to Mr. PETERSON as much time as he may consume. And hopefully, at the end of your presentation, we can chat a little bit about what this means for America.

Mr. PETERSON of Pennsylvania. I want to thank the gentleman from Utah and thank him for his leadership in the Western Caucus. Even though I'm from Western Pennsylvania and Central Pennsylvania, I've been a proud member of the Western Caucus my tenure in Congress, and have enjoyed working on the many issues that the West is interested in.

$129 oil today. I remember a short time ago when it hit 80 and then it hit 90. I came down on the floor, thinking this Congress would start to react as if it was a crisis. Here we are today with $129. We've been over 120 for a week or so.

Do we have a bipartisan Senate/House task force formed to deal with energy? No. Not an issue.

Do we have a special committee in the Congress here in the House to deal with energy, maybe bipartisan or partisan? No.

Is anybody calling for a special session that we deal with energy?

No matter where I go, where I fly, what coffee shop I sit in, everybody's talking about energy prices. Why? Because a young lady said to me recently, Mr. PETERSON, I make $320 a week. I'm raising two children as a single mom. I'm now paying $130 a month, no, $130 a week to drive to work.

In rural America people drive distances to work. They drive distances to school. They drive distances to shop. They drive distances to go to the doctor. There's no transits, there's no cheap way to travel.

She said, I'm spending $130 a week. I said, what are you spending to heat your home? She said, I'm spending $175 a month, year round, to heat my home with natural gas.

What this young lady doesn't know that, since she told me that, energy prices have risen considerably. That was a few weeks ago. And what she doesn't know, and most Americans don't know that natural gas prices to heat our homes are going up measurably this fall.

Last year, at this time, in the summertime, we put our natural gas in reserve, underground caverns because we can't produce enough during the winter heating season. Last year, at this time we were putting gas in the ground at $6.50 to 7, and that was a little bit higher than usual. Not a lot but a little bit.

Today we're putting $11 gas in the ground. And I talked to one of the experts at the Energy Department today, and he expects that figure to rise. If we would have a major storm in the gulf, which we have not had for 2 years, and we always lose some production in the gulf when that happens, we could have 14, $15 gas go in the ground. If that's true, home heating costs next winter, with natural gas, and that's 62 percent of Americans, will double.

Those who are heating with propane and home heating oil this year paid huge prices, and are going to pay much higher prices next year. Natural gas only went up about 10 percent. But that's going to change.

Folks, America has chosen, the leadership in America has chosen to not produce our own energy, to lock ours up. Now, we did pass a bill today called, interesting name, the Gas Price Relief Act for Consumers of 2008. Now, wouldn't you think that's going to do something with prices?

Well, here's what it does. It's trying to figure out a legal way for us to sue OPEC and other countries who we don't think's producing enough oil. If, you know, I think Saudi Arabia, I looked today, is 12 million barrel a day. And the President was just there, and the Speaker asked him to ask for more oil, and I think he asked for more oil.

A month or so ago, Vice President CHENEY was over there, and the Speaker and others asked him to ask for more oil, and he asked for more oil.

But now we're going to pass a bill saying that if they don't produce enough oil, and if we think they're kind of conspiring and not producing as much as they could, we want some court to sue them in.

Well, it seems to me, we're a little bit vulnerable, because I want you to look at my chart here. Congress, for 27 years, has locked up the Outer Continental Shelf. That's offshore production of energy. Every country in the world produces out there, a major part of their energy, both oil and natural gas.

We've also locked up major parts of the Midwest. Up here in Alaska, we locked up the portion of ANWR that was set aside for energy production. That's why it was set aside. I think we heard in earlier testimony here that 2,000 acres out of millions would have been actually the footprint. And yet, this Congress said no.

Now, we've said no to Alaska. We've said no to the Midwest. The oil shale rock was recently locked up, not signed into law yet, but we passed a bill here with six plus votes, I think, to lock up the shale oil in three States in the West.

We heard earlier about the huge coal lock up with one Presidential order. Congress, and three Presidents, have locked up offshore production.

Now, we have the nerve to say that we're going to sue other countries because they're only producing 12 million barrels a day for us?

I think maybe we ought to pass the bill that Americans could sue Congress and the administration for not producing adequate energy. We have been negligent.

This Congress has the mind set that we're going to run this country with renewables. Now, I wish that was true. But let's look at the chart. The left of this chart is history. The right of this chart is the Energy Department's prediction. There's not much change.

Hydro, non-hydro renewables. This is wind, solar and geothermal and woody biomass. And the one that's increased the most is woody biomass because a million Americans are now heating their home with pellet stoves. That's sawdust made into pellets.

All the wood companies are drying their wood. If they dry their wood they're using wood waste now instead of fuel oil or diesel or natural gas because they can't afford that.

And many power plants are topping off their loads. To keep under air emission standards they may use 80 percent coal and 20 percent wood waste. And we now have some plants coming on-line generating with wood waste. So woody biomass, and now we're talking about cellulosic ethanol, which will also be another use for woody biomass. So that's been the only one that's growing.

Nuclear, we need, we have 45 to 50 plants that are now applying for new permits, and we need all of them to be completed by 2030 to stay equal.

Coal, it shows coal growing. I don't believe that's going to happen. We've had about 60 coal plants in the country that have been turned down by States because of the threat of climate change legislation, which will put a tax on energy.

When you hear people talking about carbon taxes and carbon trading, you need to realize that in every country that's went down that road, that will increase energy prices another 20 to 30 percent. Now, let's say it's 25. Well, at $4 gasoline, that means, with a carbon tax, gasoline would be $5 pretty quickly, without oil prices going up.

Now, they show natural gas flat here. I disagree with the Energy Department, because every one of those 60 coal plants that have been turned down will be a natural gas fired generation plant. Just 10, 12 years ago we produced 7 percent of our electricity with natural gas. We're now at 23 percent and growing. And whenever you deal with carbon in any country, the only field you can shift to is natural gas. It's cleaner. No knocks, no socks, and a third of the CO_2. So it's the clean green gas.

Now, we should be using more of it. But if we're going to use more of it, we need to produce more of it and we need to be out on the Outer Continental Shelf. As we showed before, we need to get into the Midwest, we need to do the coal to liquids, coal to gas, as we heard others talking about earlier. We need to do all of those things, and those are all doable.

Folks, we need all the wind and solar we can get. And I'm for it. But if we double it in the next 5 years, we will be less than 1 percent of our energy use in this country. So it's not big numbers. We can't run the country on renewables.

We're not increasing hydro. Folks, we're really not increasing anything. We're sitting on our hands. We're a policy-less country, as far as energy is concerned.

The 2005 Energy Bill did a lot of good things. The reason we have 45 to 50 permits on nuclear is because it streamlined the process and we now have all those in the pipeline.

The unfortunate part, when we build these nuclear plants, the basins are going to come from Japan, that's the base because we don't have the ability to make them here anymore. And many of the components are going to come from Germany, which has a lot of capacity. And we've kind of lost our capacity.

Mr. CANNON. Would the gentleman yield?

Mr. PETERSON of Pennsylvania. Surely.

Mr. CANNON. You know, looking at that chart is actually a little disturbing, because unless we produce a great deal more natural gas, our current reserves being diminished, or diminishing, we have to import a lot of natural gas. So if we're not going to do coal power plants, if that chart, instead of widening for coal, shrinks for coal, then you have to widen natural gas, which means you're going to have to import a great deal of natural gas.

Mr. PETERSON of Pennsylvania. And that comes from Third World countries, dictatorships, the same type of countries that we're purchasing oil from.

But let me tell you, it's not that simple. LNG, and I'm not opposed to it, but when a tanker is loaded with LNG it becomes a commodity, and countries like Japan and Spain and other countries that have no natural gas, live by it. They will currently, are paying 14 to $15 per thousand for a tanker load, and we can't afford to pay that. We're paying 11 to put in the ground. We can't put 14 and $15 dollar gas in the ground, or we are automatically doubling natural gas heating prices for next year.

Now, natural gas is not just a heating fuel. We run our country with it. You know, we use—70 to 90 percent of the cost of fertilizer to grow corn to make ethanol is natural gas cost. That's what we use.

Petrochemical business, 55 percent of their cost is natural gas because they use it as an ingredient and as a fuel.

Polymers and plastics, 45 percent of the cost of that industry is natural gas because they use it as an ingredient, as a fuel. Almost everything we manufacture in America has natural gas in it as an ingredient, as a fuel.

Really, I've had people tell me it's such a wonderful substance, we never should burn it, we should use it as the chemical that it is to make products. But we know that's not going be the case.

We have lots of natural gas in America. Unfortunately, all the rich fields are locked up. Offshore is loaded. The

Roan Plateau in the West is loaded. They've just found the new Marcella Shale in the Pennsylvania, New York, West Virginia area. It's going to take a while to develop it. But we have lots, but we are not producing enough of it to keep it affordable. And we are looking at a huge spike that's coming at us right now.

But LNG, we can only buy it in the off season. In the heating season, when we need it, we never can afford to pay for it because the other countries bid it up. And they have to pay the price because they don't have any other oil.

Mr. CANNON. So here we are, the Middle East of coal. We have more coal than we know what to do with. We've stopped using coal. We don't use coal to liquid. We don't use those things because we can't sequester the CO_2. That means, instead of expanding, coal declines. Coal declines. Natural gas goes up.

So now all of sudden you just listed all the things that we use natural gas in. And I add those things all to be an inflationary environment where, in particular, food prices go up, or continue to go up, having doubled, in some cases tripled over the last couple of years.

Mr. PETERSON of Pennsylvania. I was in a hardware store last month, and they had their coats on. And I said, what's going on? He said, in the spring and the fall season now we don't heat our store because people, working people are coming in to buy hardware and lumber, it's a lumber yard. And they said because it costs us 800 in the month in the spring and the fall season, now it's going to cost us a lot more than that in the winter, but we have to keep it warm in the winter. But in the spring months, when nothing will freeze, we shut our heat off. That saves us 800 a month. Those are two fall months and two spring months. That saves me $3,200 profits. So he said, we work with our coats on. Our customers come in with their coats on, they just leave them on and they don't complain. He said, that's how we do it now. We can't afford to heat our store.

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These costs of natural gas, costs to heat schools this year are going to double. Costs to heat our hospitals are going to double. Almost everything that we use gas for will probably come close to doubling this year. It's going to be terribly inflationary, and it's going to make some businesses just noncompetitive.

Mr. CANNON. You and I have been talking about this issue for years now, and we've seen no increase, a modest increase in some drilling in the intermountain west, but very little new sources.

And what's happened to costs of gas, that is, natural gas, over the last 3 years?

Mr. PETERSON of Pennsylvania. Someone was talking the other day here on the floor that we're drilling twice as many wells and we don't need to drill more. Well, we're drilling in old, tired fields. We're drilling the cracks and crevices that we haven't drilled before. You get out into some fertile territories, there's huge gas fields. Just huge. In fact, off the coast of Florida, there was a huge gas field that I think the lady from MS said it was called very sweet gas and it was tremendous volumes, and we actually bought the leases back so we wouldn't produce it. Yet 50 miles offshore, we have Cuba cutting deals with China, Norway, and Canada. They're going to produce gas 50 miles off the Florida coast, and we can't produce 100 miles off the coast. Does that make sense? I don't think so.

Mr. CANNON. I don't think so either, and I don't think the American people think so. And I think the American people are really fed up. You can't double or triple people's natural gas costs, their heating costs in their homes. You know, personally sometimes I drive in the wintertime even without a coat on. If I jumped out of my truck and went into that store, I'm not sure I would be comfortable, but that's one of the costs that we're imposing on people.

We cannot—the American people are not going to allow us to maintain these idiotic policies that lock up resources while people are actually going hungry in other parts of the world because we're using corn for ethanol and we are taking natural gas, and instead of turning it into fertilizer, we're bidding it off to the Japanese, the Chinese, and the Indians.

Mr. PETERSON of Pennsylvania. Well, the good news is within the next 3 to 4 weeks, we will be offering an amendment to the Interior bill that will open up on the offshore—let me put my sign back up, my chart back up here—in part of the gulf, east Atlantic, Pacific. Both oceans will all be open from 50 miles out for gas and oil.

Now the site distance is level. So if you're at your condo at the beach, when it gets past 11 miles, you won't know it's there. We're going to be 50 miles out. Now, I'd like to come in to 25 or 30 because there's a lot of energy in that section. But we're going to go 50 in hopes that a majority of Congress, House and Senate, will feel the heat from back home and we will open up production.

Canada, Great Britain, Ireland, Sweden, Norway, Australia, New Zealand, all of these very sensitive environmental countries, they all produce. Canada laughs at us. They actually produce in the Great Lakes. They produce in Lake Erie where I live and they sell us the gas. And I asked them the last time they were in, Do you slant drill to our part of the lake? And he smiled and he said, You bet.

Now, we don't allow drilling there either.

We could actually drill the Great Lakes from offshore. We wouldn't even have to get in the lakes. But since 1913, Canada has produced in the Great Lakes, and now they're selling us, because we get 15 percent of our natural gas from Canada. Our largest producer of oil outside of our own is Canada, and it's also the only major source we have of natural gas other than our own, and I think 2 percent LNG. I think 15 percent of our natural gas. Thank God Canada produces. They also produce right off of the Washington coast, right off the main coast. Right off within sight of us, they're producing energy with no negative results.

I hope in the next 3 or 4 weeks that Congress will feel the heat, understand this issue a little better. A lot of people in the country, a lot of people in Congress don't realize that natural gas is not a world price, and when we're putting $11 gas in the ground, that's the highest price for natural gas coming out of the ground anywhere in the world. In South America, it's a buck-something. In Russia, it's a buck something.

So our fertilizer, 50 percent of our fertilizer industry has went offshore now. Polymers and plastics are going offshore. Petrochemicals are going offshore. Those are the best blue-collar jobs left in America, and they need natural gas to produce.

Mr. CANNON. Those are the best blue-collar jobs in America and Democratic policies are driving them offshore.

Mr. PETERSON of Pennsylvania. And if carbon capture and CO_2, if you have those who believe that's such an evil force, that the CO_2 we breathe out is a poisonous gas, if we put carbon capture and CO_2 payments ahead of affordable available energy, America will be a Section 8 Nation. We won't compete with anybody in the industrialized world because our energy costs will prohibit it.

Mr. CANNON. You and I are on the Resources Committee together. We are going to have a vote on this issue, and every American is going to know because every talk show host and every newspaper is going to talk about this vote because this vote is about the cost of energy.

And included in that mark-up we are going to have a vote on ANWR, and we will have other votes that I think will be profoundly important.

It was in the mark-up a year ago that the Democrats, over our objections and over our votes, insisted that BLM not be allowed to go forward with its regulatory scheme for oil shale. We're now a year behind on that. It was in the appropriations bill last year. The Democrats put a provision that prohibited the use of any money that BLM had for processing permits on BLM property.

Thank heaven that we have school trust lands that can be developed for oil shale. But without that, we would be in real trouble.

Mr. PETERSON of Pennsylvania. Well, maybe 30 years ago when oil was $10 a barrel and natural was $2 a thousand, it was smart to use theirs. But when it's $129 a barrel and $11 for natural gas, I think it's time to produce our own. Americans do not need to be sending all of our resources to these other countries.

Mr. CANNON. And you and I talked about the increase in price that went from $2 to $9 briefly and then it came back down a little bit, but we talked about how if we don't do this Outer Continental Shelf Development, if we don't do the inter-mountain west and other and gas resources, we'd be in the predicament that, lo and behold, we're in today.

We're talking about families doubling the price of heating their homes, businesses, doubling or tripling the price of heating their business because of failed policy.

We have energy. We need to develop it.

Mr. PETERSON of Pennsylvania. If your foreign competitor is melting steel or making a product with $1.25 natural gas, you have a huge disadvantage, and that's what's actually happening.

Mr. CANNON. That's right. You cannot compete.

Mr. PETERSON of Pennsylvania. Thanks for the time. In a couple, 3 weeks we will have the opportunity to fight to open up offshore production of oil and gas, and that alone I think will take some, if we could pass that, House and Senate, have the President sign it, I think that would take some of the excitement out of the oil market and oil and gas would settle down because everybody feels there's a lot of hype in there because the traders see it keep going up and they keep bidding it up to make money.

And so we have Wall Street, you know, 15 to 20 percent of our energy prices might be Wall Street making money. But if you take the risk out, you make sure that we have adequate supply opened up, that takes that away; and I think we could see a settling down of the markets, and we might see some measurable price decreases because if we don't, it's going to be a hot summer and it's going to be a long, cold winter for America.

Mr. CANNON. These traders are betting that Saudi Arabia and other OPEC countries won't act contrary to their own interests and allow the price to keep going on up, and that's why you get the speculative bill that we had today.

Mr. PETERSON of Pennsylvania. In fairness to those countries, they're producing more and more energy, and we have chosen not to produce very much of our own only in the whole entire fields. And yet we pass a bill so we think we can sue them because they're not producing enough? I find that interesting. The bill ought to be that the American public can sue us because we've locked up our resources and forced them to buy foreign expensive energy.

Mr. CANNON. I actually used to be a lawyer, and I can't imagine a legal theory upon which you sue a sovereign country. I can imagine a legal theory upon which you react to Congress, And you know what that is? Vote for someone else.

Mr. PETERSON of Pennsylvania. Well, that is something they all have. And I think, in my view, we need to be watching very closely as we elect a President, do they have a bona fide energy policy for America.

Mr. CANNON. Thank you, Mr. PETERSON. We agree on that point. I think that for the first time in maybe our tenure in Congress, we're going to see a huge increase in the Natural Resources Committee markup of an energy bill to see if we're going to actually drill in ANWR, if we're going to drill in the Intercontinental Shelf and loosen up our drilling elsewhere around the country.

But that sort of begs the question, right now we're talking about various kinds of oil and gas. Let me put some context here.

In our conventional oil resources we have about 50 billion barrels that we know about. That includes 10 billion in ANWR. These are in the United States of America. We have some oil sands. Those are very difficult to develop in America. They're very different from the oil sands in Canada where each grain has a little molecule of water so the oil comes off the sand with just a little bit of heat.

We have about 100 million barrels of oil on the Outer Continental Shelf, and all of that adds up to about 200, 225 million barrels of oil that we have available to us today in the United States.

Think about that. 225 barrels of oil. We now have, and I'm going to pull up a chart here. We have in oil shale about 1.4, 1.3, let's see, that's "trillion" barrels of oil. I'm sorry. That's not "billion" barrels of oil, that's "trillion" barrels of oil in Colorado. In Utah, we have about 800 million barrels of oil and Wyoming about 500 million barrels of oil. Those are millions. We're not talking about a lousy 225 million barrels in all of our other resources. We're talking about 2.6 trillion barrels of oil that are available to America today in oil shale.

Now, let's pull up the map, if we can here. This is a map of Utah. Idaho is over in the corner, southeast Wyoming and northeast Colorado, and you can see the dark green are areas with more intense reserves of oil shale and that the lighter green are areas where you have not quite as dense oil shale. And these are the areas that have the oil that we were just talking about, 1.2 trillion barrels in Wyoming, 800 million barrels in Utah. These reserves are different, and the way to get them out, the way to get the oil out is going to differ between those.

Let's talk for just a moment about why we can be actually talking about producing oil out of shale today whereas it did not work in the past.

In the old days, and over here you see on the side it says "past oil shale efforts," we used heat to convert kerogen. We broke the shale up and put it into a rotary kiln, and then heated it up. The problem is you needed enough heat in that rotary kiln to get the kerogen out, but at the same time, that was hot enough so that the rock melted into itself; and so you would have to shut the operation down occasionally and go in with sledge hammers, literally, and knock the rock out that had melted into itself.

Today you use chemistry and minimal heat to convert the kerogen to oil.

That's a profound difference, and there are about six different companies, four large companies and two small companies, that are using different kinds of technology to get with a smaller amount of heat to convert that kerogen to take it out of the shale. Kerogen, by the way, is a lot like diesel fuel and comes out of the system, very close to that. Needs to be cleaned up a little bit. It's like JP–8 diesel fuel.

In the old days, we mined this. We had a strip mine or room and pillar mining, and then we brought the shale to the surface to be processed. Today, the focus is on in situ recovery and conversion.

Back in the day, low-quality energy, intensive product, or low-quality energy, intensive product to refine; that is you had to put a lot of energy in it and it was hard to refine. And today you have high-quality value product with minimal cost to refine, and then we were focused on the resource back then, and now we're focused on balanced environmental, technical, and economically sustainable methods.

The fact is we've transformed the way we work technologically in the world today, and we can get these resources out of the ground much more cheaply.

Let's talk just for a moment about the reserves that we have—or what we use imported to the United States and the world's reserves.

The Saudi Arabians have about 264 billion barrels of reserves that we know about. Canada has about 179 million or billion barrels of oil, Iran has 138, Iraq, 115, and Kuwait 102. And the people that supply this oil are Mexico, and these are average barrels per day that we import.

So from Canada we import about 2.43 million barrels of oil, from Mexico 1.53, from Saudi Arabia 1.49, from Venezuela 1.36, and from Nigeria 1.13, and then we import a great deal more from other countries who export lesser amounts to us as we go.

These are not exactly the kind of people that we want to be relying on except with the exception of Canada perhaps and also to some degree Mexico, and that's improving.

And in the last couple minutes we have before we finish this, let me just say that this is complicated. The natural resources is complicated and the technology is complicated, but we've advanced dramatically in our knowledge and understanding of how to do that. We have now, today, for the first time in 30 years a commercial test going on here in eastern Utah of how to get oil shale out of—oil out of shale, and we think that test will be done about September 15, and the projection is we will be able to get oil out of shale for $30 a barrel.

Now consider this: Trillions of barrels of oil at about $30 a barrel. That's profound. I think that cost is going to actually go lower than $30 a barrel, and I'm about to introduce a bill that will allow the President to cut through the permitting processes and allow us to develop our oil shale at a reasonable time using reasonable understanding of the technology and the environmental impacts so that we can actually bring that shale to market, bring down the cost of oil, stop funding our enemies in Iran and Saudi Arabia and Venezuela, and start producing oil in America.

□ 1945

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6049, RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–660) on the resolution (H. Res. 1212) providing for consideration of the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–661) on the resolution (H. Res. 1213) providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–662) on the resolution (H. Res. 1214) providing for consideration of the conference report to accompany the Senate concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, which was referred to the House Calendar and ordered to be printed.

INVEST IN ENERGY INDEPENDENCE ACT OF 2008

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. LAMPSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. LAMPSON. Mr. Speaker, I rise tonight in strong support of a piece of legislation that I recently introduced, H.R. 6067. It's called the Invest in Energy Independence Act.

Our Nation is at a crossroads, as we have been hearing tonight and on other of these Special Orders over the last several days and weeks. We know that we have a serious problem when it comes to our energy security. We rely too heavily, obviously, on foreign sources of energy, and we haven't done enough to promote the clean domestic energy sources that we have available right here in our backyards.

It's going to take every effort for us to find a whole multitude of sources of energy in order to address this energy crisis that we're facing as a Nation. I am hoping that we will not be shortsighted and think that only one particular area is the only solution to our problem; it's not.

The Invest in Energy Independence Act of 2008 takes a giant step forward in remedying this problem through responsible investment of over $1 billion in our energy future. This legislation before us today is vital in helping us become more secure in the world because it helps us develop our own energy resources in an environmentally responsible manner.

The Invest in Energy Independence Act invests heavily in domestic renewable energy resources such as wind, solar and geothermal, and it also helps us use the energy that we have more efficiently through key energy efficiency and weatherization measures.

Additionally, the Energy Security Fund established in the legislation will also fund carbon capture and storage technologies, which will help us significantly reduce future greenhouse gas emissions.

This legislation funds these vital projects through two main sources. First, it directs into the Energy Security Fund revenue from the prior sale of oil from the Strategic Petroleum Reserve that is currently unused in a Department of Energy account. And secondly, it modernizes the strategic oil reserve by exchanging 70 million barrels, 10 percent, of more expensive light crude oil from the SPR, Strategic Petroleum Reserve, for 70 million barrels of cheaper, heavy crude oil in a step that will allow our stockpile of crude to more accurately reflect the capabilities of our domestic crude refineries.

Because the crude oil exchange will raise funds that will be set aside, about $84 million or so, for acquiring additional oil in the future, this legislation will actually increase the total inventory level of the Strategic Petroleum Reserve without the need for additional appropriations, further strengthening our energy supply against potential disruptions.

Now, this is a responsible and thoughtful manner in which to fund the most important energy projects throughout our country. By using funds from the past sale and future exchange of oil from the Strategic Petroleum Reserve to invest in clean, domestic energy projects, oil from the Strategic Petroleum Reserve will do exactly what it is intended: increase domestic energy supplies for the United States and secure the country from potential supply disruptions.

And so I hope I have many Members who will join me. There are already more than 30 who have agreed to cosponsor this legislation with me. I believe that it will strengthen our Nation's energy security by increasing domestic supplies and by modernizing our Strategic Petroleum Reserve.

One of the things that I know that has happened over the last several years is that there has been a dramatic decline in the amount of resources specifically budgeted for research for the Department of Energy. Their budget has declined by 85 percent in the last 30 years. Well, here is the time when we are in greatest need to be looking for every opportunity we can to learn of new ways that we can expand our sources of energy; yet we seem to be pulling in those opportunities to create those resources.

Those are the kinds of things that I think that it's critically important for our Science Committee, for all of us in Congress, to be looking at. It's what I have worked on as the chairman of the

Subcommittee on Energy and Environment and I look forward to continuing to work on this legislation.

Well, we have an honorable gentleman, JOHN HALL, who is also one of the cosponsors of this legislation, and I welcome him in joining us tonight to come and talk about this legislation, and I would yield to Mr. HALL.

Mr. HALL of New York. I thank the gentleman, Mr. LAMPSON, and Mr. Speaker, it's an honor again to be here on the floor of the House of Representatives, but it's kind of another sad moment to think that the price of oil went to an unthinkable level again today, cresting over $129 per barrel.

Gas prices have more than doubled since 2001, and today, the average gas price in my State of New York is over $4. Oil dependence has become an untenable burden on our economy and a threat to our national security.

Skyrocketing gas prices we see climbing each day threaten to break family budgets that are already being devoured by the price of food, health care, higher education and consumer goods.

Breaking the grip of OPEC and Big Oil is something that our country must do to thrive and to survive in the 21st century. It's a big job that will take some time, and I'm proud to be here tonight to discuss one of the innovative solutions that the majority and this Congress is working on, the Invest in Energy Independence Act, which I'm proud to be a cosponsor of, and I thank my friend for cosponsoring and offering that bill.

I was talking to another Member at the back of the body when we were taking votes I think a few days ago and talking about this very thing. And you came up and said I happen to have a bill that addresses this problem of the Strategic Reserve absorbing 70,000 barrels a day over and over, day after day, taking them off the market, and creating that much more demand which is helping to drive up the price of oil.

This bill creates a win-win scenario for the American taxpayer. By redirecting through the release of oil from the SPR and restructuring its stockpile, the bill would help to put oil supply on the market to quell prices at the pump in the short-term, and this would also result in revenue to the Federal Government that does not come from increased taxes, which could be used to capitalize a fiscally responsible result and make sure that we take a more permanent action to end our oil addiction. We can't, as many of us have said, drill our way out of our problems.

The bill would invest that revenue in innovative research to develop clean, domestic sources of energy to power our economy. Ending our dependence on foreign oil has to be a top national priority, and to do so, we have to use every tool at our disposal.

Until recently, this administration has been violating the fundamental principle of buy low and sell high by taking oil off the market to fill the SPR at a time when prices were breaking new records and supplies were tight. Smart management of the SPR along the lines called for in Mr. LAMPSON's bill can make the reserve a powerful weapon in our battle against foreign oil dependence, and I strongly support you in this measure.

Mr. LAMPSON. Before you leave, let me just ask a question.

Surely, you heard some of the presentations made by our colleagues earlier talking about the need to increase drilling. What are your feelings about what these needs for our Nation are? Clearly, we must produce everything that we can produce, but isn't there more to the picture than just drilling as a solution?

Mr. HALL of New York. If the gentleman would yield?

Mr. LAMPSON. I would yield.

Mr. HALL of New York. Thank you for asking that question.

If you read the comments by T. Boone Pickens on the front page of the New York Times and other newspapers and magazines recently, he, one of the original oil tycoons and more successful ones, has said that he's more excited now about wind power than he is about any oil field he ever discovered.

Now, all people might not share his excitement. I talked to Ted Turner, who's been a media mogul and then head of record companies, broadcasting companies, Time Warner/AOL, I believe. I remember him back when he was sailing America's Cup yachts. He's certainly been around the world for a while. But today he said the thing he's most excited about as an investor and as a businessman is solar power.

And I see these men and women who have experience and have been observing commodities and observing economies and observing the way the world works and the direction it's going looking not just at drilling. I mean, obviously we're not going to get out of our dependence or our use of oil or liquid fuels anytime soon, especially for aviation.

As a member of the Aviation Subcommittee, I'm keenly aware of the fact that we might be able to move to electric vehicles, to hybrid, gas-electric or ethanol-electric or biodiesel hybrid, plug-in hybrid vehicles, et cetera, and combine these other technologies on the ground. But when we're talking about aircraft, especially I would say our Air Force, our military aircraft, we need to be able to develop and conserve liquid fuels and liquid petroleum fuels for those purposes and not burn them unnecessarily on the ground that we could use other technologies for.

So I would say that I agree to a point and I disagree to another point. The other problem with petroleum-based, carbon-based, fossil fuel technologies is that they're also emitting carbon dioxide in the atmosphere and accentuating the kind of climate change that we've seen.

I would say climate change resonates more with people than global warming, especially on a day like today in Washington where it's cool for late May. But we've seen the cyclone in Myanmar. We've seen the almost biblical flooding in Arkansas and Missouri and parts of our Midwest. My district in upstate New York has seen three 50-year floods in the last 5 years. We've seen Hurricane Katrina. We have seen droughts in the South and wildfires in Florida right now. We've seen the last couple of summers devastating fire seasons in the Western States and the Rocky States.

So, it's not just that the climate will be getting warmer and the glaciers or sea ice in the Arctic are disappearing but that the extremes of all kinds of weather, be they rain events or drought events, be they hot spells or cold spells, be they low pressure systems that turn into bigger tornados or bigger hurricanes or cyclones, that's what the computer models project. And the more we burn oil, the more we push ourselves down that road.

So, it helps us in a number of ways to look at these alternatives. First of all, for domestic, they are not sending our money overseas by the billions, especially borrowed money that we are getting from countries like China or Japan or other countries we're already hugely in debt to. They don't cause asthma and emphysema and acid rain and oil spills. They don't cause us to possibly be drawn into wars in unstable countries in unstable parts of the world that just happen to have oil.

So it's a win-win-win-win situation. Whether or not you believe that the climate is changing, the fact of the matter is if you can create jobs and create new technologies and new industries here in the United States, get us out of our balance of trade deficit and make the atmosphere cleaner at the same time, I'm happy.

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And I think a lot of Americans would be happy, too. I think it solves so many problems that it's clearly the direction our policy should be moving in. And I yield back.

Mr. LAMPSON. Reclaiming my time, so your point is very well made. You can't ignore the fact that we need to continue to rely on fossil fuels as we transition. And we must actually do what the United States Army told us to do in 1945, in a book they published on May 1, 1945, when they told us that it was necessary for this Nation to diversify away from our use of fossil fuels. And they told us how. And much of what they said then and much of what I believe our committees have said and what I believe this country is doing, and even the businesses, certainly like the smart people like T. Boone Pickens, who are looking at these diverse activities that we should be involved with that will give us new sources of energy.

We include in the legislation that we're talking about tonight significant funding for ARPA-E, which is advance research projects. And we talk about wind, solar, weatherization efficiencies, marine/hydrokinetic energy research, industrial energy efficiency. We have already passed many of these pieces of legislation as authorizing, and now we're looking for funding for it. Building energy efficiency, energy storage, batteries. We must find new ways to hold much of the energy that we are creating regardless of the manner in which we are creating the electricity to do it. Geothermal, carbon capture and storage, clearly it's a must if we're going to use some of the coal resources in this country. Natural gas, clean burning fuel, all of these are included in this legislation to be funded with the kinds of projects that will give us a much greater, diverse energy background. More energy storage, Smart Grid, and advanced vehicles research.

So I'm proud of the fact that we have so many people come together to bring us these kinds of projects that have already gone through, passed by this Congress. And I would like to know about the things that you have been specifically involved with, perhaps things that have been done in the State of New York, where you represent, very ably, the people in your congressional district.

I know that, for example, Texas has spent a great deal of time on wind energy. Arizona has spent a great deal of time on solar energy. Are there things that the State of New York is contributing to this mix of how we diversify our energy sources?

Mr. HALL of New York. I thank the gentleman for yielding.

In New York, in my district, as you suggest, there are a number of very exciting developments going on. We have a private business in Orange County, New York, which is currently taking all the solid waste on a pilot program, municipal solid waste—garbage, trash—not burning it, as the old incineration model would have us do, but separating it, pulling out the recyclables, pulling out the batteries and the cans of insecticide and the toxic substances that might be considered to be household hazardous waste, which, if you were to burn them, they would cause dioxin and heavy metals to go up the stack, and basically pollutants that can harm us and our children. Those things get pulled out and recycled. And what's left after the magnetic field pulls up the ferrous metals and magnetic metals and the shaker grate drops out the dirt and the stones, and so on, you're left with a combination of paper waste, wood waste, food waste, agriculture waste, all of which is gasified with hot sand as a catalyst under a patented process. And then that gas is used to spin a turbine and send, I believe, a couple of megawatts it is that they're generating out into the grid.

But the interesting thing about it is that the global warming gas emissions, the greenhouse gas emissions from this process are 75 percent less than if they put the same material in a landfill, which is what the town of Montgomery was doing before and what cities like New York City are doing. They're trucking municipal solid wastes, since the Fresh Kills landfill closed on Staten Island, to other States and buying space in landfills that are willing to accept it. And it's not cheap, especially with diesel and the price that it costs now, it's not cheap to send a roll-off truck with trash in it—or thousands of them a day—from a city like New York out to Ohio or Pennsylvania or wherever the latest landfill is, and then coming back empty, burning diesel fuel the whole way and sending those emissions into the air, too.

And when that material in the landfill decomposes, when the plant and vegetable matter decomposes, it creates methane, which is released through those J-shaped vents. If you drive past a landfill in your travels and you see those vents like upside-down Js, what they're releasing into the atmosphere is methane. Methane is 20 times worse than carbon dioxide in terms of its greenhouse gas global warming impact.

So here's one idea, one project that can produce electricity, that can produce ethanol by the thousands of gallons, that can strip hydrogen, which is 48 percent of the gas that they produce out to charge hydrogen fuel cells, and it gets rid of municipal solid waste at 75 percent reduction in the greenhouse gas emission. So, very inventive project.

And I would say, at the other end of the spectrum, in terms of not just the size of the operation, but the funding that came to play, Newburgh High School in Newburgh, New York, Orange County, on the west bank of the Hudson, has a solar racing team which built a solar-powered car. They came to one of our workshops we did in the district on solar energy, it was packed—as all of our alternative energy forums are packed by people wanting to know what they can do. But the kids on the solar racing team included kids from the BOCES program, who are on the vocational track. And they knew how to weld and how to put together a car that would not fall apart on the road. And they included the advanced placement math students, who knew how to calculate how many square inches of photovoltaic cells they needed in order to generate the watts necessary so that they could power this vehicle, and the battery capacity.

And it looked about the size of this table here. It's actually an oval shape, maybe a little bit bigger than this, like a soapbox derby racer. And the student who drove it crouched down inside and had a little windshield in front of him to keep the bugs out of his face. And they won, or actually tied for first place, in a race from Houston, Texas to Newburgh, New York. Two thousand miles of this country they traveled with a top speed of 55 miles per hour. And when they showed up at our forum wearing "Solar Racing Team" hats and "Solar Racing Team" t-shirts and showing a video and the slide show of their car rolling across the highways from Texas to New York, the adults in the audience were so excited I think it woke up the little kid in them. They could hear about all the well-funded, high-science, high-technology things, but to see that these kids, with virtually no resources—the teacher adviser from the school was not allowed to touch the vehicle, it was entirely built by the kids. And the fact that they were high school students and were able to do this, even on a test, a display pilot project kind of scale, to build a vehicle that would do 2,000 miles, that would reach speeds of 55 miles per hour powered entirely on solar power and storing that power in batteries, the adults, as they were leaving, were asking me, why can't Detroit do this? And I answered, well, I think they can, but they're not.

And what we're trying to do through this bill, among other things, is to provide the incentives—and tomorrow, by the way, the House will pass sweeping tax incentives to provide not just corporations, but consumers, as well as businesses, with extended incentives for hybrid plug-ins for wind, solar, biofuels and marine energy.

And I know that there has been great concern around the country, and I've heard it from people in my district, about these renewable energy tax credits being extended. And what we're trying to do by doing that is to make it possible, not just for students in a high school, but for those who run our automobile manufacturing companies to be able to build cars that use these new technologies.

And with that, I yield back to the gentleman.

Mr. LAMPSON. Well, you're so very right. And the ideas are not necessarily Democratic and they're not necessarily Republican ideas, they are American ideas.

We've got the knowledge. We've got the wherewithal. It's a matter of making sure that they have the opportunity to put that together. Too often, of late, we seem to have been pushing too many of our solutions to the political extremes, and we've got to find our way back toward the middle. And we think that this is a piece of legislation that does that. It recognizes that fossil fuels, much of what our colleagues earlier this evening were talking about as far as drilling activities, is not something that needs to be taken off the table. But at the same time, they can't tell us that the ideas that we're coming forward with are ideas that need to be taken off the table. We must look for diversity. We must look for balance.

We must look to encourage those kids who built that solar car and had the great success no differently than the college student that I spent some time with today, and I drove his hybrid vehicle. It was a group of universities who competed against each other to see if they could take regular vehicles and convert them into significantly greater, increased energy-efficient vehicles. The one that I saw today happened to have been a hybrid diesel engine that was placed into a General Motors SUV. I drove the car. It gets in the mid-30 range of miles per gallon of fuel. It meets all of the standards for emissions in our country.

So clearly, again, if college students can do it, if high school students can do it, the minds that have made the United States of America great are clearly here; they need the assistance to make sure that their ideas come to fruition and that we get to put them into the market.

There is a company that I'm working with in my congressional district in Texas who had the idea that they could make an external combustion engine. They're capturing it by creating a fire box that they attach to the outside of this engine. They are capturing the energy that is released in the combustion process and piping it into an engine, causing the compression activity to continue to the point where it causes the engine to move. There is great interest in this because it is twice as efficient as an internal combustion engine. Again, a good idea, one that was not a partisan idea, it was one that was developed by some guys that I have no idea what their political affiliations or interests are, but they're concerned about the United States of America and concerned about what we're going to be able to do to solve the energy crisis that we face.

This bill is intended to try to give them the encouragement, to give them the resources to make sure that we are doing everything that we possibly can to expand our opportunities to give greater sources of energy to all of us for our coming decades because we're clearly going to need them.

If we choose to spend all of our time—and I am certainly not the least bit concerned about drilling, I think that we must be continuing to produce fossil fuels and to use them as we have been, hopefully much cleaner than what we have been doing, but clearly that is only one part of this big picture that we have to address.

I want to talk for a minute about the renewable energy funding and just to make a point or two about the important strides in funding clean, renewable and, most importantly, domestic energy sources without impacting the Federal budget.

The Invest in Energy Independence Act, which is what we are talking about here tonight, provides $110 million for renewable energy research and development projects that include wind, solar, wave, geothermal, and hydrogen projects. The legislation pays for these projects. Clearly, this is something we're concerned about. We have PAYGO rules, pay-as-you-go. If we're going to put something new into our budget, then we must come up with the money to do it. This is a good way to do it.

So this legislation pays for these projects—and many other domestic research and development projects as well—through the modernization of the Strategic Petroleum Reserve and use of available funds from prior sales of oil from the Strategic Petroleum Reserve. The legislation modernizes the Strategic Petroleum Reserve by exchanging about 70 million barrels of more expensive light crude oil from the Strategic Petroleum Reserve for an equivalent amount of less expensive heavy crude oil, a cost differential that ranges from about $12 a barrel up to about $18; most recently it's been about $15 per barrel. This exchange of light crude for heavy crude is necessary to have our petroleum reserve more accurately reflect the capabilities of our domestic refineries.

The Invest in Energy Independence Act is crucial to help move us away from our dependence on petroleum and shift our use to affordable and reliable renewable energy sources that are available right here in the United States.

For instance, the legislation will invest an additional $15 million in wind energy, helping us to develop the next generation of wind turbines that can generate clean energy in virtually every corner of the country, even in those areas where there is relatively low wind speeds.

The bill also provides an additional $30 million through the Department of Energy for solar energy programs to conduct research, development, demonstration, and deployment of solar energy technologies. Funding these will also be available for our public education campaign on the virtues of clean domestic solar energy.

Well, for those of us who are fortunate enough to live in coastal areas, the bill invests $30 million in marine and hydrokinetic energy. The majority of Americans live in close proximity to oceans, and this legislation will help fund the next generation of clean wave energy to power our homes and our businesses.

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The Invest in Energy Independence Act also provides, funding for geothermal energy projects. The legislation funds $30 million in geothermal research and development activities at the National Renewable Energy Laboratory.

And, finally, the bill advances hydrogen research and development by funding the Department of Energy's H-Prize program to reward researchers who are working to make our hydrogen economy a reality. The H-Prize program was authorized in the Energy Policy Act of 2005, but Congress hasn't funded it yet. Through this bill the program will receive $5 million that can be used to administer the program and reward successful researchers.

So, again, we're looking for our colleagues to come join us in the Invest in Energy Independence Act. It's these kinds of things that I believe will provide us with the funds necessary for clean, domestic, and renewable energy sources. That's what's going to give us the balance, the diversity, clearly broadening our whole range of sources of energy that we have available to us. And that's what's going to be the real solution to the energy crisis in the United States, making sure that we do the kinds of things that have always made this Nation great, developing the technology, encouraging our people to dream big dreams, and then make those dreams become reality.

But we're not going to do it if we continue to cut the research budgets of the Department of Energy or to discourage companies from putting money into research on their own. We need to find ways that we can extend the incentives that we are giving to many of these companies and have for a long time to try to jump-start new industries. I hope that we can find the wherewithal to make sure that we can look for all of these aspects. At the same time, we're going to give consumers a short-term benefit because we believe it will change the price of oil and consequently the price of gasoline at the pump who are feeling that pain. And, secondly, it gives us the longer-term benefit of increasing our access to alternative sources of energy.

Mr. HALL of New York. Will the gentleman yield?

Mr. LAMPSON. I yield.

Mr. HALL of New York. I thank you for your comments. And I would add to what you say, as I look at $100 million for ARPA-E, including $50 million for university research, $15 million for wind—and congratulations to you and the State of Texas on passing California in becoming the number one wind energy State in the country with more installed wind capacity than any of the other 49 States. By the way, I have to thank our President, George W. Bush, who signed a renewable energy standard when he was Governor of Texas, and that's partly why the wind is being exploited in Texas to the extent it is. I only wish that he would change his mind and sign the same renewable energy standard for the entire country now that he is President of the entire country.

But I look at this and the $30 million for solar and the $100 million for weatherization, et cetera, et cetera, and you know what I think of? Jobs. I think of jobs because when you put $100 million into weatherization of low-income housing, and I'm speaking as one who used to live in New York City, although I now live in Dutchess County in the Hudson Valley, there are so many old buildings in every city in this country that are poorly insulated, that have no storm windows or storm doors, that are leaky, that are leaking cool air in the summer when they're being air conditioned and leaking heat during the winter when there's actually a heating unit running, and what are you hiring? You're hiring trade people. You're hiring sheet metal workers. You're hiring carpenters. You're hiring installers. And in the process, you're saving barrels of oil or kilowatts, and a barrel of oil saved or a kilowatt saved has less environmental impact than any way you can generate a new barrel or a new kilowatt. So it's the cheapest way of getting a barrel or a kilowatt, and it also has the least environmental impact. So I'm very happy about the weatherization component of this.

Marine/hydrokinetic, we in New York are aware of the work that's been done recently by Verdant, Inc., a company that has been doing a test on six hydroturbines that are running below water in the East River, east of Roosevelt Island. As Long Island Sound, the western half, drains out through East River, under the Throgs Neck and the Whitestone and the Triborough Bridge, alongside the UN down the East River past Manhattan Island and through New York and out under the Verrazano-Narrows, half of Long Island Sound, millions of tons of water every day twice going out into the ocean and then back in through the harbor again. And that's what's being done by the action of the moon's gravitational effect on the ocean. And the fact that we are not harnessing that is just absurd. And their biggest problem, Verdant, Inc., in terms of putting in a hydrokinetic-generating station that use these turbines, there's so much force at work in the East River that it kept breaking the blades off the turbines, and they had to use titanium instead of steel and lessen the pitch so that there wasn't quite so much force on them to keep the turbines intact. Now, they're going back in, I believe, this year with a second round of more highly refined generators to test it again, but it's obvious that the power is there, whether it be wave action or whether it be tidal action or any of the other renewables that we are talking about. And if we can transition ourselves to these with whatever liquid fuels like, for instance, ethanol, I know that there are some problems with ethanol, but there's a surplus right now of ethanol in this country. I checked on the Internet last week. I just did a little Internet search and found that it's selling, as of the middle of last week, for $1.97 a gallon. That's half the cost of gasoline.

We had somebody call our office in Upstate New York, in Carmel, Putnam County, a woman constituent, who said, "I'm so excited. I just bought a flex-fuel vehicle. Where can I get some flex-fuel?" And my staff had to tell her there are two pumps in all of New York where you can buy flex-fuel. Well, West Point which is in my district, the United States Military Academy at West Point, where, I'm proud to say, my nephew is a cadet, just announced at our Board of Visitors meeting last week that they are planning to put in a 5,000 gallon underground tank for ethanol so that they can carry flex-fuel E-85 in the motor pool and at the commissary and start with a big quantity that's going to be used by that community of faculty and graduates and West Pointers who still live around the academy.

Mr. LAMPSON. Reclaiming my time, on that point, I know there is other research that is presently going on specifically to facilitate our military activities that would involve a number of alternative fuels. I know of a specific project that is being tested right now with the use of Air Force turbine generators to use biofuels, specifically animal fats as well as some of the oils that come from some of the nonedible plants that are growing. These are the kinds of things that are going to make our country continue to be great. We need to encourage those activities as much as we possibly can.

I yield to the gentleman.

Mr. HALL of New York. I don't know how much time we have left, my friend, but I just wanted to say once again that I support the Invest in Energy Independence Act and am doing my best to convince more Members of this body on both sides of the aisle to support it. I believe that it will help to ease market tensions. It will help to keep the price of gasoline from rising too much higher and hopefully eventually to bring it back to more affordable levels by providing competition with other kinds of fuels and other kinds of energy.

And when that day arrives, Mr. LAMPSON, when that day arrives that we can tell the Saudis or the Russians or whichever country it is that's shipping imported oil into this country "No thank you, you can turn your tanker around and send it somewhere else," that day a big weight will lift off the shoulders of America, off the American public. And I believe it will be a moment similar to the day when we first landed on moon.

Because I was a kid when Sputnik was launched, and I remember the feeling of this thing. It was beeping overhead, that the Russians had gotten to it first. And it didn't really do anything other than beep. But the fact it was there above us was symbolic of, we thought and we probably were right, a technological breakthrough that another country had made that put them for the time being ahead of us in that field. And I believe that we can't afford to let Japan or China or any other country get more of a lead in energy than the one that exists now. And the day that we are once again able to throw our shoulders back, hold our heads high, and say that we can fuel our own economy and our own industry and our own recreation and our own family's trips to and from work and from school and so on without depending on some other country that might have policies and human rights or other things that we don't like but we have to sort of bow to them and ignore that aspect of foreign policy because we need something that they have, that will be not just energy independence, it will be independence.

We're talking about sovereignty here, and I think that will be a day that Americans together, regardless of party or no party at all, if they're paying attention, all Americans on that day will be proud to be Americans. Not that we aren't proud now, but we will be proud of an accomplishment that will be uniquely American and something that I believe we will accomplish and that we have to look forward to.

Mr. LAMPSON. Beautifully stated and I totally agree.

You made the comment that you would hope that the President would sign into law the work that we would do whether it's wind or some of the other alternative energies, and I truly believe that he will when he sees that this Congress is choosing to work together. When we start putting aside the blame from one to the other and that we know that we are all in one boat in this country right now and our boat has a hole in it, if we don't all start bailing water together, we are going to sink and we will sink together. But we clearly have the knowledge. We have the intellect. We have the future with our children who are doing excellent things in their educational programs. We have to present them with the dreams and the wherewithal to make those dreams come true. It's exactly what we did following Sputnik in 1957. We responded with a resounding response to the challenge of President John Kennedy at the time.

And I have to agree with you. Our technological leadership will be there.

If we will but make these things available to our young people, they'll solve our problems for us, and this bill certainly does that.

China and India are examples as well as Japan and a number of other places are, in my opinion, the beeps of Sputnik of today. Japan put a satellite not too long ago in orbit around the moon. China has set its goals to have a colony on the moon before the United States even returns to the moon. And we are going into a period soon where we won't even have the ability to launch a human into space because we're going to have a gap of 5 years from the time that we end the use of space shuttle in 2010 to the time that we have the constellation project up and running in 2015. That is a question of national security, in my estimation, no different than the question of energy security for our country. So we have got to maintain our technological advantage. That's what's going to help us maintain the standard of living. It's what's going to help us continue to encourage young people to stay in school to learn the math and the science and the engineering kinds of courses that will maintain the path that America traveled to its greatness and will make sure that we have that same greatness well into our future.

And I see that the gentlewoman from Houston, Texas, has joined us, SHEILA JACKSON-LEE, and I yield to her.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Houston, the distinguished chairman. And I am delighted to be here with the distinguished congressman from New York (Mr. HALL).

I really appreciated listening to the diversity of the debate on energy, from the far northern parts of New York to the gulf States of Texas and, I might add, Louisiana because we have a number of Louisiana residents, of course, now making their home in Texas, and many of them happen to have worked in the energy industry, of course, and came to Houston because of the difficulty and the tragedy of Hurricane Katrina and then ultimately Hurricane Rita.

We know, interestingly enough, Mr. HALL, and I am sort of sidestepping here for a moment, that a number of rigs in the gulf suffered the consequences of Hurricane Katrina. And I think we should go on record to note, because I happen to believe in a diverse energy policy, that I am going to say all of them, and I have not heard a counter to this, managed to withstand Hurricane Katrina without an oil leak. And I only say that to say that those of us in the gulf have experienced off of our shores, and again we speak specifically to offshore work off of the gulf, environmentally safe drilling. And I say that because as we listen to those of us who come from different parts of the country, I think we can get an energy policy that fits us all.

I have listened to your discussion. I don't think that we necessarily need to intrude on the Outer Continental Shelf. Off the East Coast there is opposition. Maybe in time. I know there is opposition off the coast of Florida. There is opposition off the coast of California. I heard you talk about hydropower that works or would work very well. I guess I'm reminded of Niagara Falls. I got a chance to see that to see the power of water and energy that could be utilized and as well the energy that maybe I'm more familiar with.

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That is why I think the thoughtful legislation of my good friend from Texas, the Invest in Energy Independence Act, H.R. 6067, which I am going to encourage all of my colleagues to join, and let me tell you why, Mr. LAMPSON. I think you really hit the nail on the head. I think we did this together when I was on the Science Committee and you were on the Science Committee when we tried to advocate for NASA. We tried to sell it not so much as it's a program to send people into space, but how it helps our daily lives.

Many people don't know what the Strategic Petroleum Reserve is all about. What is that foreign entity, SPR? Is it some kind of unfortunate disease? But it is an existing entity that sits amongst us. Really, I don't think this administration has taken advantage of it because I don't think it would offend our environmentalists, our colleagues from California, our colleagues from Arizona, our colleagues from New York, because it is existing petroleum.

Of course, our Speaker has been more eloquent or most eloquent about releasing the resources from the Strategic Petroleum Reserve to help us, and that is barrels of oil that are sitting there in case of danger, in case of terrorist acts, in case of an attack against the United States, we would have it.

But what Mr. LAMPSON has determined is that this is filled up with light and medium crude, and our refineries, I think some 36 of our refineries out of 74, deal with heavy crude. And so part of your bill suggests that we put heavy crude in.

Let me tell you why this is important. That is really the bottom line of why our immediate problems of dealing with gasoline prices. It's all about supply and demand, it's all about refineries being old and antiquated and can't get their product out. That is one of the pieces of it. I don't want to suggest that I don't believe in conservation or diversity, because I'm going to get to that point. But having been an oil and gas lawyer for a period of time, I realize that we have got to look through a broad lens. And part of the problem is the opposition that we have given to building refineries.

But it's not only the problem of the United States Congress. Frankly, Mr. LAMPSON, it is the problem of tunnel vision energy industry that gives the industry a bad name, the oil and gas industry, that really has not sat down with this Congress or opened up options. Whenever we talk about the price per barrel of oil or talk about high gasoline prices, our good friends in the energy industry, particularly oil and gas, do tunnel vision. They say, I've got mine; you get yours. I've got my high profits, I've got my shareholders happy with me, and I am not going to look at any idea.

I think the Energy Independence Act causes them to look at other ideas but also may draw them out because I don't know how long Americans are going to continue to accept these accelerating prices. I saw a scenario on CNN that really said that we might be paying $8 or $9 or $10.

This, I hope, is a legislative initiative that really calls our energy barons to sit down and say, Let me listen to Mr. HALL from New York about hydro. Maybe my company is named energy for the very fact that it should be diverse. That the energy industry should be investing in hydro. You are giving the opportunity through utilizing the $574 million or $584 million that is now in the Department of Energy's account. I don't know how many people know we have got $584 million sitting around and moms and pops who are trying to go back and forth to schools or trying to get to work or trying to get on vacation for the free days that they can, drive to grandma's house, because that's about all the vacation people will be getting this summer, probably, are sitting around in an account.

And so this bill, I believe, is important because it throws the onus back on thinking people about how we can be creative in energy. What it does, of course, is ARPA, which deals with R&D, but Texas is the near capital of wind energy. We don't even get touted for that. No one celebrates the fact that we have got wind energy. I sat down with an energy company, a wind energy company, and let me not speak too quickly, but I was saying how can I get in the middle of this. It was fascinating that these guys are building windmills and creating energy right in the United States, in Texas. We don't know that. Oil and gas State.

Solar energy. What kind of jobs can be created by solar. First of all, you can get everybody to get a panel in their house. That is putting people to work. I mean the solar panels. Get your roof redone and that is putting people to work. Weatherization for my seniors. If we can ever get people to understand the importance of weatherizing houses, older houses, East Coast houses. My daughter worked in Albany so, my friend, it can get pretty cold in the upper parts of New York.

Weatherization of your oldest stock of houses because it's a State that was one of the 13 colonies. It has older products. So the weatherization part of it is so important.

And then, of course, working with hydrokinetic and marine, you add that $30 million. But what I think this should do most of all, Congressmen, is wake up this industry. If I might, let me cite some numbers here so that I can speak to what we are afraid to speak to, and I just think we have to get to.

The U.S. Minerals Management Service indicates that America's deep seas on the Outer Continental Shelf, the OCS, contain 420 trillion cubic feet of natural gas. The U.S. consumes only 23 TCF per year. So this is 420 trillion already sitting there, already on the U.S. side of the world, already ours, in essence, and 86 billion barrels of oil. The U.S. imports 4.5 billion a year. So, in essence, it would keep us going for a couple of years. Even with all these energy resources, the United States sends more than $300 billion and countless American jobs overseas. That's $300 billion and countless American jobs overseas.

We do that, unfortunately, because we don't know how to frame our domestic energy policy. This frames it. But I want to speak vocally for the fact that I am not in opposition and the Members of Congress and the constituents of the region are not in opposition to the exploration of the Gulf. We have done it quietly. We haven't bothered anybody about it. We are not interested in disrupting the Outer Continental Shelf off of New York, off of Florida, or California.

But we have not promoted domestic production in that area by giving incentives, by doing more R&D so that we can be more environmentally safe so I can give comfort to my colleagues who, rightly so, speak to the environment. We keep focused on ANWR. We know how divisive that is rather than getting our attention as Republicans and Democrats and Independents about where it is welcomed. At the same time, to take the R&D and use it for hydro and to be able to use it for wind and solar, which I have gotten enormously excited about because I think it is a place for small businesses, minority-owned businesses, women-owned businesses. What a way to put people to work, by getting this vast amount of diversity into the energy business so it's not just the conglomerates to refuse to sit down with us.

I want to take just a moment to pay tribute to John Hofmeister of Shell because if there has ever been a face for energy, it has been John Hofmeister. He has been unafraid; he has gone to places where he has been booed and applauded. But he has taken his ship on the road, or his bus on the road, his whole tour on the road, talking about the idea of how we can sit down and develop an energy plan.

Let me conclude by suggesting that, first of all, the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in the regions of high geopolitical risk, including 57 percent in the Persian Gulf. So we import from a high-risk area. And yet, we have 86 billion barrels of oil here in the United States, or in reserves in the United States, or in places that have not yet been explored. And we have 420 trillion cubic feet of natural gas. Why then can we not construct an energy policy that embraces the concept of energy independence.

With all due respect, why can't we get cellulosic ethanol off of the bean, if you will, with your research dollars to kick it into a full press to make it work. We recognize and respect our friends who are using ethanol. But just think if we can get cellulosic from just being a "pie in the sky," we could also do the right kind of thing.

So, Mr. LAMPSON, and to Mr. HALL, let me thank you for inviting me and allowing me to join you. I couldn't help but hear such thoughtful discussion about why we can't move forward on legislation like this that would embrace all of our constituencies and regions under one umbrella. We would make everyone happy, from solar, to wind, to the environmentalists, and to people like me, who, frankly, are in the environmentalist skin, who support the concepts of what we are doing as Democrats, what our leadership is trying to do, letting us become independent. Yet, this brings the balance. Because I believe that we should not throw away the value of natural gas that exists here or the oil that exists here in the United States in safe waters in areas where the constituency believe that it is acceptable to do. It creates jobs, it creates safety, and I think the Energy Independence Act, H.R. 6067, let's all of us get a piece of the pie.

It is an important step forward. I look forward to supporting it, but I also hope that my energy leaders of the various companies, who someone may be looking at this, realize that I think that they are having tunnel vision, I think they are wrong for not engaging us, I think they are wrong for not engaging the Members of Congress who happen to be Democrats, who happen to be in their areas, and they know who I'm speaking of, and they know they have not done it, they know they are wrong, and they know they are wrong on behalf of the American people because they know the American people are going every day to their gas stations, their brand and buying it and being upset and not getting relief.

I think the energy companies who have been blessed by the safety and security of this Nation owe to the United States and to its people a consensus discussion and a friendly discussion on how we can move this country forward.

With that, I yield to the distinguished gentleman.

Mr. LAMPSON. I thank the gentlelady for joining us and for her thoughtful comments. A couple of the things that you said, one particularly comes to mind, on weatherization. Mayor Bill White in Houston Texas tried a pilot project that was an overwhelming success by helping those people who could make small change, couldn't afford to make them but the city chose to make them on their own, and got back several times the value that was invested in those homes to bring them up to currency. Those are the kinds of things that we need and want to do with this legislation.

The wind energy about which you spoke, we need also not just to have the better technology with the stronger, lighter materials to have the blades of the windmills, but we also need the materials that will give us the batteries to store the energy that is created when those turbines are turned.

Dow Chemical. Unfortunately, we could have seen a significant increase in the facility of Dow Chemical right there in our backyard in southeast Texas. Yet, they chose to go to another country because it was access to alternative sources of materials that they could use. In that case, they were trying to continue to make plastics, and they are making plastics from biomass.

Those are the kind of things that are addressed in this legislation. It's a matter of using, strategically using, the strategic petroleum reserve effectively, and strategically, if I can repeat that word yet again, to include our overall energy supply. We truly are. We are reaching an emergency situation. Leaving the strategic petroleum reserve alone exactly the way it is now, if we had to turn to it if we lost our sources of oil coming into the country and going into those refineries, we would see an 11 percent decline of gasoline production immediately and we would see a 35 decline in diesel fuel immediately just because of a lack of modernization.

So if we act and allow some part of this reserve to contain heavy crude, as opposed to light, we would see a lesser change in conversion of being able to rely on those strategically placed oil reserves. This is a good piece of legislation. It's one that has been thoughtful to draw in Members from different places in the country, to pull in Members from both parties, Democrat and Republican.

We think that there are significant opportunities for us to do a couple of things. One, as I said earlier, we would have a short-term benefit because we would very likely see a decline in the price of oil, the price of gasoline because of dumping significant quantities of oil into the market in a strategic way. Once we have the resources generated from the differential in light crude and heavy crude, we will be able to invest those very sources very effectively in already authorized research projects that have passed this Congress already.

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So Members, Democrat and Republican, want these projects to be funded and to be put into place. This is the way to make that happen.

I am proud of this legislation. I am proud of Mr. HALL from New York for joining us and Ms. JACKSON-LEE from Houston, Texas, for joining us tonight to talk about it. I look forward to working with our colleagues to make it yet stronger and achieve the real balance that we want to achieve for energy for the security of the United States of America. I thank you for joining me.

ENERGY POLICY

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I thank you for recognizing me to address you here on the floor of the House of Representatives.

As a means of transition, and in fact it is not normal practice, but I would ask the gentleman from Texas if he might still be available to perhaps enter into a colloquy. If the gentleman from Texas would be interested in entering into a colloquy, I would be happy to ask him if he would yield for a question. I have been interested in listening to the presentations by the folks here, and I would ask if the gentleman from Texas would be willing to enter into a short colloquy just as a matter of clarification on our energy position?

Mr. LAMPSON. I absolutely would.

Mr. KING of Iowa. Thank you. And I know you have been here on the floor talking about energy for the last hour. Just as a matter of transition, I would just ask a few clarifying questions.

The first one is, as I heard discussion about the Outer Continental Shelf, is there a nuance there? Are you for or against drilling on the Outer Continental Shelf for more energy?

Mr. LAMPSON. I personally am not opposed to drilling. I think that drilling is only one of many solutions to our problem. What I am trying to concentrate on is a whole host of research projects that have already been passed by the Congress.

Mr. KING of Iowa. Reclaiming my time then, drilling the Outer Continental Shelf is part of the solution. We would agree on that?

Mr. LAMPSON. I would say that everything we can think of is a part of the solution. We shouldn't take anything off of the table. We are in an energy crisis and we must be considering every opportunity that we possibly have facing us.

Mr. KING of Iowa. I appreciate that response from the gentleman from Texas. So as we go down through this list of things that we might do, drilling the Outer Continental Shelf would be on the table. Drilling ANWR is on the table?

Mr. LAMPSON. I say everything needs to be on the table for discussion, yes.

Mr. KING of Iowa. Let me just if I could then thank the gentleman and go through a list of things that I think that we should engage expand the supply of energy. Drill the Outer Continental Shelf, gas and oil. Drill ANWR. Open up nuclear. Drill non-national park public lands. Expand ethanol, biodiesel, solar, wind, clean burning coal. And then out of this whole piece of the energy pie, then add another slice to that, which I presume you have talked about tonight, and that would be the slice called conservation.

Would that be the picture you are looking at that I think I heard as I listened to your presentation tonight?

Mr. LAMPSON. Most of what you just mentioned is in this legislation.

Mr. KING of Iowa. So for those reasons I asked for those clarifications, that helps me in my transition as I go into the presentation that I hope to make tonight on energy. I just want to make those clarifications, because it does provide for a transition for us, and it also identifies some common ground that we have.

I would state to the gentleman from Texas that my view is that the free market does prevail and that more Btus of energy on the market will help to hold down the increase in prices, and, if all goes well, to actually reduce those prices of energy. That is the approach that we should be able to arrive at in a bipartisan fashion. If the gentleman would agree?

Mr. LAMPSON. Absolutely. If the gentleman would yield, that is precisely what I have been working on since November to get Members to join us with on this. We have taken any number of suggestions to change this legislation to accommodate different Members and different Members' thoughts about how we go about making this bipartisan, and the successful way to greatly expand the diversity of what we are using for energy this country.

Ms. JACKSON-LEE of Texas. Would the gentleman yield for just a moment?

Mr. KING of Iowa. I would yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. As I indicated on the floor, I am an oil and gas lawyer and obviously have a broadened perspective. But I would like to just say that I hope that even as you are presenting your presentation, that you heard what I said, which is I think that the energy leaders of the respective multinational companies that are in the United States need to sit down with all of us and refine an energy policy.

I will just limit my remarks, since I was on the floor, and just say that my support of the Outer Continental Shelf is in this way: Limited to the areas that the constituencies have been used to it, have seen it work environmentally, and that would be, in my perspective, and I have done work on that and legislation on that, the Gulf of Texas and Louisiana.

I think if you have a model and show how it works, you may be able to bring your other colleagues on. Because I want you to note, and I think you would note, that the opposition to the Outer Continental Shelf is bipartisan on the coast, bipartisan a lot on the coast of California, both Democrats and Republican opposition; in Florida it is Democrats and Republicans; and I assume up the coast of New York.

So I think maybe we can be used as a model. Those of us from Texas, and you are not, you are from way up Midwest, but from those of us from Texas and Louisiana, we have seen it. The point I made is even after Hurricane Katrina, we saw the survival of an environmentally safe water system where those rigs did not fall because we have understood the construction and we also understand the environment.

I would yield back, but I just wanted to say I think we have to educate, and I am ready to show how it works in the Gulf. And that is where I limit my support of the Outer Continental Shelf, where it has been done, where it can be proven it can be done right.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas and the gentlewoman from Texas. I know it is a little bit irregular to engage the people that have just completed a special order, but I think it is important for us to engage across the aisle.

I will transition to the things I came here to say, but I will be looking at the proposals that you have made here tonight and the language that you have. And I have been relatively aggressive on this energy issue, and I think we need to be very aggressive on this energy.

In fact, as we look across the spectrum of all of the components of energy, I wouldn't make anything off limits. I want to drill the entire Outer Continental Shelf, and I know of no natural gas spill that has affected the environment in a negative way. In fact, I don't know an Outer Continental Shelf oil drill that has affected the environment in any lasting negative way.

We did see a lot of stability in the Katrina hurricane and the subsequent hurricane that came after that. There was one oil platform that was broken loose in the Gulf, and it was pushed 60 miles and came upshore down by Mobile, Alabama. However, there wasn't a significant spill. We can do this.

Mr. LAMPSON. If the gentleman would yield for just a very short quick 30 second story or point to make, off of the coast of Florida we are saying that we should not be drilling. But let's look at the other way around. We won't get permission to drill within 200 miles of the Florida coast or any of the coast in the United States. However, Cuba is drilling within 45 miles of Florida's coast. So there is another country that is drilling within our boundaries that we are prohibiting our own people from being able to drill in. It does not make sense.

Clearly we have plenty of work to do, and I think it is wonderful if we have the opportunity to work across this magic aisles of ours and get it done for the American people.

Mr. KING of Iowa. Reclaiming my time, I appreciate the gentleman's remarks from Texas. I believe also that, at the very minimum, we ought to go out there and tack some wells in right up against those Chinese Cuban wells that are going in within 45 miles of Key West. I am all for that. And let's at least build a little barrier and get our share of that well and start pipelining it back in here if we can. I would be significantly aggressive on all of this.

I would say on the upside too, Madam Speaker, and to the American people, there are a couple of good things going on in America. One is that we have the structure put together where we can produce the first refinery since 1975. There will be a vote that comes up, it will be primary night, June 3rd, and if the people in Union County, South Dakota, decide they want to have a refinery in their Hyperion refinery, then very likely that will be the biggest roadblock for a large refinery to come in that would deal with the pipeline coming down from I call it the tar sands in Northern Alberta, a tremendously large oil supply up there. A pipeline would come down, and the crude oil would be refined there and then distributed across the area in a network of pipelines. That is something that we will find out here in a few weeks, if that is going to happen.

Another thing that America doesn't seem to know is that there is a nuclear plant that is being constructed—thanks again to the gentleman from Texas, Mr. LAMPSON—there is a nuclear plant that is being constructed in South Carolina. I am not certain when that goes on line, Madam Speaker. But those are two large milestones that are being driven by the market and by the need.

It is not being driven by this Congress. It is not being driven by this Congress, because this Congress has not taken any action to open up opportunities for refineries or open up opportunities for nuclear power plants or any other kind of power plant to be built.

This is happening because market forces are driving them, and the regulatory resistance is being overcome by very high energy prices. It is not because Congress reduced the regulations. It is not because Congress provided incentives. It is because the costs of energy are so overpowering that it is now starting to roll over the top of the prohibitory regulations that have been put in by this Congress and signed by more than one President.

So, the overall picture, Madam Speaker, is this: This is what I call the energy pie. It is a pie chart, and this is energy consumption 2007: 101.6 quadrillion Btus. Now, I could explain what all that is. That is a lot of Btus. It is important to look at it proportionately. Let's just say that is 100 percent of the energy consumption by British Thermal Unit in the United States.

This pie chart represents the percentages of their consumption that comes from each of these sources of energy. Natural gas, 23.3 percent of our energy consumption in the United States is natural gas. We use that for heating energy and for production energy and a lot of other ways. Natural gas is clean burning and it is environmentally fairly friendly. Also the coal is 22.4 percent. So coal and natural gas comprise about equal amounts, very equivalent amounts of energy consumption in the United States.

Then we go to nuclear. It is larger than most people will think. Even though we haven't built a nuclear plant since 1975, 8.29 percent of our energy consumption in the United States is produced by nuclear. That is a piece that in France, for example, their electrical generation is produced by nuclear. 78 percent of their megawatts of electricity are produced by nuclear. If the French can do that and do that without incident, do that without fear, do that without concern, we can produce a lot more energy by nuclear here in the United States. Now, that is environmentally friendly. It is clean burning. It is the safest form of electrical energy that we have, and we have been remiss in not continuing to develop our engineering capability to produce nuclear.

That slice of the energy pie could get a lot larger. It could take up some of this going to coal, it could take up some of this going to natural gas, because there is electrical production generation in each of these, natural gas and coal, and actually a lot of it, and the nuclear could be a bigger piece of this pie.

As we go around the chart, the hydroelectric is 2.4 percent. That is probably not going to get any bigger. That requires we build more dams. There are a lot of regulators in the way that don't want to see that happen.

As we go around the chart, you can see small pieces, geothermal, wind, solar, all less than 1 percent of the energy consumption. Fueled by ethanol is almost 1 percent is all. We would think that would be a lot more, Madam Speaker. 1 percent, but a growing number. Biodiesel is a tiny .06 percent of the energy there. Biodiesel is a fledgling part right now, and it may well become significant. Today it is a small piece. Wooden waste is bigger than we would think.

Then we get to gas, 16.9 percent, and diesel and heating oil, et cetera, is 8.84, and jet fuel, 3.31, and other petroleum projects, asphalt and heavy oils and those, 10 percent. That is the energy consumption. 101 quadrillion Btus of energy consumed in the United States.

Now, if we are going to look at how we address this energy situation, Madam Speaker, we need to look at it from the whole pie chart perspective. So often we are here debating on whether we should be drilling in ANWR or whether we should drill the Outer Continental Shelf or whether we ought to grow ethanol from corn or maybe grow ethanol from cellulosic, which is a big part of what is in the farm bill that maybe we will see again tomorrow.

What do we do with solar? There is plenty of solar power that cooks the United States, especially in the summertime and especially in the Southwest. Can we collect that and turn that into energy? Perhaps.

But as we have this debate, we can debate the relative merits of these sources of energy. But what I am not hearing the Members do or the leadership do or the American people or the business world in America, no one is out there pitching the big picture, pitching this picture that we had the conversation with Mr. LAMPSON, and that is the entire picture of energy, the holistic picture of energy, this energy pie. What is our solution? No one thing.

□ 2100

No one thing is the solution. And there are some parts that need to be bigger on this pie chart and there are others that need to be a little smaller on this pie chart. But maybe, maybe our solution instead is let's make all of these pieces of pie a little bit bigger and let's produce more BTUs of energy out of every source that we can.

As that happens and as market forces dictate, we will see, I believe, fuel from ethanol get up above 1 percent. I think actually from a gasoline standpoint we can take it to 13, 14, or maybe even 15 percent of the energy that today is being consumed by vehicles that burn gasoline or that burn generally a 10 percent blend of ethanol. So maybe this 1 percent here of the overall can become as much as 15 percent of the gasoline component, say 15 percent of this, 16 or 17 percent of the BTUs which is in gasoline today. That is one of the ways that it might change in proportion.

And so then another way that we can look at this is if we can produce a little more biodiesel, we can take a bigger piece out of the diesel fuel on this side. If we can increase nuclear, as I mentioned, then we can take a bigger bite out of the electrical production. And if we can produce more electricity with nuclear, then the pressure comes on natural gas and comes on coal to give up a little bit of that market share to nuclear. When that happens, it puts the coal and the gas in different areas and different markets, and perhaps keeps the price from going up or maybe even can get us a little bit lower price on our energy.

I think this: If we are consuming 101.6 quadrillion BTUs of energy and we are producing—this is the chart behind here, this is the energy that we are actually producing here in the United States—71.7 quadrillion BTUs of energy.

And so, Madam Speaker, just roughly speaking, we are producing about 72 percent of the energy in the United States that we are consuming here in this country, 72 percent of the energy. The balance of it presumably is imported.

Now, we can import it from Canada, we can import it from Venezuela, we can import it from Saudi Arabia and the Middle East; in fact, we do that from all of those places. But when we do that, it does a number of things to us. It makes us vulnerable and dependent upon Middle Eastern oil, for example, and makes us also dependent on Venezuelan oil and energy, and it makes us dependent upon the Canadians. Which is the least of my concerns. I am very happy to be doing business with the Canadians. If we are going to be importing energy from the western hemisphere or anyplace on the planet, I think from the Canadians is as good a place as there is. And we do import some oil from Mexico as well.

But if we are only producing 72 percent of the energy that we are consuming, that means then that we, just by simple math, are importing 28 percent of the energy that we are consuming. And I believe that we are importing 61 percent of the oil and gas or the crude oil, the products that we are using here in the United States, 61 percent of that imported. And as you see, we are producing I think all or very close to all of our own coal, we are producing a percentage of our natural gas. Not all of it, because a fair amount of that is imported into the United States. If you look at the hydroelectric, we are producing all of that, the geothermal, all of that. There are a number that we are doing, wind, solar, ethanol, as it goes around the corner. We are producing most of that.

But these other energies, the ones that we are most dependent on, Middle Eastern oil, 61 percent of our crude oil products imported, much of that from the Middle East. We are very dependent upon it, and that needs to change, Madam Speaker.

So my policy is this. And I don't know, I haven't identified the distinctions between my approach and the gentleman from Texas who spoke in the previous hour. But my policy is this. Take this pie chart that we have, let's produce a lot more natural gas. Let's go offshore, drill the Outer Continental Shelf. Let's drill everywhere offshore in the United States. Let's first rush down there and set up our drill rigs right up against those Chinese drill rigs 45 miles from Key West and tack those wells in there and start pulling that oil out and work our way back. We will build a fence between us and them of oil wells right there on that line between Key West and Havana.

There is a lot of natural gas on the Outer Continental Shelf. And in that region from the gulf coast around Florida and back again, there are known reserves of at least 406 trillion—that is trillion with a T—cubic feet of natural gas that can be tapped offshore down that way. And there is a lot of gas in the gulf coast altogether.

We can produce a lot more natural gas. We can punch holes around the Outer Continental Shelf. We can do that offshore almost anywhere in the United States. There is natural gas almost everywhere offshore in the United States. But we need to expand that where we can develop the fields and be able to transport that gas effectively and efficiently. And the most promising region is offshore in the Outer Continental Shelf of Florida.

Now, I have a growing list of Florida Members of Congress who are willing to support drilling offshore in the Outer Continental Shelf, because they understand that this Nation is vulnerable to other countries for energy supply. And they are understanding more and more that if they are going to build generating plants in Florida, and they increasingly want to build them as natural gas fire generating plants, that they are going to have to go along with the idea of tapping into the resources that they have offshore in Florida itself.

So, they are concerned that people sitting on the beach might see an oil rig out there and not come back to the beach and sit down in the sunshine. Beautiful State, beautiful beaches. I don't think they are matched anywhere. But if you cannot see an oil well 200 miles offshore, you can't see a gas well 200 miles offshore.

To give an example, somebody in the Midwest that might think like me, if I am sitting down between Iowa and Missouri on the Missouri line, on the State line at say Lineville, for example, a little town right there on the Missouri line and Iowa, and I am sitting in my lawn chair gazing off to the north up to the Minnesota border, roughly 200 miles, maybe a little less, that is about what we are talking about. If we are worried about drilling offshore in Florida, 200 miles offshore in Florida, roughly the equivalent of sitting on the Iowa-Missouri border and wondering about whether you are going to have something mess up the scenery that is going to be a drill rig that would be up on the Minnesota border that far away and perhaps even a little further away, as I say, a growing number of the members of the Florida delegation willing to tap into this.

But truthfully, I say this to the good members of Florida, both Republicans and Democrats, those resources that are offshore are American resources, not Florida resources, not Alabama or Mississippi or Louisiana or Texas resources. These are American resources, the resources that were claimed by President Reagan on the Outer Continental Shelf out to that 200 mile limit, I think the year was 1983. It seems as though Jimmy Carter made a move in that direction, too, and I can't remember exactly what he did, but I believe President Reagan declared our influence and declared the mineral rights out to the 200 mile limit. It wasn't a declaration of the Governor of Florida or the Governor of any other State that is a coastal State. It was a declaration by the President of the United States that claimed those resources for all the people in the United States.

And so as much as I like to see coalitions and like to see us get along and cooperate with each other, Madam Speaker, I will submit that the good people in Florida and the rest of the way around the coast, really, let's bring them into the dialogue. But this is an American situation, not a Florida or a Louisiana or a Texas situation, and we need to make a decision for America. I am increasingly hearing the Florida delegation make such decisions and take such stands.

If push comes to shove, I am going to say that it is America that will decide; it needs to be this Congress that decides. We need a President that will help us decide to do that, drill the Outer Continental Shelf. If we do that, natural gas gets more plentiful, and the law of supply and demand keeps these gas prices from going up and in fact pushes them down. If we can put a lot more natural gas into the marketplace, that means Florida can have the electricity that it needs to run its air conditioners, and it means that they can have the natural gas that they need to generate their electricity, and that natural gas can be delivered to the rest of the country, heat our homes, run our generating plants that we need, too.

But, Madam Speaker, I would submit this. Let's put more natural gas into this marketplace. Let's put a lot more natural gas into the marketplace. But let's not turn a lot of it into electrical generation. Let's use this for the things we need it for. Let's use it for industrial production, plastics, for example. Mr. PETERSON from Pennsylvania has given speech after speech on those necessities.

But let's also use the natural gas for fertilizer production, because that fertilizer is what is necessary in order to provide food for the American people and the people of the world. You simply can't produce food without nitrogen, the nitrogen that either is drawn from the air naturally through a crop or nitrogen that is put into the ground through the fertilizer. And 90 percent of the cost and of the feedstock that goes into the production of nitrogen fertilizer is natural gas itself. And so more natural gas available on the marketplace means that we will come back and rebuild the fertilizer production industry in the United States, and it frees up a lot more gas for the production of the things that we need as far as industrial production is concerned. Home heating is another way we can use natural gas.

And if we increase the production of the natural gas and we start taking away from the generation of electricity by natural gas and replace that with nuclear, you can start to see how the pieces of this pie will shift. American production can increase for natural gas, but actually the share of the overall consumption of energy could actually diminish even though we increased it because we will have more energy on the marketplace and more energy in the form of nuclear, which is here; the 11.73 percent of our production of energy is nuclear. But if we are down to the other chart, then it is 8.29 percent of our consumption is nuclear. That gives a sense of what we can do with this energy, grow the size of the energy pie.

Madam Speaker, this chart, this is energy consumption, 101.6 quadrillion BTUs of energy consumed in the United States, which tells us that about 28 quadrillion BTUs of energy is imported into the United States. So this energy pie that I just sat down here on the floor needs to be at least matched by the production energy pie chart here. And another thing that we can do is add another slice to this pie called energy conservation, so that on this consumption side we can replace some of that consumption of energy with the conservation of energy, efficient homes, efficient vehicles, and efficient generating plants, efficient plants of all kinds.

That is the view of the energy situation here in the United States, Madam Speaker.

And then I have another bar graph right here that helps lay out the proportionality of the different kinds of production that we have. I started on the bottom. For petroleum, it is 39.14 percent of our production. So we are dependent upon petroleum products significantly. It is almost 40 percent.

We go to natural gas. That is another well product, another petroleum hydrocarbon product, 23.25 percent of natural gas. These two things of course come out of the ground, deep wells, not quite of deep of wells as a rule. And coal. Coal has traditionally been a big part of our energy consumption here in the United States. And you see how, as we go to nuclear with 8.27 percent energy consumption, now it goes down 2.5 percent, hydroelectric about the same, ethanol less than 1 percent. And it gets down to where these other pieces, biodiesel, solar wind, geothermal and that are all tiny in comparison.

Another way to look at this is as we grow fuel by ethanol, that bar gets longer. Hydroelectric probably stays the same. And wind can get bigger, solar can get bigger, biodiesel can get bigger. But we are in the early stages of this, Madam Speaker. We have a lot to do, and we have a lot to do to expand each one of these kinds of energy that we have.

We are a Nation, we are a Nation that is sitting on a significant amount of natural gas. We actually have a wealth of natural gas. And I recall a statement made into the CONGRESSIONAL RECORD by a Member of Congress from Colorado about 3 or 4 years ago, and that is that we have enough natural gas in the United States underneath the non-national park public lands that if we would drill that natural gas in the known reserves, there is enough there to heat every home in America for the next 150 years, Madam Speaker, 150 years of heating every home in America just with the gas that is underneath the non-national park public lands, Bureau of Land Management lands, primarily.

And why can't we do that? Why can't we open up all those areas to drilling? We have do so in an environmentally friendly fashion; We have done so without spillage in a significant way without any kind of permanent environmental damage. And we need to open up our non-national park lands for drilling and for distribution. We can't be shutting people out of there by shutting off roads and not allowing them an ability to deliver the product. We have got to open this up and get the energy into the marketplace.

We do that, drill our non-national park public lands and we drill the outer continental shelf for gas and oil and we drill ANWR. And ANWR is the piece that I asked the gentleman from Texas about. I have long been an advocate for drilling in ANWR. I took a trip up there a few years ago because I had listened to the rhetoric about ANWR.

□ 2115

And the constant statement was that this is a natural, beautiful arctic wilderness. It's a place that wildlife needs to be able to roam without being disturbed by man, pristine wilderness area.

And so I remember seeing commercials on television that showed a beautiful alpine forest, a beautiful alpine forest represented as Arctic National Wildlife Refuge. And so I'm sitting there, like any American would be, thinking, boy, if we go up there and bulldoze those trees and start putting roads in and pipelines in and drilling into that beautiful alpine forest, it'll never be the same.

And I wasn't really totally shocked or surprised when I got up there, but I started to put all the pieces together. I was looking around for trees. And as we flew north, it was a long flight from where I saw the last tree out the window of the plane before we got to the place up there in ANWR where they want to drill. In fact, it's about 700 miles from the most northerly tree approaching the Arctic circle. It's about 700 miles south of the area they want to drill in the Arctic National Wildlife Refuge, and then in a region with that Eskimo town called Kaktovik. That's about 250 to 300 people that live up there right on the Arctic Ocean.

So as we flew over that area, we flew over the north slope of Alaska, which had the pipeline. The Alaska pipeline was built beginning in 1972. And the wells were drilled up there beginning about that same period of time. And so for all these years we've watched crude oil be pumped down out of the north slope of Alaska into that pipeline and down to the Port Valdez, where it's been loading tankers, and the tankers have then gone down to the refineries along the West Coast.

Madam Speaker, the question continues, and that is that comments continually come to my office about allegations that that crude oil from Alaska is being exported to places like Japan. And once again, I looked into that. Once again I got the answer back that says no, that oil is going to the United States. It goes down for United States production.

Early on there were some market forces that sent some of that oil across over to Japan. It has been a long, long time since any of that oil has gone anywhere except into the U.S. marketplace. So I think we can be confident that the oil that would come out of ANWR would also come into the U.S. marketplace. In fact, it would go into the same pipeline.

And as the oil wells in the north slope start to wind down and start to slow in their production, we need to ramp up production next door in ANWR to bring that oil on-line and keep that Alaska pipeline full. If we fail to do that, the line will corrode on the inside and, as it starts to, it'll take a fair amount of renovation work to get it back up to speed again if we don't keep it working most of the time.

And so, as I looked at the ANWR region, and flew over that 19.6 million acres; I was looking for caribou herds that would be scattered out all over the place, and perhaps a lot of musk oxen and birds and polar bears, et cetera.

But, Madam Speaker, as much as we flew over that area and looked, from end to end, out and back, as low as we could safely fly, all of us looking out the window, the pilot finally spotted four musk oxen, four oxen standing out there in 19.6 million acres. And I'm sure we missed some animals. We didn't see them all. They were standing there with their head down, doing nothing, just standing there, four of them all in a little group. And we saw that, and two big white birds. I don't know what kind they were. That's all we saw for wildlife across that whole region.

But what we know is this, that there is not a native caribou herd in ANWR, in the Arctic National Wildlife Refuge. It is a kind of a maternity ward where caribou migrate in from Canada in the spring, starting perhaps a week or 10 days into May, and they have their calves in there in that region around the Arctic National Wildlife Refuge. And once those calves get big enough, then they migrate back to Canada mid June or the latter part of June. That's the extent of the caribou herd.

Now, if we're worried about caribou, we ought to look and see what happened to the caribou herd on the north slope of Alaska where we have about, let's say, 36 years of experience up there building pipe lines, drilling oil wells and delivering oil onto the marketplace of the world.

And so the caribou herd that was 7,000 head of caribou back in 1970 today is over 28,000, and the herd is growing. That doesn't tell me that the work that's been done on the north slope has been detrimental at least to the caribou herd which is more than four times what it was back in 1970 when they first began the operations. Court injunction shut it down for 2 years, and then the work really began in 1972, as I recall.

But from 7,000 caribou to 28,000 caribou on the north slope, I don't think we ought to worry about the caribou, if that's our issue, and any kind of environmental reason that they might come up with on the other side of the aisle not to drill. So all the indications are that the caribou are going to do just fine with the pipeline running through them and some oil rigs that are drilling.

We think, somehow, that wildlife just simply is not compatible with man and not compatible with machines, not compatible with oil drilling or pipelines or road construction or populations. So Madam Speaker, I would submit that there are a number of examples that would beg otherwise, and that would be—

Well, one of those easy examples would be, let's see, I get my days right. Night before last, as my wife and I were walking down the street at about let me see, pretty close to Sixth and Pennsylvania Avenue Southeast, there a furry raccoon ran down the sidewalk on the other side of the street, almost in the heart of downtown Washington, D.C. And a raccoon figured out how to live inside Washington, D.C. It's the first one I've seen running around on the streets. I was quite surprised, but there he was.

Another example, Madam Speaker, would be, I recall my wife and I were doing a little road trip. We had driven up to the end of the road in northern Ontario. And there's a paved highway that goes up to a city by the name of Red Lake, Ontario, actually a fairly small town but along the shore of the lake there, a beautiful region. And it's vast and it's wild, and it's open wilderness.

But I'd always been concerned about how the eagle would adapt to humanity. And I recall working on a job in Southwest Iowa where the Department of Natural Resources, in a heavy timber, discovered one of the earliest eagle nests in modern times in the State of Iowa. And this would be back in, I believe, 1986. The game warden told me about the eagles nest, but would not tell me where it was because he said that if I would walk down there I would scare the eagle off the nest and the eagle would fly away and the eggs wouldn't hatch. That was the concern about scaring an eagle out of their reproduction operation. And that was things we heard many times, that these animals do not, and they're not very compatible with humanity.

Well, Madam Speaker, I don't know what happened to that eagle out in that heavy timber in Southwest Iowa. I presume she hatched out her eaglets and they flew away, because we've got a lot of eagles living in the country side now, these 22 years later.

But what I did see up there in Northern Ontario were the highway, a paved highway that actually has a reasonable amount of traffic going north and south. It's two lanes. But it's split around a high line pole, a big tall high line pole that was perhaps over 100 feet high. And as we drove by, we had the top down, and I looked up on top of that pole and there was an eagle nest with an eagle sitting in it, keeping an eye on all the traffic that was buzzing by right directly underneath its necessary.

Now, that tells me that animals are fairly compatible. All of them maybe are not. And the argument about the spotted owl, I don't have quite the personal experience rebuttal to that. But we do know that peregrine falcons live pretty well in the city if they can prey on the pigeons that also live pretty well in the city.

And so time after time we find out that animals adapt to their environment, and a lot in the same way that people do. They will find a way to find some feed and find some shelter and reproduce and hatch some little ones out. The caribou found out how to do that in the north slope.

There's not a problem in ANWR. No one can create an environmental scenario that tells me that we should go without energy in America.

But we do have the situation where the Secretary of the Interior has put the polar bear on the threatened species list. Now, this polar bear that has watched its population over the last 2 decades go from about 7,000, maybe as low as 5,000 polar bear, now up to about 25,000 polar bear. That would be the world population of polar bear. We've watched polar bear numbers that are blossoming, anywhere from 3½ to five times the population of polar bear that it was 20 years ago.

And yet, for the first time in the history of the country, the Secretary of the Interior has put an animal on the threatened species lists because of the predictions from the global warming enthusiasts of what will happen to its environment if they are right.

Now, Madam Speaker, I will submit that that polar bear will become the tool and the pawn and the toy of litigation after litigation after litigation that will be designed to shut down the development of energy exploration and production in all of those regions where the polar bear might roam or might have roamed. That's what we can expect coming, because this debate isn't really about the well-being of the polar bear.

This debate is about people on that side of the aisle, not all of them, but I do believe the majority of them, Madam Speaker, that really in their heart of hearts don't mind seeing expensive energy. They don't mind seeing $4 gas. In fact, I don't think they'd mind seeing 6, 8 or $10 gas because they believe that the higher the cost of energy, the less of it we will use.

If gas goes to six bucks or 10 bucks, more people will park their car, more people will ride their bicycle, more people will walk, more people will take mass transit, and more people will stay home. If all of that happens, their calculus is that we'll use less energy per capita, instead of more energy per capita, and the net result will be that, in their mind, that they saved the planet from global warming.

Well, this is a long ways from subtle science, and we should not be handicapping the economy of the United States of America for the purposes of people who believe we should have a more expensive energy policy.

So in spite of what I heard the gentleman from Texas say, and I don't discount his word, nor do I challenge his integrity. I will submit that his party has only brought energy issues to this floor of Congress that have raised the cost of energy by making it more scarce.

They've tried to bring windfall profits taxes on the energy companies. They're the ones that are keeping our energy at least as low as it is today. They're slowing the increase in prices, companies like Exxon, for example, that are putting billions of gallons of gasoline out there in the marketplace.

If they stop producing because we punish them, gas is going to go up, not down. We don't get cheaper gas prices by punishing energy companies, and we don't get cheaper gas prices by taxing companies after the fact in windfall profit taxes, Madam Speaker, because what will happen is they'll sit around the boardroom and they'll decide, wait a minute. We paid our royalties to the Federal Government for the energy that was there. We entered into these agreements in good faith. We're an efficient company, an efficient company that drilled and explored the leases that they paid for, put that energy on the marketplace for a fair market price and paid the royalties to the Federal Government for that.

Now, how do we come in and change the deal?

How do we say, if you don't renegotiate those lease agreements with the Federal Government, we're not going to let you enter into another lease agreement. We're going to hold a gun to your head and make you capitulate and change. The deal's not a deal, according to some folks on this side of the aisle, and a lot of them are driving the agenda.

And so, Madam Speaker, I submit this, that a deal must be a deal. And we can't be penalizing energy companies that are out there exploring, risking billions of dollars in capital, and putting gas and diesel fuel and oil and kerosene and jet fuel and asphalt for our roads all out there on the marketplace, keeping the price as low as possible.

They're competing in this marketplace. And yes, they are making some money. But if their Board of Directors are listening, they're hearing what this Congress is saying to demonize the people that are producing the energy, and they're starting to wonder, shouldn't I take some of that billions in profit and invest that in some other industry someplace where Congress isn't going to come in and tax me after the fact?

If they play by the rules, every company that plays by the rules should be able to count on the Federal Government keeping their part of the bargain. And whatever the tax structure is when they enter into the agreement should be the tax structure that they comply with, at least for that year that they've entered into and the corporate tax and the royalties that are designed to be part of it.

I've spent my life in the business world, 28 years meeting payroll, doing construction work, entering into contracts, some written, many written actually, many more verbal contracts, sometimes a hand shake, sometimes we didn't bother, sometimes it was over the phone, sometimes it was just simply eye contact, nod, and we have the kind of relationship where we know we'll each keep our deal.

□ 2130

I respect a contract. I respect a deal and an agreement. That's what makes the economic world go round. People that have integrity that understand that a deal is a deal are what keeps this world going. And we have verbal agreements that go on up into the hundreds of millions of dollars, and in the end, we're evaluating the character of the people that are entering into those.

I would also submit that one of my favorite energies here on this chart, the energy production, which is the fuel by ethanol, this .94 of a percent here, is getting a bit of a bad rap. And it's getting a bit of a bad rap by the folks who just simply don't like the competition of ethanol. I think it's become a political argument rather than a rational scientific argument.

I know a couple of scientists in this Congress who are working and tracking the three laws of thermodynamics, and I hope they're paying attention when I make this argument, Madam Speaker, and that is this: according to Argon Labs out of Chicago—first the argument that comes from ethanol's critics is it takes more energy to produce ethanol than you get out of it. Madam Speaker, I submit that's factually incorrect.

If ethanol from corn can only be calculated if you take a bushel of corn and you say, All right, now I have this bushel of corn here sitting here at the ethanol plant, I want to convert it into ethanol. How much energy does it take to convert this bushel of corn into ethanol compared to how much energy do I get out of this bushel of corn? And if you're going to be fair about it, if we're comparing it to gasoline, we have to also measure how much energy it takes to refine the same amount of energy from crude oil into gasoline, because it takes energy to do that, too.

Here are the numbers, Madam Speaker. To produce one Btu of energy in the form of ethanol from corn, you will consume, according to Argon Labs, .67 Btu as the energy that it takes to get an entire Btu out of corn in the form of ethanol from shell corn sitting at the gates of the ethanol plant. That's the equation.

But if you go down to the oil refinery, let's just say in Texas, and you have a barrel of crude oil sitting at the gates of the oil refinery of Texas, how much energy does it take to get a Btu, a British thermal unit of energy in the form of gasoline out of that crude oil? That, Madam Speaker, is 1.3 Btu's; .67 to get one out of corn ethanol, 1.3 Btu's to get one out of gasoline refined from crude oil. Almost twice as much energy to craft gas out of crude as it is to convert corn into ethanol, Btu to Btu.

Another way to look at that is a gallon of gasoline is, for round purposes, is 100,000 Btu's of energy. Let's just say it takes a little bit more of a gallon in the form of ethanol, but let's say we had two jugs sitting here, one has ethanol in it and one has gasoline in it, each are 100,000 Btu's. Well, to produce 100,000 Btu's of ethanol it took 67,000 Btu's of energy to convert corn into ethanol. 67,000 Btu's to get 100,000. And to convert crude oil into 100,000 Btu's, roughly a gallon of gasoline, it takes 130,000 Btu's to get your 100,000, roughly a gallon's worth.

So there's your answer, about twice as much energy to convert gas from crude oil as it is to convert corn into ethanol.

Those are laboratory scientific facts, Madam Speaker, and those are facts that ethanol's critics cannot get around. And so let me take us to another level.

Since it doesn't take more energy than you get out of it, .67 Btu's to get one full Btu of energy out of corn, since it doesn't take more energy, it does for gasoline, it doesn't for ethanol, then the only other argument that remains is well, food versus fuel, Madam Speaker.

And the argument that we're using this corn for fuel instead of feeding the world population, well, we have a lot of folks who think we take field corn and, I suppose, set it on our plates and cook it up and feed it. Now, that may well be how we make grits. I don't know that. We don't make any grits in Iowa, but I do have a little sack on my shelf. And other than that, our corn goes to about some 300 products, maybe a little bit more than that. Corn sweetener and a whole variety of products including, I think, the forks, knives, and spoons at the Longworth cafeteria are today now made from corn.

But we produced 13.1 billion bushels of corn last year in the United States. Now, that's the annual crop for the 2007 crop, 13.1 billion bushels of corn. Now, if we're going to argue that food prices went up, I'm going to take that argument away also from ethanol's critics, and here's how it is. We produce 13.1 billion bushels of corn. We exported more corn than ever before. We exported 2.5 billion bushels of corn. And so more corn exported than ever before, and you subtract that 2½ billion from the overall crop of 13.1, you end up with 10.6 billion bushels of corn left over after we exported more than ever before.

Then we converted 3.2 billion bushels of corn into ethanol, roughly 9 billion gallons of ethanol, 3.2 billion.

So remember, we were at 13.1 billion bushels, overall production, minus 2½ billion bushels for export, leaves us 10.6 billion. Then from that we subtract 3.2 billion that went to ethanol. That takes us down to 7.4 billion bushels of corn left over for domestic consumption.

Now, that happens to be the exact number that is the average of our corn that's available for domestic consumption for all of the other years of this decade is 7.4 billion bushels of corn.

So one would say by this argument we didn't really take any corn out of the availability for food for domestic consumption in the United States because we still have 7.4 billion bushels left over after we exported 2½ billion bushels after we converted 3.1 billion bushels into ethanol, we still end up with 7.4 billion. But additionally, we have to add back in half of the bushels that we converted to ethanol because at least half, Madam Speaker, of that corn has a retained feed value in the protein that we did not use, the protein that goes back in livestock feed in the form of DDG, dried distiller's grain.

So you add 1.6 billion bushels back in, and that says last year, 2007 crop, the average annual domestic corn crop for the decade is 7.4 billion, but the 2007 year, there's 9 billion bushels of corn that were available for domestic consumption. That says the supply for domestic consumption went up, not down. If the supply went up, then we can't be arguing that the food-versus-fuel argument, although I will say that if you dump 3.2 billion bushels of corn into the domestic market, and it would push the price, and that would be a lot better for our livestock producers, especially our pork producers.

But that's not the case. It's 9 billion bushels available where 7.4 normally are available. I think that takes that argument away that the high costs that are there today that are putting so much pressure on our pork producers are at the burden of ethanol, yes, it's part of it. It's part of it.

But, Madam Speaker, I will submit that the low dollar is a bigger part of it. And according to some financial experts that I have met with, people whom I respect, their judgment is sound and they're well respected in the country, the cheap dollar has more to do with high grain prices and high gas prices than most people will calculate.

So, for example, if about 35 percent of the value of our commodities, such as crude oil, is wrapped up in the cheap dollar, we could take $129 crude oil and say well, about two-thirds of that is where oil would be today if our dollar were shored back up and it was more traditional values than it is right now. And I know that some think that we should try to encourage the European Union to devalue their Euro. I don't know that that can be done from the United States any more effectively than we can convince the Saudis to put more crude oil out on the marketplace.

But we can shore up the value of the dollar, Madam Speaker. We can and we should shore up the value of the dollar. And we ought to take some dollars out of circulation. We ought to make an announcement that we're going to hold a tighter money supply and push the value of the dollar up. If that happens, and we can get the dollar back to its traditional values, the gas that we're looking at today that on the streets tomorrow or by next week will be $3.80 a gallon, would only be, with a more traditional value of our dollar, about $2:47 a gallon. That's still too high in my view, Madam Speaker.

So the combination of these things, the combination of the speculators that expect that energy is going to be more scarce in the future, is driving up the price of energy, the intimidation effect of windfall profit taxes and higher regulations and the constant beating that the energy supply companies take here on the floor of this Congress pushes up the energy prices.

The bill that passed today that was debated yesterday, the NOPEC bill, the bill that says it's unlawful for the organization, the petroleum export companies, OPEC, the bill that says it's unlawful for OPEC to exist and grants the authority to the Department of Justice to sue those OPEC countries, and if they successfully bring suit, one could presume that they could freeze the accounts of the investments of those oil companies here in the United States, at least the sovereign wealth accounts that they might have invested in U.S. products. It is a move that drives up more energy prices.

The Middle Eastern countries that are part of OPEC, because when we passed NOPEC here in this Congress, they are not going to produce more energy to get Congress off their back because they know Congress doesn't know how much energy they produce. They know this, that the oil that sits underneath their land is their oil, and they will market it in a way that serves their interest best. That's the bottom line. That's free market capitalism. And even though a lot of those countries don't have the level of freedom that we have, they do understand the market system.

So if we say to them that we're going to turn the attorney general loose, create a task force to study this and then give the attorney general the authority, the Department of Justice the authority to bring suit against the OPEC countries, I'll submit this, Madam Speaker, they're not going to produce more energy; the best we could hope for is they produce the same amount of energy, and we have to hope that they don't reduce that energy supply, and we have to hope that they don't pull their capital out of the United States out of fear that their assets could potentially be frozen in the aftermath of a suit that could be brought by the attorney general.

Only bad things can come from the NOPEC bill that passed the floor of this Congress. It's going to make energy either the same or more scarce. Just like every other piece of energy legislation that's been brought in this Pelosi Congress that's made energy more scarce, more expensive, provided more regulations and more intimidation, more taxes on our energy producing companies. That's wrong.

And what we have been doing is growing an industry. We've been growing the corn-based ethanol industry. This piece right here. This probably, by now, exceeded 1 percent of our overall energy consumption in the United States.

We need to, Madam Speaker, grow the size of the energy pie. This is the energy production chart, 71.7 quadrillion Btu's of energy produced from all of these sources, and they come with crude oil, liquefied petroleum, natural gas, coal, nuclear, hydro-electric, geothermal, ethanol, biodiesel, solar, wind, all of these sources. This is the energy production chart, 71.7 quadrillion Btu's. This is the energy pie that we need to grow.

We need to grow this energy pie to the size of this energy pie, Madam Speaker. This one that is 101.6 quadrillion Btu's. Now this circle should be bigger in proportion to the one behind it. We will get our graphics down a little better later on, Madam Speaker, but this is what we need to do: grow the size of the energy pie so the energy-consumption chart, which is behind here, excuse me, the energy-production chart, which is behind here, equals or exceeds the size of the energy consumption chart which is this one here, the 101.6 quadrillion Btu's.

If we do that, we will see energy prices go down in America, we will see gas at a price that a working man and woman can afford it again, and we will see ourselves become significantly less dependent, in fact independent from foreign sources of energy and oil and, and if we do that, the prospects for America's balance of trade, the prospects for the stability of our currency, the prospects for the future of the United States of America, of our children and grandchildren and each succeeding generation, gets greater and greater.

That is our responsibility, Madam Speaker. It is our responsibility to advance the American dream. Advance it for our children and advance it for our grandchildren. We need to do that with a comprehensive approach to the big picture in every way that we can. We cannot do it by increasing the cost of energy by making it more scarce and intimidating our energy-producing companies. That's the theme that the American people understand.

And I will submit, Madam Speaker, that the clearest thing for the American people to understand is drill ANWR. Drill in ANWR, drill now, drill as fast as we can. It doesn't take any 10 years to get that energy on the marketplace.

□ 2145

How can we, on the one hand, how can we say, well, there's only enough energy up there to last for 5 years and we can't get it into the marketplace for 10? That doesn't make sense to me, not in a Nation that can have a Manhattan Project that can, in a few very short years, produce an atom bomb and deliver it, or in a few very short years, from the time John F. Kennedy said we're going to the moon, by 1969 we were on the moon.

A Nation that can produce a nuclear weapon in the fashion that we did, a Nation that can go to the moon in the fashion that we did has got to get the regulations and the taxes out of the way so that we can produce the energy that we need in the form of ethanol and biodiesel and wind and solar and nuclear and hydroelectric. And the list goes on and on and on, including coal, gas, diesel fuel, et cetera.

Madam Speaker, it's commonsense to the American people. Let's first drill ANWR and send that message that this Nation is finally ready to produce energy. Let's do that, and let's take it a step at a time, or all at once if we can, but whatever we do, we owe it to our children and grandchildren to grow the size of the energy production pie in the United States of America.

With that, Madam Speaker, I appreciate your indulgence. It's a privilege to address you.

INTERNATIONAL FOOD CRISIS AND HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New York (Ms. CLARKE) is recognized for 60 minutes.

GENERAL LEAVE

Ms. CLARKE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. Madam Speaker, moving from food for fuel to food for food, we come to the floor tonight to talk about the international food crisis. We're going to look at the causes and effects and possible solutions. We're also going to take a closer look at the situation in Haiti, a country that is only approximately 400 miles off our coast, our neighbor in the Western hemisphere, a country that is arguably one of the worst off in this global food crisis.

There are many causes of the food crisis that we face now. Some of the causes are recent developments and others have been developing for years.

This year we saw lower crop yields because of weather and global climate change. There is increased demand for processed foods from countries with growing middle classes like China and India. There's an increased demand for biofuels like ethanol, which is primarily made from corn. And in response to high commodity prices, a number of countries introduced export bans to preserve food for their own populations, while decreasing the world's supply.

This graph illustrates the record-high food prices that brought on this crisis: Wheat prices up 81 percent in 2007; soybean prices up 71 percent in 2007. Rice, which feeds almost one-half of the world's population, its price increased 144 percent since January of this year. Corn prices shot up 24 percent since January of 2008, and the rise came right after this Congress passed a landmark energy bill requiring increased use of ethanol.

The effects of this food crisis. We know that in the industrialized countries, food purchases accounts for 10 to 20 percent of consumer spending. However, in developing countries, that figure is more like 60 to 80 percent of consumer spending.

People in poor countries already spend a much greater percentage of their incomes on food, and now they are forced to spend even more on food.

This food crisis is pushing people into poverty and worsening the situation of those already living in poverty. The World Bank estimates that more than 100 million people will be pushed into poverty because of rising food prices.

Rising food prices have led to food riots around the world, across Africa, Asia, Latin America and the Middle East. In Pakistan and Thailand, troops are guarding farmers' crops. In Egypt, troops are baking bread for the thousands of people waiting in bread lines.

The situation in Haiti. Haiti has the lowest, poorest standard of living in the Western hemisphere. About 80 percent of the Haitian population currently survives on less than $2 a day and survives on one meal a day. Most of Haiti's basic food commodities are imported, leaving the country especially vulnerable to fluctuating world commodity prices.

Late last month, the perfect storm of high energy and oil costs and commodity expenses erupted in what has been described as food riots.

Haiti's poorest have resorted to selling mud cakes, a mixture of mud, oil and sugar that quiets rumbling, hungry stomachs.

Rising food prices threaten security in Haiti. Protests over the rising costs of food last month turned violent with six people killed, including a U.N. peacekeeper.

High food costs in Haiti in part also led to political unrest, with the dismissal of Prime Minister Jacques Edouard-Alexis just recently.

As we look at what is happening in Haiti today, it's a reminder to us that the economic climate of the United States, our ability and capacity to influence and impact commodities around the world have a ripple effect, and that what we do in the U.S. to secure ourselves, we must keep an eye to our neighbors in more vulnerable circumstances, such as the Nation of Haiti.

We here in the U.S. Congress recently had a codel sponsored in part by the CBC to Haiti, and while there, we had an opportunity to talk about what we need to do to be supportive of our neighbor in the Western hemisphere.

And one of the major concerns for me in this trip was just some of the issues and concerns that we as Americans have not been as educated about. For instance, were you aware that the average age in Haiti is under 50 years old; that the mortality rate is extremely high; that the age for mortality for most women is 56 years of age and for men, 52 years of age; that the average Haitian eats only one meal a day? These are issues that need to be of concern to us.

Why is that? It needs to be of concern to us because certainly, as one of our closest neighbors, one of the democratic allies of the Western hemisphere, these conditions, if sustained over a long period of time, speak to a humanitarian crisis, speak to destabilization, not only of Haiti but of the entire region, which includes a border that is 400 miles away from the U.S. border.

And so we here are looking at congressional action that will address this food crisis. One of the things that we have quickly moved to do in the Democratic Caucus is an emergency supplemental appropriation which was passed just last week which included $1.86 billion in funding for food aid in PL 480 programs, administered by the U.S.D.A. and USAID; $200 million in development assistance; $400 million for disaster assistance; and $20 million for the World Food Programme.

The farm bill passed just last week also included provisions allowing the USAID to preposition more food overseas to respond to disaster faster; in addition, more money for non-emergency food aid, like development projects; increased discretionary funding for emergency food aid programs like Food for Peace and U.S. Agency for International Development to the tune of about $2.5 billion have also been expended; extension and expansion of Haitian Hemispheric Opportunity through Partnership Encouragement Act, or the HOPE Act, which provides for duty-free preferences for imports from Haiti.

And then the Jubilee Act passed last month which would assist Haiti in its international debt load and recommends the immediate cancellation of Haiti's outstanding debts.

Solutions for the food crisis. With respect to Haiti, we need to extend temporary protected status to Haitians in our country, allowing them to work legally here, enabling them to send remittances home. This is the most inexpensive form of aid we can grant to Haiti. When remittances are sent home, it forms about a quarter of Haiti's GDP at this point, and so we would be doing not only ourselves a service but a service to the people of Haiti and Haitian Americans here in our hemisphere.

On the global level, we need to meet the immediate need including funding shortfalls of $755 million at the World Food Programme and $240 million at USAID, which this Congress has already begun to do.

We need to strengthen our social safety nets like nutrition programs and school feeding sites to prevent future food security issues from reaching the crisis level.

I've spoken to you already about the youth of Haiti and the fact that the population there is so very young. We need to be clear that malnutrition is running rampant, and if we really want to help Haiti to change course, we must start with their young, and we must be able to improve the opportunities for children to have access to nutritious meals.

We need to increase agriculture development aid to assist developing countries in establishing their own agriculture infrastructure, so countries won't be so dependent on foreign supplies in the future. And that's a pretty complex scenario, because when we look at the way that our farm system has been set up in the United States, it has really created a paradigm where, due to the subsidies that we make to our farmers, it is actually less expensive for Nations abroad to purchase our rice than to grow and compete against the subsidized market. So we will have to find a balance there to enable farmers in Haiti to expand and to be prepared to export to other Nations and be able to compete at real prices with the production of rice in our country and other countries around the world.

And finally, we need to significantly increase investments in agricultural research so our scientists can develop better crops that can withstand disease, drought and produce higher yields, and then deliver those crops to farmers around the world.

I am just so honored to be joined this evening by a number of my colleagues who also attended the codel, some of whom are members of the CBC, some of whom are members of the Hunger Caucus here in Washington in the U.S. House of Representatives, and it is my pleasure at this time to yield to the gentlewoman from California, the Honorable BARBARA LEE.

□ 2200

Ms. LEE. First, let me thank my colleague from New York, a great American and a proud daughter of the Caribbean, for your leadership and for putting together this Special Order tonight.

And as I listen to you, I'm thinking, I hope everyone in the country is listening tonight because I get so many questions about the world food crisis, the whys, what is going on? Why, even in some of our communities, stores are stockpiling rice? And I think what you are doing tonight is allowing us to give the big picture, the explanation, talk about what is really talking place. And so thank you, Congresswoman CLARKE, for your leadership and your vision and for putting this all together tonight.

Let me just say a couple of things. First of all, Congresswoman CLARKE mentioned the congressional delegation. Congresswoman KILPATRICK and myself co-led it to Haiti to examine the current conditions on the ground.

Now, during our visit, we were joined by 10 members of the Congressional Black Caucus and one member of the Congressional Hispanic Caucus. I'd like to mention who these Members are because they reflect the broad concern, regionally, and just in terms of their deep commitment to address some of the humanitarian issues that we must address in the world. Congressman ANDRÉ CARSON, Congresswoman, of course, YVETTE CLARKE, Congressman KEITH ELLISON, Congressman AL GREEN, Congresswoman SHEILA JACKSON-LEE, Congresswoman EDDIE BERNICE JOHNSON, Congressman HANK JOHNSON, Congressman GREGORY MEEKS, Congresswoman ELEANOR HOLMES NORTON, Congresswoman DIANE WATSON, and Congresswoman LUCILLE ROYBAL-ALLARD. We all have a longstanding interest and commitment to strengthen our ties with Haiti and the Haitian people.

Now, during this codel we met with Haitian President Rene Preval, our United States Ambassador Janet Sanderson, and representatives from humanitarian and development organizations in Haiti. Our goals were to examine the United States strategy to help alleviate the effects of the recent rise in food prices in Haiti. We were there to ensure that there is infrastructure, which we discussed with President Preval, to make sure there is adequate infrastructure in place to help distribute aid to the Haitian people, and that there is a long-term plan in place to expand that infrastructure. Also, to take steps to ensure a safe and stable and promising future for Haiti and all Haitians by providing immediate relief to help the Haitian people.

So we want many, many short-term goals to be met, but also, we want these short-term goals and initiatives to lead to a more sustainable effort to make sure that the Haitian people begin to receive our assistance with regard to the infrastructure, health care, clean water, and all of the systems that people just deserve so that they can live decent lives.

Haiti is the poorest country in the western hemisphere. And Haitians are particularly affected by soaring food prices, which have risen over 40 percent globally since mid 2007. Haiti produces 50 percent of the food it needs and imports the rest.

The rising cost of living has keenly affected the people of Haiti. Forty percent of Haiti's population is only able to eat one meal a day. Eighty percent of the population lives on less than $2 a day. And the cost of staples, such as rice, beans, fruit, and condensed milk, have gone up 50 percent in the last year.

In terms of health aid organizations, they fear that the nutritional crisis will get worse in Haiti. Haiti has the highest rates in the Caribbean of HIV and AIDS. And in order to make sure that the anti-retroviral drugs are effective, good nutrition must be available. Food must be available for people to eat so that they can just take their medications, otherwise, it just won't work.

According to the World Food Program, malnutrition is particularly acute in Haiti, where the average Haitian diet contains just 1,640 calories, 460 calories short of the typical 2,100 daily requirement. Particularly, one in five children is chronically malnourished.

Now, anti-government protests and public looting in reaction to soaring food prices have really jeopardized Haiti's capacity to sustain and administer its government institutions effectively. Currently, Haiti's government is in a very precarious caretaker position, where they are unable to create and enforce new laws.

On April 12 of this year, Haitian Prime Minister Jacques-Edouard Alexis was forced out of office for failure to boost food production and lower food prices. In addition, the Haitian Parliament vetoed President Preval's recent replacement appointee for the Prime Minister position. With no head of government, Haiti is left in a very fragile state, and it's up to us to help fill the void in terms of just helping to feed the people of Haiti.

As a witness to these dire conditions in Haiti, we must take urgent steps to implement an effective strategy to help the Haitian people. Congresswoman CLARKE reviewed some of the initiatives that have taken place here in terms of what we have done in the farm bill, what we are urging the President to do. Actually, he did announce we would release 200 million in emergency food aid, some of which would go to Haiti. He also called on Congress to approve the 770 million in food aid to help fight the food crisis. But we've learned now that there is $1 million that has not been released yet, which would help reduce the cost of rice for the Haitian people. And so one of the initiatives that we talked about is how we could help facilitate this $1 million so that the Haitian people will at least be able to afford to buy rice. We're working on that very diligently as I speak.

This crisis, though, let me just say, has opened the door to much needed innovation for long-term development solutions in Haiti. So as I said earlier, this crisis should be addressed with an immediate response, and it should be a strong and very aggressive and very robust response because this is a very dire situation. But we also need to make sure that we don't go backwards and that the crisis is contained, and that we move forward and look at how to help Haiti find some sustainable solutions in terms of agricultural development, the development of their infrastructure, and all of the other initiatives, debt relief, that are so desperately needed.

And so members of our delegation are working on a variety of bills which will be announced very shortly, and we're working on a variety of actions. And so I just hope that President Bush will make sure that everything is done on behalf of the people of the United States to just help Haiti live, help Haiti thrive, and help the Haitian people move on with their lives.

Thank you, Congresswoman CLARKE.

Ms. CLARKE. Let me thank you, Congresswoman BARBARA LEE, for your leadership, along with Chairwoman KILPATRICK, for seeing how important it was for us to be on the ground in Haiti as a delegation with a presence to bring some comfort and some hope to the nation that our eyes are not shut to the crisis that is taking place there, and that they do have friends, allies, and supporters here in the United States that will not forsake them, that that nation can know now that the United States' eyes are wide open. And as we see their fate go down, we know that it is our responsibility not to let it happen, and that we will be vigilant around the resource and support that is required to help Haiti to stand up and to go forward in the 21st century boldly and stronger than ever before.

So I want to thank you again, BARBARA LEE from California, for your ongoing commitment. I've come to this Congress to meet you and to see the work that you have been doing and just to join my voice in synchronization with you so that we can sing a louder song for the causes that you have championed even before I arrived here. Thank you.

The gentleman from Texas, AL GREEN, you, too, were a part of our delegation. Thank you for joining us in this Special Order to talk about international hunger and the crises in Haiti.

Mr. AL GREEN of Texas. Let me start by saying that the constituents that you have, Congresswoman CLARKE, can be exceedingly proud of you because you've been here a short time, but you've made a very significant difference. And I trust that they will understand the totality of the impact that you're making on the lives of people in this country, people who need help.

I was honored to go to Haiti with you and with my colleagues, and I will tell you that I was thunderstruck by what I saw. Probably the thing that stands out most in my mind is the notion that in the United States we have four seasons. In Haiti, there are five. There is a hunger season in Haiti, a time when it is prognosticated, it is predicted that people will go hungry, and they will need help that they probably will not receive.

Haiti is a country in crisis and needs help immediately, if not sooner. Haiti has an unemployment rate of 70 percent. Eighty percent of the people live in poverty. Seventy-six percent of the people live off of $2 per day; 55 percent off of $1 per day. The highest HIV/AIDS rate in the western hemisphere; infant mortality rate 10 times higher than that of the United States of America: Haiti is a country in crisis. When you go there and you see the density of population, people living in structures that in this country we would not house our animals in. Haiti needs help.

I'm not sure what the ultimate solution is, but I do know that if we do not act immediately, there will be a crisis right off of the coast of Florida comparable to what we have in Darfur.

And we talk consistently and continually about the things that are happening in Africa, and there are things there that necessitate our attention. We must do more to help in Darfur. But we have, right off the coast of Florida, some few hundred miles, a country that can benefit from much of what we have to offer.

It has been said that if you have the ability to do something and you cannot do enough, you have a duty to do all that you can do. The United States of America has a duty to do more in Haiti. I know that we have needs in this country, and we have to meet our needs. But we are the richest country in the world. And Haiti is a country that is our neighbor. It is an island. And people are trapped, they cannot leave. If they do leave and try to come here, we will return them.

There must be a way for us to have an infusion of capital, an infusion of help such that the people who are trapped on this island can extricate themselves from this most saddening circumstance.

There will be some who will say they should pull themselves up by their boot straps. They don't have any. There will be some who will say rising tides will lift all boats, and if we can find a way to do better here, they will do better there. This is not true. They don't have any boats to be a part of the rising tide. TPS is a part of the solution because if we allow those who are here to stay and to prosper, they will send money back to their relatives at home.

We have not been able to pass TPS. I would invite any Member of the House to go to Haiti and come back and say you won't vote for TPS. I challenge any Member of the House to go there. I don't believe you will come back and say you won't vote for TPS.

So probably one of the great things that any of us can do, if we want to adjust our hearts and become a part of the solution, is just go to Haiti and see the circumstances under which human beings are not living, but existing. It is an existence that we can change.

So I challenge my colleagues and I beg my colleagues to please, if you can, go to Haiti and see for yourself. It will tug at your heart, it will cause you to understand that we have an obligation to our fellow human beings to help them out of this circumstance. That is my appeal.

I thank you for the time. And I thank Congresswoman LEE for all that she has done through the years on this question of Haiti. This is not something new to her. For me, it is new in that this was my first visit, I'm a neophyte. But she has been doing this year in and year out and she knows of what we speak and she understands the challenges that are before us.

So I thank you, Congresswoman CLARKE, for the time. I thank you, Madam Speaker. And I beg that my colleagues will see for themselves the human crisis that exists right off the coast of Florida.

Ms. CLARKE. Thank you very much, Congressman AL GREEN. Thank you for your impassioned comments this evening.

I think it's important that when we speak of the need to build out our relationships around the world, that as we've travel to many regions around the globe, that we not neglect our own hemisphere, that we recognize that there are nations of people. And I think what's important to point out is that Haiti is a nation about the size of Maryland in terms of geographic size. It has 9.3 million people there. So when you hear the statistics quoted about the number of people in poverty, when you hear about the number of children in poverty, the percentage of people making $1 or $2 a day, put that in the context of a population of 9.3 million people, and then you get the sense of what we're talking about in terms of a humanitarian crisis.

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Let me now turn to the gentlewoman from Illinois, who has joined us and has been a fighter and one who has stood up and has produced on behalf of the Hunger Caucus and the people of Haiti, Ms. JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. Thank you so much, Congresswoman CLARKE, for convening us tonight for this Special Order dealing with our close friend and a great friend of the United States, and that's our neighbor Haiti.

I first went to Haiti in January of 2003. And I went with the RFK Foundation, Robert F. Kennedy Memorial Foundation, and Ethel Kennedy was on that trip, to give an award to Partners in Health Clinic on the Central Plateau of Haiti. It's actually the one that was featured recently on "60 Minutes" where you saw Dr. David Walton, who actually comes from my district; Dr. PAUL Farmer; Loune Viaud, who is the director of that clinic, serving people on the very poor Central Plateau of Haiti. And I have to tell you I think it was Representative GREEN who said his first trip he was thunderstruck. That's a good word for it. You get on the plane in Miami and you start reading the newspaper, and before you've even finished reading it, you're landing in the poorest country in our hemisphere.

But let's be clear. This is a country with beautiful and brave and hard-working people. This is a country where some of our colleagues of a certain age may have even gone for their honeymoon. This is a tropical island in the Caribbean with so much potential and such beautiful people and such incredible poverty.

I went again to Haiti in 2006 with Wyclef Jean, a son of Haiti and a musical artist who has created a foundation called Yele Haiti, who's hard at work right now in providing food for the people of Haiti.

So we can talk about the crisis first. There is a horrible hunger crisis in Haiti. They started out poor. They started out malnourished when these food prices went up so high. And in fact, the average daily requirement for calories is about 2,100 calories per day. In Haiti it's 460 calories below that as the average. So you know some people are eating more than their 2,100 and lots of people are eating less.

I implore parents who may be listening to us tonight to think about what kind of desperation it might take to feed your child to quench the hunger in their belly a mud cake, a mud cake, a cake literally made out of mud with a little flour in it, because you can't stand to leave that tiny stomach hungry. It's just more than one can even bear to think how one gets to that point.

And so the high price of food and the hunger crisis has begun riots in Haiti. There have been some political ramifications, and the United States has to some important extent responded. We're sending money. We're sending food. And all of this is really, really important.

But the other thing I found out in Haiti is that it's not just oh, poor, Haiti, we need to do more. The fact of the matter is, and I am embarrassed to say, is that the United States of America has had its heel on the neck of the country of Haiti and has actually been part of the problem that we are facing today.

Over the past 7 years, the Bush administration has absolutely turned a blind eye and has, in fact, actively stopped the Inter-American Development Bank from releasing loans to Haiti for projects on water and health and education and rural roads, the kinds of things that would actually make Haiti self-sustainable. Through the U.S. Treasury, the Bush administration officials, and this is all about ideology and politics, have repeatedly held back vital loans for Haiti in an attempt to force political change in Haiti, actions in direct violation of the Inter-American Development Bank charter, IDB.

In e-mails released in response to a Freedom of Information request, Treasury Department employees repeatedly discuss how to "slow" the release of loans to Haiti. In a Treasury Department e-mail in 2001, this employee stated that the loans would be released based on "our assessment of progress on reaching a comprehensive political settlement." That is, a settlement to the liking of the United States of America.

In another shocking e-mail, a Treasury lawyer reveals just how deliberately they were working to stop the loans from being released to Haiti, despite the great need. Bruce Juba, Special Counsel, wrote: "While this is not a 'bullet-proof' way to stop IDB disbursements, it certainly will put a few more large rocks in the road."

It is astounding and unacceptable that the entire time that the Bush administration has talked about helping poor Haiti, they have been working behind the scenes to put "rocks in the road" to Haiti's development. By 2002 the Bush administration's plan to block the loans to Haiti by slowing them down has succeeded. Haiti fell into arrears long enough to trigger an Inter-American Development Bank policy that prevents the bank from releasing the loans when arrears have accumulated for too long. Success.

Instead of receiving the vital loans for public projects, loans that could have helped bring thousands out of poverty, reduced water-borne diseases, and aided in long-term development, the Bush administration successfully cut off Haiti's IDB funding in an effort to push Aristide out of power.

The United States has been directly involved in Haiti's food crisis in another way. The U.S. has forced Haiti to open its market to our subsidized crops, decimating the ability of Haitian farmers to compete. Thirty years ago Haiti raised nearly all of the rice it needed. It was exporting sugar. But because of U.S. intervention, Haiti is now reliant on food imports for survival. The International Monetary Fund forced Haiti to open its market to U.S. rice first in 1986 as a condition for loans, making it impossible for Haitian farmers to compete with subsidized U.S. rice. Then in 1994, as a condition for U.S. assistance in returning to Haiti to resume his elected presidency, Jean-Bertrand Aristide was forced by the U.S., the IMF, and the World Bank to open up the markets in Haiti even more.

So, look, if we want to do more than put a temporary Band-Aid on the developing food crisis in Haiti, we're going to have to do more than allocate money for emergency food relief. We're going to need to recognize how forcing poor countries to open their markets to our heavily subsidized crops cripples their ability to sustain themselves.

As President Lula of Brazil said when he was visiting Haiti recently, "Rich countries need to reduce farm subsidies and trade barriers to allow poor countries to generate income with food exports. Either the world solves the unfair trade system or every time there's unrest in Haiti, we adopt emergency measures and send a little bit of food to temporarily ease hunger."

You talked about the level of unemployment in Haiti. Well, a number of these people are rural people who are at least sustaining themselves. Even if they weren't exporting food, the country was able to provide the rice and the beans that it needed to sustain itself.

So we need to have a sane and rational policy when it comes to Haiti, a policy of friendship to this country in our hemisphere, not a policy that cripples Haiti's ability to actually flourish. We have a huge responsibility here for the hunger that's going on here now, and we should understand that and not just feel so good about our ourselves when we send food aid to Haiti, which, of course, we should do and we should do even more of.

So I appreciate the opportunity to join you tonight, Congresswoman CLARKE. I appreciate your leadership as a new Member of Congress. I so welcome your leadership on this issue and just want to offer my support in absolutely any way that I can so that we can be a good neighbor to Haiti and to the rest of the developing world.

Thank you for allowing me to speak tonight.

Ms. CLARKE. I want to thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her breadth and depth of knowledge of the relationship that the United States has had with the Nation of Haiti and what we need to do to turn the tide around. It's a critical piece, and certainly as we look at our hemisphere going forward in the 21st century, what our expectations are for the development of not only the United States of America but our neighbors in the region, your words, your knowledge is going to be a critical part of what we are going to need going forward. And I thank you for taking the time to be a part of this Special Order. The people of the United States thank you for your commitment and certainly the people of my district who are really concerned about their family and their relations in Haiti. Thank you for your commitment, and we look forward to further conversation and collaboration on the issue of hunger internationally and specifically the rebirth and the regrooming of Haiti.

And I would like to just point out life expectancy, again, for women in Haiti is 56 years old. Life expectancy for men in Haiti, 53 years old. It's amazing in the 21st century that less than 400 miles away from the United States of America, we have people dying in the prime of their life due to a lack of food, due to lack of opportunity. They can stand on the edge of their shores and see the bright lights of Florida shining across the seas, but they can't reach for that level of potential within their own boundaries and their own nation. And when we look at the relationships that we establish with other nations around the globe, one has to wonder why, with a nation the size of Maryland and the population of 9.3 million people, we haven't seen fit yet to establish the type of relationship that creates a symbiotic relationship, fertile land on a fertile island; yet people are starving.

At this time I would like to acknowledge my cohost for this evening's Special Order. She is no stranger to most of us, to all of us. She has been an outstanding leader in this Congress and has been an outspoken leader, the most knowledgeable person that I have had an opportunity to interact with on international affairs, on homeland security, and has been a true mentor to me, and that's none other than the Congresswoman and the gentlewoman from Texas, the Honorable SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. It is a special privilege to be on the floor tonight with a very distinguished Member of Congress and my coleader and cosponsor of this Special Order tonight, Congresswoman YVETTE CLARKE.

Might I note the special presence, if you will, of a number of Members from the Congress who have already spoken and pay tribute to their presence here, Congresswoman BARBARA LEE, Congressman AL GREEN, Congresswoman JAN SCHAKOWSKY, for their passion and commitment and take note and pay special tribute to our speaker tonight, who rounds out the circle. And we appreciate her for her attentiveness to this very important discussion and debate. And, likewise, let me add an appreciation for the chairwoman of the Congressional Black Caucus, the officers and members, who have seen fit to be the conscience of this Congress.

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We have been particularly blessed by Congresswoman CLARKE's presence because I think she represents really a particularly unique congressional district. It has a history of Shirley Chisolm, and of course her predecessor, Mr. Owens. But as the district has grown, I guess because of the initial history of Congresswoman Chisolm from the Caribbean. As the district has grown, it really exemplifies the tentacles of America. It is really, I guess, the cornerstone of what North and South America are about in the Caribbean because your district has this array of constituencies who represent South and Central America, the Caribbean, and other parts. It shows this unique place called America because when I say America, I am talking about South America, Central America, the Caribbean, this whole part of the world. For that reason, your insight is crucial.

We have seen the neglect of the Caribbean over the last 8 years, frankly. And I don't think there would be any debate on that question. I do know that there are concerned persons in the administration. But, Congresswoman CLARKE, I have sat in meetings at the White House, I have sat in meetings, frankly, with representatives or Assistant Secretary of the State Department that sit in hearings and, frankly, you had to argue with them about the circumstances.

I guess one comes to mind, and I am going to focus on this food crisis, but I think I relayed to you one meeting in the White House that really required members of our caucus, the Congressional Black Caucus, frankly, that song, I shall not be moved. It required persons not to be moved until we had an opportunity to speak to the President of the United States. Of course, that was the time of crisis in the removal of then-President Aristide. Of course, President Preval worked with him as a prime minister. Then we had an Assistant Secretary for Western Affairs who was in fact, how shall I call it, an outright argument about the rightness of what we were doing for Haiti.

Frankly, I think as Americans representing such a diverse Nation, we should have a better attitude about allies, and Haiti is an ally. As you know your history, Haitians fought alongside of us. It is the oldest Democratic Nation in the Caribbean. Its independence was quick, was immediate almost, because of their great and wonderful founder, revolutionary that, of course, we saw many of his pictures, Toussaint Louverture, that we saw many of his pictures in Haiti.

So I say all this to say why do we come to this? Why are we at this point? Why do we need to be on the floor of the House? Although these are not exactly pictures taken recently in Haiti, the children symbolize what we left in Haiti, because we had an urgent mission. We had to meet with President Preval. Certainly the rural areas were there, but because it was an urgent mission, we had to focus our trip on that.

I can imagine when the President told us that 40 percent of the people in Haiti are eating one meal, and the word people, that means children, and everyone knows the results that occur when children go hungry. They are stunted in growth. They are certainly victims of malnutrition. They are stunted mentally. Who can go to school on a hungry stomach? One of the reasons we had the breakfast program and the lunch program here in the United States of America is the fact that we have studies that show the distinction between children who eat, nourished, and how they learn, versus a hungry child. See a quiet child, inattentive in a classroom, you can go to the source most likely. Can you imagine a country of children who are hungry?

Of course, these faces, for all we know, represent children in Haiti, of which on this particular trip we were not able to see who may be huddled in the various mountains and hills looking for food. And so if I might just share with you that right now we know that there are 850 million people who are chronically or acutely malnourished. That includes the people of Haiti. Over 300 million of these individuals are children.

Malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old. According to UNICEF, an estimated 146 million children, roughly one in four children under 5 years old are underweight. According to a study conducted by the United Nations Food and Agriculture Organization, 45 percent of children who died after contracting measles were malnourished, as were 60 percent of children who died after contracting severe diarrhea. An estimate 168 million children under age 5 in developing countries face potential growth retardation, also known as stunting, as a result of chronic hunger and malnutrition. Approximately 42 percent of children under 5 years old are stunted in the world's least developed countries.

So I lay the framework out for what we are facing in the country of Haiti and what President Preval has to deal with. You have a wonderful poster that indicates how high food is going. And so even now, where we used to be a high food donor country, but look what countries are having to pay for corn now, for soybeans, for wheat, and for rice. What a dilemma. And then, add insult to injure, if you would, as President Preval has indicated, infrastructure is needed and work is needed.

All of us were moved by the mother who stood up, and didn't look 48 years old, and according to your numbers, she has only 8 more years to live. She had 10 children. In cultures like that, they are very dependent on families. Children then go out to work and give back to families, and parents, because they age quickly, I guess, can retire back or can sit back with the hope of their children supporting them. What did she say? She managed to send her children to school, and the two that are now out and ready, no work. No work.

The food fight, the food riot, as the President indicated, or as we saw in the news, was really because people had no money and no work to buy food. And so people were rioting because of that. President Preval wants us to help. What is this administration doing? Not releasing money the way it should; fighting against TPS, which really makes a difference. Temporary protective status allows people to stay and work, Haitians who have suffered this unequal wet foot-dry foot scenario between our friends from Cuba, and they are our friends. It wasn't a law that they wrote. But it was written, and I must say this, all of our Cuban representatives that are here in the United States Congress have supported equalizing the Haitian disparity issue. We just can't get it passed; which is to say I have an immigration bill that would create parity. If you were Haiti, because of the political crisis, you get your foot on our soil, you too can say.

But putting that aside, we don't have that. But TPS, the President begged us, President Preval. That would help the food crisis. Why? Because it would allow people who are here, sending back remittances, what, a fourth of their economy, to at least be able to send back to momma, grandma, somebody, so they can eke out a survival.

So to the Congresswoman, so he asked us for infrastructure, clean-running water that helps you be able to at least cook decent food, creation of jobs, and if you were to put money in for infrastructure, people could work. Even though these prices are outrageous, they could at least minimally begin to bring food in.

One of our colleagues said something that we heard, and that was the dumbing down of the rice industry, or dumbing down the traditional foods. President Preval said he would like to get Haitians back to traditional food, not because he wants to keep them from buying from us but because what we did is when rice was cheap, we dumbed them down from raising rice, meaning, Oh, I don't have to worry about raising rice. Let me raise something else. I don't know what the decision was because I am going to get what he called "Miami rice." Look what happened. They stopped growing. I assume Miami rice has gotten way, way, way expensive. They are not growing the traditional foods. And look where we are.

So, Congresswoman, I want to thank you for raising or giving us the opportunity. I am delighted to be your coleader and cosponsor because out of these discussions I hope it comes the finger on the phone, the finger on the e-mail, Haitians around the country pressing their phone buttons and calling Members of Congress on both sides of the aisle to join us in our fight for the TPS.

We know a number of our colleagues have been working on this issue, from Congressman HASTINGS, myself, you, Congressman KENDRICK MEEK from Florida, Congresswoman CORRINE BROWN. I may have left off someone. There's a number of people that understand the realities of that. So press your button wherever you are, get your e-mail out. We have to get relief with a temporary reprieve on TPS.

The second thing is that the administration needs to make an immediate commitment for food relief and the releasing of dollars for Haiti, a country whose singular—who could have only one reason for us helping them is the blood they shed from our Freedom Fight, for our Revolution, the blood they shed when they stood alongside of us in the Revolutionary War. No one can take that away from them in terms of relationship with the United States.

So I want to join you, and as I close yield to the gentlelady, just engage her in a question, because I would like to ask a question. I would commit our colleagues as well to H. Con. Res. 344. You are an original cosponsor. It is to say in any food aid, we need to prioritize children. Certainly I believe we can add pregnant women and mothers, nursing mothers, a vulnerable population. I think that would be an excellent addition. But I do think what happens to our children dictates what happens to the future of the country because if you have stunted children with inability to learn, what do you have in the future.

I would ask the gentlelady, and so I hope people will come on the bill H. Con. Res. 344. I hope we can mark it up soon, get it to the floor of the House, and maybe expand on some aspects of it.

I rise tonight, together with my colleagues Congresswoman YVETTE CLARKE, as well as the House Hunger Caucus, to address a grave and growing humanitarian crisis. With rising food prices threatening the health of millions of people throughout the world, it is vital that we look for both short-term responses to the crisis and long-term solutions to ongoing food instability.

As my colleagues are aware, according to the United Nations, over 850,000,000 people in the world are chronically or acutely malnourished, and over 300,000,000 of these are children. The statistics are both shocking and tragic: Malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old; according to UNICEF, an estimated 146,000,000 children, or roughly one in every four children under 5 years old, are underweight; according to a study conducted by the United Nations Food and Agriculture Organization, 45 percent of children who died after contracting measles were malnourished, as were 60 percent of children who died after contracting severe diarrhea; an estimated 168,000,000 children under age five in developing countries face potential growth retardation, also known as stunting, as a result of chronic hunger and undernutrition; approximately 42 percent of children under 5 years old are stunted in the world's least developed countries.

Rising food prices have precipitated a crisis situation. On March 20th of this year, the U.N. World Food Program made an urgent appeal to the United States and other food aid donors for an additional $500 million to fill a funding gap caused by rising food and fuel prices. Since then, this gap has expanded, and is now an estimated $755 million. As food prices rise, children are the first to suffer.

Earlier this month, with the support of 46 of my colleagues, I introduced H. Con. Res. 344. This resolution recognizes that we face a global food crisis, and that children will be disproportionately affected by rising food prices. The bill states that:

> (1) it is the sense of Congress that—
>
> (A) in emergency situations, children have different needs than those of adults, and nutritional deficiencies disproportionately affect children; and
>
> (B) in the context of the current global food crisis, the nutritional needs of children must be a humanitarian priority; and
>
> (2) Congress—
>
> (A) recognizes that we are facing a global food crisis caused by, among other things, rising fuel prices, increased diversion of land to biofuel production, drought, and increases in population;
>
> (B) recognizes that lack of adequate nutrition is particularly damaging to children, as it stunts their growth, leaves them more vulnerable to numerous diseases, and hunger affects children's ability to learn; and
>
> (C) calls for a world forum to be held, on the issue of rising food prices and international response, and for the United States to play an active role in alleviating the crisis.

I urge all my colleagues to join me in cosponsoring this important legislation.

This issue has drawn the attention of the Congressional Children's Caucus, which I chair, because hunger and malnutrition have a particularly devastating effect on children. On May 8th together with Global Health Caucus Co-Chair BETTY MCCOLLUM and DONALD PAYNE, Chairman of the Foreign Affairs Subcommittee on Africa and Global Health, I hosted a briefing on the global food crisis and its impact on the world's children. Members, staff, and the public heard from expert panelists from UNICEF, WFP, World Vision, Save the Children, Christian Children's Fund, and the Congressional Hunger Center, as well as Danny Glover, actor, UNICEF Goodwill Ambassador, and Chairman of the Board of Directors of the TransAfrica Forum.

Lack of adequate nutrition stunts children's growth, leaves them more vulnerable to numerous diseases, and affects their ability to learn. Even temporary deprivation of essential nutrients can have a lasting impact on children's physical growth and intellectual potential, and, under current conditions, more and more children face the prospect of growing up malnourished.

As a result of rising food prices, families throughout the world, particularly in developing nations but also here, in the United States, are increasingly facing a decision between quantity and quality when buying food. With incomes stretched thinner by the day, many families must either buy significantly smaller quantities of food, or purchase less nutritious food. In times of food crisis, families face cuts in expensive foods, such as meat, fruit, and vegetables. The loss of these nutritious foods, in favor of cheaper staples such as rice and maize, is extremely detrimental to children's development, putting them at greater risk of disease or stunted growth. The full extent of the consequences of deprivation of vital nutrients during essential stages of growth is not known. However, it is clear that once children's growth is stunted by malnutrition, they do not catch up to their peers. The effects will be lifelong.

We now are facing a crisis of epic proportions. The World Food Programme, which fed over 19 million children in schools last year, finds its budget stretched to the limit, and now needs an estimated $755 million to cover the increased cost of food and fuel. To cite one example, WFP's Kenya programme faces having to cut food to 550,000 children in schools this year. And this is just one example, in one country.

Rising food prices have caused riots in nations including Haiti, Bangladesh, Egypt, Burkina Faso, Mauritania, Mozambique, and Senegal. In April, a week of unrest in Haiti began with violence in Les Cayes and spread to Port-au-Prince and other cities, in which at least six people were killed. Though the violence has ended, slum leaders in a nation where many people live on less than $2 a day have expressed their willingness to take to the streets if the crisis is not alleviated. Families are particularly affected. One woman, Jacqueline Emile, stated, "I have 10 children. I cannot send them to school and I cannot feed them because I am not working. I would like the government to help me." A school in Port-au-Prince, the Saint Vincent de Paul primary school, which provides lunches of beans and rice supplemented with vitamins, reports that it can now can only feed 1,300 of its 2,100 students.

The crisis is also deeply felt across much of Africa. According to the NGO Action Against Hunger, nearly 20 percent of children tested in Monrovia, Liberia were suffering from acute malnutrition. Brenda Kerubo, a housewife in Kisumu, Kenya, spoke of the need to cut back family meals, stating, "the best thing to do for my family is to reduce meals taken in a day. I may give them a cup of tea with a piece of pancake for breakfast and two cups of porridge for lunch and then I cook beans and maize for supper. We hope prices will soon come down." Her family, like so many others, is substituting cheap starches for more nutritious (and more expensive) meat, fruits, and vegetables.

The scope of this crisis spans the globe. In the wake of the devastating cyclone in Myanmar, children face risks from lack of clean water and poor sanitation, as well as inadequate nutrition. Under these conditions, children are increasingly susceptible to diarrhea, as well as mosquito borne diseases such as malaria and dengue fever. Women and children, who make up more than 60 per cent of Myanmar's population, and are likely to be gravely affected. Food aid to the children caught up in the midst of this terrifying situation must be a priority.

According to the United Nations, the cyclone in Myanmar has damaged that nation's fragile ecosystem, with far-reaching effects on food production. Myanmar is currently a rice exporting nation, and farmers in the devastated Irrawaddy Delta region produce two-thirds of the nation's rice supply. The U.N. has warned that if farmers in the cyclone-affected areas do not receive rice seed by June, Burma's rice harvest will fail.

Another nation suffering is Cambodia. In the Sun Sun primary school, for example, teacher Taoch Champa says that "Most students come to school for the breakfast," and principle Yim Soeurn adds that "Students brought their brothers and sisters, 2, 3, and 4 years old" for the WFP-provided free breakfast. Teachers also note that providing this free meal has vastly increased attendance, particularly by girls, and they fear that if the program ended, "poor students would not come to school." However, 1,343 schools across Cambodia are within 1 month of running out of rice stocks, and soaring food prices have placed WFP's future activity in the country in severe doubt.

According to comments made by Pakistani officials in recent days, that nation's production of wheat is expected to fall short of needs by a million tons. Authorities have issued warnings that people hoarding wheat will have their stocks confiscated if they refuse to sell it to government agencies.

The United Nations has made ending global poverty a long term goal, included in the Millennium Development Goals. In addition, the U.N. has recognized the scope of the current food crisis, and U.N. Secretary General Ban Ki-Moon has proposed a task force, to be composed of the heads of United Nations agencies and the World Bank, to address the problem caused by soaring food prices. Ban Ki-Moon has also made closing the WFP funding gap a priority.

Likewise, we are gathered here today in recognition of the looming crisis. Tackling worldwide hunger is a moral imperative which threatens the political and economic stability of a multitude of developing nations. The dramatic increase in food prices will continue to have a destabilizing affect in already unstable regions of the world where so many young lives are already vulnerable to ongoing conflicts and political turmoil.

But I want to yield to the gentlelady and ask her and pose this question to her, and that is what have you seen, living in your great congressional district, listening to Haitians firsthand, have been the results of the unequal treatment of Haitians and Haiti? What are the results that are here in the United States, what do you see in your own constituents, what kind of questions are they asking the United States Congress on why we have not acted, and what does that say about America?

Ms. CLARKE. I want to thank the gentlewoman from Texas for yielding and for posing that question because certainly Haitian Americans are very aware of the history, the role that they played in helping the United States acquire what was then called the Louisiana Territory that completed our United States and the side-by-side battle in the Revolutionary War. And they wonder why the relationship has not been a much more prosperous one between the two nations, why they have been forsaken over so long.

Haiti has been an independent Nation for over 200 years, 205 years, to be exact, and certainly have been worthy of being a partner in the development in this hemisphere. And they are concerned. They are concerned that perhaps there is some bias involved, there's some discrimination because they're a Nation 95 percent of African descent, and they have been used during different times in our history to halt the spread of Communism. But they have never reaped any real reward or collaboration.

I think we are all open now, understanding that we are connected. We are in a global economy, we are in a global world. As our prices spike, the impact has a ripple effect around the world, as we talk about food for fuel versus food for food, what the impact has been around the world. I think that is most demonstrably shown with the Nation of Haiti. And none of us can turn a blind eye to that.

So I want to thank the gentlelady for raising that question. We are winding down now. To my cohost, thank you very much for, again, being a mentor and someone who provides guidance and understanding around some very complex issues with regard to why we do or do not do the things that we need to do, that are imperative for us to do in terms of our international relations, in terms of our hemisphere, in terms of just getting information permeated throughout the body to get a consensus on a way to go.

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I think we are well on the way. We have got some commitments so far. We want to be vigilant in our oversight and seeing them go through. But we do want to press for TPS. We know that that can be a real part of the economic sustainability of the Nation, which is critical, and while we come in with other strategies for immediate relief for the hunger that takes place.

Ms. JACKSON-LEE of Texas. If the gentlewoman would yield for just a moment, on that very note, this is the People's House, and what I would like to encourage right now on the floor of the House is let us call for Haitian-Americans who are here in the United States to come to Washington. Some are as close as your congressional district.

Let us collectively merge our bills, or maybe reintroduce all of our bills or portions of our bills that we have and make that push, I would never use the term ultimatum, but make the urgent push that we need to move forward on hearings dealing with TPS.

That is the first step of moving toward a markup of some component thereof of a TPS. Temporary. It could be a TPS for a year. That is what we did with El Salvador, and then it was renewed. We did it with Liberia, that was deferred, DED, I believe. So we have had these moments when there is a crisis. There is clearly a crisis in Haiti. And I would like to join with the gentlewoman to organize that and call that session in and make the point that we need to move on that issue as quickly as possible.

Ms. CLARKE. Our time has expired, my colleague. I just wanted to thank the Speaker for this Special Order on the international food crisis, subject Haiti.

I would just acknowledge that we have received statements to this Special Order from Congressman JAMES MCGOVERN of Massachusetts to be entered into the RECORD, as well as Representative POMEROY to be entered into the RECORD.

Mr. POMEROY. Madam Speaker, we are in the midst of a global food crisis. Rising food prices are negatively affecting the world's poorest people, who frequently spend 80 percent of their income on food. As a result, the world's most vulnerable populations, including an entire generation of children, are fighting malnutrition every day. Riots and social unrest all over the world over food prices are indicative of the acute nature of this problem. The time to act is now.

Over the last 50 years, the United States has been the leader in international food aid. We have been able to sustain this role even during eras that were extremely tough on foreign aid. This doesn't mean that the structure can't be improved, but I do believe it is a strong testament to the current structure.

Through the Food, Conservation and Security Act of 2008, also known as the farm bill, we look to address this global crisis by helping to fight hunger and provide food assistance around the world. The farm bill does this by increasing oversight and monitoring of food aid programs. It requires the United States Agency for International Development (USAID) to increase the use of program monitors, conduct more evaluations of food aid impact, and implement best practices for food aid delivery. The farm bill will also allow USAID to pre-position more food overseas to respond to disasters more quickly. With greater attention toward identifying food shortages earlier, the food aid programs can reach people in need and respond before crises worsen.

I am also very proud to say that the farm bill establishes a $60 million pilot program for local or regional purchases of food aid. This pilot program provides the opportunity for local purchases of food aid commodities while ensuring that the purchases do not cause dramatic price increases or exacerbate shortages overseas.

While I am extremely proud of what we have been able to accomplish through the farm bill, this is a serious situation that we must continue to address. As a member of the House Hunger Caucus, I look forward to working with my colleagues to address the issue of world hunger.

Mr. MCGOVERN. Madam Speaker, every five seconds, a child dies from hunger-related causes. That's the equivalent of 21 school busses full of children being killed every day. With the current food crisis, even more people are being put at risk of starvation as the prices of daily food staples move out of reach. This is not just tragic; it is shameful. We have the resources necessary to end hunger. What we need is the political will to do so.

Madam Speaker, I've never heard any Member of Congress declare that he or she is pro-hunger. But regrettably, too few are actively working to rid our Nation and the world of this terrible scourge. I am very proud of the members of the bipartisan House Hunger Caucus who have taken up the task of raising the profile of this domestic and global issue and helping to educate their colleagues about how we can address and end not just the crisis caused by rising food costs, but hunger itself.

As the world faces a crisis of hunger, it is increasingly more important that Members of Congress speak out against hunger and take action to ensure that action is taken to truly address the crisis. Thank you to YVETTE CLARKE and SHEILA JACKSON-LEE for their leadership in organizing this Special Order Hour and for all those participating tonight. The time to end hunger is now. We cannot wait while more children and families go without food, or even starve to death.

Tonight, in the aftermath of the earthquake in China and the cyclone in Burma, we hold the victims of these disasters in our thoughts. We see, once again, the generosity of the world in reaching out to these victims of natural catastrophe.

But the children of Haiti, the urban poor of Manila, the refugees in Darfur—and, literally, the hundreds of millions of people around the world and in our own country who do not know whether there will be food on the table tonight or tomorrow—our thoughts and our prayers are with them, too. But more importantly, we send to them our commitment to take action on their behalf, and to take action in support of their own efforts to help themselves. Together we can overcome this current crisis, and together we can end hunger in our lifetime.

Mrs. CHRISTENSEN. Madam Speaker, I could not travel to Haiti with my colleagues last week, but I have been there several times over the past 12 years, and it breaks my heart to see a country which ought to have had so much promise in the critical state it now is. I have to agree with what I have heard from many Haitians, that the day to day existence of the people is worse than it ever was during the Duvalier period.

The people of Haiti welcomed the democracy our country helped to bring. They participated enthusiastically in the electoral process. They were patient as they waited for the assistance that never came in full.

Today they are in the middle of a terrible food crisis—one that we can and must do what we can—and we can do a lot—to abate.

The food crisis in Haiti is responsible for recent riots, killings, and the ousting of the country's prime minister. In just the past few weeks, five Haitians and one United Nations worker were killed in the violent protests stemming from the overwhelming food shortage. The situation, which has been labeled a "silent tsunami" by the U.N. World Food Programme, has not received the attention and action it warrants.

Haiti is our neighbor. In my estimation, we have not done all that we could and should have to avert this and every other crisis it has faced in recent years. The instability that is increasing every day, not only threatens the life of every Haitian but can destabilize the region and send adverse ripples here.

Madam Speaker, I applaud the current administration's commitment to provide $200 million in emergency food aid. I implore my colleagues to join me in urging the President to commit no less than $60 million of the $200 million for Haiti.

We need to pass the HERO Act to provide investment and create jobs.

I am also calling on this Congress to pass Temporary Protected Status for the people of Haiti in this time of great peril. In the face of the inequity in treatment of Haiti under immigration, it is the least we can do.

It is time for the United States to take seriously our obligation as the lead Nation in this hemisphere and assist our neighbor in this time of extreme need.

Mr. MCNULTY. Madam Speaker, millions are being swept away in a "silent tsunami." Drought and ever-climbing prices coupled with the mounting demand of nations unable to sustain themselves have wrought devastating food shortages from the Philippines, to Egypt, to our neighbor Haiti. Starving families turn to cakes baked of sugar, oil, and mud. Parents avoid eye contact with the children they cannot feed. Rioters, unable to afford even a loaf of bread, fill the streets. And this Congress is not deaf to their cries.

Not the product of a disaster or war, this crisis of unprecedented price increases will linger and spread without action. So far, an additional 100 million people are estimated to have been pushed into poverty. Hardest hit by its inability to provide enough food for its growing population, Haiti, in our own backyard, Madam Speaker, where over half the population lives on less than $1 a day, is left to the mercy of the global community; and right now, USAID is delivering over 6,820 tons of food aid.

But more needs to be done. The dread, uncertainty, cruelty, and suffering of hunger have become a reality for too many for too long and I am proud of the work being done in this Congress to stem that tide. In just the past 2 weeks, we have added to and enhanced the tools in America's toolbox for fighting starvation.

The Farm Bill we just sent to the President's desk reauthorizes many of our most important programs for fighting hunger, addressing both the immediate demands of the crisis and recognizing the work needed for the long-term goal of prevention. In the face of this epidemic, it is all the more vital that President Bush sign these essential programs into law.

This bill extends until 2012 the Bill Emerson Humanitarian Trust, allowing us to continue to respond to the unanticipated and unexpected crises that may emerge. I was happy to hear last month that President Bush ordered the release of $200 million in emergency food aid from the Trust, but without replenishment, the benefit of this stockpile of cash and commodities will be unavailable to us in the future.

Hoping to create a bulwark against this spread of hunger and rising prices at home, many governments have been pushed by the fear of impending food shortages to the false hope of halting or restricting food exports. This beggar thy neighbor strategy will only make the situation worse and shows our need to promote long-term food production and security.

To this end, the just-passed Farm Bill has reauthorized $2.5 billion for our vital Title 11 spending, with an additional $850 million for this year in last week's supplemental. Our most powerful instrument, these dollars are administered by USAID every year to address global food needs. Yet in 2007, only 20 percent of this went to non-emergency development projects. The emergencies in countries like Haiti deserve an immediate response, but without longer-term diversified food production, conservation, and infrastructure projects, this crisis will only deepen, which is why this Congress mandated that no less than $375 million a year be spent on these production, development, and security goals. The Farm Bill has implemented newer approaches, as well, including an authorization for a $60 million pilot program for local and regional food purchases, avoiding deadly time lags in delivery and eliminating high transportation costs.

This crisis will not go away on its own, Madam Speaker, as every day more people are born into this world unable to eat. Let these programs in last week's Farm Bill be the launching-off point for our continued and deepened commitment to battling this crisis.

Mr. RANGEL. Madam Speaker, rising food prices are fueling the global hunger crisis. The World Bank estimates that food prices have gone up by 83 percent globally over the last three years. This reality has hit home in Haiti, the poorest country in the Western Hemisphere and oldest black sovereign state. It is sad to think of Haitians demonstrating and taking to the streets in order to call the world's attention to the fact ordinary people can not afford to buy food. As Haiti struggles to maintain its stability, rising food prices threaten the progress that has been made.

The recent removal of Prime Minister Jacques Edouard Alexis is evident that Haiti's political stability is in jeopardy. Also this month, 10 Senate seats in Haiti will be up for election. Originally scheduled for last fall, these elections had to be postponed after members of the country's electoral commission accused their leaders of embezzlement. In a country where political turnover has become the norm, President Préval's stability offers hope for Haiti. I urge the United States not to allow the current humanitarian crisis to become a political one as well.

Poverty is one of the greatest ills to plague mankind. Those who survive in poverty are under the constant threat of death. The debt forgiveness offered by the Jubilee Act will enable Haiti to address the issues of poverty, create opportunities for economic growth and establish sound governing practices. The Jubilee Act also promotes responsible development assistance by prioritizing grants over loans, which is an important measure to prevent poor nations from falling back into debt. Releasing Haiti from its onerous debt will allow the country to feed its own people and rebuild its struggling economy without the burden of diverting its scarce resources to fill the coffers of wealthy, multi-lateral financial institutions. The U.S. House of Representatives has gone on record supporting the immediate cancellation of Haiti's debt, it is now time for the President to make sure that this struggling nation is no longer held captive to its past and is put on a sustained path to development.

Haiti serves a wake up call to the potential looming global food crisis. It is taking an immense toll on the world's poorest people, who typically spend up to 80 percent of their income on food. After many years of working to end hunger and poverty, the United States and other developed nations must put forth bolder efforts to ensure progress is not lost in resolving global hunger.

Mr. CONYERS. Madam Speaker, I rise today to bring to the attention of the Congress and to the American people the plight of the western hemisphere's second oldest republic, Haiti. The Haitian people are being negatively affected by market forces out of their control that have driven food prices up drastically. Haiti, where about 4 out of 5 people live at or below poverty, is an island nation that consists of approximately 8.7 million people. To put this in perspective, imagine the City of New York; now imagine that same city with 80 percent of its citizens in poverty.

The American people and Congress have already assisted Haiti with the HOPE and HOPE II (Haitian Hemispheric Opportunity through Partnership Encouragement) Acts. HOPE was the tip of the iceberg. It provided jobs to allow Haitians to overcome poverty. HOPE II will create even more gainful employment and more sustainable jobs for Haitians and create a self-sustaining infrastructure. These acts will provide jobs needed to help more Haitian citizens emerge from poverty and gain employment which will lead to a more prosperous Haiti.

However, there is much more work to be done, Madam Speaker. Right now the World Food Programme is in need of $755 million to meet immediate demands and USAID also needs an additional $240 million. Increases in these programs will ensure that school food programs in the developing world are not eliminated due to current food price inflation. The food price escalation is also affecting the region as a whole.

Due to escalating market prices, in rural El Salvador, with the same amount of money today, people can purchase 50 percent less food than they did 18 months ago. This means that, in principle, their nutritional intake, on an already poor diet, is being cut by half.

In Nicaragua the price of tortillas went up 54 percent between January 2007 and January 2008.

We cannot let our neighbors suffer due to circumstances out of their control. We have taken small steps but now the government of the United States must be an active agent in the development of the third world. We must follow the lead of our philanthropic and nonprofit sectors.

Too often those in government see aid to developing nations as a waste of money, throwing taxpayers' dollars down a well. India is a great example of the benefits of foreign aid. In the 1960s American dollars funded fertilizer subsidies and high-yield seed varieties led India out of poverty and famine into self-subsistence. India is now entering the developing world, so much so that their demand for processed foods is now decreasing the supply of food aid available to countries such as Haiti.

This can happen in Haiti if the United States focuses on delivering basic goods to the hemisphere's poorest people. By increasing vaccines, textbooks, water pipes, and medical care we will not make countries dependent, we will be giving Haitians the basic inputs they need to improve their lives. We must invest in high-yield, proven, and scalable strategies to empower the Haitian people and those suffering throughout the world.

I have submitted for the RECORD an article from the New York Review of Books authored by Jeffrey D. Sachs.

[From the New York Review of Books, Dec. 21, 2006]

HOW AID CAN WORK

(By Jeffrey D. Sachs)

In a very different era, President John Kennedy declared "to those peoples in the huts and villages across the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for Whatever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich."

It is difficult to imagine President Bush making a similar pledge today, but he is far from alone in Washington. The idea that the US should commit its best efforts to help the world's poor is an idea shared by Bill Gates, Warren Buffett, and Jimmy Carter, but it has been almost nowhere to be found in our capital. American philanthropists and nonprofit groups have stepped forward while our government has largely disappeared from the scene.

There are various reasons for this retreat. Most importantly, our policymakers in both parties simply have not attached much importance to this "soft" stuff, although their "hard" stuff is surely not working and the lack of aid is contributing to a cascade of instability and security threats in impoverished countries such as Somalia. We are spending $550 billion per year on the military, against just $4 billion for Africa. Our African aid, incredibly, is less than three days of Pentagon spending, a mere $13 per American per year, and the equivalent of just 3 cents per $100 of US national income! The neglect has been bipartisan. The Clinton administration allowed aid to Africa to languish at less than $2 billion per year throughout the 1990s.

A second reason for the retreat is the Widespread belief that aid is simply wasted, money down the rat hole. That has surely been true of some aid, such as the "reconstruction" funding for Iraq and the cold war-era payouts to thugs such as Mobutu Sese Seko of Zaire. But these notorious cases obscure the critical fact that development assistance based on proven technologies and directed at measurable and practical needs—increased food production, disease control, safe water and sanitation, schoolrooms and clinics, roads, power grids, Internet connectivity, and the like—has a distinguished record of success.

The successful record of well-targeted aid is grudgingly acknowledged even by a prominent academic critic of aid, Professor Bill Easterly. Buried in his "Bah, Humbug" attack on foreign aid. *The White Man's Burden*, Mr. Easterly allows on page 176 that "foreign aid likely contributed to some notable successes on a global scale, such as dramatic improvement in health and education indicators in poor countries. Life expectancy in the typical poor country has risen from forty-eight years to sixty-eight years over the past four decades. Forty years ago, 131 out of every 1,000 babies born in poor countries died before reaching their first birthday. Today, 36 out of every 1,000 babies die before their first birthday.

Two hundred pages later Mr. Easterly writes that we should "put the focus back where it belongs: get the poorest people in the world such obvious goods as the vaccines, the antibiotics, the food supplements, the improved seeds, the fertilizer, the roads, the boreholes, the water pipes, the textbooks, and the nurses. This is not making the poor dependent on handouts; it is giving the poorest people the health, nutrition, education, and other inputs that raise the payoff to their own efforts to better their lives.

These things could indeed be done, if American officials weren't so consistently neglectful of development issues and with many too cynical to learn about the constructive uses of development assistance. They would learn that just as American subsidies of fertilizers and high-yield seed varieties for India in the late 1960s helped create a "Green Revolution" that set that vast country on a path out of famine and on to long-term development, similar support for high-yield seeds, fertilizer, and small-scale water technologies for Africa could lift that continent out of its current hunger-disease-poverty trap. They would discover that the Gates and Rockefeller Foundations have put up $150 million in the new Alliance for a Green Revolution in Africa to support the development and uptake of high-yield seed varieties there, an effort that the US government should now join and help carry out throughout sub-Saharan Africa.

They would also discover that the American Red Cross has learned—and successfully demonstrated—how to mass-distribute antimalaria bed nets to impoverished rural populations in Africa, with such success and at such low cost that the prospect of protecting all of Africa's children from that mass killer is now actually within reach. Yet they'd also learn that the Red Cross lacks the requisite funding to provide bed nets to all who need them. They would learn that a significant number of other crippling and killing diseases, including African river blindness, schistosomiasis, trauchoma, lymphatic filariasis, hookworm, ascariasis, and trichuriasis, could be brought under control for well under $2 per American citizen per year, and perhaps just $1 per American citizen!

They would note, moreover, that the number of HIV-infected Africans on donor-supported antiretroviral therapy has climbed from zero in 2000 to 800,000 at the end of 2005, and likely to well over one million today. They would learn that small amounts of funding to help countries send children to school have proved successful in a number of African countries, so much so that the continent-wide goal of universal attendance in primary education is utterly within reach if financial support is provided.

As chairman of the Commission on Macroeconomics and Health of the World Health Organization (2000–2001) and director of the UN Millennium Project (2002–2006), I have led efforts that have canvassed the world's leading practitioners in disease control, food production, infrastructure development, water and sanitation, Internet connectivity, and the like, to identify practical, proven, low-cost, and scalable strategies for the world's poorest people such as those mentioned above.

Such life-saving and poverty-reducing measures raise the productivity of the poor so that they can earn and ingest their way out of extreme poverty, and these measures do so at an amazingly low cost. To extend these proven technologies throughout the poorest parts of Africa would require around $75 billion per year from all donors, of which the US share would be around $30 billion per year, or roughly 25 cents per every $100 of US national income.

When we overlook the success that is possible, we become our own worst enemies. We stand by as millions die each year because they are too poor to stay alive. The inattention and neglect of our policy leaders lull us to believe casually that nothing more can be done. Meanwhile we spend hundreds of billions of dollars per year on military interventions doomed to fail, overlooking the fact that a small fraction of that money, if it were directed at development approaches, could save millions of lives and set entire regions on a path of economic growth. It is no wonder that global attitudes toward America have reached the lowest ebb in history. It is time for a new approach.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILCHREST (at the request of Mr. BOEHNER) for today on account of illness.

Mrs. WILSON of New Mexico (at the request of Mr. BOEHNER) for today on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT of Georgia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. WELLER of Illinois, for 5 minutes, today and May 21.

Mr. TANCREDO, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today and May 21.

Mr. BARRETT of South Carolina, for 5 minutes, today.

Mr. KUHL of New York, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2419. An act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 15, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 6051. To amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

Lorraine C. Miller, Clerk of the House also reports that on May 19, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 493. To prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 3522. To ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 5919. To make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

H.R. 6022. To suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 21, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

TRAVIS W. CHILDERS, Mississippi, First.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6709. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerance [EPA-HQ-OPP-2005-0097; FRL-8364-6] received May 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6710. A letter from the Principal Deputy Under Secretary Of Defense, Department of Defense, transmitting a report on National Guard Counterdrug Schools Activities, pursuant to Public Law 109-469, section 901(f); to the Committee on Armed Services.

6711. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Jacob K. Javits Gifted and Talented Students Education Program — received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6712. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Proposed Personnel Demonstration Project; Alternative Personnel Management System for the U.S. Department of Agriculture, Food Safety and Inspection Service — received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6713. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [SATS No.: MT-026/027-FOR; Docket ID: OSM-2008-0006] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6714. A letter from the Acting General Counsel, Department of the Interior, transmitting the Department's final rule — Facility License Standards (RIN: 3141-AA23) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6715. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF44) received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6716. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 070607119-7119-01] (RIN: 0648-AV11) received November 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6717. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 11 [Docket No. 071130780-8013-02] (RIN: 0648-AU32) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6718. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2008 Gulf of Mexico Recreational Fishery for Red Snapper [Docket No. 970730185-7206-02] (RIN: 0648-XG40) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6719. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2008 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch [Docket No. 071017601-8510-02] (RIN: 0648-AW17) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6720. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Withdrawal of Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XG34) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6721. A letter from the Administrator, Office of Foreign Labor Certification, Employment and Training Administration, DOL, Department of Labor, transmitting the Department's final rule — Employment Standards Administration; Labor Condition Application Requirements for Employers Seeking To Use Nonimmigrants on E-3 Visas in Specialty Occupations; Filing Procedures (RIN: 1205-AB43) received May 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6722. A letter from the Director, U.S. Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — Amendments to Conform the United States Code of Federal Regulations to the Voting Rights Reauthorization and Amendments Act of 2006 (RIN: 3206-AL40) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6723. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Accreditation of Agents and Attorneys; Agent and Attorney Fees (RIN: 2900-AM62) received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6724. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Provision of Hospital Care and Medical Services During Certain Disasters or Emergencies (RIN: 2900-AM40) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6725. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Veteran-Owned Small Business Verification Guidelines (RIN: 2900-AM78) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6726. A letter from the President and CEO, American Association of Exporter and Importers, transmitting the Association's views and comments in response to the Notice of Proposed Rulemaking on Importer Security Filing and Additional Carrier Requirements; to the Committee on Ways and Means.

6727. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-50] received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6728. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Amendment to Transfers of Assets or Stock Following a Reorganization [TD 9396] (RIN: 1545-BH52) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6729. A letter from the National Taxpayer Advocate, Internal Revenue Service, transmitting a report entitled, "National Taxpayer Advocate's 2007 Annual Report"; to the Committee on Ways and Means.

6730. A letter from the Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Amendments to the Ticket to Work and Self-Sufficiency Program [Docket

No. SSA-2006-0092] (RIN: 0960-AF89) received May 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6731. A letter from the Secretary, Federal Trade Commission, transmitting the seventh annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and Labor and the Judiciary.

6732. A letter from the Secretary, Department of Commerce, transmitting the Department's Propane Consumer Impact Analysis regarding the operations of the Propane Education and Research Council, pursuant to Public Law 104-284, section 12; jointly to the Committees on Energy and Commerce and Science and Technology.

6733. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's proposal to amend the Iran, North Korea, and Syria Nonproliferation Act; jointly to the Committees on Foreign Affairs and Science and Technology.

6734. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting a copy of a draft bill entitled, "Pick-Sloan Missouri Basin Program Cost Reallocation Act of 2008"; jointly to the Committees on Natural Resources and Energy and Commerce.

6735. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

6736. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Commerce, transmitting a copy of a draft bill entitled, "the Economic Development Administration Reauthorization Act of 2008"; jointly to the Committees on Transportation and Infrastructure and Financial Services.

6737. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, "the Veterans' Benefits Enhancement Act of 2008"; jointly to the Committees on Veterans' Affairs and the Judiciary.

6738. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals that woiuld implement initiatives concerning military spousal benefits presented by the President of the United States in his State of the Union Address; jointly to the Committees on Armed Services, Veterans' Affairs, and Oversight and Government Reform.

6739. A letter from the Chairman, U.S.-China Economic and Security Review Commission, transmitting the Commission's record of the public hearing on the "Implications of Sovereign Wealth Fund Investments for National Security," pursuant to Public Law 106-286, section 635(a); jointly to the Committees on Ways and Means, Foreign Affairs, and Armed Services.

6740. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services, Oversight and Government Reform, Natural Resources, Foreign Affairs, Transportation and Infrastructure, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of the committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. Supplemental report on H.R. 5658. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–652, Pt. 2).

Mr. RANGEL: Committee on Ways and Means. H.R. 6049. A bill to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; with an amendment (Rept. 110–658). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPRATT: Committee of Conference. Conference report on S. Con. Res. 70. A resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (Rept. 110–659). Ordered to be printed.

Mr. ARCURI: Committee on Rules. H. Res. 1212. A resolution providing for consideration of the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes (Rept. 110–660). Referred to the House Calendar.

Mr. HASTINGS (FL): Committee on Rules. H. Res. 1213. A resolution providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–661). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. H. Res. 1214. A resolution providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (Rept. 110–662). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BONO MACK (for herself, Mr. BACA, Mr. BILBRAY, Mr. CALVERT, Mr. CARDOZA, Ms. CASTOR, Mr. COSTA, Mr. DOOLITTLE, Mr. DREIER, Ms. ESHOO, Mr. FARR, Ms. FOXX, Mr. GALLEGLY, Ms. HARMAN, Mr. HUNTER, Mr. ISSA, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MCCARTHY of California, Mr. MCKEON, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. PETERSON of Pennsylvania, Mr. RADANOVICH, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SNYDER, Ms. SOLIS, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATSON, and Ms. WOOLSEY):

H.R. 6085. A bill to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the "Gerald R. Ford Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. ALEXANDER:

H.R. 6086. A bill to make emergency supplemental appropriations for Katrina recovery for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL of California:

H.R. 6087. A bill to sunset the Federal recognition and acknowledgment process within the Bureau of Indian Affairs of the Department of the Interior, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself and Mr. POE):

H.R. 6088. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. KING of New York, Mrs. CAPPS, Mr. CAPUANO, Mr. EMANUEL, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Mr. KIRK, Mr. TIM MURPHY of Pennsylvania, Ms. PRYCE of Ohio, and Mr. VAN HOLLEN):

H.R. 6089. A bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. COBLE, Mr. GALLEGLY, Mr. GOODLATTE, Mr. BILBRAY, and Mr. FEENEY):

H.R. 6090. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself and Ms. BERKLEY):

H.R. 6091. A bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY:

H.R. 6092. A bill to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Sergeant Paul Saylor Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mr. FILNER, and Mr. FRANK of Massachusetts):

H.R. 6093. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care and for other purposes; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 6094. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary, and in addition to the Committee on

Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE):

H.R. 6095. A bill to implement certain measures to increase the effectiveness of international child abduction remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE):

H.R. 6096. A bill to require the Secretary of State to submit to Congress annual reports on the progress made by the United States in negotiating international agreements relating to international child abduction with countries that are not contracting parties to the Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. BISHOP of Utah, and Mr. CANNON):

H.R. 6097. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Natural Resources.

By Mr. REICHERT:

H.R. 6098. A bill to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes; to the Committee on Homeland Security.

By Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Mr. CAPUANO):

H.R. 6099. A bill to provide for extension of existing and expiring agreements under the Moving-to-Work program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. SOLIS (for herself and Mr. WAXMAN):

H.R. 6100. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 6101. A bill to amend the Internal Revenue Code of 1986 to improve the ability of medical professionals to practice medicine and provide quality care to patients by providing a tax deduction for patient bad debt; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 6102. A bill to reduce the amount of paperwork and improve payment policies for health care services, to prevent fraud and abuse through health care provider education, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York:

H. Con. Res. 355. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FILNER (for himself and Mr. ISSA):

H. Con. Res. 356. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor law enforcement officers killed in the line of duty and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Mr. FEENEY:

H. Con. Res. 357. Concurrent resolution encouraging all States to enact laws requiring photo identification to vote in elections; to the Committee on House Administration.

By Mr. HELLER (for himself, Ms. BERKLEY, and Mr. PORTER):

H. Con. Res. 358. Concurrent resolution commending the members of the Nevada Army National Guard and Air National Guard for their service to the State of Nevada and the United States; to the Committee on Armed Services.

By Mr. TANCREDO (for himself, Mr. FLAKE, Mr. MACK, Mr. SHADEGG, and Mr. TERRY):

H. Con. Res. 359. Concurrent resolution expressing the sense of Congress on naming an aircraft carrier as the U.S.S. Barry M. Goldwater; to the Committee on Armed Services.

By Mr. ROSS:

H. Res. 1210. A resolution supporting the designation of Destination ImagiNation Week; to the Committee on Education and Labor.

By Mr. SCOTT of Virginia:

H. Res. 1211. A resolution expressing the sense of the House that the Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigation as modified on May 30, 2002 ("Ashcroft Guidelines") should be rescinded and replaced by the former Guidelines ('Levi guidelines') to protect Americans from domestic Federal Bureau of Investigation spying in the absence of suspected criminal activity; to the Committee on the Judiciary.

By Mr. BACA:

H. Res. 1215. A resolution honoring the Armed Forces from the Inland Empire in California and their families for their extraordinary sacrifices serving the United States in Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services.

By Mrs. MYRICK (for herself, Mrs. CAPPS, Mr. ISRAEL, and Ms. PRYCE of Ohio):

H. Res. 1216. A resolution supporting the efforts to reduce unnecessary radiation exposure through computed tomography scans for children, and for other purposes; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

284. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to House Resolution No. 1672 memorializing the Congress of the United States to stop gasoline price manipulation and to close the Enron loophole; to the Committee on Agriculture.

285. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 376 urging the President of the United States and the Congress of the United States to continue efforts to account for all of the missing people from the Vietnam War; to the Committee on Veterans' Affairs.

286. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Resolution No. 345 urging the Congress of the United States to permanently abolish the death tax; to the Committee on Ways and Means.

287. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 20 memorializing the Congress of the United States to extend the expiration deadline of the Gulf Opportunity Zone Act of 2005; to the Committee on Ways and Means.

288. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial No. 1004 urging the Congress of the United States to authorize the United States Department of the Treasury to intercept federal tax refunds to pay overdue victim restitution and other financial obligations ordered by state and local criminal and traffic courts; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUNTER introduced a bill (H.R. 6103) for the relief of Roberto Luis Dunoyer Mejia, Consuelo Cardona Molina, Camilo Dunoyer Cardona, and Pablo Dunoyer Cardona; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Ms. FOXX.

H.R. 82: Mr. BROWN of South Carolina and Ms. SPEIER.

H.R. 111: Mr. ARCURI.

H.R. 154: Mr. PASTOR, Ms. LORETTA SANCHEZ of California, Mr. PLATTS, and Ms. BALDWIN.

H.R. 160: Mr. DINGELL.

H.R. 398: Ms. LEE.

H.R. 549: Mr. CHABOT.

H.R. 642: Mr. GONZALEZ.

H.R. 643: Mr. WALBERG, Mr. TIAHRT, Mr. SHAYS, and Ms. FALLIN.

H.R. 699: Mr. BONNER.

H.R. 749: Mr. PAUL.

H.R. 760: Mr. MEEKS of New York and Ms. RICHARDSON.

H.R. 808: Mr. WEXLER.

H.R. 882: Mr. HELLER.

H.R. 1016: Mr. CAPUANO and Ms. TSONGAS.

H.R. 1032: Mr. ALTMIRE, Mr. FOSTER, Mr. CARNEY, Mrs. CAPPS, Mr. SESTAK, Mr. GORDON, Mr. BOSWELL, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mrs. TAUSCHER, and Mrs. NAPOLITANO.

H.R. 1043: Mr. UDALL of Colorado.

H.R. 1072: Mr. GONZALEZ.

H.R. 1108: Ms. SPEIER.

H.R. 1110: Mr. BRADY of Texas and Mr. REHBERG.

H.R. 1113: Mr. KLEIN of Florida, Mr. MCHUGH, Mr. MOORE of Kansas, Mr. OBERSTAR, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1185: Mr. KIRK.

H.R. 1306: Mr. HASTINGS of Florida.

H.R. 1328: Mr. SALAZAR.

H.R. 1448: Mr. VAN HOLLEN.

H.R. 1465: Mr. WEINER.

H.R. 1475: Mr. SESTAK.

H.R. 1532: Mr. BILBRAY.

H.R. 1553: Mr. MURPHY of Connecticut.

H.R. 1707: Ms. SPEIER.

H.R. 1767: Mr. DENT.

H.R. 1781: Mr. PAYNE, Ms. WATERS, Ms. VELÁZQUEZ, and Mr. GONZALEZ.

H.R. 1820: Mr. ROTHMAN.

H.R. 1884: Ms. LINDA T. SÁNCHEZ of California, Ms. ROS-LEHTINEN, and Mr. GONZALEZ.

H.R. 1921: Mr. CLEAVER.

H.R. 1927: Mr. WITTMAN of Virginia.

H.R. 2032: Ms. DELAURO.

H.R. 2049: Mr. ROTHMAN.

H.R. 2114: Mr. RYAN of Ohio.

H.R. 2183: Ms. FOXX.

H.R. 2205: Mr. PASTOR.

H.R. 2210: Mr. WAXMAN, Mr. ROSS, Ms. MCCOLLUM of Minnesota, Mr. KENNEDY, Mr. OLVER, and Mr. MURTHA.

H.R. 2236: Ms. SCHWARTZ.

H.R. 2244: Ms. BALDWIN.

H.R. 2266: Mr. LARSON of Connecticut.

H.R. 2320: Mr. FILNER.

H.R. 2552: Ms. JACKSON-LEE of Texas.

H.R. 2610: Mr. ROTHMAN.

H.R. 2694: Mr. RANGEL.

H.R. 2812: Mr. MCCAUL of Texas.

H.R. 2864: Mr. PICKERING, Mr. CHANDLER, and Mr. CONYERS.

H.R. 2885: Mr. MCHENRY.

H.R. 2933: Mr. COLE of Oklahoma.

H.R. 2965: Mr. MATHESON and Mr. DELAHUNT.

H.R. 3008: Mr. SALAZAR.

H.R. 3014: Mr. ANDREWS.

H.R. 3063: Mr. HIGGINS.

H.R. 3089: Mr. SOUDER and Mr. AKIN.

H.R. 3144: Mr. BURTON of Indiana and Mr. BARTLETT of Maryland.

H.R. 3175: Mr. FILNER and Mr. FARR.

H.R. 3187: Mr. GRIJALVA, Ms. BALDWIN, and Mr. LAMPSON.

H.R. 3329: Mr. MCDERMOTT.

H.R. 3452: Mrs. BONO MACK.

H.R. 3457: Mrs. DRAKE, Mr. ADERHOLT, and Mr. CARDOZA.

H.R. 3543: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3700: Mr. MORAN of Kansas and Mr. REHBERG.

H.R. 3750: Mr. GONZALEZ.

H.R. 3846: Ms. ZOE LOFGREN of California.

H.R. 3852: Mr. ISSA.

H.R. 4014: Mr. CARSON.

H.R. 4015: Mr. CARSON.

H.R. 4016: Mr. CARSON.

H.R. 4089: Mr. CONYERS.

H.R. 4141: Mr. MATHESON and Ms. JACKSON-LEE of Texas.

H.R. 4199: Mr. CLAY.

H.R. 4204: Mr. SCHIFF.

H.R. 4236: Ms. MOORE of Wisconsin, Mr. BISHOP of New York, and Mr. FILNER.

H.R. 4318: Mr. JORDAN and Mr. CAPUANO.

H.R. 4452: Mr. SKELTON.

H.R. 4651: Ms. CLARKE.

H.R. 4736: Mr. YOUNG of Alaska.

H.R. 4849: Mr. CONYERS.

H.R. 4884: Mr. ROTHMAN.

H.R. 4900: Mr. BUYER, Mr. LEWIS of California, Mr. RADANOVICH, and Mr. TIBERI.

H.R. 5223: Mr. OBERSTAR, Mr. ALTMIRE, Mr. ALLEN, and Mr. SCHIFF.

H.R. 5244: Mr. MARSHALL.

H.R. 5265: Mr. MARKEY, Mr. KUHL of New York, Mr. ORTIZ, and Mrs. NAPOLITANO.

H.R. 5268: Ms. LEE, Mr. GONZALEZ, and Mr. BRALEY of Iowa.

H.R. 5519: Ms. CORRINE BROWN of Florida and Mr. FILNER.

H.R. 5536: Mr. BARROW.

H.R. 5541: Ms. MATSUI.

H.R. 5544: Mr. WALBERG.

H.R. 5547: Mr. TIERNEY.

H.R. 5559: Mrs. MCMORRIS RODGERS and Ms. JACKSON-LEE of Texas.

H.R. 5573: Mr. HIGGINS, Mr. POMEROY, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Alaska, Mr. CHANDLER, Mr. REHBERG, Mrs. EMERSON, Mr. TOWNS, and Mr. BISHOP of Georgia.

H.R. 5595: Ms. JACKSON-LEE of Texas.

H.R. 5603: Mr. RYAN of Wisconsin.

H.R. 5629: Mr. CARSON.

H.R. 5638: Mr. COHEN.

H.R. 5699: Mr. HELLER.

H.R. 5700: Mr. HASTINGS of Florida, Mr. YOUNG of Alaska, Mr. MCHENRY, and Mrs. MUSGRAVE.

H.R. 5714: Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. HARE, Mr. GALLEGLY, Mr. YOUNG of Florida, Mrs. BLACKBURN, Mr. EDWARDS, Mr. BOOZMAN, Mr. TIBERI, and Mr. LATTA.

H.R. 5737: Ms. JACKSON-LEE of Texas and Mr. BISHOP of Utah.

H.R. 5748: Ms. JACKSON-LEE of Texas.

H.R. 5772: Mr. PALLONE and Mr. TOWNS.

H.R. 5775: Mrs. MUSGRAVE.

H.R. 5785: Mr. CARSON.

H.R. 5788: Ms. MCCOLLUM of Minnesota.

H.R. 5793: Mr. HOLDEN and Mr. FEENEY.

H.R. 5798: Mr. CARSON.

H.R. 5802: Mr. GUTIERREZ and Mr. RUSH.

H.R. 5804: Mr. ANDREWS.

H.R. 5814: Mr. WEINER, Mr. FOSSELLA, Mr. COBLE, and Mr. POE.

H.R. 5831: Mrs. LOWEY.

H.R. 5842: Ms. BALDWIN.

H.R. 5843: Ms. BALDWIN.

H.R. 5852: Mr. FARR and Mr. DEFAZIO.

H.R. 5857: Mr. FORBES.

H.R. 5874: Mr. PLATTS.

H.R. 5881: Mr. RUSH.

H.R. 5892: Mr. DEFAZIO.

H.R. 5898: Mr. CARNAHAN, Mrs. MILLER of Michigan, Mrs. BIGGERT, Ms. FALLIN, Mr. PERLMUTTER, Mrs. CAPITO, Mr. SOUDER, and Mr. DEAL of Georgia.

H.R. 5901: Ms. LEE.

H.R. 5902: Mr. TOWNS.

H.R. 5904: Mr. PITTS and Mr. LATHAM.

H.R. 5906: Mr. BURTON of Indiana.

H.R. 5914: Mr. THORNBERRY and Mr. EDWARDS.

H.R. 5925: Mr. CARSON.

H.R. 5935: Mr. BAIRD, Mr. CARSON, and Mr. REGULA.

H.R. 5941: Mr. CARNAHAN.

H.R. 5944: Mr. LAMBORN.

H.R. 5950: Ms. SOLIS and Mr. MCDERMOTT.

H.R. 5954: Mr. KUCINICH, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mr. RAHALL, Mr. HALL of New York, Mr. PAUL, and Mr. KUHL of New York.

H.R. 5960: Mr. JEFFERSON, Ms. SUTTON, Mr. BRADY of Pennsylvania, and Mr. BERRY.

H.R. 5971: Mr. AKIN, Mr. GOODE, and Mr. POE.

H.R. 5977: Mr. BACA, Mr. PASTOR, Mr. FILNER, and Mr. BOSWELL.

H.R. 5979: Ms. JACKSON-LEE of Texas.

H.R. 5989: Mrs. WILSON of New Mexico.

H.R. 5995: Mr. SOUDER and Mrs. MUSGRAVE.

H.R. 5998: Ms. MATSUI and Mr. CAPUANO.

H.R. 6001: Mrs. MYRICK.

H.R. 6003: Mr. LOEBSACK, Mr. REHBERG, Mr. FARR, and Ms. MCCOLLUM of Minnesota.

H.R. 6034: Mr. WELLER, Mr. CARSON, Mr. WU, and Ms. SOLIS.

H.R. 6048: Mr. SKELTON.

H.R. 6053: Mr. LAMBORN.

H.R. 6064: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COLE of Oklahoma, and Ms. GIFFORDS.

H.R. 6067: Ms. HERSETH SANDLIN, Mr. ROSS, Mr. PATRICK MURPHY of Pennsylvania, Mr. SPACE, Mr. MICHAUD, and Ms. JACKSON-LEE of Texas.

H.R. 6073: Mr. MCHENRY, Mr. BURTON of Indiana, and Mr. BOOZMAN.

H.R. 6074: Mr. SHERMAN and Ms. CASTOR.

H. J. Res. 39: Mr. MURTHA and Mr. BARROW.

H. Con. Res. 163: Mrs. MCMORRIS RODGERS.

H. Con. Res. 195: Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. COLE of Oklahoma, Mr. DONNELLY, and Mrs. BACHMANN.

H. Con. Res. 297: Mr. DAVIS of Illinois, Ms. HIRONO, Mr. HUNTER, Mr. SAXTON, Mr. MCHUGH, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mr. GINGREY, Mr. THORNBERRY, and Mr. ORTIZ.

H. Con. Res. 299: Mr. CASTLE, Mr. WEXLER, Mrs. MALONEY of New York, Mr. MCINTYRE, Mr. RYAN of Ohio, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. MORAN of Virginia, Mr. MCNULTY, Mr. HOLT, Mr. SOUDER, Mr. FRANK of Massachusetts, Mr. ROTHMAN, and Mr. KUCINICH.

H. Con. Res. 336: Mr. HONDA, Mr. MURPHY of Connecticut, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. TIM MURPHY of Pennsylvania, Mr. SCOTT of Virginia, Mr. THOMPSON of California, Mr. DAVIS of Illinois, Mr. COURTNEY, Mr. KAGEN, Ms. JACKSON-LEE of Texas, Mr. WHITFIELD of Kentucky, and Mr. KILDEE.

H. Con. Res. 351: Mr. HINCHEY and Mr. LARSON of Connecticut.

H. Res. 111: Mr. HOEKSTRA.

H. Res. 212: Mr. CAPUANO.

H. Res. 415: Mr. SESTAK and Mrs. DRAKE.

H. Res. 672: Mr. CUMMINGS.

H. Res. 679: Mr. COSTA and Mr. LATHAM.

H. Res. 937: Ms. MCCOLLUM of Minnesota.

H. Res. 1008: Mr. FRANKS of Arizona and Mr. FOSTER.

H. Res. 1010: Ms. MOORE of Wisconsin, Mr. DICKS, Mr. HINOJOSA, Mr. CONAWAY, Mr. SHUSTER, Mr. PAUL, Mr. SESSIONS, and Mr. SOUDER.

H. Res. 1012: Mr. BERRY.

H. Res. 1017: Mr. CAPUANO, Mr. DAVIS of Illinois, and Ms. HERSETH SANDLIN.

H. Res. 1042: Mr. RADANOVICH, Mrs. BLACKBURN, and Mr. TOWNS.

H. Res. 1078: Mr. FRANK of Massachusetts.

H. Res. 1106: Mr. SHERMAN.

H. Res. 1124: Mr. TIBERI.

H. Res. 1139: Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. PASCRELL, Mr. SHADEGG, Mr. FLAKE, Mr. CHANDLER, Mrs. NAPOLITANO, and Mr. COLE of Oklahoma.

H. Res. 1143: Mrs. MCMORRIS RODGERS.

H. Res. 1160: Mrs. BIGGERT.

H. Res. 1164: Mr. HARE.

H. Res. 1182: Mr. GOODE, Mr. SOUDER, Mr. DEFAZIO, Ms. KAPTUR, and Mr. WEXLER.

H. Res. 1191: Mr. RUSH, Mr. TOWNS, Ms. LEE, Mr. COHEN, and Mr. BOSWELL.

H. Res. 1195: Ms. WATSON, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. INGLIS of South Carolina, Mr. SMITH of New Jersey, Mr. POE, and Mr. FORTENBERRY.

H. Res. 1202: Mr. PETRI, Mr. ORTIZ, Mr. LARSEN of Washington, Mr. MOLLOHAN, Mr. MCDERMOTT, and Mr. REHBERG.

H. Res. 1208: Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. CALVERT, and Mr. ELLISON.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

249. The SPEAKER presented a petition of the County Board of Commissioners of Escambia, Florida, relative to Resolution No. R2008-70 supporting the U.S. Air Force,

Northrup Grumman and the workers of Lower Alabama and the Central Gulf Coast in the effort to build the new refueling tanker, the KC-45 Jets, in the Mobile, Alabama, area; to the Committee on Armed Services.

250. Also, a petition of the City Council of the City of Gulf Shores, Alabama, relative to Resolution No. 4465-08 urging the Congress of the United States to consider the needs of the American war fighter, to affirm the selection process of the U.S. Air Force, and to support the creation of American jobs by moving with all deliberate speed to fund and implement the KC-45 tanker project; to the Committee on Armed Services.

251. Also, a petition of the Town of Provincetown, Massachusetts, relative to a Resolution calling on the Congress of the United States to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING THE 150TH BIRTHDAY OF WINCHESTER COMMUNITY CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, the Winchester Community Church was built in 1858; and

Whereas, the Winchester Community Church still holds regular Sunday and weekday services today; and

Whereas, the members of the Winchester Community Church are active, important members of our community; and

Resolved, that along with the residents of the 18th Congressional District, I congratulate the Winchester Community Church and its members, for their service and dedication.

◆

A TRIBUTE TO BEDFORD ACADEMY HIGH SCHOOL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Bedford Academy High School, located in Brooklyn, New York, for the achievements of the principal and faculty.

Bedford Academy opened its doors in 2003 to a group of 100 underperforming students. Principal George Leonard used his 13 years of experience in educating the community's youth to create a unique learning environment that combined strict discipline with an atmosphere of compassion and encouragement.

Bedford Academy graduated nearly all of its students in its first class, the class of 2007. Many continued on to attend various colleges such as, Long Island University, Temple University, Stony Brook, Morehouse, and the New Jersey Institute of Technology, to name a few.

Under the leadership of Principal George Leonard, Bedford Academy High School received a 90 percent-plus pass rate on all New York State Regents exams. To achieve this level of success, Bedford Academy conducts rigorous after-school tutoring almost daily and on Saturdays.

As a result, Bedford Academy is now ranked the number one school in Brooklyn and the number two school in New York City.

Lastly, Principal Leonard has stated that his "vision is for every Black and Latino in the inner city to have an opportunity to learn just like anyone else in the country." In addition to his vision and the model set by Principal Leonard and the dedicated faculty of Bedford Academy High School, their commitment has profoundly influenced the student body to achieve academically and personally.

CONGRATULATING FRANK KARAM, RECIPIENT OF THE 2008 GOVERNOR ROBERT P. CASEY MEDAL FOR A LIFETIME OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Frank Karam, recipient of the 2008 Governor Robert P. Casey Medal for a Lifetime of Service presented by the Neighborhood Housing Services of Lackawanna County, Pennsylvania.

For more than a quarter of a century, the NHS has faithfully served the greater northeastern Pennsylvania community by empowering individuals and families through home ownership, education and promotion, property rehabilitation and affordable lending. This work has resulted in thousands of educated homebuyers, over a hundred improved properties and millions of dollars worth of investment into local neighborhoods.

NHS, as part of a national network of more than 230 community-based nonprofit organizations in all 50 states, the District of Columbia and Puerto Rico, has created home ownership for lower income families, produced and managed affordable, high-quality rental properties, stemmed the tide of foreclosures that threaten to de-stabilize neighborhoods and local economies and helped to revitalize and strengthen neighborhoods.

Named as a tribute to the late Pennsylvania Gov. Robert P. Casey, this award is intended to acknowledge the efforts of individuals who have faithfully invested their time and talents to the betterment of the quality of life in northeastern Pennsylvania and, equally as importantly, to allow others to learn from their service.

Frank Karam chose law enforcement as his professional outlet to relentlessly pursue making his community a better place to live.

He was a fair. honest and upright police chief for the City of Scranton. More importantly, he is a fair, honest and upright man.

Chief Karam's vision, counsel, indomitable spirit and respect for his fellow citizen have served his community well. While long in devoted service retired from public service, he has never wavered in devoted service to his family, friends and neighborhood.

He lives a life of commitment to living his faith expressed as a dutiful daily participant in early morning Mass. He lives in Scranton and remains active in business, civic, church and community, affairs.

Madam Speaker, please join me in congratulating Frank Karam on this auspicious occasion. His example and commitment to service has been an inspiration to all whose lives he has touched.

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HONORING THE LIFE AND MEMORY OF DR. KAREN J. STUCK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor Dr. Karen J. Stuck, a cherished leader of the medical community, and mourn her upon her passing at age 56.

Born on September 7, 1951, and raised in Lancaster, Ohio, Dr. Stuck was inducted into her high school's Hall of Fame as a distinguished alumnus for her many accomplishments throughout her lifetime. Karen performed her undergraduate career at the University of Michigan in 1973, where she served as president of her sorority and was installed as a member of the school's academic honor society.

Dr. Stuck continued her education at the Ohio State University Medical School in 1976 and undertook internships and residencies at Duke University and the University of Michigan. Her love of medicine brought her to teach the field of radiology at the University of Michigan. Karen's profound research made her papers and exhibits nationally renowned at meetings, books, and scientific journals.

Dr. Stuck applied her medical expertise to acquire a 20-year career as a radiologist at Henry Ford Hospital; Division Head of GU Radiology; the Interim Director of Breast Imaging; and as an educator. Karen's gift in medicine permitted her to receive the profession's highest honor as a Fellow of the American College of Radiology.

Regrettably, Dr. Stuck, after a year-long battle with acute myeloid leukemia, passed away on March 5, 2008. Dr. Stuck was not purely known for her medical talents, but was also known for her love and devotion to her friends and family. To her husband, Walter; mother, Jean; her sons, Andrew and Thomas; her step-son, James; her brother, Tom (Catherine); her nephews, Thomas and Joseph; and to everyone that knew and loved her, Dr. Karen Stuck was a dedicated member of the medical community locally, nationally, and world-wide.

Madam Speaker, during her lifetime, Dr. Karen Stuck enriched the lives of everyone around her by exhibiting compassion, leadership, and courage. As we bid farewell to this exceptional individual, I ask my colleagues to join me in mourning her passing and honoring her many years of loyal service to the community and our country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

STATEMENT COMMENDING THE NAMING OF THE RODERICK P. PAIGE ELEMENTARY SCHOOL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize our former Secretary of Education, Dr. Rod Paige, on the occasion of the naming of an elementary school in Houston, Texas in his honor. This is certainly a well-deserved honor for Dr. Paige given his years of dedication to educational excellence, and I hope that the dedication will impact a whole new generation of students who may be inspired by all that Dr. Paige has accomplished throughout his career.

On January 21, 2001, the United States Senate confirmed Dr. Roderick Paige as the 7th U.S. Secretary of Education. For Dr. Paige, the son of a principal and a librarian in public schools, that day was the crowning achievement of a long career in education.

Born in 1933 in segregated Monticello, Mississippi, Dr. Paige's accomplishments speak of his commitment to education. He earned a bachelor's degree from Jackson State University in his home state, and went on to earn both a master's and a doctoral degree from Indiana University. Dr. Paige began working with students early in his career as a teacher and a coach. He then went on to serve as Dean of College of Education at Texas Southern University (TSU) for a decade. In this position Dr. Paige worked to ensure that future educators would receive the training and expertise necessary to succeed in the classroom.

In 1989, Dr. Paige was sworn in as a trustee and an officer of the Board of Education of the Houston Independent School District (HISD), in which capacities he served until 1994 when he became superintendent of HISD, the nation's seventh largest school district.

Dr. Paige served as the first African-American Secretary of Education from 2001–2005. During his tenure, Dr. Paige continued his mission to set new standards of educational achievement for all students. Today, Dr. Paige is the Chairman of Chartwell Education Group, an organization he co-founded to improve the quality of education for our nation's school children.

The Roderick Paige Elementary School will be formally dedicated on Friday, May 23, 2008. Dr. Paige's impact on students in Houston and throughout this country will he felt for years to come. I congratulate Dr. Paige on this occasion. This is a fitting honor, and I can think of no greater individual to bestow it upon.

* * *

REMEMBERING LOBSANG LHALUNGPA

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. UDALL of New Mexico. Madam Speaker, Lobsang Lhalungpa was born on the other side of the world from New Mexico, but we considered him one of our own.

When he died in April, the state lost, as one resident put it, a "teacher with a capital T." For decades, Lhalungpa was a great promoter of communication. As a translator and adviser for the Dalai Lama, he brought the ideas and the struggles of the Tibetan people to American audiences. As an exile and activist, he linked Tibetan communities from India and the United States to their troubled homeland and their brothers and sisters around the world. As a spiritual teacher in New Mexico, he introduced his neighbors to a history and a way of life that continues to provide comfort to those who knew him.

Lhalungpa's family had developed a habit of being one step ahead of disaster. In 1910, his father recommended to the Dalai Lama that he leave Lhasa immediately after the Manchu General Chao Erh Feng decided to attack. The move may have saved the Lama's life, and it sealed his relationship with Lhalungpa's family. In 1947, Lhalungpa left Tibet for India, two years before China began its invasion. His escape allowed him to help establish the Tibetan government in exile and rally Tibetans in India around the cause of their homeland.

Lhalungpa's life was cut short by a traffic accident, but he had already lived 84 years filled with action, reflection and joy. Friends claim that Lhalungpa would not want us to feel sorrow at his passing. As a teacher, he told his students that life is fleeting and death comes when we least expect it. Our responsibility is not to mourn death but to celebrate life.

I rise today to celebrate the life of Lobsang Lhalungpa. Buddhism teaches that those who don't find teachers in this life will live in vain. Those who had the privilege to be taught by Lhalungpa have lived lives more linked to their communities and more touched by the divine. He lives on in their hearts and in the memory of a grateful community.

* * *

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mrs. JONES of Ohio. Madam Speaker, on Tuesday, May 20, 2008, I missed 3 recorded votes. Had I been present, I would have voted: H.R. 6081, The Heroes Earnings Assistance & Relief Tax Act of 2008, "yes"; H.R. 6074, Gas Price Relief for Consumers Act of 2008, "yes"; and H. Res. 1144,. Expressing support for designation of a "Frank Sinatra Day" on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp, "yes."

* * *

A PROCLAMATION HONORING WARRANT OFFICER ROBERT D. GABRIEL FOR HIS SERVICE IN THE UNITED STATES ARMY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Warrant Officer Robert D. Gabriel served in the United States Army; and

Whereas, he fought with an engaged infantry unit in the Republic of Vietnam; and

Whereas, Warrant Officer Robert D. Gabriel displayed personal bravery and devotion to duty as a soldier in the United States Army; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Warrant Officer Robert D. Gabriel for his contributions to his community and country.

* * *

A TRIBUTE TO EVANGELIST BETTY J. WRIGHT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Evangelist Betty J. Wright, founder of "Apple of His Eye" Ministries and outreach ministry for those who understand a personal walk with God.

A native of Augusta, Georgia, Evangelist Wright was raised in Brooklyn, New York. She is a graduate of the High School of Fashion and is an alumna of the Fashion Institute of Technology of (F.I.T.). Thereafter, Evangelist Wright matriculated at O.M. Kelly Bible Religious Institute, where she earned her Bachelor of Theology and a Master of Religious Education.

Evangelist Wright is the wife of Elder Timothy Wright, mother of five sons—Danny, Donny, David, Derrick and Dwayne—mother-in-law to four daughters-in-law, and the grandmother to many grandchildren.

In August 1990, Evangelist Wright's husband, Elder Timothy Wright, began his pastoral duties and founded the Grace Tabernacle Christian Cerner COGIC. Her recent elevation to the office of Co-Pastor resulted from her tireless support of the Grace Tabernacle ministry. In the years prior, Evangelist Wright was a member of Washington Temple COGIC from 1958 to 1990 under the leadership of the late Bishop F.D. Washington.

In closing, Evangelist Wright has proven to be a great example to many young people that she has encountered.

CONGRATULATING JAMES J. HAGGERTY, ESQ., 2008 RECIPIENT OF THE GOVERNOR ROBERT P. CASEY MEDAL FOR A LIFETIME OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to James J. Haggerty. Esq., recipient of the 2008 Governor Robert P. Casey Medal for a Lifetime of Service presented by the Neighborhood Housing Services of Lackawanna County, Pennsylvania.

For more than a quarter of a century, the NHS has faithfully served the greater northeastern Pennsylvania community by empowering individuals and families through home ownership, education and promotion, property rehabilitation and affordable lending. This work has resulted in thousands of educated homebuyers, over a hundred improved properties, and millions of dollars worth of investment into local neighborhoods.

NHS, as part of a national network of more than 230 community-based nonprofit organizations in all 50 states, the District of Columbia and Puerto Rico, has created home ownership for lower income families, produced and managed affordable, high-quality rental properties, stemmed the tide of foreclosures that threaten to destabilize neighborhoods and local economies and helped to revitalize and strengthen neighborhoods.

Named as a tribute to the late Pennsylvania Governor Robert P. Casey, this award is intended to acknowledge the efforts of individuals who have faithfully invested their time and talents to the betterment of the quality of life in northeastern Pennsylvania and, equally as importantly, to allow others to learn from their service.

As a former Secretary of State for the Commonwealth of Pennsylvania, James J. Haggerty has a dedication to public service that is the hallmark of his professional life.

Attorney Haggerty served as general counsel to his friend, Governor Robert P. Casey and steadfastly advanced their shared values for the betterment of the common good in the civic arena.

He is a highly accomplished businessman, community leader and man of the law, though topping the list of his many accomplishments is that of devoted family man. As a father of seven and the grandfather of 12, his unique pride of heritage, ethic of service and spirited wit has been deeply instilled in his family and will no doubt continue to have a positive impact on the region for generations to come.

Madam Speaker, please join me in congratulating Attorney Haggerty on this auspicious occasion. His example and commitment to service is an inspiration to all whose lives he has touched.

HONORING THE LIFE OF MS. NANCY SWANBORG

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Nancy Swanborg, long-time Director of the Women's Resource Center and Schoolcraft College employee, upon her retirement from an exemplary nineteen-year career in serving the public.

Ms. Swanborg obtained the position of Director of the Women's Resource Center in the summer of 1989. Through her vital leadership, Nancy has been recognized locally and nationally for her successful measures to remove the educational, financial, and legal barriers that face women. Nancy's vision to help women has inspired her to create a unique program called "From Chocolate Chips to Micro Chips to Blue Chips", which is a college program assisting women to transition from home to the work force. Ms. Swanborg's work at the college is not limited to the Women's Resource Center. Nancy is currently working on writing a grant for the school; is instrumental in the implementation of a scholarship to assist women; and is a trustee for various Schoolcraft College Foundation Scholarships.

Nancy exerts energy well beyond her responsibilities with the Women's Resource Center and Schoolcraft College. Ms. Swanborg is extremely involved in the community through activities including, Threads of Power, Detroit Race for the Cure, and organized several campus-wide memorial services. Nancy is also a loving and devoted mother of two and grandmother of four.

Madam Speaker, for nearly twenty years Ms. Nancy Swanborg has been a devoted community leader in Livonia, Michigan. As Ms. Swanborg turns over the reigns of Director of the Women's Resource Center on May 6, 2008, she leaves a community who will surely miss her strength, commitment, and movement to empower women. Ms. Swanborg's accomplishments in her personal and professional life have ensured the greatness and stability of the Women's Resource Center for years to come. Today, I ask my colleagues to join me in congratulating Ms. Nancy Swanborg upon her retirement and recognizing her many years of loyal service to the community and our country.

HONORING THE LIFE OF U.S. ARMY SGT. JOSEPH A. FORD

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. HILL. Madam Speaker, on May 10, 2008, the Hoosier state lost another of its brave young men. Army SGT Joseph A. Ford died from injuries sustained when his vehicle rolled over in Al Asad, Iraq. SFT Ford was from Knox, Indiana, but had been living in New Albany with his wife, Karen Christina Grimm Ford. SGT Ford deployed to Iraq with more than 3,000 members of the Indiana National Guard's 76th Infantry Battalion Combat Team.

SGT Ford was known as an intellectual among his peers and comrades. He was drawn to military and ancient history, often carrying a book along with him. While in high school, Ford was a member of the fencing club. He choreographed the sword fight scenes in his school's production of "The Three Musketeers."

SGT Joseph A. Ford is an American hero. His sacrifice for our Nation, and our State, deserves our deepest respect and most heartfelt thanks. I, along with the towns of Knox and New Albany, mourn the loss of Joseph. His mends and family are in my prayers.

HONORING JOHN F. BURNESS FOR HIS SERVICE TO DUKE UNIVERSITY AND THE CITY OF DURHAM

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. PRICE of North Carolina. Madam Speaker, I rise today to honor the career of John F. Burness, Senior Vice President for Public Affairs and Government Relations at Duke University. Mr. Burness will retire on June 30th after nearly 40 years of service in higher education. His has been a distinguished career that helped revolutionize the way universities handle communications and public affairs. In Durham, North Carolina, he has transformed the relationship between the town and the university in a way that few other institutions have been able to replicate.

After graduating from Franklin and Marshall College, where he currently serves as a trustee, John began his career in 1970 as Assistant to the President at the State University of New York at Stony Brook, rising through the ranks to become Deputy to the President for University Affairs and Secretary of the Stony Brook Council. From SUNY, he moved to the University of Illinois, where he was first Director of Public Affairs and then promoted to the newly created position of Associate Chancellor for Public Affairs. Following his time at Illinois, he returned to New York to assume the role of Vice President for University Relations at Cornell University. Regarded as a national expert in university public affairs, he became the founding chair of the Association of American Universities' Public Affairs Committee, as well as a founding member of the steering committee of The Science Coalition, a consortium of universities, scientific societies, and business groups that takes a grassroots approach to promoting investments in scientific research.

John Burness's considerable talents are reflected in the many leadership positions he has held in his field: director of the National Association of College and University Business Officers; chairman of the Consortium on Financing Higher Education's Public Issues Committee; and co-chair of the Ad Hoc Tax Group, a consortium of educational institutions that monitors Federal tax policy. He has also served on the Board of Directors of the National Association of Independent Colleges and Universities, the Committee on Institutional Relations for the Council for Advancement and Support of Education, and The College Board's Government Relations Advisory Panel.

I came to know John after his arrival at Duke University in 1991. Over the years, we have conferred and collaborated on a wide range of policy and funding issues in higher education as well as the special needs of Durham. During his time at Duke, he built an award-winning news office and guided a well-respected government relations operation. But it was his tireless efforts in Durham that had the most profound impact.

Under John's leadership, the Duke-Durham Neighborhood Partnership was created in 1996. This partnership has led to increased home ownership, improved student achievement, and greater access to health care for residents in several of Durham's neighborhoods. John was also the founding chairman of the Board of Directors of the Durham Communities in Schools dropout prevention program, and he serves on the board of MDC, a nonprofit organization located in Chapel Hill. North Carolina, which seeks to expand opportunities, reduce poverty, and build inclusive civic cultures in Southern communities.

Through his public endeavors and his behind-the-scenes work, John's efforts to improve the quality of life for his fellow Durhamites have touched countless citizens and have earned him the respect of leaders throughout the community. As a testament to John's dedication and achievements, the science center at E.K. Powe Elementary School in Durham has been rededicated as the John F. Burness Science Center, and the Duke University Board of Trustees has established an endowment in John's name to support collaboration between the Duke and Durham communities. I recently attended a retirement reception for John in a community center and was struck by the many tributes from those whose lives and endeavors John has touched.

It is thus with great pleasure that I congratulate John Burness for his outstanding contributions to the Nation's system of higher education, to Duke University, and to Durham, North Carolina. My wife Lisa and I wish him and Ann all the best in retirement, and in the many activities they will still be engaged in as active and caring members of the community.

IN RECOGNITION OF THE 90TH ANNIVERSARY OF MAXWELL MEMORIAL LIBRARY OF CAMILLUS, NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 90th anniversary of Maxwell Memorial Library in Camillus, New York.

Founded in 1918, the Camillus Library Association began as the result of a public meeting. Though the original library started with only a few books in one room over a plumbing shop, it soon grew under the leadership of librarian Mary E. Maxwell. In its early years, the library moved 4 times to accommodate its growing collection of books.

In 1927, the Presbyterian Church of Camillus was renovated to become the permanent home of the library. Since its inception, the Camillus Library has become an important meeting place for the town, providing its patrons with quality reading material for many years. With its central location, the Maxwell Memorial Library has become a neighborhood anchor and will be enjoyed by many for years to cone.

The staff and volunteers of the Maxwell Memorial Library have always strived to provide the best quality and selection of reading material to the public, and I am proud to recognize them here today. I congratulate Director Kathryn Benson and the library's dedicated staff—both past and present—on reaching this milestone. On behalf of the people of the 25th District of New York, I thank the Maxwell Memorial Library for 90 years of service that has been and will continue to be such a positive asset to our community.

A PROCLAMATION HONORING THE 95TH ANNIVERSARY OF ERNEST WARTHER'S PLIERS TREE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, 2008 marks the 95th anniversary of the carving of the remarkable Ernest Warther's Pliers Tree; and

Whereas, in 1933 the Pliers Tree was on display at the Chicago World's Fair; and

Whereas, the Pliers Tree remains on display in the Warther Museum in Dover, Ohio today; be it

Resolved that along with the residents of the 18th Congressional District, I congratulate the Ernest Warther's Pliers Tree, for reaching this milestone.

CONGRATULATING JEANNE BOVARD, 2008 RECIPIENT OF THE GOVERNOR ROBERT P. CASEY MEDAL FOR A LIFETIME OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Jeanne Bovard, recipient of the 2008 Governor Robert P. Casey Medal for a Lifetime of Service presented by the Neighborhood Housing Services of Lackawanna County, Pennsylvania.

For more than a quarter of a century, the NHS has faithfully served the greater northeastern Pennsylvania community by empowering individuals and families through home ownership, education and promotion, property rehabilitation and affordable lending. This work has resulted in thousands of educated home-buyers, over a hundred improved properties and millions of dollars worth of investment into local neighborhoods.

NHS, as part of a national network of more than 230 community-based nonprofit organizations in all 50 states, the District of Columbia and Puerto Rico, has created home ownership for lower income families, produced and managed affordable, high-quality rental properties, stemmed the tide of foreclosures that threaten to destabilize neighborhoods and local economies and helped to revitalize and strengthen neighborhoods.

Named as a tribute to the late Pennsylvania Gov. Robert P. Casey, this award is intended to acknowledge the efforts of individuals who have faithfully invested their time and talents to the betterment of the quality of life in northeastern Pennsylvania and, equally as importantly, to allow others to learn from their service.

Ms. Bovard is a special friend to northeastern Pennsylvania. As executive director of the Scranton Area Foundation, she has provided dynamic leadership to an organization that has served this community as a catalyst for change and as a vital convener of diverse groups passionate about community action.

Throughout her career, she has overseen direct and measureable improvements to our region's health. education, arts, environment, human services and civic affairs.

Although she consistently and humbly credits the foundation for its remarkable success, it is widely known that it is her own kindness, intelligence, compassion and love for this community that have been the key ingredients to its amazing impact on our region.

Madam Speaker, please join me in congratulating Jeanne Bovard on this auspicious occasion. Her example and commitment is an inspiration to all whose lives she has touched.

PAYING TRIBUTE TO RON MASON

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the accomplishments of Ron Mason as he retires after 29 years as a leader at Michigan State University. I want to thank Ron on behalf of those individuals who have benefited from his time, contributions, and dedication to world-class academics and athletics.

Ron Mason's Michigan State career began with the 1979–80 season when he became head coach of the Spartan hockey team. He became a seven-time CCHA Coach of the Year and led the Spartans to seven regular-season league championships and 10 playoff crowns. In 2001, the conference honored Mason by renaming the CCHA playoff trophy—The Mason Cup—in recognition of his contributions to college hockey and the formation of the league as well as his success behind the bench.

Considered one of the "Founding Fathers" of the CCHA, Ron joined Bowling Green's Jack Vivian and St. Louis University's Bill Selman in establishing a "coaches' league" in 1971. Among his many accomplishments included an NCAA Championship at Michigan State in 1986. His dedication to upholding the values of sportsmanship and integrity at Michigan State University, and his continued work on behalf of the university and its community, is a testament to his strength of character.

On March 18, 1994, a win over Bowling Green established him as the winningest college hockey coach in history. In 2001–02, Ron's final campaign as the Spartan coach, he recorded his unprecedented 900th win as a college hockey coach with a victory over Ferris State (Oct. 20, 2001). In 2002, Ron was introduced as the 16th athletic director in Michigan State history. During his five-year tenure, State athletic squads have captured 11 conference championships (regular season and postseason combined) and one national championship. In addition, MSU has been represented at the NCAA Championships 72 times, including Final Four/Frozen Four appearances by men's basketball (2005), women's basketball (2005), field hockey (2002 and 2004) and ice hockey (2007).

Ron is also active in a number of local organizations and charities. He recently completed a 4-year term on the Sparrow Hospital Foundation Board and has set up the Ron Mason Fund for Kids that supports the Pediatric Rehabilitation Department, which has raised nearly $675,000 since 1998. He also served as the honorary chairperson for the Children's Miracle Network, which has raised $19 million over the last 19 years, and has worked with the Coaches For Kids campaign, which has raised $5.3 million in the last 7 years for a pediatrics emergency room at Sparrow Hospital. In addition, he served on the committee for the broomball game for the Legal Eagles, which benefited the Boys and Girls Club of Lansing, and spent several years on the Lansing Safety Council. Ron currently is a board member for the Lansing Chamber of Commerce.

For all his career accomplishments, Ron has been inducted into the Michigan Sports Hall of Fame (1994), Lake Superior Sports Hall of Fame (1996) and St. Lawrence Sports Hall of Fame (1999). In addition, the American Hockey Coaches Association honored him with the John Machines Award for his outstanding contributions to hockey in the spring of 2003, and he received the Hobey Baker Memorial Award Foundation's 2004 "Legend of Hockey" award in April 2004.

Therefore Madam Speaker, I ask our colleagues to join me in honoring Ron Mason's exceptional service to students, athletes, and Michigan State University. May he know that his nation is greatly appreciative of his dedication, and wishes him the best in all his future endeavors.

MASTER SERGEANT BRIAN CREMEANS HONORED WITH ARMY SOLDIER'S MEDAL

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. YOUNG of Florida. Madam Speaker, It was my distinct privilege this morning to participate in ceremonies here at the Capitol to honor Army MSG Sergeant Brian L. Cremeans with the Soldier's Medal for heroism.

During a 2003 tour of duty in Afghanistan as part of Operation Enduring Freedom, Master Sergeant Cremeans, an explosive ordnance disposal technician, was conducting a controlled demolition of 4,000 pounds of high explosives that were captured from the Taliban when he alertly realized that a fire ignited in the demolition pit. Given the amount of explosives, he realized that there was no time to evacuate the area. Master Sergeant Cremeans, without forethought for his own safety, jumped into the demolition pit and quickly began covering the fire with dirt, extinguishing it before the entire cache of weapons exploded. He then located the fire's propellant, scooped it into a canister and continued to fight more small flash fires until they were all extinguished. His actions saved the lives of 15 Afghans and 4 American soldiers who would have been killed had he not taken those extraordinary actions.

Madam Speaker, Master Sergeant Cremeans's heroic actions were brought to my attention by my constituent Army MAJ Zachary Norsworthy of St. Petersburg, Florida, who was with the unit at the time of this incident. Having personally witnessed Master Sergeant Cremeans' quick thinking and actions, Major Norsworthy nominated him for the Soldier's Award, one of the Army's highest noncombat honors for valor. Unfortunately, the award package was lost by the Army and when time had passed with no action, Major Norsworthy resubmitted the application but was told that the two-year period for submitting an award nomination had passed and it was too late to resubmit. Major Norsworthy promptly contacted me and I contacted the Secretary of the Army who reviewed the case and quickly saw that Master Sergeant Cremeans was deserving of this honor and ordered the awarding of the medal.

This morning in my office, SMA Kenneth Preston officiated as we presented Master Sergeant Cremeans with this long-overdue recognition. Following my remarks, I will submit for the benefit of my colleagues the Army citation and Major Norsworthy's narrative outlining the brave actions of Master Sergeant Cremeans.

Madam Speaker, Master Sergeant Cremeans represents the best our Nation has to offer. He volunteered to serve our Nation in uniform and to protect our freedom and liberty. He is now retired after 22 years of service to the United States and to the Army. Please join me in saying thank you to him for his actions and his lifetime of service.

CITATION

To all who shall see these presents, greeting: this is to certify that the President of the United States of America, authorized by act of Congress, July 2, 1926, has awarded the Soldier's Medal to (Then) Sergeant First Class Brian L. Cremeans, United States Army, for heroism on 6 May 2003 in Meynemah, Afghanistan. Given under my hand in the City of Washington on this 30th day of October 2007.

REUBEN D. JONES,
the Adjutant General.
PETE GEREN,
Secretary of the Army.

The President of the United States of America, authorized by an Act of Congress, July 2, 1926, has awarded the Soldier's Medal to Sergeant First Class Brian L. Cremeans, United States Army, for heroism: not involving actual conflict with an armed enemy on 6 May 2003, in Meynemah, Afghanistan. As enemy munitions were being placed in a demolition pit, Sergeant Cremeans saw a glimpse of smoke billow from the pit. The demolition pit was covered with approximately four inches of explosive propellant (white phosphorous) at the base that, if ignited, would detonate the 4000 pounds of high explosives rigged for demolition. Without hesitation, he immediately leapt onto the side of the twenty-foot deep pit, which caused dirt to smother the flame that had begun to build. Sergeant Cremeans' actions provided him enough time to gain control of the flame and further extinguish it. His attention to detail and situational awareness enabled him to recognize the difference between dust and smoke as the pit was being loaded with mortar and tank rounds. Sergeant Cremeans' quick reaction prevented the propellant from igniting, which would have caused the munitions to prematurely detonate, thereby saving the lives of the fifteen Afghan Nationals and four U.S. servicemen. Master Sergeant Cremeans' courage and concern for his fellow Soldiers and Afghan Nationals were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

NARRATIVE

On May 6, 2003, Sergeant First Class Brian L. Cremeans was serving as the Senior Explosive Ordnance and Demolition (EOD) Technician to destroy the largest cache ever discovered in Afghanistan. The cache amounted to over 350,000 pounds worth of High Explosives. Over 4000 pounds worth of High Explosives was loaded into one of two demolition pits by fifteen Afghans with the close supervision of a fellow EOD technician. At this point, the floor of the pit was covered ankle deep with propellant from previous demolition shots. SFC Cremeans, 1LT Patton and 1LT Norsworthy were standing on top of the pit as the Afghans and one of the EOD technicians were loading the final mortar rounds into the pit. As he was watching the pit, a billow of smoke appeared at the bottom of the 20 foot deep pit. SFC Cremeans yelled, "Fire" and before 1LT Patton could yell burning, SFC Cremeans had dove into the pit yelling fire. As he was sliding down to the bottom of the pit a flame erupted and he slid into it causing his body to push enough dirt into the flame to momentarily smolder it. This act gave him enough time to put more dirt onto the flames and gather up loose propellant surrounding the site of ignition, thus allowing him to gain control of the situation. He immediately gathered up the white phosphorous residue that had been unearthed and the surrounding propellant and scooped them into a canister. He stayed there extinguishing the ambitious little flames until the threat was eliminated. All non essential personnel were loaded on the truck. He then calmly set the ring main and charges on the pit. He then finished by arming the M-60 fuse igniters on the ring main and was the last man to get into the revving truck. In summary, Sergeant First Class Brian L. Cremeans' courageous selfless act and impeccable attention to detail saved the lives of fifteen Afghans and four United States Army servicemen. SFC Cremeans courageous selfless act richly deserves the award of the Soldiers Medal. Through his courageous selfless efforts and impeccable attention to detail, Sergeant First Class Brian L. Cremeans reflected great credit upon himself, the United States Army and the Department of Defense.

DYSTONIA AWARENESS WEEK

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to draw attention to Dystonia Awareness Week, designated by the Commonwealth of Kentucky for June 1–7, 2008.

Dystonia is a neurological disorder that creates painful, involuntary muscle spasms throughout the body. The public knows little about this disorder, afflicting as many as 1 million people in North America alone.

The causes of dystonia are still largely unknown within the medical community. The physical manifestations of dystonia can be debilitating and the lack of understanding among the general public often creates isolation and psychological distress to those who suffer from the disorder.

The Dystonia Association of Kentucky, Inc., was formed by patients, families, and friends to help one another and to seek a cure for their condition. Widespread public support for their efforts is essential.

I urge my colleagues in the U.S. House of Representatives to join me in supporting the goals of Dystonia Awareness Week and urge all Americans to gain a deeper understanding of this disorder and those who are afflicted by it.

THE PUNGO STRAWBERRY FESTIVAL

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mrs. DRAKE. Madam Speaker, 25 years ago, in the rural area of Virginia Beach, Virginia, know as Pungo, several locals decided that the rest of the community should be aware of Pungo's delicious treasure: its strawberries. In 1983, locals began an annual festival, which at the time drew 2,500 people. In the years to follow, the festival's attendance grew to roughly 120,000 people each year. Today, the festival hosts many family-oriented activities, including a carnival, youth art show, and a multi-million dollar military display.

In 1985, it was deemed necessary to establish a festival board in order to accommodate the festival's growth as well as establish themselves as a nonprofit organization. To this end, the festival gives back to the community in the form of scholarships for students and makes contributions to other community-oriented programs.

To this date, the Pungo Strawberry Festival has donated over $550,000 to the community. I want to take this moment to recognize the people behind this festival, some of whom have been involved since the beginning, and to inform my colleagues that this year the festival will be celebrating its 25th anniversary with, as always, an emphasis on the men and women serving in the military. The theme this year will be "Celebrating 25 years of Freedom, Family, and Fun." I support the community of Pungo in their efforts and look forward to attending the festival this year.

A PROCLAMATION HONORING MARY C. POLILLI FOR BEING TUSCARAWAS COUNTY'S OLDEST VOTER

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Mary C. Polilli is 102 years young; and

Whereas, she continues to make voting a priority; and

Whereas, Mary C. Polilli continues to be a positive influence on the lives of others and contributes to her state and country; and

Whereas, she strives to continue her good works of public service and inspire others to work for the many freedoms guaranteed by our democratic form of government; now, therefore, be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I commend and thank Mary C. Polilli for her contributions to her community and country.

IN RECOGNITION OF COLONEL ANNE L. DAVIS, USA

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. BISHOP of Utah. Madam Speaker, I rise today to honor an outstanding military commander in the United States Army, Colonel Anne L. Davis.

As outgoing Commander of the Tooele Army Depot, TEAD, Utah, Colonel Davis has demonstrated exceptional meritorious service during her tenure from June 16, 2005 to July 8, 2008. TEAD is a very large military installation, with 23,600 acres with extensive munitions storage handling an estimated 200,000 short tons of ammunition stocks valued at $2.75 billion. She was responsible for logistical support to 17 United States military units as well as command and control of Hawthorne Ammunition Depot, Riverbank Army Ammunition Plant and Ft. Wingate.

Colonel Davis is a brilliant leader who makes every mission look easy. Her PhD in Business added to her skills to better manage and transform Tooele into the Depot of the future. The leaders who worked under her took pride in achieving nearly 100 percent on time, on location delivery of ammunition throughout the Western Continental United States and to various ports to support ongoing combat operations in Iraq and Afghanistan.

Colonel Davis was instrumental in the development, testing, prove-out and eventual preparation of the Stryker Brigade Combat Teams Combat Configured Loads. Her ability to safely and efficiently manage stockpile surveillance inspections while enduring personnel shortages in terms of Quality Assurance and Surveillance Specialists was superb.

Colonel Davis aggressively sought additional workload at Tooele by meeting with the Utah Governor's Office of Economic Development and by attending numerous business events throughout the country in an effort to reduce life cycle costs on her installation. Her personal attention in all aspects of safety, to include the Department of Defense Safety Voluntary Protection Program resulted in a 50 percent reduction in civilian days lost due to accidents.

Colonel Davis, a native of St. Clair Shores, Michigan, arrived at Tooele Army Depot in June 2005 as a highly regarded and decorated leader in the Army having served in leadership positions in Italy, Hawaii, and the Continental United States. She also commanded Hawthorne Army Depot in Hawthorne, Nevada from June 2000 to July 2003.

Lean Six Sigma, LSS, was implemented by Colonel Davis to ensure the Army's competitive edge and increase employee involvement. Under her control, TEAD has certified over 70 Green Belts and has an established self-sufficient LSS program with a Master Black Belt and four Black Belts. Involving over half of the workforce in projects, Colonel Davis has overseen savings to the Depot of over $560,000 in the first two years with another $400,000 expected by the end of this fiscal year.

In conclusion, Madam Speaker, Colonel Davis has served her nation well and exhibited some of the finest qualities of leadership and good stewardship of her many responsibilities. She will be missed by the Tooele workforce and by those with whom she has associated in Utah over the past 3 years. I join with the rest of the Utah Congressional Delegation in offering our sincere congratulations on a job well-done, and wishing her the very best for her in all future endeavors.

HONORING THE ACHIEVEMENTS OF THE JONESBORO HIGH SCHOOL MOCK TRIAL TEAM

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SCOTT of Georgia. Madam Speaker, I rise today to congratulate students, teachers, judges and attorneys residing in my Congressional District. Once again, I congratulate the Jonesboro High School Mock Trial Team for winning the National High School Mock Trial Championship on May 11, 2008, in Wilmington, Delaware. The Jonesboro team also won the national title in 2007 and has held State titles six times in the last 20 years.—

The Jonesboro Mock Trial Team represents some of the best and brightest of Clayton County students. I want to take a moment to recognize the aspiring lawyers, the honors students and the Eagle Scout candidates who comprise this winning team. Special recognition must go to returning members Jayda Hazell, Jurod James, Tabias Kelly and Braeden Orr who competed with the 2007 team. In addition, I congratulate Brian Bady, Miguelande Charlestin, Kayla Daniels, Dominique Delgado, Lindsay Hargis, Bridget Harris, Avion Jackson, Adrienne Marshall, Laura Parkhouse, Joe Strickland and Ralph Wilson for their win.

The Jonesboro Mock Trial Team is fortunate to be guided by legal professionals including the Honorable John C. Carbo and the Honorable Deborah Benefield, both Clayton County State court judges, as well as Ms. Tasha Mosley and Ms. Katie Powers, attorney coaches. In these exercises, students gain insight about the American legal system including trial preparation and standard courtroom procedures. Jonesboro faculty sponsors Andrew and Anna Cox also helped the team since early in the fall term to the present so that the team members are prepared for their local, State and national competitions.

In closing, Madam Speaker, I am delighted to recognize the efforts of the Jonesboro High School Mock Trial Team for their back-to-back victories. I hope to see the Jonesboro High School team compete again at the 2009 National Championship, which will be held in Atlanta, Georgia.

OUTSTANDING HIGH SCHOOL SENIORS FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER A. WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mrs. WILSON of New Mexico. Madam Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2008

Chelsie Alderete, School for Integrated Academics and Technologies; Marissa Andazola, St. Pius X High School; Clare Callahan, Highland High School; Gladys Delgado, Valencia High School; Aubrey Eckert, Sandia High School; Dawn Marie Goodwin, Cesar Chavez Community School; Erika Hernandez, Digital Arts and Technology Academy; Landon Hill, Cibola High School; Tony Lucero, Albuquerque High School; Nancy Molinar, Bernalillo High School; Carla Nieto, South Valley Academy.

Oscar Alderete, Century Alternative High School; Andrew Bachica, Southwest Secondary Learning Center; Marshele Danner, Sandia Preparatory School; Bethany Dorl, Early College Academy; Chris Ela, Hope Christian School; Lauren Harding, Albuquerque Academy; Anna Herrera, Temple Baptist Academy; Andrew Krause, East Mountain High School; Sabrina Mead, Los Puentes Charter School; Cassandra Montoya, Mountainair High School; Anna Nowlin, Los Lunas High School.

Marisol Ochoa, Albuquerque Evening High School; Heather Polyard, Manzano High School; Michael Romero, Creative Education Preparatory Institute #1; Kelley Scheib, Sierra Alternative High School; Patrick Turney, La Cueva High School; Oran Wallace, Menaul High School; Hannah Perez, New Futures High School; Sean Ritchel, Del Norte High School; Felicia Salazar, Moriarty High School; Juan Soche, Valley High School; Joshua Velasquez, West Mesa High School.

HONORING BECKY YOUNG

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor Becky Young, a former Wisconsin State Representative. Throughout her seven consecutive terms in the Assembly, Young was a tireless advocate for her constituents and their families, and she left a lasting impact on the entire State of Wisconsin that will not be forgotten.

Beginning her political career as a Dane County Supervisor in 1970, Becky focused on health care issues that had not been adequately addressed but were especially important to women. Becky's pioneering work did not end there. In 1974, she became the first woman to serve as Wisconsin Highway Commissioner. Later, she became the Deputy Secretary of the Wisconsin Department of Administration. While serving on the Madison School Board from 1979 to 1985, Becky demonstrated a unique enthusiasm for education reform. Her determination to ensure that every child realizes the potential of education was indeed rare.

Becky's unwavering commitment to children and families began to permeate through the State Legislature in 1984 when she was first elected to the Wisconsin State Assembly. During her tenure in the Assembly, Young served on the Education Committee for several terms and as Chair of the Assembly Committee on Children and Human Services from 1987 to 1995. She also served as the Ranking Democratic Member on the Assembly Committee on Children and Families and chaired the Special Committee on Women Offenders in the Correctional System. Using these avenues, Young was able to enact meaningful solutions to a range of issues facing the people of her district and the State of Wisconsin as a whole. Becky Young gave a voice to those women and children who were not being heard in the halls of the State Capitol at the time.

I was honored to serve in the Assembly with Becky from 1993 until 1999. I witnessed firsthand her passion for helping others and improving the lives of those she could reach. It was a privilege to work with as passionate a woman as Becky and her presence will be forever missed at the Capitol in Madison.

Becky's love for helping people has been evident throughout her career as she has always maintained strong ties to the community. The YWCA recognized Becky as a Woman of Distinction for her tireless efforts to improve the quality of life for all women, and the Wisconsin Women's Network named her the 1992 Stateswoman of the Year. She has also been recognized by a variety of other organizations that have benefited from her diligence and volunteerism. Undoubtedly, Becky remains dedicated to the people of Wisconsin.

For her hard work, pioneering leadership, and service to our communities, I join the entire State of Wisconsin in saluting and thanking Becky Young. She is an inspiration to all women and I carry her legacy and mission with me as I fight for all families in our Nation's capital.

INTRODUCTION OF THE DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CONYERS. Madam Speaker, today I am introducing the "Domestic Violence Volunteer Attorney Network Act," legislation that addresses the need to increase legal services for victims of domestic violence by creating a coordinated, nationwide system of attorney referrals to assist domestic violence victims. I am joined in this effort by Representative POE.

Domestic violence continues to be a problem in our country. Nearly one in four women will be a victim of domestic violence in her lifetime, and between three and ten million children witness acts of domestic violence each year. Domestic violence is not just physical but affects every aspect of a woman's life, including her mental and emotional well-being.

In 2005, Congress reauthorized the Violence Against Women Act, continuing programs such as STOP and Legal Assistance for Victims, as well as adding new programs that focus on prevention and services for youth and children.

But there is still a huge gap in services and resources for victims who need help navigating the legal system. Obtaining effective protection orders, initiating divorce proceedings or designing safe child custody arrangements are all key components to stopping the violence, because these are often the first real steps that battered women can take to leave an abusive home.

The problem is not that the resources do not exist; in fact, many lawyers want to volunteer their time to provide legal assistance to victims of domestic violence. The problem is in bridging the gap between these willing and able advocates and the victims seeking access to the justice system.

Our bill, the Domestic Violence Volunteer Attorney Network Act, has several components:

Creates an electronic network of volunteer attorneys. The network will be managed by the American Bar Association Commission on Domestic Violence, which will solicit and mentor the lawyers and conduct training and provide other technical assistance.

Authorizes new funds to the National Domestic Violence Hotline to update the system and train advocates on how to provide referrals for voluntary attorneys.

Creates a pilot program to implement the volunteer attorney network in five states. The program will be administered by the Office of Violence Against Women in DOJ. After these five years, if successful, the program will be rolled out nationally.

Establishes a Domestic Violence Legal Advisory Task Force, which will monitor the program and make recommendations.

Mandates a study by the National Institute of Justice to assess the scope and quality of legal services available to battered women in each state. The GAO will report to Congress within one year.

The legislation is supported by a broad range of interests and experts, including the National Network to End Domestic Violence, the Legal Resource Center for Violence Against Women, the National Coalition Against Domestic Violence, the National Council of Juvenile and Family Court Judges, the ABA, National Legal Aid and Defenders Association, the National Association for Attorneys General, and the National Center for the Victims of Crime.

This legislation is an important next step in our fight to defeat domestic violence and assist victims. A companion bill has been introduced in the Senate by Senators BIDEN and SPECTER. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

HONORING PRESIDENT CHEN SHUI-BIAN

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. FOXX. Madam Speaker, on March 22, 2008, Taiwan elected a new president, Dr. Ma Ying-jeou of the Nationalist Party, effectively ending the era of government rule by the Democratic Progressive Party (DPP). The DPP first came into power with the inauguration of President Chen Shui-bian on May 20, 2000.

During the last 8 years, Chen championed human rights and established the Human Rights Consultation Task Force in the Taiwan Presidential Office in October 2000. The purpose of the task force was to lay the groundwork for the establishment of a national Human Rights Commission. Because of this process, a number of seminars on human rights have been held in Taipei over the last 8 years. Today, Taiwan's 23 million citizens enjoy human rights protection, a necessary component of any successful democracy.

In addition to the promotion of human rights, Chen was equally committed to using Taiwan's resources to bring aid to less-developed countries in Africa and other parts of the world. Unfortunately, without United Nations membership, Taiwan was denied access to many international organizations which would help coordinate more effective delivery of this aid. During his presidency, Chen continually argued his country's case before the world—that Taiwan's exclusion from the United Nations was a direct violation of the U.N. Charter, the Universal Declaration of Human Rights and other international human rights provisions. In the same spirit, Chen never gave up in his efforts to secure observer status for Taiwan in the World Health Assembly. In 2004, the 108th Congress passed a bill, later signed into law, that requires the administration to make it a long-term policy to support Taiwan's participation in the World Health Organization as an observer.

In terms of Taiwan's relations with the People's Republic of China (PRC), Chen has always expressed his willingness to talk to PRC leaders, despite the PRC's passage of the Anti-Secession Law in 2005 and its current deployment of thousands of missiles aimed at Taiwan. Chen sought peace and tranquility across the Taiwan Strait without sacrificing the permanent interests of the Taiwanese people.

Chen also worked closely with the United States Government throughout his administration. He helped reduce the trade imbalance between Taiwan and the United States and cooperated fully with the United States after 9/11 by supporting U.S. antiterrorism efforts in Afghanistan and Iraq and implementing Container Security Initiatives (CSI) in two major ports in Taiwan to enhance the level of security cooperation between Taiwan and the United States. President Chen has always expressed his admiration for American democracy and fondness for the American people.

Chen's accomplishments are many and it is difficult to enumerate them all here. Chen is a patriot who has shown the world that democracy is deeply rooted in Taiwan. This is most evident in the election of Mr. Chen and the DPP in 2000 and the upcoming peaceful, democratic transfer of power to President Ma and his new government this May.

Mr. Chen, you have served your people well and we will miss you.

A PROCLAMATION HONORING ROBERT'S MEN'S SHOP FOR CELEBRATING THEIR 35TH ANNIVERSARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Robert's Men's Shop has been providing excellent service to the people of New Philadelphia, Ohio for 35 years; and

Whereas, Robert's Men's Shop has grown and prospered since 1973 through hard work and determination; and

Whereas, Robert's Men's Shop was named 2005 Small Business of the Year by the Tuscarawas County Chamber of Commerce; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend and thank Robert's Men's Shop for its contributions to its community and country.

HONORING WORLD WAR II STAFF SERGEANT EDDIE JOHNSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Staff Sergeant Eddie Johnson of my hometown, Flint, Michigan. Eddie Johnson is a World War II veteran and is part of the Honor Flight Network contingent of veterans traveling to Washington, DC to visit the National World War II Memorial.

Eddie Johnson joined the United States Army at the age of 18 on May 21, 1941. He served until January 6, 1946. During his service he taught himself to read and write. He was promoted and became one of the first Black Staff Sergeants in World War II. He was in charge of an Engineering Platoon in the 93rd Division; Company A 318th Engineer Combat Battalion. He served through the Bismarck-Archipelago, New Guinea, and Northern Solomon Campaigns.

He is a Veterans of Foreign Wars—Lifetime Member of the Dr. George Washington Carver Post 3791, Past Post Commander and Member of the American Legion Dorie Miller Post 306. He is honored to have his own display at the Military and Space Museum in Frankenmuth, Michigan.

After his discharge from the Army, Eddie utilized the GI Bill to study tailoring and TV and radio repair. He moved to Flint in 1953 with the intention of starting his own business. Instead, he hired into General Motors V–8 Plant and worked there for 23 years. He went on to become head of security for Genesee County Community Mental Health, worked with the MTA-Your Ride program, and is head of security at Southeast Christian Church. Married to Betty, Eddie has 8 children and 5 step-children. He is the patriarch of a 5 generation family.

Madam Speaker, I ask the House of Representatives to join me in thanking Eddie Johnson for his service to our country and his continuing devotion to the memory of his fellow patriots. May we always treasure men and women like Staff Sergeant Eddie Johnson for their sacrifice and fidelity to our Nation.

IN RECOGNITION OF THE RETIREMENT OF JANICE KILGORE, DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY IN ESCAMBIA COUNTY, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Janice Kilgore upon her retirement as the Director of the Department of Public Safety in Escambia County, Florida.

For almost 30 years, Janice Kilgore has altruistically served the civic realm. As Director of the Department of Public Safety, Ms. Kilgore dutifully fills a crucial position that greatly affects the citizens of the area. Her service spans several decades and encompasses a wide range of civic commitment.

In addition to her current position, Ms. Kilgore has dedicated most of her life to serving the interests of the public. Beginning in 1968, Ms. Kilgore worked as a student for the Escambia County Sheriff's Office. Twenty years later she was named the Emergency Management Director for Escambia County. For an area prone to hurricanes and advanced emergency escape routes, Ms. Kilgore's position was no small task. Yet, she maintained a bold persistence and remained in the position for almost 10 years. Now, as director of the Department of Public Safety, Ms. Kilgore continues to protect the living conditions and lives of those in Escambia County. The First District of Florida is incredibly fortunate to have received the services provided by Ms. Kilgore. She will be greatly missed upon her retirement.

Madam Speaker, on behalf of the United States Congress. I am proud to honor Janice Kilgore for her enduring allegiance to the First District of Florida. I would like to congratulate Ms. Kilgore on her retirement and wish her many more years of success and happiness.

TRIBUTE TO SHIRLEY KISS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to honor my constituent, Shirley Kiss, on the occasion of her 80th birthday. With Shirley's help and leadership, We Care of Grundy County has evolved into an organization that has helped thousands of residents in Grundy County, Illinois. We Care helps residents by giving them rides to medical appointments, help with their bills or by providing emergency babysitting services to residents in need.

Shirley Kiss began her career with We Care as a phone volunteer 2 years after We Care began providing services in 1971. Shirley's talents became quickly evident and she became Secretary of We Care's Steering Committee in 1975. In 1977, Shirley assumed greater responsibilities when she became Chairman of the Steering Committee. As Chairman, Shirley worked to increase We Care's community presence by giving interviews to WCSJ, the local radio station in Morris. Shirley also worked with community organizations and churches in order to find volunteers and build a network of relationships.

Two years after she became Chairman, Shirley was instrumental in helping We Care become incorporated. Because of Shirley's hard work, We Care became "We Care of Grundy County, Inc." on June 12, 1979. For 21 years, until her retirement, Shirley worked as the first full-time paid Administrator of We Care of Grundy County. Shirley continued her involvement with We Care by returning to a volunteer position on the Board of Directors after her 2000 retirement.

As a longtime resident of Morris, I have seen We Care grow and provide needed services to many members of the community. I congratulate Mrs. Shirley Kiss on the occasion of her 80th birthday and thank her for all of her hard work with We Care of Grundy County.

PRAISING THE CONTRIBUTIONS OF AN AMERICAN PLAYWRIGHT: LORRAINE HANSBERRY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. RANGEL. Madam Speaker, I rise today to celebrate and recognize the birthday of Lorraine Hansberry, whose work, A Raisin in the Sun, became the first Broadway production of a black playwright. Lorraine Hansberry is the foremother of African-American drama. As the youngest American, the fifth woman, and the first black to win the New York Drama Critic's Circle Award as Best Play of the Year for A Raisin in the Sun, she has paved the way for many of her peers. To Be Young, Gifted and Black, an autobiographical portrait in her own words won the record for longest Off-Broadway running drama in 1968.

Lorraine Hansberry's work does not stop at the stages of Broadway; her work provided many in White America with their first exposure to the reality of the pain and struggles associated with being Black in America. She used the success of A Raisin in the Sun as a platform, becoming a spokesperson for the American Civil Rights Movement. Ms. Hansberry's first brush with the struggles of civil rights occurred when her family moved into an all-White neighborhood. White landowners in the area had relied on a restrictive covenant in order to not sell property to any person of color. The legal struggle to permit them to move to and live in an integrated environment led to the landmark Supreme Court case of Hansberry v. Lee, 311 U.S. 32 (1940). This experience later inspired her to write her most famous work, A Raisin in the Sun.

Today marks the birth of this great American 78 years ago. Although her life was cut short, her impact on her peers and her field will continue to be a testimony to hard work and what it means to be deeply committed to the causes of justice and equality.

A PROCLAMATION HONORING SERGEANT MICHAEL L. ART FOR HIS SERVICE IN THE UNITED STATES ARMY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Sergeant Michael L. Art served in the United States Army; and

Whereas, he distinguished himself through valorous actions while serving as a Squad Leader with Company A, 4th Battalion, 39th, an engaged infantry unit dispatched to the Republic of Vietnam; and

Whereas, Sergeant Michael L. Art displayed personal bravery and devotion to duty as a soldier in the United States Army; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Sergeant Michael L. Art for his contributions to his community and country.

HONORING DR. ANDREAS G. TZAKIS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Dr. Andreas G. Tzakis, who is the recipient of the Panhellenic Federation of Florida Award. A Professor of Surgery at the University of Miami's Miller School of Medicine, Dr. Tzakis is one of the top transplant surgeons in the world, as well as a preeminent educator and research scientist.

A native of Greece, Dr. Tzakis attended the University of Athens Medical School and served in the medical corps of the Greek Air Force. He came to the United States in 1977 where he spent the next 6 years as a resident at Mount Sinai Hospital in New York and then the State University of New York at Stony Brook. It was said that he transformed into "one of the best surgeons in the world," while serving as a surgical fellow with the world renowned transplant team of Dr. Thomas Starzl at the University of Pittsburgh.

Dr. Tzakis has served in several leadership positions and is a member of numerous professional organizations. He is a founding member of the International Pancreas and Islet Transplant Association. He has also published over 600 papers, abstracts, and book chapters, and has been a visiting professor at medical schools across the United States, Europe, and Asia. He was recognized internationally in 1994 for the transplantation of two baboon livers into humans, and has led the way in transplanting insulin-producing cells from the pancreas and performing intestinal and multi-visceral organ transplantations.

Madam Speaker, Dr. Tzakis is not only a great surgeon but has also developed innovative techniques that have advanced transplant surgery in general. I am truly honored to recognize a person who has contributed so much to modern medicine, his peers, and the world. His work to save lives is legendary.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CONAWAY. Mr. Speaker, I missed a number of votes on May 6th and 7th as I was attending the funeral service for a soldier who was from my Congressional District and was killed in Baghdad, Iraq while supporting Operation Iraqi Freedom.

On Rollcall vote No. 249, H.R. 3658—a bill to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service. Had I been present, I would have voted "yea."

On Rollcall vote No. 251, H. Con. Res. 317—a Condemning the Burmese regime's undemocratic draft constitution and scheduled referendum.. Had I been present, I would have voted "yea."

On Rollcall vote No. 252, Table Motion to Reconsider—H. Con. Res. 317—a Condemning the Burmese regime's undemocratic draft constitution and scheduled referendum.. Had I been present, I would have voted "nay."

On Rollcall vote No. 25, H. Con. Res. 1109—Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe. Had I been present, I would have voted "yea."

On Rollcall vote No. 252, Table Motion to Reconsider H. Con. Res. 1109—Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe. Had I been present, I would have voted "nay."

On Rollcall No. 255, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 256, S. 2929 to temporarily extend the programs under the Higher Education Act of 1965. Had I been present, I would have voted "yea."

On Rollcall No. 257, Table Motion to Reconsider—S. 2929 To temporarily extend the programs under the Higher Education Act of 1965. Had I been present, I would have voted "nay."

On Rollcall No. 258, On Motion to Instruct Conferees—Farm, Nutrition, and Bioenergy Act. Had I been present, I would have voted "nay."

On Rollcall No. 259, Table Motion to Reconsider—Farm, Nutrition, and Bioenergy Act. Had I been present, I would have voted "nay."

On Rollcall No. 260, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 261, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 262, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 263, H. Res. 1168—Congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes. Had I been present, I would have voted "yea."

On Rollcall No. 264, table Motion to Reconsider—H. Res. 1168—Congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes. Had I been present, I would have voted "nay."

On Rollcall No. 265, H. Res. 1155—Honoring the recipients of the El Dorado Promise scholarship. Had I been present, I would have voted "yea."

On Rollcall No. 266, Table Motion to Reconsider—H. Res. 1155—Honoring the recipients of the El Dorado Promise scholarship. Had I been present, I would have voted "nay."

On Rollcall No. 267, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 268, On Approving the Journal. Had I been present, I would have voted "nay."

On Rollcall No. 269, Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia. Had I been present, I would have voted "yea."

On Rollcall No. 270. Table Motion to Reconsider—H. Res. 1166—Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia. Had I been present, I would have voted "nay."

On Rollcall No. 271, On Motion to Adjourn. Had I been present. I would have voted "yea."

On Rollcall No. 272, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 273. On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 274, H. Res. 1113—Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day. Had I been present, I would have voted "yea."

On Rollcall No. 275, Table Motion to Reconsider—H. Res. 1113—Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day. Had I been present, I would have voted "nay."

On Rollcall No. 276. On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 277, H.R. 5937—To facilitate the preservation of certain affordable housing dwelling units. Had I been present, I would have voted "nay."

On Rollcall No. 278, Table Motion to Reconsider—H.R. 5937—To facilitate the preservation of certain affordable housing dwelling units. Had I been present, I would have voted "nay."

On Rollcall No. 279, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 280, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 281, H. Res. 1175—Providing for consideration of the Senate amendments to H.R. 3221. Had I been present, I would have voted "nay."

On Rollcall No. 282, Table Motion to Reconsider—H. Res. 1175—Providing for consideration of the Senate amendments to H.R. 3221. Had I been present, I would have voted "nay."

On Rollcall No. 283, H. Res. 1175—Providing for consideration of the Senate amendments to H.R. 3221. Had I been present, I would have voted "nay."

On Rollcall No. 284, Table Motion to Reconsider—H. Res. 1175—Providing for consideration of the Senate amendments to H.R. 3221. Had I been present, I would have voted "nay."

On Rollcall No. 285, On Motion to Adjourn. Had I been present. I would have voted "yea."

On Rollcall No. 286, On Motion to Adjourn. Had I been present, I would have voted "yea."

On, Rollcall No. 287, On Ordering the Previous Question H. Res. 1174—Providing for consideration of the bill. H.R. 5818, to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs. Had I been present, I would have voted "nay."

On Rollcall No. 288, Table Motion to Reconsider—H. Res. 1174—Providing for consideration of the bill, H.R. 5818, to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs. Had I been present, I would have voted "nay."

On Rollcall No. 289, H. Res. 1174—Providing for consideration of the bill, H.R. 5818, to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs. Had I been present, I would have voted "nay."

On Rollcall No. 290, Table Motion to Reconsider—H. Res. 1174—Providing for consideration of the bill H. Res. 1174—Providing for consideration of the bill, H.R. 5818, to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs. Had I been present, I would have voted "nay."

On Rollcall No. 291, On Motion to Adjourn. Had I been present, I would have voted "yea."

HONORING EMERGENCY MEDICAL SERVICES WEEK

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SIRES. Madam Speaker, I rise today in honor of Emergency Medical Services Week which takes place the week of May 18 thru May 24, 2008. Emergency medical services are a vital public service, and the members of emergency medical service teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week.

Access to quality emergency care is not only a necessity but dramatically improves the survival and recovery rate of those who experience sudden illness or injury. The emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, and administrators.

The members of the emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. It is appropriate to recognize the value and the accomplishments of emergency medical service providers by designating Emergency Medical Services Week.

Please join me in honoring Extraordinary People, Extraordinary Service and may we all continue to encourage our communities to observe this week with appropriate programs, ceremonies and activities.

REGARDING THE CENTRAL WASHINGTON UNIVERSITY WOMEN'S SOFTBALL TEAM

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. HASTINGS of Washington. Madam Speaker, I rise today to pay tribute to two young women who showed extraordinary character during a recent college softball game in Ellensburg, Washington.

Last month, the women's softball team at Central Washington University played Western Oregon University for a spot in the NCAA Division II playoffs.

During the second inning of this scoreless game, Western Oregon senior Sara Tucholsky hit the first home run of her college career, only to fall to the ground with a knee injury after rounding first base. Unable to finish running around the bases, the only option available to Ms. Tucholsky was to bring in a new runner at first base, which would replace her home run with a single.

At this point, a truly amazing thing happened. Believing that Ms. Tucholsky should not be cheated of her first home run, Central Washington University senior first baseman and White Salmon native Mallory Holtman asked the umpire if the rules would allow members of the opposing team to assist her around the bases. When the umpire agreed, she and shortstop Liz Wallace carried the injured opponent to each bag to complete the home run.

By placing the interests of an athlete from the opposing team above their own, Ms. Holtman and Ms. Wallace, along with the rest of the Central Washington University softball team demonstrated outstanding sportsmanship. Although Central Washington University lost the game, they revealed a level of maturity well beyond their years by helping Ms. Tucholsky to achieve a major softball accomplishment.

I am honored to have this opportunity to recognize Mallory Holtman and Liz Wallace and the rest of the Central Washington University softball team for their selfless actions and generosity, which have moved people across the Nation. These young women exemplified strong character and true sportsmanship with their selfless act. Their university, teammates, Coach Gary Frederick. and the people of Washington are proud of these individuals. I wish them the very best in their future endeavors.

SENATE—*Wednesday, May 21, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who knows all things and from whom nothing is hidden; limitless, timeless, and unchanging, You told us in James 4:2 that we "have not because we ask not." So, Lord, today, we again ask You to heal Senator KENNEDY. We claim for him Your promise in Isaiah 53:5 that "with Your stripes" he can be healed.

Lord, we also ask that You will fill this Chamber with Your glory; fill our minds with Your wisdom; fill our hearts with Your love. Guide our Senators in their deliberations. Remind them that when they feel overwhelmed, You have promised to give them Your wisdom. Lead them in the way of peace and unity, as You bind them together to keep our Nation strong.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 21, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the use of leader time, there will be a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans the next 30 minutes. The time from 11 a.m. until 12 noon today is reserved for tributes to former President Lyndon B. Johnson, commemorating the centennial of his birth. This afternoon, we expect to resume consideration of the House message with respect to the emergency supplemental appropriations bill. The speaking order during the time reserved for LBJ tributes will alternate between the majority and the minority.

As a reminder, cloture was filed last night on amendment No. 4803 related to domestic funding. Under rule XXII, the filing deadline for second-degree amendments is 1 hour prior to the cloture vote tomorrow.

Mr. President, we have second readings. But before getting to that, we also are trying to work out a time agreement, even today. Under the rule, the budget cannot be brought up until tomorrow afternoon at about 4 o'clock. But we can, by unanimous consent, move it to today. If we can work something out with the Republicans today, we will do that.

Last night, Senator CONRAD said he was going to confer with Senator JUDD GREGG, the ranking member of that committee, to see if there is a way we can move to that and shorten the hours. Statutorily, it is a 10-hour time limit. If we start on that tomorrow, the 10 hours would run into the next day.

We know Senator INOUYE and Senator STEVENS are not going to be here Friday. They are going to Senator INOUYE's wedding. Senator INOUYE is getting married. Senator STEVENS is his best man. So we need to try to finish that before Friday morning.

In addition to that, we have the veto override on the farm bill we need to complete. Now, on that there is no time limit. People can talk however long they want. I would hope we would not have to spend a lot of time on that bill. That bill has been debated about as much as anything needs to be debated. It had 81 votes when it left this Chamber. We would hope everyone would recognize we need to dispose of this as quickly as possible. I hope we can get those two matters going.

I have also made a suggestion to the Republican leader—I spoke to the floor staff last night, together with my floor staff—and there will be a decision made by the majority and the Republicans, through Senator MCCONNELL and me, today to see if we can arrive at some way to proceed reasonably to this emergency supplemental.

MEASURES PLACED ON THE CALENDAR—S. 3036 AND S. 3044

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

> A bill (S. 3036) to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.
>
> A bill (S. 3044) to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BUDGET CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, let me say to my good friend, the majority leader, we would be happy to work out a process by which we could have the debate on the budget today. We would even be prepared to have the vote on the budget today, but I understand that is problematic.

Mr. REID. I think we could probably do that.

Mr. MCCONNELL. Well, that is something we could probably work toward, yes.

Mr. President, with regard to the budget, we have our differences in the Senate, but there are a few ideas that have wide bipartisan agreement. One is we need to rein in Federal spending, and another is we need to do our part to ensure that middle-class families keep more of the money they earn.

But the Democrats' latest budget shows we have a very different view of what these ideas mean. Our friends on the other side said they wanted to raise

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

taxes on the rich and keep taxes low for working families. But this budget would provide for the average family a tax hike of $2,300 on people earning as little as $31,000 a year and couples making $63,000 a year. For a little perspective, first year schoolteachers in my hometown earn $35,982, and I do not think they consider themselves rich.

With rising gas prices and economic concerns, middle-class families are tightening their belts. Yet this budget would take more money out of the paychecks of these families to fill the Government's coffers. At a time when all Americans are watching their spending, shouldn't Washington be doing the same?

Not according to this budget, which does nothing to address entitlement spending and sets a new record—a new record—for nonemergency spending, topping the $1 trillion mark for the first time in American history. That is not a record I think we should be welcoming.

So I am a little confused as to why this budget is at odds with the Democrats' promise of keeping taxes low for working families and putting a stop to wasteful Washington spending.

It seems to me, if Congress was serious about letting Americans keep more of the money they earn, we would make tax relief permanent. If we were serious about reining in spending, we would pass a budget that calls for responsible growth. Instead, we are on the verge of passing a budget that goes in the opposite direction, contains the largest tax hike in U.S. history, and sets a new record for spending.

American families cannot afford this budget, American job creators cannot afford this budget, and our economy cannot afford this budget. I urge all of our colleagues to protect the American family's budget by voting against this budget when we have an opportunity to do that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes, and the Republicans controlling the next 30 minutes, with the time from 11 a.m. until 12 noon reserved for Senators to make tributes to former President Lyndon B. Johnson, and the time equally divided and controlled between the two leaders or their designees.

The Senator from Michigan is recognized.

Ms. STABENOW. Thank you, Mr. President.

SUPPLEMENTAL APPROPRIATIONS

Ms. STABENOW. Mr. President, I rise today to speak about two items that are in the supplemental that has come from the House of Representatives. I find it difficult to speak about either one, but particularly the first one, without turning and looking behind me to see the great champion of the Senate, Senator TED KENNEDY, leading this debate and discussion.

The first item I want to talk about is how we help middle-class families, working families who have lost their jobs, to be able to keep their home, their dignity, and put food on the table while they look for that next job.

No one has been a greater champion—no one—in this body or anywhere in the country for working men and women, for folks who are working hard every day to meet the American dream, than our own Senator TED KENNEDY.

So as I speak today, I want to send my wishes, as my colleagues have—all of my colleagues from both sides of the aisle and every part of this building and this city—to say to TED that we miss you and we need you back and we are sending our love and our prayers to you and Vicki and the entire family because we need you. While we are very saddened about the news, we know—as you have championed and had such great courage in fighting for those who have needed a voice, who have needed a champion in the Senate—we know you will fight with the same vigor, and we will be right there with you to do everything we can to make sure you are back leading us, leading the charge.

I have stood on this floor many times with the great leader, the great Senator from Massachusetts, to talk about what is happening to families all across America. I represent a State with the highest unemployment rate in the country. Those in Michigan who are seeing their unemployment benefits expire, who are valiantly looking for work every day, have been looking to us to help them extend that insurance benefit until they can find a job.

We know there are 7.7 million people looking for work right now and competing for about 4 million jobs. So I am proud of the fact that our caucus, the Democratic caucus, has placed creating jobs at the top of the list of the budget resolution we will be discussing and voting on this week.

But in the meantime we have to do everything we can to support those families. In the supplemental that has come over from the House, I am very pleased they have included a greatly needed extension of unemployment insurance benefits because the reality is we have lost, since January, 260,000 good-paying American jobs, 260,000 middle-class jobs—the jobs that pay the mortgage, put food on the table, send the kids to college, buy clothing, pay for gas—which continues to grow outrageously higher every day.

Part of our responsibility is to make sure those families receive the insurance benefits they need while they pick up their lives, move in a new direction, find work, so they can continue to have the American dream.

Some of those families have members who are in Iraq or Afghanistan or around the world serving us right now. Unfortunately, we have too many families where one person—while we are grateful—is serving us in our armed services and the other breadwinner in the family has, in fact, lost their job. So there is a direct relationship between what we are doing to support the unemployed to be able to continue to look for work and to be able to care for their families in the meantime and what we are doing on this supplemental.

Mr. President, there is another incredibly important piece of supporting our troops that is in this legislation coming over from the House of Representatives. Again, I hear the voice of Senator KENNEDY championing this as well in terms of making sure we are doing everything possible for our troops, both when they are in harm's way and when they are coming home, putting on a veterans cap and continuing to live their lives in America.

I am very proud to have cosponsored the 21st century GI bill. Senator WEBB has been our champion. This is bipartisan legislation. Today's veterans deserve the same opportunities and thanks that have been given to earlier generations.

This bipartisan bill has overwhelming support in both the Senate and in the House. Veterans service organizations and millions of veterans and Active servicemembers have raised their voices in support of this legislation.

I don't understand how anyone could fully support our troops by fully funding the needs of our troops and then oppose the GI bill. Full funding for our troops really does include the GI bill. That is what this is all about: making sure we are keeping our promises. The men and women who sign up, who are overseas now, who are in harm's way, who have lost limbs, who come home with post-traumatic stress syndrome, those who are willing to put their lives on the line for us expect us to keep our promises.

I am proud of the fact that our Senate Democratic majority made fully funding veterans health care a top priority when we came into the majority last year. We kept that promise. This is the first year since this war started that we have met the numbers the veterans organizations say are needed to be able to provide health care. This is the second piece we are committed to achieving and making sure we have a 21st century GI bill fit for the brave women and men who are serving us today.

Last week, as chair of our Steering and Outreach Committee, I was able to join 23 other members of our caucus, all of our leadership on the majority side, and we met with 21 members from veterans service organizations who were unanimous in supporting not only the GI bill that is included here, that has come from the House, that we so strongly support, but in saying this should not be a partisan issue, this should not be a political issue, this is the right thing to do. It is the right thing to do. It needs to be done for the right reasons. We owe it to our veterans to pass this. It is a critical part of what is in front of us. It is essential we make sure that when we leave here, we can hold our heads high and say we have provided full funding for our troops by funding the GI bill and including it in this legislation.

This bill will pay for qualified veterans to attend any public university in the Nation. If a veteran chooses to attend a private school, the bill would also allow that to happen. It would pay tuition up to the amount of the most expensive public school in the State, so every choice would be available for our veterans. Under the bill, private contributions would be matched by the Federal Government. There would be sufficient funding for desperately needed books. The costs go up every year. I can attest to that, having put two children through college and seen the incredible expense for books alone, as well as living expenses. Those things would be covered as well. We need to do this because when our veterans get a good college education, all of society benefits. Their family benefits, the community benefits, the country benefits.

Providing a college education for veterans is very important for our economy. World War II provided a great example of how the GI bill made it possible for our greatest generation to get an education, find good jobs, buy a home, contribute to the American economy, and raise their families.

I can speak to that directly. My father was in World War II. He was in the Navy. He came home as a veteran. Because of the GI bill, he was able to get an education, to be a small business owner, to raise a family—which I was very proud to be a part of—to send his kids to college, and to make sure we had what we needed to be able to live our American dream. It was the GI bill after World War II that gave my dad a chance. And through him and through that commitment to my father and to our family, it gave me a chance to be here today as well.

Today's veterans have served our country with the same honor and the same courage as those in World War II. They deserve the same benefits. They deserve the same opportunities, the same chance to shape their futures, the future of their communities, and the future of the American economy.

I also support this bill because it treats our Active-Duty Guard and Reserve Forces the same way through their wartime service. This is especially important now, as we know, as the Guard and Reserve take on a greater and greater share of the combat tours in Iraq and Afghanistan. It is no less important that Guard and Reserve members often return home to communities that don't have the same resources as the Active-Duty servicemembers have on base. So making sure our Guard and Reserve can attend college, can get an education, the skills they need to be successful, will help ease their transition into civilian life.

I stand with those who are supporting our brave men and women in the armed services and those who have served in the global war on terror. This bill is long overdue and should be enacted right now. That is what 21 veterans service organizations have said to us, and millions of veterans across the country. We have a duty to give our veterans what they deserve. They have offered the greatest sacrifice and should be given a chance for a solid education in these competitive times to become successful after their military service is done.

So, like the rest of the supplemental, this is full funding for our troops. It is full funding for our troops. We need to make sure they have what they need, not just on the battlefield but when they return home. We have kept the promise on health care, and our Senate Democratic majority is committed to continue to do that every year.

We have also been committed and are very pleased that the House sent to us a GI bill that we have been working on with leaders in our caucus, including Senator WEBB and certainly our leader, Senator REID, and many others, to make sure we keep the rest of the promise. We need a modern GI bill that fits what is happening for our veterans around the world, to make sure Guard and Reserve are treated with the same dignity and have the same opportunities as our Active-Duty personnel.

As we debate this supplemental, I sincerely hope we will not leave this Chamber without making sure that full funding for our troops includes the passage of this greatly needed GI bill.

Thank you, Mr. President. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I rise today to discuss two important domestic priorities that are funded in the Senate's emergency supplemental. Those two priorities are the Secure Rural Schools and JAG/Byrne funding. These programs are critically important to Montana and rural America. I hope my colleagues continue to support them.

Last year, a 1-year extension of the Secure Rural School and Self-Determination Act was included in the emergency supplemental, giving much relief to rural counties.

We also narrowly lost the opportunity to pass a 5-year reauthorization during the debate on last year's energy bill. But now, today, we have the same opportunity to provide temporary relief while we work to provide the longer term funding solutions that our counties and schools deserve.

Why is this so important? Because county payments assist 600 rural counties and 4,400 schools in 42 States.

A majority of the counties in my State of Montana receive benefits from this program. Without an extension, these communities will suffer, and schoolteachers and county workers will be laid off.

Less money for rural schools means less opportunity for our rural students, lower teacher pay, bigger classroom size, fewer activities, and students who start to fall behind. Rural America's students deserve the same opportunities as their urban counterparts, and this program helps them to keep pace.

Fewer dollars for the counties mean higher local property taxes, poorer roads, and local public work projects that do not get done. Overall, rural economies will suffer in a big way.

In the West, we are rich in public lands. One-third of Montana is in public ownership. Much of it is timberland. It only makes sense that the Federal owners help support local services.

These counties are, by nature, rural, and Secure Rural Schools funding makes up a large portion of their local budget. Without this extension, local communities will not be able to make ends meet. For these reasons, I hope the funding for Secure Rural Schools remains in the supplemental.

I also express my appreciation for the work of Senators WYDEN, BAUCUS, and others who have fought so hard to fund this program over the years. Rural America needs this support to continue.

Another issue I want to draw attention to is the JAG/Byrne funding used by America's drug task forces. These justice assistance grants help local law enforcement agencies fight drug dealers and manufacturers across this country.

There is $490 million in the supplemental to restore funding to this critical program that will bring the amount of last year's level up to $660 million.

Montana has seven drug task forces, which cover three-quarters of Montana's 56 counties. In 2007, Montana's Drugbusters received almost $1.3 million. This year, Montana is set to receive only $473,000. That is a loss of $817,000 in 1 year. The folks on the ground have told me they are going to have massive cutbacks in programs and in surveillance. In fact, 27 of the 49 agents statewide would be laid off. Three of the seven drug task forces would have to close their doors altogether.

Montana is the fourth largest State, geographically. It is too big and expansive for us to think we can keep a handle on drug traffickers with such limited resources. What would happen? More drugs would remain in our communities, more weapons in the hands of criminals, more crimes, and more children would be exposed to danger because they would be continually exposed to volatile situations, criminal behavior, and drugs. We do not want to go backward.

As a result of the efforts of Montana's Drugbusters, there has been a significant decrease in the number of meth labs. For instance, in 2002, there were over 120 labs. In 2006, thanks to the Montana Drugbusters, there were less than 10 labs in the State of Montana. This is great work and this work must continue.

Without the restoration of this funding, our efforts to limit drugs in Montana and throughout the country will be devastated. Our children's exposure to drugs and crime will be increased, and our families will be torn apart. Montana cannot afford it. No State can. Americans deserve better.

I know many of my colleagues share in my strong support for JAG/Byrne funding and county payments. I appreciate their help in developing and continuing these programs. I hope this supplemental, in the end, includes these important programs and that the President signs the supplemental into law.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPROVAL RATING OF CONGRESS

Mr. CORNYN. Mr. President, this week we reached a milestone in Congress, because on Monday it was the 500th day since our friends on the other side of the aisle took control of both the Senate and House following the 2006 election. In those 500 days, we have seen congressional approval rating, according to Rasmussen Surveys, drop to 13 percent of the respondents who believe that Congress has performed in a good or excellent fashion. I believe one reason why we have seen this drop in Congress's public approval rating is because we have failed to address some of the biggest concerns that confront the American people.

Here is a chart. Four of the concerns are depicted here. The first number I mention here is the 96 days that Congress—specifically the House of Representatives—has failed to act to modernize the Foreign Intelligence Surveillance Act. The Foreign Intelligence Surveillance Act, of course, is the law that allows our intelligence community to listen to telephone conversations between foreign terrorists to learn of attacks being planned, so as to not only detect them but also to deter them and defeat our enemies. Why Congress would fail to act to reauthorize this important piece of legislation for 96 days, I think, can only cause us to scratch our heads and wonder what could possibly justify that effective blinding of our intelligence community to new threats and the kinds of threats that could make us safer, if detected, deterred, and defeated, and could make us safer here at home and make our troops safer in places such as Afghanistan and Iraq.

At the same time, we have been waiting 547 days for Congress to take up and pass the Colombia Free Trade Agreement. This is important to our Nation and it is important to my State. Last year alone, Texas sold $2.3 billion worth of goods and produce to Colombia, a large nation in South America. Because of tariffs that are currently imposed on those goods that are sold from Texas to Colombia, or from the United States to Colombia, it actually discriminates against my small business man and woman, against the manufacturer, against the producer of farm goods; whereas, Colombian goods coming into the United States because of another agreement have no similar tariff or financial discrimination.

If the Speaker of the House would take up the Colombia Free Trade Agreement, we could restore a level playing field and create more jobs in the United States because we would be creating more goods here in America to sell in Colombia.

Free trade is something that, amazingly, this Congress seems more and more afraid of, when, in fact, I think it is one of the ways out of our current economic doldrums. If we continue to create new markets for our goods and services across the world, that creates jobs at home. If there is anything like a stimulus package Congress could pass, free-trade agreements, such as the Colombia Free Trade Agreement, is one of them.

It is more important than that because Colombia, of course, is one of our very best allies in Latin America, sitting right next door to Hugo Chavez in Venezuela, someone who is not our friend and has declared us his enemy.

I have to think that Raul Castro and Fidel Castro in Cuba and Hugo Chavez in Venezuela are sort of chuckling to themselves, seeing how America is treating one of our very best allies in Latin America. In fact, it is President Uribe in Colombia who has been heroic in his fight against the narcoterrorists, known as the FARC, who recently, we found out, were not only in cahoots with Venezuela and Hugo Chavez but planning a lot of no good—buying arms, buying military materiel from Russia and other places right in our backyard, in Latin America. Why we would stiff-arm President Uribe in Colombia, one of our very best allies in Latin America, when it is in our self-interest to create more markets to sell American goods and services, frankly, is beyond me.

The next number is 692 days. This is how long some judicial nominees, nominated by President Bush, have been waiting for Senate confirmation.

We know the majority leader pledged to confirm at least three circuit court nominees before the Memorial Day break. We only have 2 more days left to go. Obviously, we are not going to meet that pledged goal. So 692 days with nominees waiting for a vote with no real end in sight. It is clear what is happening. It is an attempt to drag this out until the election is nigh upon us and then the majority leader can say: We can't get any more judges confirmed because we are going to have to wait for the Presidential election to see who will fill those vacancies. But to wait 692 days without even giving these nominees simply the courtesy of a hearing or an up-or-down vote is inexcusable. There is just no reason for it.

The last number on this chart is 758 days. That is the period of time since NANCY PELOSI, now the Speaker of the House, pledged to come up with a commonsense plan to reduce the price of gasoline. Mr. President, 758 days later, the price of gasoline is going through the roof, with no end in sight, and the price of oil, which makes up 70 percent of the cost of gasoline, is going through the roof, with no end in sight.

We have on this side of the aisle offered what I believe to be a very constructive plan to produce more American energy and rely less on imported energy from other parts of the world, and that was rebuffed by the majority. I am left to wonder, if the majority refuses to take advantage of American natural resources and reduce our dependency on imported oil from our enemies at the price of $3.75 a gallon, I wonder if they would reconsider when the price hits $4.75 a gallon or $5.75 a gallon? At what price will we finally wake up in Congress and recognize that the moratorium we passed some 30 years ago which banned the exploration for oil and gas on our Outer Continental Shelf, when oil was $7 a barrel and now is $127 a barrel, when will we reconsider that policy and decide it is in our national interest—our national security interest and our economic interest—to depend more on what God gave us in America, our natural resources, which can be developed in a way that is consistent with a good environment and in a way that is responsible?

It is irresponsible to simply ignore reality or to imagine that we in Congress can suspend the economic laws of supply and demand. As we have seen oil consumption worldwide go to about 85 million barrels a day, we know that countries such as China and India, with growing economies, are using more and more of that oil. So we are competing for a fixed supply of oil, and the law of supply and demand says: If you have a fixed supply but increasing demand, the price is going to continue to go up. But somehow Congress feels as if we can ignore that law or we can defy that law. We can no more defy the law of supply and demand than we can the law of gravity. I think the American people understand that, and I think they are bewildered, as I am, why Congress continues to defy this basic law of economics.

The bill that will be before the Senate today is a very important piece of legislation which bears further witness to why Congress is held in such low regard by the American people. It is because this bill which was designed to be an emergency supplemental appropriations to help fund our troops in harm's way in Afghanistan and Iraq has become a political football and a lot of unrelated projects have been added to this bill, which has caused the President to threaten to veto it, which the majority understands will simply slow down the process of getting these necessary funds, getting this necessary equipment that these funds would pay for, to our troops in harm's way.

Twenty-five days from now—Deputy Secretary Gordon England said that absent additional congressional action, "the Army will run out of military personnel funds by mid-June and operation and maintenance funds by early July." In 25 days, unless Congress acts, the military will run out of personnel funds—that means money used to pay the military their paychecks each month—and will run out of operation and maintenance funds by early July.

I believe it is absolutely inexcusable that as we approach Memorial Day, the men and women of our military are left to wonder whether we will meet our obligation to make sure there is enough money available to pay their paychecks so their families can be provided for after June. While we all have talked about supporting our troops—and that is very important—how much more basic a way is there to support our troops than to make sure they are paid the money they are entitled to on a timely basis and not left to wonder whether Congress will meet that simple obligation? Talk is one thing; action, which would send a different message altogether, is another.

It is indisputable that these men and women in our U.S. military have made tremendous sacrifices for all of us. They have given not only their precious time, some have even given their lives to protect our way of life. Many of them have spent months, if not years, away from their families, missed birthdays, missed births, all in fulfillment of this noble duty to help keep the oppressed free and to protect our national security. Now they are left to scratch their heads and wonder what is going on again in Washington and whether politics is interfering with Congress's willingness to simply do its duty while they discharge their duties abroad.

This critical funding includes not only vital pay and allowances but also the tools our troops need to ensure they have safe passage through neighborhoods they patrol in Afghanistan and Iraq. I am referring to, in part, the Commander's Emergency Response Program, or the CERP. When I was in Baghdad and other places in Iraq in January, the commanding officers said that these are some of the most useful funds we have made available to them. Secretary Gates has called it "the single most effective program to enable commanders to address local populations' needs. . . ." These CERP funds will come to a standstill. Unless Congress acts on a timely basis without loading down this bill with a lot of pet projects and pork, it will come to a standstill. Why would we want to hamstring our commanders in the field in working with local populations to try to win their hearts and minds? As Secretary Gates pointed out, CERP is the key in the effort to get potential insurgents in Iraq and Afghanistan off the streets and into jobs.

Colleagues on both sides of the aisle have long acknowledged the importance of CERP funding. However, despite this acknowledgment, Congress has provided less than a third of what has been requested, and now providing those funds at all is left in some doubt. According to the Department of Defense, unless we provide the remaining $1.2 billion in CERP funds, the program will grind to a halt. What more important thing could we be doing in Iraq than trying to win the hearts and minds of former insurgents and get them deployed so that they lay down their guns and their bombs and engage in not only the political process but in the economic revitalization of that war-torn country. We all agree the Iraqis need to take more responsibility for rebuilding their country, and that is what these CERP funds are designed to ensure. Why in the world would we slow them down or fail to see that they are delivered?

Beyond CERP funds and troop paychecks, the lack of funding begins to also impact other areas. We will see furloughs of civilian employees of the Department of Defense if Congress does not act promptly. Unfortunately, this includes staff members at facilities such as child development centers which many of our troops depend on for daycare for their young ones. It would detrimentally impact services provided to troops and their families at military installations across America and around the world.

It is sad to note this is not the first time Congress has put our troops in this position. Once again, while our troops are waiting for critical funding, needed not only for their own well-being but for the completion of their mission, some of my colleagues will try to use this supplemental funding bill to advance pet projects or to resurrect a tired agenda. Once again, we have seen there will be an attempt to force yet another vote on the precipitous withdrawal of our troops from Iraq; that is, based on a political timetable handed down here in Washington rather than conditions on the ground which will lead to the likelihood of stability and ultimate success. Despite the countless debates we have had on this issue and despite the clear and undisputable evidence of both military and political progress in Iraq, my colleagues will again refuse to pass a clean supplemental bill to support our troops. This debate, of which we know the outcome, will do nothing but delay those funds going to our troops.

It is becoming increasingly evident that American troops and our Iraqi allies are making great progress in areas that were formerly labeled as hopeless. In the New York Times today, there is a story on the front page about how Sadr City, which was basically a no-man's zone, has now been stabilized by Iraqi troops themselves. Violence is down, and communities are fighting back against extremism. Life is slowly returning to normal. Refugees who previously fled that country are returning home. What better could we hope for than to see these sorts of developments? Of course, this is thanks in large part to the sacrifices of our military and our military families.

We also need to acknowledge the great strides being made by the Iraqi Government. By reasonable estimates, the Iraqis have now met 12 of the 18 benchmarks Congress set for them, and they have begun to fight against extremism and senseless violence without regard to affiliation or sectarian identification.

The recent initiative that Prime Minister Maliki undertook in Basra is a good example of taking the initiative, of doing what we had hoped for, and that is taking the training that America and our coalition partners have provided and using that training to fight for themselves. The more the Iraqis stand and fight for themselves, the more American and coalition troops can stand down and ultimately come home.

I think it is important to point out to the American people that what was supposed to be an emergency supplemental appropriations bill is not limited to war-related measures, and this is designed to slow down this important piece of legislation. We know that not only are other pet projects and unrelated spending measures included, there are $10 million in unrelated emergency spending measures that perhaps might be justified in some other context, but we need to have this bill passed cleanly so we can get the money to the troops and so we can debate the merits of these various other programs at a later time. We should not use this bill for controversial policy measures.

Our troops, as well as the American people, deserve more open debate about complex issues—and here are four of them we need to act on—but we should not use this bill to try to get provisions passed without either adequate debate or adequate scrutiny. Things that could not be passed in the light of day should not be passed on this vehicle, this must-pass vehicle. The men and women who have made tremendous sacrifices to serve our country deserve more than to have to be asked to carry on their backs the political agendas of a few of their elected representatives.

Despite the looming shortfalls for military paychecks, the Senate does not seem all that concerned. Despite warnings by the Deputy Secretary of Defense that Congress must act before the Memorial Day recess, the majority leader recently told people it was no big deal if Congress did not. I respectfully beg to differ. Failing to supply a paycheck to our brave soldiers is an incredibly big deal. Playing politics at a time when our soldiers are being left to wonder whether they will be able to pay for their food bill, their gasoline bill, their health care or other items while Congress engages in this sort of gamesmanship is simply inexcusable.

So I think we could improve congressional approval ratings above the 13 percent who think we are doing a good or excellent job if we would simply act on this list of items which has been waiting, some for as many as 758 days, without a response from the Congress and if we would simply quit using something such as an emergency funding bill for our troops in harm's way in order to pass other unrelated pet projects or to try to impose other political agendas. I think if we acted responsibly, in a bipartisan way, to try to solve some of these problems, the American people would respond favorably. That would be good for them, that would be good for the country, and that would be good for the Senate and the Congress, generally.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR KENNEDY AND THE WAR ON CANCER

Mrs. HUTCHISON. Mr. President, in about 20 minutes, I know we are going to turn to pay tribute to Lyndon Baines Johnson. This is LBJ Day in the Capitol, and there are many speeches that will be made, there are many celebrations, there is a huge reunion of the LBJ family and his former staff people and supporters and Cabinet officers, and I am going to speak in that designated hour. But right now, in morning business, I would like to speak about another great Senator. I wish to speak about my colleague, Senator TED KENNEDY.

We all know we got a shock yesterday; that Senator KENNEDY has been diagnosed with a cancerous brain tumor, and he has just been released from the hospital. We are all so grateful he has been able to go to the comfort of his own home with his family as they are deciding how the treatment will go forward. But I wish to take a moment to talk about something we have been working on together.

If I could think of one word for Senator TED KENNEDY, it would be "fighter." He is a fighter for the causes in which he believes. In his 46 years as a Senator, he has fought on behalf of the American people, waging so many battles to advance the causes of justice, opportunity, and peace. Now, he is set to wage the greatest fight of his life, and in that fight he has the support and prayers of all his colleagues and all the American people.

Senator KENNEDY's startling diagnosis comes the week after he and I announced our commitment to renew the war on cancer. For the last several months, Senator KENNEDY and I have been working on a bill to evaluate our progress on cancer research and treatment, address our shortcomings, and renew our commitment to eradicating this disease. There is no other person I would rather be working with on this initiative—now more than ever.

Senator KENNEDY's diagnosis is such a poignant reminder that the battle has not been won. On May 8, the committee he chairs—the Senate Health, Education, Labor and Pensions Committee—held a hearing to discuss the Kennedy-Hutchison bill. Advocates and survivors of cancer such as Lance Armstrong and Elizabeth Edwards spoke about the need for progress and reform in all areas of cancer research and treatment. In the 37 years since the national declaration of the war on cancer, the age-adjusted mortality rate for cancer is still very high. When it is compared to the mortality rates of other chronic diseases, it is extraordinarily high. While there have been substantial achievements since the crusade began, we are far from winning this war. Let's look at the statistics.

Today, one out of two men and one out of three women will develop cancer in their lifetime. In my home State of Texas, approximately 96,000 people are expected to be diagnosed with cancer and 35,000 are expected to die of cancer in 2008 alone. The NIH, the National Institutes of Health, estimates the overall cost of cancer to our Nation in 2007 was $219 billion.

These grim statistics should not belie the wealth of knowledge we have gained over the years, but it is time for legislation to address the shortcomings in the structure of cancer research and treatment. Senator KENNEDY and I are leading the effort to renew our war on cancer. We want to continue our search for cures, more effective treatments, and better preventive measures. The cancer community must embrace a coordinated assault against this disease. We must start looking at more cooperative efforts that focus on the big picture. The bill Senator KENNEDY and I will introduce is targeted at the following: removing barriers currently hindering our progress in cancer research and treatment; improving access to early detection measures and cancer care; reducing disparities in cancer treatment; increasing enrollment in clinical trials—this is a very important part that I think is one of the keys we are missing; and encouraging additional opportunities for cancer research and more cooperative cancer research.

Our bill will encourage the movement of medications and treatment from the laboratory to the bedside more quickly. It is time we started sharing more information. There is great research being done at many of our institutions—some in my home State of Texas and some in his home State of Massachusetts are the very best; in Maryland at Johns Hopkins; in Minnesota. We have wonderful research institutions. But we are not sharing the information enough. We need to make sure this is a wholesale war and we are all in the same army, that we are marching in the same direction, and that we are coordinated in doing that.

As Senator KENNEDY wages his own personal war on this dreaded disease, he will also be leading America's war on cancer with the Kennedy-Hutchison bill that we will introduce in the Senate. So many times Senator KENNEDY has been the voice for the American people. He will truly be the voice for this bill to renew the war on cancer at this very difficult time in his life.

I know he is going to be standing on this floor, he is going to be negotiating this bill, he is going to be relentless in making sure it goes through with bipartisan support. We will work with the President—he will work with this President—because I have seen how he has worked with President Bush to further public education.

Senator KENNEDY and I are going to renew the war on cancer with a new vigor and we are going to do it together, and he is going to pass this legislation. I know he will be by my side in his fight and in his fight for the American people. We are going to support him at this time in every possible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I intend to speak about Senator KENNEDY at a later time in more depth. Certainly there have been a lot of Senators who have said a quiet little prayer for the complete recovery of Senator KENNEDY that would include other colleagues, some of whom we do not even know about. Certainly we know about the recurrence of the cancer in the Senator from Pennsylvania, Mr. SPECTER. We certainly know of the physical health challenges the President pro tempore, Senator BYRD, is going through. Since this is a Senate family, perhaps the world at large doesn't understand that political differences, just as in a real family, can keep people separated. But when there is a time of need and healing, the family comes together. That is certainly the case in what we feel about Senator KENNEDY, Senator SPECTER, Senator BYRD. But I will be speaking about that later.

LYNDON BAINES JOHNSON

Mr. NELSON of Florida. Mr. President, when Lyndon Johnson was Senator and majority leader, he had observed that during the Korean war, often the Soviet Union held the high ground because their MiGs could fly higher than our planes. Certainly as majority leader he went through the shocks that the entire Nation experienced when the Soviets surprised us by the launch of the first satellite, Sputnik. We knew then that the Soviet Union had the high ground. At that point the Nation came together, realizing we had a serious problem because we had an adversary that was dedicated to the elimination of the United States of America and that for our defense interests we clearly had to start doing something about it.

There is the whole story of that extraordinary time of the late 1950s when America came together, when we finally had to reach out to a group of German scientists. We were fortunate, at the end of World War II, to get to Peenumunde, Germany, before the Soviets did, in order to get most of those German rocket scientists, led by Werner von Braun. Ultimately that was the team to which we turned to produce the rocket that could get our first satellite—Explorer was its name—in orbit. But that was after we were shocked.

This Senate, this Congress, under the leadership of Lyndon Johnson, said we have to organize ourselves in a way that we can take this on. That was the birth of NASA, 50 years ago this year. NASA was the National Aeronautics and Space Administration. Now that acronym has become the noun; everybody knows it as NASA. It was the organization that was given the task after that majority leader put that through this Chamber and through the Congress, to have it signed into law by President Eisenhower, with all the ingredients in the law that would give us this Federal agency that could take on this daunting task.

Along comes the election of 1960 and Lyndon Johnson doesn't get the nomination but, because the nominee is smart enough to realize he has to bring together the party in a tough election, Lyndon Johnson is his Vice President. So they get into their first year in office and the Soviets surprise us again and they take the high ground when they launch Yuri Gagarin into one orbit.

Mind you, we didn't even have a rocket at that point that we could put a human on the top of that could get us to orbit. We were still operating off of that Army Redstone rocket that von Braun had successfully put up to put the first satellite in orbit, but it only had enough throw-weight, or power, to take that Mercury capsule with one human in it and put it into suborbit.

I remember when I was a young Congressman back in the 1980s, one day Tip O'Neill, the Speaker, saw me on the floor and he said: Bill, come here. He knew I had just flown in space. He wanted to tell me a story. As a young Boston Congressman, Tip O'Neill was down at the White House—the John Kennedy-Lyndon Johnson White House—and he said: I had never seen the President so nervous that day. He was pacing back and forth. He was just like a cat on a hot tin roof.

He asked one of the aides what is going on, and he realized that Kennedy knew that we were just about to launch Alan Shepherd, only in suborbit—and this is a few weeks after Gagarin has already taken the high ground. Of course it was then a second suborbit with Grissom, and it was 10 months later that America had John Glenn climbing into that Mercury capsule on top of an Atlas rocket that had a 20 percent chance of failure. Of course we know the rest of the story.

Interestingly, what happened in between that time when the Soviets had taken the high ground with Gagarin up, before we could get Glenn up for three orbits, the President made the decision—and it was a bold, new vision—and said we are going to the Moon and back within 9 years. But then he turned to his Vice President to implement it. Therein lay the idea and the secret to one of the most successful governmental and technological achievements in the history of humankind with the White House, specifically the Vice President, directing the way, giving complete carte blanche to their newly selected Director of NASA, Jim Webb, to go forth and do this magnificent technological achievement.

Of course we had to scramble. Even after we had John Glenn up, the Soviets still held the high ground. They did the first rendezvous in space. But then we started to catch up and of course America knows this wonderful success story in which we were able to go to the Moon and return safely, a feat that has not been accomplished by any others.

I come back to why I am standing on this floor today. America has had that success because of the then Vice President of the United States, Lyndon Johnson, who then became President and pushed that program on through to extraordinary success.

It is fitting that the space center that trains those astronauts is named the Lyndon Baines Johnson Space Center.

The PRESIDING OFFICER. The majority leader.

REMEMBERING LYNDON BAINES JOHNSON

Mr. REID. Mr. President, it is my understanding that the time between now and noon is set aside for remarks regarding President Johnson; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, in the summer of 1908, a man named Sam Ealy Johnson, Sr., rode through the Texas hill country, announcing to whomever happened to pass by, "A United States Senator was born this morning!"

The name of his grandson—Lyndon Baines Johnson.

I am pleased today to mark the beginning of the celebration for the 100th birthday of that boy from Texas who would not only be Senator, but Senate majority leader, Vice-President, and President of the United States.

There is a tradition on the floor of the Senate of which our colleagues but few Americans are aware.

If you open any of the desks in the Senate Chamber, you will find carved the names of each Senator who was assigned the desk in years past.

Among the names carved in my desk is Lyndon Baines Johnson.

America and the world know Lyndon Johnson as the President with a steady hand that guided our country through a deeply troubled era—and was the guiding hand in creating the Great Society.

But those of us in the Senate—and his family and dear friends who join us here today—know that it was this Senate Chamber—this Capitol Building—that was his home.

Born in the Hill Country of Texas, Lyndon Baines Johnson came to the Senate in 1948 after prevailing in one of the closest Senate contests in American history.

As my colleagues well know, most rookie Senators arrive in Washington resigned to spending a few years getting to know the rules and traditions of this body—biding their time and gaining seniority.

Not Lyndon Johnson. His rise to power was laser-fast.

He was appointed to the powerful Armed Services Committee within his first 2 years, and was elected assistant democratic leader—or majority whip—in 1951.

No Senator ever rose to the leadership of the Senate faster.

But Lyndon Johnson had good timing as well as talent as his allies.

In the 1952 election, Dwight Eisenhower was elected in a landslide, sweeping Republicans into power in both the House and Senate.

Among the defeated Democrats was Majority Leader Ernest McFarland of Arizona.

With just 4 years tenure, 4 years in the U.S. Senate, Lyndon Johnson became the Democratic leader of the Senate.

At the time, the positions of majority and minority leader took a backseat to the powerful committee chairmanships.

Lyndon Johnson had a different vision, and it is no exaggeration to say that he singlehandedly made the job of leader what it is today.

After establishing himself as the legislative and political leader of the Senate Democrats, Johnson was uniquely well-positioned in 1954, when Democrats regained the majority and he became majority leader.

What followed is the stuff of legend.

Based upon his philosophy that "The only real power available to the leader is the power of persuasion," Lyndon Baines Johnson used that power to the fullest.

In just 1 day in 1956, Lyndon Johnson's Senate confirmed two appointments and passed 90 bills a record that may stand for all time.

The quantity of Johnson's Senate work was impressive, but so was the quality.

As an exhibit at the LBJ library says:

> By working to find common ground uniting liberals and conservatives alike, LBJ's Senate passed legislation to increase the minimum wage, extend social security benefits, increase public housing construction, create an interstate highway system, create a national space agency and enact the first civil rights legislation since 1875. The majority leader's inspiration was the prophet Isaiah, who preached "Come now, and let us reason together," a philosophy—and a result—that unquestionably and dramatically improved the lives of all Americans.

On behalf of my colleagues, I welcome members of Lyndon Johnson's family, his former staff, and friends of the Johnson family to the U.S. Senate to mark his 100th birthday and honor his life.

This celebration is tinged with sadness that his beloved wife Lady Bird passed away last year and is not with us today.

As President, Lyndon Johnson once said—"This nation, this generation, in this hour has man's first chance to build a Great Society, a place where the meaning of man's life matches the marvels of man's labor."

Lyndon Baines Johnson's pursuit of a Great Society is a legacy that changed America forever and will last as long as our Republic stands.

Mr. McCONNELL. Mr. President, I am honored to rise today to speak on the life and legacy of Lyndon Baines Johnson. He served his country as a teacher, naval officer, Congressman, Senator, Vice President, and finally President of the United States. In every stop along the way of his storied career, he blazed new boundaries of the possible in American politics.

When Lyndon Johnson first came to this body in January 1949, he was teased by his fellow Senators with the nickname "Landslide Lyndon," due to his victory in the Texas senatorial primary election by just 87 votes. Within a few years he had taken the fastest path to being elected a floor leader in Senate history.

Johnson went on to serve as both minority leader and majority leader during the 8 years of the Eisenhower administration, and shaped legislation dealing with the Cold War, agriculture, labor and civil rights.

Lyndon Johnson showed the same compassion and courtesy to the Texas rancher or the destitute living in America's deepest pockets of poverty as he did to the powerful and the mighty. In fact, through his generosity of spirit, he made a friend out of one special Pakistani camel-cart driver.

Some of my colleagues who are old enough may remember that in 1961, as Vice President, Johnson toured the country of Pakistan and at one point stopped to meet an illiterate camel-cart driver named Bashir Ahmad.

Still displaying his Texan manners half a world away, the Vice President told the man, "You all come to Washington and see us sometime." Imagine his surprise when Bashir Ahmad decided to take him up on his request.

But the quick-thinking Johnson turned his unexpected guest's visit into a boon for American-Pakistani relations. He met Ahmad personally at the airport, to see the man at the end of his first-ever jet plane ride.

Johnson treated his guest to a barbecue at the LBJ ranch in Texas, enabled him to step onto the floor of this U.S. Senate, and arranged for his visit to the Lincoln Memorial.

He even brought together the camel-cart driver and the former U.S. President, Harry Truman, who was so taken with Ahmad's eloquence that he referred to the Pakistani visitor as "His Excellency."

The final Johnson touch came just as Bashir Ahmad was about to board his plane for the ride home back to Pakistan. He opened a telegram from the Vice President which read: "Since your return to Pakistan takes you so close to Mecca, arrangements have been made . . . for you to visit there."

This was just one example of many of the canny Texan's consummate political skills.

Now just like Bashir Ahmad, I had the honor of being in Lyndon Johnson's presence once, and for a very momentous occasion. In August 1965, I came here, to our Nation's Capitol, to visit Senator John Sherman Cooper.

In 1964, after receiving my undergraduate degree from the University of Louisville, I worked as an intern for Senator Cooper and watched up close as he applied his wisdom and experience to the issues that gripped Kentucky and the Nation in the 1960s.

After completing my first year in law school, I came back to Washington to visit the Senator who had become my mentor and friend.

I was waiting to see Senator Cooper in his outer office when suddenly he emerged and motioned for me to follow him. We walked together from his office in Russell 125 to the Capitol Rotunda, where I saw more people, and more security, than I had ever seen before.

Then Senator Cooper told me what was happening: President Johnson was about to sign the Voting Rights Act, an act that was the culmination of Lyndon Johnson's years of effort in support of civil rights that had begun when he still served in the Senate.

Soon enough, the President emerged. Every good biography of President Johnson describes him as a larger-than-life man, with an imposing physical presence. Let me testify right now, from personal experience, that they are correct.

President Johnson seemed to tower a head taller than anyone else in the room. He was a commanding figure that immediately filled the Rotunda.

A journalist once described a typical Lyndon Johnson entrance as "the Western movie barging into the room"—it's hard to put it better than that.

I was overwhelmed to witness such a moment in history. As he was about to sign the legislation that he would later point to as his greatest accomplishment, President Johnson said, "Today is a triumph for freedom as huge as any victory that has ever been won on any battlefield."

Although I am sure that if my good friend Phil Gramm, the former Senator from LBJ's own Lone Star State, were here, he would add one more honor that ranked above all the rest: Lyndon Baines Johnson, Texan.

Today this U.S. Senate recognizes the legacy of Lyndon Baines Johnson and his many achievements. I join with my colleagues today in asking all Americans to celebrate the Lyndon B. Johnson Centennial.

Mr. DURBIN. Mr. President, in the opening pages of his acclaimed biography, "Master of the Senate," Robert Caro describes Lyndon Johnson in his prime, as majority leader. He recalls how LBJ would come barreling through those swinging double doors in the Democratic cloakroom and stride out onto this floor—all 6-feet 4-inches of him—looking for that last vote he needed to carry his cause. He was, Caro said, like a force of nature.

As the Democratic whip, I have the privilege of occupying an office in this building that LBJ used when he was majority leader of the Senate. This afternoon, I had the privilege of meeting in that office with a longtime assistant of LBJ's, Ashton Gonella.

Mrs. Gonella regaled my staff and about how the office was arranged then, and what it was like to work for Lyndon Johnson.

She said that her desk was located in an outer office, just outside LBJ's office. At 5 o'clock each evening is when the real negotiating began, she said.

Part of her job was to spot a Senator as he walked down the hall, headed for an appointment with LBJ, and have that Senator's favorite drink mixed and ready for him by the time he reached her desk. The Senator would then walk in to see the majority leader and together, they would see if they couldn't find some way to reach an honorable compromise on the issue at hand.

Those were different days in the Senate. If you come to my office today, the strongest drink you are likely to be offered is a cup of coffee or a soda.

I tell that story about LBJ partly to illustrate a point: When it comes to negotiating compromises and finding that lost vote needed to pass a bill, few Senators in the history of this institution have ever come close to Lyndon Johnson.

Stiff drinks were only one of the many means he employed.

There is a famous series of photographs taken by a New York Times photographer. It shows LBJ as majority leader, trying to persuade Senator Theodore Francis Green of Rhode Island to see things LBJ's way. The photos depict what journalists used to call "the full Johnson treatment."

That experience was probably best described by the journalists Bob Novak and Rowland Evans in their book, "Lyndon Johnson: The Exercise of Power." As they put it:

> The Treatment could last 10 minutes or four hours . . . Its tone could be supplication, accusation, cajolery, exuberance, scorn, tears, complaint, the hint of threat. It was all of these together. It ran the gamut of human emotions. Its velocity was breathtaking, and it was all in one direction . . . He moved in close, his face a scant millimeter from his target . . . his eyes widening and narrowing, his eyebrows rising and falling. From his pockets poured clippings, memos, statistics. Mimicry, humor and the genius of analogy made the Treatment an almost hypnotic experience and rendered the target stunned and helpless.

Almost always, the "treatment" succeeded.

He was a master of political power and persuasion. He knew how to accumulate power. More importantly, he knew how to use his political power to make government work. He believed that one of the purposes of government was to try to make America better and more just.

When he was 21 years old, Lyndon Johnson had an experience that had a profound and lasting effect on him. He was studying at Southwest Texas State Teachers College and he took a year off to teach poor Latino children in the little town of Cotulla, TX, near the Mexican border.

Nearly 40 years later, President Johnson spoke of those children and the impact they had on him. Proposing the Voting Rights Act to a joint session of Congress, then-President Johnson said, "Somehow, you never forget what poverty and hatred can do when you see its scars on the hopeful face of a young child."

He added:

> I never thought then, in 1928, that I would be standing here in 1965. It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country. But now I have that chance—and I'll let you in on a secret—I mean to use it.

When he was told that his support for the Voting Rights Act might cause problems for his Administration, LBJ reportedly replied: Well, what the heck's the presidency for? Only he used a different word than "heck."

As a Senator and as President, Lyndon Baines Johnson used what power he had to help give our Nation some of the most important legislation of the second-half of the 20th century—including the Civil Rights Act of 1957—the first civil rights bill in nearly a century—the landmark Civil Rights Act of 1965, the Voting Rights Act, the Elementary and Secondary Education Act, the Fair Housing Act—the list goes on and on.

He was not perfect, by any means. But he helped move America forward in many important ways.

Another phrase that Lyndon Johnson used often was a passage from the Book of Isaiah. It has been a favorite passage of his father's. "Come, let us reason together."

He believed that in a democracy, people could usually find an honorable compromise if they would just talk to each other and "reason together."

In this year of the centennial of his birth, our Nation would be well served if we would all take that lesson to heart.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to talk about one of the most significant Presidents of the 20th century, Lyndon Baines Johnson. Of course, I am especially proud that he is a Texan, my home State, and was the first President to be elected from Texas.

This is the 100th anniversary year of the birth of President Johnson. We all know, during his 6 years as President, he was a passionate advocate for equal rights and expanded opportunities for all Americans.

I did not know President Johnson personally because I was a freshman member, very new member of the Texas legislature, when he died in 1973.

But the gracious family, Lady Bird Johnson, that ever wonderful hospitable wife whom we all loved, wanted to make sure all the legislators in Texas were invited to his funeral. So I was able to attend at the Texas ranch, which of course was a beautiful tribute to his life in the place he loved the most.

Though I did not know him, I will certainly say that since I came to the Senate, I have heard story after story after story about his service in this body. The book about his life, called "Master of the Senate," is considered required reading for all of us here.

Because, in fact, he was a master of this Senate. He did things as majority leader that had never been done before. I have been privileged to know his wonderful wife Lady Bird Johnson, who is one of our most loved First Ladies in the history of our country.

Lady Bird died last year, as was mentioned before. She, in her own light, left a legacy. He worked with her on many of the things she did. The beautification efforts Lady Bird contributed to our country are a part of the overall LBJ legacy. Of course, Head Start, which is one of the major accomplishments of the LBJ administration, giving every child that head start before they enter the first grade so there would be a more level playing field, was also a Lady Bird Johnson initiative.

They worked together to make sure the children of our country had that opportunity. I wish to talk a little bit more about that in a few minutes. But I do wish to mention two of the people I now consider among my real friends, Linda and Luci.

Linda and I went to the University of Texas together. We became friends there. She is a wonderful person. I have become friends with Luci as I have worked for the LBJ Library.

I will never forget, as long as I live, that I was in Austin and was promoting giving blood for one of the disasters, and they needed more blood at the blood bank. I heard on the radio that Luci Johnson had gone to give blood after she heard I was there and promoting the giving of blood. That is the kind of person she is.

She and Linda truly carry on the legacy of their mother, Lady Bird who was a gracious, thoughtful, wonderful person.

Linda and Luci take after their mother, and, of course, the President whom we all appreciated so much for the leadership he gave. They had a wonderful partnership, where they filled in for what the other did not have.

Lyndon Johnson was born in Stonewall, TX, in 1908. After graduating from high school and spending a year as an elevator operator, he began his career in the field of education.

In 1927, he borrowed $75 and started attending Southwest Texas State Teachers College in San Marcos, which today is Texas State University. After graduating in 1930, he devoted a year to teaching Hispanic children at the Welhausen School in Cotulla, which is 90 miles south of San Antonio.

Decades later, when he was in the White House, President Johnson reminisced:

> I shall never forget the faces of the boys and girls in that little Welhausen Mexican School, and I remember even yet the pain of realizing and knowing then that college was closed to practically every one of those children because they were too poor. And I think it was then that I made up his mind, that this Nation could never rest while the door to knowledge remained closed to any American.

Lyndon Johnson never did rest. After serving as a teacher and principal in 1935, he was appointed head of the Texas National Youth Administration. Then 2 years later, he ran for, and won, a seat in the U.S. House of Representatives. He was subsequently reelected to the House in every election until 1948 when he was elected to the Senate. He later went on the ticket with President John Kennedy. It was on November 22, 1963, that fateful day that none of us will ever forget, that Lyndon Johnson became the 36th President of the United States. During his Presidency, Lyndon Johnson moved aggressively to confront the problems that plagued America, especially the extraordinary challenge that had vexed our country since its very beginning, the challenge of racism.

In 1964, Lyndon Johnson used his formidable legislative skills, honed from his days right here in this Chamber as majority leader, to pass the Civil Rights Act. Then, in 1965, he pushed Congress to pass the Voting Rights Act.

The Civil Rights Act was the culmination of a decade-long civil rights movement led by Dr. Martin Luther King, Jr. But in a real sense, it was the fulfillment of a two-century struggle to give life to the words in our Declaration of Independence, "that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

During his term in office, President Johnson also embarked on a war on poverty, creating government programs such as food stamps, the Job Corps, the Community Action Program, and Vista, among others. The war on poverty was a part of a larger initiative that President Johnson called the Great Society. One of the most important aspects of the Great Society was improving American education. President Johnson believed that every American needed a solid public education to turn the aspirations of the Great Society into reality. In his words:

> We must open the doors of opportunity, but we must also equip our people to walk through those doors.

From 1963 to 1969, President Johnson signed over 60 education bills, including a pair of landmark achievements: the Elementary and Secondary Education Act and the Higher Education Act. He also launched Project Head Start. In a very real sense, he was America's first education President.

As President, Lyndon Johnson opened the doors of opportunity for millions of Americans, but he would be the first to acknowledge that we still have a long way to go. As a former teacher, he knew how important education was to the competitiveness of our country. Because of his achievements in the field of education, I worked with all of my colleagues to pass a bill last year naming the Department of Education headquarters after President Johnson. This is the only building in the District of Columbia that bears the name of our 36th President. While attending the naming ceremony last year, I couldn't help but think of Lyndon and Lady Bird Johnson looking down on us and smiling with pride.

I want to also mention something that my colleague, Senator BILL NELSON, mentioned because another of his legacies, of course, is NASA. We all remember when President Kennedy renewed our space initiative, but it was President Johnson who took that initiative—the wonderful words we all remember of President Kennedy, that we would put a man on the Moon—and implemented that vision and made sure that we had the wherewithal to do it. We needed the money. We needed to encourage scientists to propel us into space and put us eventually on the Moon. It was President Johnson, and we now have the Johnson Space Center near Houston, Texas, where we still remember the words: Houston, the Eagle has landed. When we did land on the Moon, it was the first words back to the Johnson Space Center that people heard Neil Armstrong say on that wonderful day.

As a Texan and an American, I am certainly proud of the achievements of President Lyndon Johnson. In his farewell speech, President Johnson said:

> I hope it may be said, a hundred years from now, that by working together we helped make our country more just, more just for all its people, as well as to ensure and guarantee the blessings of liberty for all of our posterity.

It has been almost 40 years since that speech and 100 years since his birth. Looking back, I think we can safely say that our country is more just, and it is more prosperous, thanks in part to the leadership of President Johnson.

On this LBJ day in our Nation's Capital, let's remember a man who helped our country reach the promise of her founding document and gave us a vision of a better America that even now is worthy of our commitment. I am a cosponsor of the resolution honoring President Johnson's service and his positive legacy for our country.

I am pleased to note that in the gallery we have the President's family, and we have the President's extended family. He always considered the Members of his Cabinet, the members of his staff, his extended family. We have the people who are carrying on his legacy, the people who run the LBJ library and the LBJ school, which is such an important part of my alma mater, the University of Texas. It is such a wonderful place for students to come and learn about his era in office, public service. We are in the process of expanding and renovating the library, making sure the library stays the wonderful edifice that it is, with all of the wonderful artifacts in it. There will be a plaza called the Lady Bird Johnson Plaza that will also celebrate the beautification she gave to our country right there on the campus of the University of Texas. The people who are keeping that legacy alive are also with us today. The LBJ ranch that he loved so much, where he and Mrs. Johnson are buried, is also now a park. It is a State park and a national park where people can come and have the freedom to roam. They will be able to walk on trails. They will be able to see a great part of the State that I love so much and he loved so much. The fact that we are preserving that as a park will be one more way to show the love that he and Lady Bird Johnson had for our country.

This is a great day for us in the Capitol. I am proud to be a part of the resolution honoring this wonderful family.

I yield the floor.

Mr. CORNYN. Mr. President, I am pleased to come to the floor today to honor one of Texas' most famous leaders, President Lyndon B. Johnson. This year will mark the 100th anniversary of his birth, and the LBJ Foundation has chosen this week to honor his service to America in Washington, DC.

Texas has a rich history of men and women—often from humble beginnings—who work to accomplish great things. Lyndon Johnson was no exception. Johnson was born near Stonewall, TX, nearly 100 years ago, to Texas legislator and poor farmer Samuel Johnson, Jr., and Rebekah Baines.

Johnson was a natural public servant. In his early days he studied at then Southwest Texas University's teaching college. One of his first teaching jobs was at a small school in Cotulla Texas for Mexican-American children. His work with those students would forever shape his dedication to those in need.

"[They] had so little and needed so much," he once remarked. "I was determined to spark something inside them, to fill their souls with ambition and interest and belief in the future." This eagerness to help others would be a noble and defining characteristic of Lyndon B. Johnson.

While he spent time teaching at several schools across Texas, it was not long before Lyndon Johnson took his first foray into public politics.

Johnson quickly worked his way through the Texas State Legislature and into the U.S. House of Representatives, and eventually into the U.S. Senate.

The seat he took, I should note, is the same seat once held by another very famous Texan, Sam Houston. That same seat now carries a long and honored lineage, and it is my privilege to now serve in this esteemed seat.

Early on, Senator Johnson made a name for himself as a man of action, who would work across the aisle to pass important legislation, and who held an incredible power of persuasion. He quickly became majority whip, and eventually majority leader of the Senate.

I know that one of his greatest accomplishments in the U.S. Senate was the passage of the Civil Rights Act of 1957—a landmark bill to help ensure the right of all people to vote. Of course, Johnson's legacy as a staunch defender of civil rights would not end there.

Of course, Lyndon Johnson's presidency would come in the wake of national tragedy. Despite the conditions under which he took office, President Johnson helped console a nation in mourning, and ensure that America would recover—both physically and emotionally.

President Johnson continued the same fervent defense of Civil Rights in America that he had begun early in his life. He helped enact the Civil Rights Act of 1964, and the famous Voting Rights Act.

At the same time, Johnson worked tirelessly to ensure a better education for all American children, and was a key proponent of NASA and the space race.

Despite the turbulent times under which he served this country, President Johnson did his best to unite our country and promote a freer, more equal society. He will long be remembered for his great advances for the sciences, education, and civil rights—to name just a few accomplishments.

It is my pleasure to stand today and honor President Johnson for his service, not only to Texas, but to our Nation as a whole. In his service to our country he never forgot the many Texas values with which he was raised, and as such he and his wife, Lady Bird Johnson, became iconic figures in Texas History.

Mr. MENENDEZ. Mr. President, this year we celebrate the centennial of the birth of a man who dedicated his life to the proposition that all of us are created equal. A legislator, a president of the Senate, a President of the United States: Lyndon Baines Johnson.

It wasn't just that Lyndon Johnson was one of the first Presidents to care deeply about the well-being of people of color. It was that he was uniquely capable of turning that desire to help into results.

It is almost impossible to overstate the impact of the legislation he pushed through Congress, impossible to overstate how much better off we are as a nation thanks to his heroic efforts to guarantee civil rights voting rights and educational opportunity for all.

Whatever else people will note about Johnson's life, whatever disagreements anyone had with him, whatever brush historians will use to paint him, there is no one who can convincingly cast doubt on his very real devotion to the interests of the less fortunate.

In 1928, Johnson took time off from teacher's college to teach at a small school for young Mexican Americans in Cotulla, TX. Right before he signed the Higher Education Act in 1965, Johnson thought back on his time in the classroom.

He said:

> I shall never forget the faces of the boys and the girls in that little Welhausen Mexican School, and I remember even yet the pain of realizing and knowing then that college was closed to practically every one of those children because they were too poor. And I think it was then that I made up my mind that this nation could never rest while the door to knowledge remained closed to any American.

I was 11-years old when he spoke those words. Seven years later, when it was time for a Latino kid from a working-class family to go to college, I could do it, because of educational assistance from the federal government, assistance Johnson had championed.

Because of him, I could go on to law school. Because of him, I felt that no door in public service could legitimately be closed to me. It is a powerful truth, and it is very clear: I would not be standing here today if it weren't for Lyndon Johnson.

If he were still standing here today himself, still a U.S. Senator, it is hard to believe there would be an atmosphere of hyperpartisanship. It is hard to believe that he would allow compassion to lose out to suspicion in guiding the business of our Nation.

If only he could be with us today, each time we are on the verge of a crucial vote that will test our conscience, if only all Senators could see Johnson's figure towering over them, feel his hand on their lapel, hear his voice in their ear, pushing the legislative process toward a just conclusion.

So as we remember his life this year, there is no better time to rededicate ourselves to the greatest of the principles for which he lived.

There is no better time to make sure that when we sit in the presiding chair, we swing the gavel for justice; that when we speak, we raise our voices for equality; that when we vote, we vote for compassion for fellow human beings regardless of the color of their skin, the language that they speak, or the country in which they were born.

Even in his absence, let us remember his conscience. Let us allow his memory to shame the shadows of bigotry out of this Chamber. And let us fill our hearts with his spirit, so in our Nation, the spirit of progress will endure.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Hawaii.

Mr. INOUYE. Mr. President, in 1960, when I was a young Member of the United States House of Representatives, I had the high privilege and the great honor of seconding the nomination of Lyndon Baines Johnson for President of the United States at the Democratic National Convention in Los Angeles. But, as we all know, Senator John F. Kennedy was nominated. However, before the convention adjourned, Senator Johnson was selected as Senator Kennedy's running mate. In November of that year, the Kennedy-Johnson team prevailed by a very close margin. But in 1963, the tragedy of Dallas brought this winning combination to an abrupt and sad halt.

Lyndon Johnson succeeded President Kennedy, but it was sadly clear to all of Lyndon Johnson's friends that this was not the way he wanted to become President. Nonetheless, Lyndon Johnson assumed the awesome responsibilities of the Presidency and carried forward the unfinished work of President Kennedy.

A year after the assassination, Lyndon Johnson guided the Civil Rights Act of 1964 into becoming our Nation's landmark law on civil rights. It was a great step forward in the rights of men and women. It was also a great step forward for our Nation. But Lyndon Johnson did not stop. In 1965, he secured passage of the Voting Rights Act, opening polling places to all African Americans in the South. Two years later, he nominated the first African American to serve on the Supreme Court. His nominee, Thurgood Marshall, became recognized as one of the High Court's finest Justices. In fact, it was Lyndon Johnson who, during the 11-year period from 1957 to 1968, was behind the first five civil rights laws in our history, either as author or chief architect or primary sponsor.

For a southerner like Lyndon Johnson, taking such a leading role on civil rights took a special sort of courage. Yet he knew he was doing the right thing. He transformed the Emancipation Proclamation of more than 100 years ago into becoming a reality. Civil rights was one of the building blocks that President Johnson envisioned for the Great Society of America. His Great Society Program, which the Congress embraced, provided greater support for education, especially of poor children. From 1963 to 1968, Congress followed his lead and enacted more than 40 major laws to foster education. He also supported the arts and humanities by establishing the national endowments.

His Great Society declared war on poverty. He aided millions of older Americans with passage of the 1965 Medicare amendment through the Social Security Act. He also championed older Americans with the passage of legislation in 1967 against age discrimination in the workplace.

As President, Lyndon Johnson also worked for peace and the survival of mankind. In 1967, he secured the ban on atomic weapons in space, and this is the universal law at the moment. The following year, the Nuclear Non-Proliferation Treaty was signed, and it still stands. Unfortunately, Lyndon Johnson did not seek reelection in 1968 because of the war in Vietnam. But his legacy of leadership in both the Senate and the White House continues to this day.

The man from Texas will always loom large in the history of the United States. For me, it was a most special privilege and a great honor to have known and worked with Lyndon Baines Johnson.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I first came to the Senate in 1967 as a young aide to Senator Howard Baker and was here during the last two years of the Johnson Presidency. So, I heard firsthand stories about Lyndon Johnson, the Senator, and his larger-than-life, in-your-face personality with other Senators. I felt, in the elections of 1966 and 1968—which were my first in politics—how his support for civil rights legislation had made him a controversial President. I felt, also, at my age, the agony of the war in Vietnam. And I watched, with surprise, on television in 1968 when he said he would not run for another term in the Presidency.

Now, today, 40 years later, I see him as I think most Americans clearly see him: as one of our most consequential Presidents and public figures.

Every January or February, my youngest son and I go to Cotulla, TX. Senator HUTCHISON spoke of Cotulla, TX as the place where Lyndon Johnson taught in the elementary grades. I never cease to go to Cotulla, TX without thinking of what a remarkable comment it is upon our country to think that a graduate of San Marcos State could go to Cotulla, TX, and be teaching in an elementary school, and then 13 years later be in the Senate and on his way to being the Minority leader, the Majority leader, the Vice President, and then President of the United States.

There are many examples of how in our country anything is possible. I know of no better example than the life of Lyndon Johnson.

Others will say more about President Johnson and his contribution to the Senate and to our country, but today I want to say a few words about his family. My contemporaries were the Johnson children, Luci and Lynda, and especially Lynda and Chuck Robb. Chuck was Governor of Virginia when I was Governor of Tennessee. We have known each other well since that time.

I saw their daughter, Jennifer, this morning, and I can remember when she had our youngest son Will in a headlock one time at a Governors Conference. I can remember learning, either from Lynda or perhaps it was from Luci, lessons about how children—and the Presiding Officer will appreciate this, especially since his father was a distinguished Governor of Pennsylvania—about how to grow up in a family where your parents are public officials, as Senators or Governors or even Presidents, in their case.

One of the Johnson girls told me she did not like very much going to political events—our children were much the same—until one day their father, President Johnson, said: Let me make a suggestion to you. I want you to find one interesting thing about three people at the event you go to, and then come back to me afterwards and tell me what you found out. Lynda told me that changed the way she thought about going to those events. It gave her a way to go to them and make them more interesting. I told all of our children that, and they did it as well. It was good advice for children of parents in public life.

But in speaking of the family, I want to especially speak of Mrs. Johnson, Lady Bird, and her contribution to preserving the natural beauty of America.

Mrs. Johnson convened the first White House Conference on Natural Beauty, saying:

> Surely a civilization that can send a man to the moon can also find ways to maintain a clean and pleasant earth.

She became the de facto leader of the scenic conservation movement. She raised our consciousness about the natural world in our lives. It is fair to say she is probably the most influential conservationist in America since Teddy Roosevelt.

When I visit my wife's home in the State of Texas in the spring, there are bluebonnets everywhere. Texans are immensely proud of those flowers. In Austin—and Luci Baines reminded me today it is still going stronger than ever—is the Lady Bird Johnson Wildflower Center.

Many States copied Texas' idea of planting wildflowers in the interstate medians. Lady Bird and Lyndon passed the Highway Beautification Act to free us from highway billboard blight and rampant ugliness.

With her encouragement, President Johnson also persuaded Congress to pass the Wilderness Act, the Land and Water Conservation Fund Act, and the Wild and Scenic Rivers Act. She became the first woman to serve on the National Geographic Society's board of trustees.

President Johnson used to joke about how he would turn around and there would be Laurence Rockefeller and Lady Bird in the East Room of the White House cooking up some new conservation agenda for him to pass in the Congress.

Her legacy of natural beauty is secure, but because she is now gone, America's legacy of natural beauty is not so secure. We seem to have forgotten how much natural beauty is an essential part of our national character. Someone once said: Egypt has its Pyramids, Italy its Art, and our country the Great American Outdoors. Or, to put it less grandly, when I am at home in Tennessee, I see the streets named Scenic Drive and Blue Bird Lane, and I read the real estate ads describing the beautiful mountain views. And, if you ask Tennesseans why they live in Tennessee, even the most grizzled will say:

Because there is not a more beautiful place in the world.

Many Americans feel that way about our hometowns. After Lady Bird, there have come a number of stronger and more outstanding environmental organizations devoted to clean air, clean water, and climate change, and more recently, other conservation causes. But most of them seem to have diminished interest in scenic beauty.

There was recently on the Senate floor an effort that nearly succeeded to gut Lady Bird's Highway Beautification Act. It would have allowed hundreds of illegal billboards to become legal. There has been almost no organized outcry about the profusion of thousands of cell towers along the same interstates and in the same communities that Lady Bird sought to protect from junkyards and billboards. These cell towers have replaced almost every available scenic view in America with a tall tower, usually ugly, always with blinking lights. And, most of it is unnecessary because they could have been co-located, or be smaller, or they could have been put below the ridge tops, or even camouflaged. And we still could have had access to our cell phones and our blackberries. The National Park Service even erected a cell tower in clear view of Old Faithful in Yellowstone National Park.

In our enthusiasm to deal with climate change, we are spending billions of dollars to encourage Americans to erect thousands of giant wind turbines that are twice as tall as football stadiums and can be seen for 20 miles, without thinking to pass legislation that would keep them away from our most scenic views, beaches, and mountaintops.

If Ansel Adams were alive today, he would probably be distraught because he would have fewer and fewer beautiful places in America at which to aim his camera.

Lady Bird left America a legacy that honors an essential aspect of the American character, one that today is, unfortunately, too often ignored. If it continues to be ignored, it will never be undone. It is almost impossible to unclutter a highway or renew a view scape once that has been obliterated by ugliness.

So, I would hope that one result of this commemoration of Lyndon Johnson's birthday would be to encourage someone among us—or more among us—to revive in us Lady Bird's passion for the natural beauty of America, to encourage once again the planting of wildflowers, to preserve the view scapes, and to remind American communities of how satisfying it can be to live in one of the most beautiful places in the world.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, Lyndon Johnson has always been a personal hero to me. Every time I find myself in Austin, TX, I make a visit to the LBJ Library. Only for me, it is not a trip, it is more of a pilgrimage. I have been to that library so many times I think I could conduct a blindfolded tour by now.

I was just there a couple months ago. My favorite place in that library, of course, is the Great Society Room, with the plaques on the wall listing the incredible array of legislation and programs that Lyndon Johnson passed into law. You go down it and you read them all: the Civil Rights Act, the Voting Rights Act, Job Corps, VISTA, Upward Bound, the Food Stamp Program, legal services for the poor, the Community Action Program, Community Health Centers, Head Start, the Elementary and Secondary Education Act, the Higher Education Act, Medicare, Medicaid, the National Endowment for the Arts and Humanities, public broadcasting, the National Mass Transportation Act, the Cigarette Labeling Act, the Clean Air Act, the Wilderness Act—Mr. President, it takes your breath away when you look at what this one person, with a Congress, was able to accomplish.

So, Mr. President, I come to the floor today to talk about the "failure" of the Great Society. Yes, the "failure" of the Great Society. At least that is what I have been hearing ever since I first started running for office in 1972 and 1974, coming to the House, and then to the Senate. All those years I have heard from most of my friends on the other side of the aisle and the conservatives what a great "failure" the Great Society was. In fact, this supposed "failure" has become an article of faith among conservatives.

As President Reagan said on May 9, 1983:

> The great expansion of government programs that took place under the aegis of the Great Society coincided with an end to economic progress for America's poor people.

So I thought I would come to the floor today to discuss the "failures" of the Great Society. Well, I wonder where to start. But I suppose a good place to start is with the great Civil Rights Act of 1964.

Think about it. Prior to that act, African Americans faced brazen discrimination and segregation—the American version of apartheid. In many parts of our country, African Americans could not eat in the same restaurants or at the same lunch counters as Whites. They could not use the same bathrooms, the same swimming pools, the same water fountains, the same motels, the same hotels. They literally were consigned, as we know, to the back of the bus.

Well, because of the Civil Rights Act of 1964, and Lyndon Johnson's championship of it, those Jim Crow laws and practices were ended in the United States of America. It became illegal to discriminate based on race, color, religion, gender, or national origin. Now we take it for granted that people of color, different nationalities, different religions are seen in our parks and playgrounds, our libraries, our swimming pools, our sports arenas, our motels and hotels, but it was not so long ago that this was not so. Hardly a "failure."

Another "failure" of the Great Society, of course, the Medicare Program. Let's take a look at that. At the bill signing ceremony on July 30, 1965, President Johnson enrolled former President Harry Truman as the first Medicare beneficiary and presented him with the first Medicare card.

We always talk about life after age 65 as the "golden years." For many, prior to Medicare, life at 65 used to be the "nightmare years"—with tens of millions of Americans unable to even afford basic medical care, condemned to living out their senior years in the misery of untreated or poorly treated illnesses or diseases.

Here, Mr. President, I want to get personal. See, my father, Patrick Harkin, was 54 years old when I was born. My father had an eighth grade education. Most of it he spent as a coal miner. Now, most people don't think there are coal mines outside of Pennsylvania or West Virginia, but Iowa at one time was the second largest coal-producing State in the Nation. Young kids who didn't go to school went to the coal mines. So my father worked for the greater part of more than 20 years in the coal mines. Later on in life, he suffered what they called then the miner's cough, which we now know is black lung disease.

My mother died when I was 10. My father was just about 65, and he had paid enough in, in the 1940s, to qualify for Social Security. So he had Social Security. He had three kids under the age of 18 and no money. He lived in this little two-bedroom house out in the middle of smalltown Iowa. But we had Social Security that kept us together. But I can remember it was like clockwork: Every year, every winter, my father would get sick. He had this miner's cough, and usually in the winter it would get worse and he would come down with pneumonia or something like that. Since we didn't have a car, one of my cousins or someone—and my father did not want to go to the hospital because we didn't have any money. He wouldn't see a doctor because we didn't have money. So one of my cousins or somebody would come over, and he would finally get so sick he couldn't stand it, and they would rush him to Mercy Hospital in Des Moines. Thank God for the sisters of mercy at Mercy Hospital. They would nurse him back to health, get him OK, send him back home. This happened like clockwork every winter. My father was always bothered by it. He was proud. He didn't like to accept charity. Heck, if left to his own devices, he probably would have died a long time before then because he just wouldn't have accepted that kind of medical care.

I can remember coming home on leave from the Navy for Christmas 1965. Now, I hadn't been paying too much attention—I was just trying to keep alive, so I wasn't paying too much attention to legislation and things such as that. I didn't mark the passage of the Medicare bill. I didn't know it even happened. As I said, I was just in the military doing my thing. But I can remember coming home on that Christmas break and seeing my dad, and he showed me his Medicare card. Now he could get medical care. He could go to the doctor. He could go and get taken care of before he got so sick he had to go to the hospital every time. You can't imagine what this was like for him. You see, he felt he had earned this through a lifetime of hard work, working for our country, raising a family. This was not charity. He had earned this. It was part of his Social Security.

So when someone tells me about Medicare, part of the "failures" of a great society—hardly a "failure." I wonder why there aren't more people out here rushing to introduce bills to repeal it if it is such a great "failure." It has saved so many people in our country, such as my father, who lived out the remainder of his years in a little bit better health because of Medicare. So it is very personal with me.

Another "failure" of the Great Society was the Higher Education Act. In 1965, it was rare for young people from disadvantaged and low-income backgrounds to go to college. The only way I got there is I had an NROTC scholarship because of the Navy. That was the only way I was able to go to college. So President Johnson passed the Higher Education Act, creating work-study programs, loans with reduced interest rates, scholarships, opening the door to college for tens of millions of Americans to have access to the American dream—again, hardly a "failure".

In August 1964, Lyndon Johnson signed into law the Food Stamp Act. Prior to that act, hunger was shockingly widespread in America, especially in Appalachia and rural parts of our country and in our inner cities. Thanks to the Food Stamp Program, hunger in America is rare. Tens of millions of Americans—more than half of them children—are ensured a basic nutritional minimum thanks to this program. The farm bill we just passed, with the Presiding Officer's help in getting it passed, expanded the Food Stamp Program. It took out some of the barriers to access, so families in America can get more access for their families and their kids.

In the State of the Union Address in 1988, President Reagan said that the Great Society "declared war on poverty and poverty won." He said this in the State of the Union Address. It is another Reagan myth. Look at the facts. Look at the data. From 1963 until 1970, during the impact of the Great Society programs, the number of Americans living below the poverty line dropped from 22.2 percent to 12.6 percent. The poverty rate for African Americans fell from 55 percent to 27 percent. The poverty rate among the elderly fell by two-thirds. This is an amazing success.

What is unfortunate is that the poverty rate has not fallen significantly since 1970. Our progress has been stalled. Indeed, in the last few years, the gap between the rich and the poor in this country has grown dramatically. So we need a new generation of American leaders committed to reducing the gap. We need a new generation of leaders with Lyndon Johnson's passion and commitment to fighting poverty and hunger and homelessness and inequality and discrimination.

Any fairminded observer would say that LBJ's Great Society was far from a "failure;" it was a monumental success. The Great Society programs defined the modern United States of America as a compassionate, inclusive society, a genuine opportunistic society where everyone can contribute their talents and abilities. The Great Society is very much the living legacy of our 36th President. We see the Great Society today in cleaner air and water, young people from poor backgrounds going to college, seniors and poor people having access to decent medical care, and people of color exercising their right to vote and live in the neighborhood of their choice. We see the Great Society in Head Start, quality public schools, vocational education, college grants and loans—all those rungs on the ladder that people need to achieve the American dream, even those from humble, hardscrabble backgrounds, such as Lyndon Johnson himself or this Senator from Iowa.

Americans have a tendency to take for granted the achievements of the Great Society. But just imagine an America without Medicare, without the Civil Rights Act, without the Voting Rights Act, without title I of the Elementary and Secondary Education Act, without Head Start, without community health centers, without vocational education. I could go on and on. It would truly be a greatly diminished America, a less secure America, a less just America. And without the great companionship of Lady Bird Johnson, it would be a less beautiful America.

I know the Johnson family is here today, including Linda Bird, Lucy Baines, and their families, and many close friends and colleagues of President Johnson and members of his administration. I thank them for keeping the LBJ legacy alive and not letting it become invisible.

Before I close, let me quote from a small part of a speech that was given by Joseph Califano just this Monday at a luncheon here in Washington commemorating the legacy of Lyndon Johnson. Obviously we all remember Joe Califano being Lyndon Johnson's Secretary of Health, Education, and Welfare. Listen to what he said:

> Of even greater danger to our Nation, by making the presidency of Lyndon Johnson invisible, we lose key lessons for our democracy—courage counts and government can work—and it can work to the benefit of the least among us in ways that enhance the well-being of all of us.

I can think of no sentence that sums up the legacy of Lyndon Baines Johnson better than that.

Mr. President, I ask unanimous consent to have the full speech of Joseph Califano printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. Mr. President, as every truly great leader in our Nation's history, Lyndon Johnson brought us a giant step closer to achieving our highest ideals. He fought passionately for social and economic justice for all Americans. He fought to put the American dream within reach of every citizen. That is the legacy we salute today. That is truly the success—and not the "failure"—of the Great Society.

Mr. President, I yield the floor.

EXHIBIT 1

SEEING IS BELIEVING:

THE ENDURING LEGACY OF LYNDON JOHNSON

(Keynote Address by Joseph A. Califano, Jr., May 19, 2008)

For many in this room, Lyndon Johnson's Centennial is a time for personal memories. We remember how LBJ drove himself—and many of us—to use every second of his presidency. We remember his five a.m. wake-up calls asking about a front page story in the New York Times—the edition that had not yet been delivered to our home; his insatiable appetite for a program to cure every ill he saw; his insistence that every call from a member of Congress be returned on the day it was received—even if it meant running the member down in a barroom, bathroom or bedroom; his insistence that hearings begin one day after we sent a bill to Congress; his pressure to get more seniors enrolled in Medicare, more blacks registered to vote, more schools desegregated, more kids signed up for Head Start, more Mexican-Americans taking college scholarships or loans; more billboards torn down faster—for the country, and for Lady Bird.

And we remember his signature admonition: "Do it now. Not next week. Not tomorrow. Not later today. Now."

We who served him saw that Lyndon Johnson could be brave and brutal, compassionate and cruel, incredibly intelligent and infuriatingly stubborn. We came to know his shrewd and uncanny instinct for the jugular of both allies and adversaries. We learned he could be altruistic and petty, caring and crude, generous and petulant, bluntly honest and calculatingly devious—all within the same few minutes. We saw his determination to succeed run over or around whoever or whatever got in his way.

As allies and enemies alike slumped in exhaustion, we saw how LBJ's relentless zeal produced second, third and fourth bursts of energy—to mount a massive social revolution that gave new hope to the disadvantaged. As he did so, he often created a record that Machiavelli might not only recognize, but also envy. To him, the enormous popularity of his unprecedented landslide victory, and every event during his presidency—triumphant or tragic—were opportunities to give the most vulnerable among us a fair shot of the nation's abundant blessings.

We saw these things. But somehow the world beyond—and even the people of his own party—seem not to see.

Throughout this year, and last week in endorsing Barack Obama, John Edwards made reducing poverty a centerpiece of his presidential campaign. Yet he never mentioned Lyndon Johnson, the first—and only—President ever to declare war on poverty and sharply reduce it.

A few weeks ago in his eloquent victory speech in Raleigh, North Carolina, Barack Obama followed a familiar pattern of omission. In recounting the achievements of previous Democratic presidents, he mentioned the pantheon of FDR, Harry Truman, JFK—but not LBJ. Not Lyndon Johnson—not the man who would be proudest of Barack Obama's candidacy and what it says about America, the president uniquely responsible for the laws that gave this man (and millions of others) the opportunity to develop and display his talents and gave this nation the opportunity to benefit from them.

Earlier in the campaign, when Hillary Clinton publicly noted that "it took a President" to translate Martin Luther King's moral protests into public laws, she broke the taboo and mentioned President Johnson. The New York Times promptly rebuked her in an editorial for daring to speak that name—and instantly things went back to normal: Lyndon Johnson was put back in his place as the invisible President of the twentieth century.

The reason, of course, goes back to Vietnam. The tragedy of Vietnam has created a dark cloud obscuring the full picture of Lyndon Johnson's presidency.

Without downplaying in any way the tragedy of the Vietnam war, I am convinced that to make Lyndon Johnson the invisible President—particularly for Democrats to indulge such amnesia as politically correct—is unfair not so much to him, but to our nation and its future.

Why? Because if we make Lyndon Johnson's whole presidency invisible—if we are unable or unwilling to speak his name—we become less able to talk about the lasting achievements of this nation's progressive tradition—a tradition that spans both parties over the last century. If we are unable or unwilling to see this President, we break the chain of history and deny our people an understanding of the remarkable resilience of progressive tradition from Theodore Roosevelt, through Woodrow Wilson. Franklin Roosevelt's New Deal, Harry Truman's Fair Deal and John Kennedy's New Frontier, to Lyndon Johnson's Great Society.

Of even greater danger to our nation, by making the presidency of Lyndon Johnson invisible, we lose key lessons for our democracy: courage counts and government can work—and it can work to the benefit of the least among us in ways that enhance the well-being of all of us. Think about this: Americans under 40 have seen in Washington only governments that were anti-government, corrupt, mired in scandal, inept, gridlocked, driven by polls, favored the rich and powerful, or tied in knots by Lilliputian lobbyists and partisan bickering.

Talk to many Americans today about Washington and they're likely to say: it doesn't work; it doesn't care; it doesn't understand my problems; the special interests control it. Tell an American that Washington can work, it can help them, and they react like doubting Thomas: I won't believe it till I see it.

That's the political reality of our skeptical times: seeing is believing.

So as we begin our observance of this centennial in this critical political year, here is the question: Do we want to rekindle support for progressive ideas, for a modem progressive movement? If so, if we hope to restore belief in a government that serves and lifts up the many as well as the few; if we want to make government work again, then we must see our history more clearly and tell it more completely. We must see the full vision and achievement of Lyndon Johnson's presidency, the domestic revolution that he not only conceived, but carried out. Failure to do so not only distorts our past, it short changes our future. For there is a connection between seeing and believing—and also between seeing and achieving.

We live in an era of political micro-achievement. In recent years, it is considered an accomplishment when a President persuades Congress to pass one bill, or a few, over an entire administration: one welfare reform; one No Child Left Behind. Partisan attacks and political ambition choke our airways, not reports of legislation passed or problems solved.

What a contrast. In those tumultuous Great Society years, the President submitted, and Congress enacted, more than one hundred major proposals in each of the 89th and 90th Congresses. In those years of do-it-now optimism, presidential speeches were about distributing prosperity more fairly, reshaping the balance between the consumer and big business, rebuilding entire cities, eliminating poverty, hunger and discrimination in our nation. And when the speeches ended, action followed, problems were tackled, ameliorated and solved. This nation did reduce poverty. We did broaden opportunity for college and jobs. We did outlaw segregation and discrimination in housing. We did guarantee the right to vote to all. We did improve health and prosperity for older Americans. We did put the environment on the national agenda.

When Lyndon Johnson took office, only eight percent of Americans held college degrees; by the end of 2006, twenty-eight percent had completed college. His Higher Education legislation with its scholarships, grants and work-study programs opened college to any American with the necessary brains and ambition, however empty the family purse. Since 1965 the federal government has provided more than 360 billion dollars to provide 166 million grants, loans and work study awards to college students. Today six out of ten college students receive federal financial aid under Great Society programs and their progeny.

Below the college level, LBJ passed the Elementary and Secondary Education Act, for the first time committing the federal government to help local schools. By last year, that program had infused 552 billion dollars into elementary and high schools. He anticipated the needs of Hispanics and other immigrants with bilingual education, which today serves four million children in some 40 languages. His special education law has helped millions of children with learning disabilities.

Then there is Head Start, To date, more than 24 million pre-schoolers have been through Head Start programs in nearly every city and county in the nation. Head Start today serves one million children a year.

If LBJ had not established the federal government's responsibility to finance this educational surge, would we have the trained human resources today to function in a fiercely competitive global economy? Would we have developed the technology that leads the world's computing and communications revolution?

Seeing is believing.

In 1964, most elderly Americans had no health insurance. Few retirement plans provided any such coverage. The poor had little access to medical treatment until they were in critical condition, Only wealthier Americans could get the finest care, and then only by traveling to a few big cities like Boston or New York.

Consider the changes Johnson wrought. Since 1965, some 112 million Americans have been covered by Medicare; in 2006, 43 million were enrolled. In 1967, Medicaid served 10 million poor citizens; in 2006, it served 63 million people. The program is widely regarded as the key factor in reducing infant mortality by seventy-five percent—from 26 deaths for each 1,000 live births when Johnson took office to less than seven per 1,000 live births in 2004.

The Heart, Cancer and Stroke legislation has provided funds to create centers of medical excellence in just about every major city—from Seattle to Houston, Miami to Cleveland, Atlanta to Minneapolis. To staff these centers, the Health Professions Educational Assistance Act provided resources to double the number of doctors graduating from medical schools and increase the pool of specialists, researchers, nurses and paramedics.

Without these programs and Great Society investments in the National Institutes of Health, would our nation be the world's leader in medical research? In pharmaceutical invention? In creation of surgical procedures and medical machinery to diagnose our diseases, breathe for us, clean our blood, transplant our organs, scan our brains? In the discovery of ingenious prosthetic devices that enable so many of our severely wounded soldiers to function independently?

Seeing is believing.

Closely related to LBJ's Great Society health programs were his initiatives to reduce malnutrition and hunger. Today, the Food Stamp program helps feed some 27 million men, women and children in 12 million households. The School Breakfast program has served more than 30 billion breakfasts to needy children.

Seeing is believing.

It is not too much to say that Lyndon Johnson's programs created a stunning recasting of America's demographic profile. When President Johnson took office, life expectancy was 66.6 years for men and 73.1 years for women. Forty years later, by 2004, life expectancy had stretched to 75 years for men and 80 years for women. The jump was most dramatic among poor citizens—suggesting that better nutrition and access to health care have played an even larger role than medical advances.

For almost half a century, the nation's immigration laws established restrictive and discriminatory quotas that favored blond and blue-eyed Western Europeans. With the Immigration Reform Act of 1965, LBJ scrapped that quota system and put substance behind the Statue of Liberty's welcoming words, "Give me your tired your poor, your huddled masses yearning to breathe free." This Great Society legislation refreshed our nation with the revitalizing energies of immigrants from southern and Eastern Europe, south of the border, Asia and Africa, converting America into the most multi-cultural nation in the history of the world and uniquely positioning our population for the Twenty-First century world of new economic powers. In the year before Immigration reform was passed, only 2,600 immigrants were admitted from Africa, less than 25,000 from Asia and 105,000 from Central and South America. With the lifting of the quotas, in 2006, 110,000 immigrants were admitted from Africa, more than 400,000 from Asia and 525,000 from Central and South America. I can't see LBJ eating at an Ethiopian or Sushi restaurant, but I can see him tapping into the intellectual acumen, diversity and energy of this new wave of immigrants.

Seeing is believing.

Lyndon Johnson put civil rights and social justice squarely before the nation as a moral issue. Recalling his year as a teacher of poor Mexican children in Cotulla, Texas, he once told Congress, "It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country. But now I do have that chance—and I'll let you in on a secret—I mean to use it."

And use it he did. He used it to make Washington confront the needs of the nation as no president before or since has. With the 1964 Civil Rights Act Johnson tore down, all at once, the "Whites only" signs and social system that featured segregated hotels, restaurants, movie theaters, toilets and water fountains, and rampant job discrimination.

The following year he proposed the Voting Rights Act. When it passed in the summer of 1965, Martin Luther King told Johnson, "You have created a second emancipation." The President replied, "The real hero is the American Negro."

How I wish that Lyndon Johnson were alive today to see what his laws have wrought—especially the Voting Rights Act that he considered the most precious gem among the Great Society jewels.

In 1964 there were 79 black elected officials in the South and 300 in the entire nation. By 2001 (the latest information available) there were some 10,000 elected black officials across the nation, more than 6,000 of them in the South. In 1965 there were five black members of the House; today there are 42 and the black member of the Senate is headed for the Democratic presidential nomination.

Seeing is believing.

But LBJ knew that laws were not enough. Thus was born the concept of affirmative action. Johnson's conviction that it is essential as a matter of social justice to provide the tutoring, the extra help, even the preference if necessary, to those who had suffered generations of discrimination in order to give them a fair chance to share in the American dream.

LBJ set the pace personally. He appointed the first black Supreme Court Justice (Thurgood Marshall), the first black cabinet officer (Robert Weaver) and the first black member of the Federal Reserve Board (Andrew Britmmer). He knew that if executives and institutions across the private sector saw qualified blacks succeeding in positions of high responsibility, barriers across America would fall—because for them, he knew, seeing was believing.

Less known, and largely ignored, was Johnson's similar campaign to place women in top government positions. The tapes reveal him hectoring cabinet officers to place women in top jobs. He created what one feminist researcher called in her book, Women, Work and National Policy, "An affirmative action reporting system for women, surely the first of its kind . . . in the White House. . . ." LBJ proposed and signed legislation to provide, for the first time, equal opportunity in promotions for women in the Armed Forces. Signing the bill in 1967, Johnson noted, "The bill does not create any female generals or female admirals—but it does make that possible. There is no reason why we should not someday have a female chief of staff or even a female Commander in Chief."

LBJ had his heart in his War on Poverty. Though he found the opposition too strong to pass an income maintenance law, he took advantage of the biggest ATM around: Social Security. He proposed, and Congress enacted, whopping increases in the minimum benefit. That change alone lifted 2.5 million Americans 65 and over above the poverty line. Today, Social Security keeps some thirteen million senior citizens above the poverty line. Many scholars look at Social Security and that increase. Medicare and the coverage of nursing home care under Medicaid (which funds care for more than 64 percent of nursing home residents) as the most significant social programs of the Twentieth Century.

Seeing is believing.

Johnson's relationship with his pet project—the Office of Economic Opportunity—was that of a proud father often irritated by an obstreperous child- For years conservatives have ranted about the OEO programs. Yet Johnson's War on Poverty was founded on the most conservative principle: put the power in the local community, not in Washington; give people at the grassroots the ability to walk off the public dole.

Today, as we celebrate LBJ's 100th anniversary some forty years after he left office, eleven of the twelve programs that OEO launched are alive, well and funded at an annual rate exceeding eleven billion dollars. Head Stan, Job Corps, Community Health Centers, Foster Grandparents. Upward Bound (now part of the Trio Program in the Department of Education), Green Thumb (now Senior Community Service Employment), Indian Opportunities (now in the Labor Department), and Migrant Opportunities (now Seasonal Worker Training and Migrant Education) are all helping people stand on their own two feet.

Community Action (now the Community Service Block Grant program), VISTA Volunteers and Legal Services are putting power in the hands of individuals—down at the grassroots. The grassroots that these programs fertilize just don't produce the manicured laws that conservatives prefer. Of all the Great Society programs started in the Office of Economic Opportunity, only the Neighborhood Youth Corps has been abandoned—in 1974, after enrolling more than 5 million individuals.

Ronald Reagan quipped that Lyndon Johnson declared war on poverty and poverty won. He was wrong. When LBJ took office, 22.2 percent of Americans were living in poverty. When he left five years later, only 13 percent were living below the poverty line—the greatest one-time reduction in poverty in our nation's history.

Seeing is believing.

Since Lyndon Johnson left the White House, no president has been able to effect any significant reductions in poverty. In 2006 the poverty level stood at 12.3 percent. Hillary Clinton in her presidential campaign has promised to create a cabinet level poverty czar in her administration. In the administration of Lyndon Baines Johnson, the President was the poverty czar.

Theodore Roosevelt launched the modern environmental movement by setting aside public lands and national parks and giving voice to conservation leaders like Gifford Pinchot. If Teddy Roosevelt launched the movement, Lyndon Johnson drove it forward more than any later President—and in the process, in 1965, he introduced an entirely new concept of conservation:

"We must not only protect the countryside and save it from destruction;" he said, "we must restore what has been destroyed and salvage the beauty and charm of our cities. Our conservation must be not just the classic conservation of protection and development, but a creative conservation of restoration and innovation."

That new environmental commandment spelled out the first inconvenient truth: that those who reap the rewards of modem technology must also pay the price of their industrial pollution. It inspired a legion of Great Society laws: the Clean Air, Water Quality and Clean Water Restoration Acts and Amendments, the 1965 Solid Waste Disposal Act, the 1965 Motor Vehicle Air Pollution Control Act, the 1968 Aircraft Noise Abatement Act. It also provided the rationale for later laws creating the Environmental Protection Agency and the Superfund.

Johnson created 35 National Parks, 32 within easy driving distance of large cities. The 1968 Wild and Scenic Rivers Act today protects 165 river segments in 38 states and Puerto Rico. The 1968 National Trail System Act has established more than 1,000 recreation, scenic and historic trails covering close to 55,000 miles. No wonder National Geographic calls Lyndon Johnson "our greatest conservation president."

Seeing is believing.

These were major areas of concentration for Lyndon Johnson's Great Society, but there were many others. Indeed, looking back, the sweep of this President's achievements is breathtaking.

Those of us who worked with Lyndon Johnson would hardly consider him a patron of the arts. I can't even remember him sitting through more than ten or fifteen minutes of a movie in the White House theatre, much less listening to an operatic aria or classical symphony.

Yet the historian Irving Bernstein. in his book on The Presidency of Lyndon Johnson, titles a chapter. "Lyndon Johnson, Patron of the Arts." Think about it. What would cultural life in America be like without the Kennedy Center for the Performing Arts, where each year two million visitors view performances that millions more watch on television, or without the Hirshhorn Museum and Sculpture Garden that attracts 750,000 visitors annually? Both are Great Society initiatives.

The National Endowments for the Arts and Humanities are fulfilling a dream Johnson expressed when he asked Congress to establish them and, for the first time, to provide federal financial support for the Arts to increase "the access of our people to the works of our artists, and [recognize] the arts as part of the pursuit of American greatness."

LBJ used to say that he wanted fine theater and music available throughout the nation and not just on Broadway and at the Metropolitan Opera in New York. In awarding more than 130,000 grants totaling more than four billion dollars since 1965, the Endowment for the Arts has spawned art councils in all 50 states and more than 1,400 professional theater companies, 120 opera companies, 600 dance companies and 1,800 professional orchestras. Since 1965, the Endowment for the Humanities has awarded 65,000 fellowships and grants totaling more than four billion dollars.

Johnson established the Corporation for Public Broadcasting to create public television and public radio which have given the nation countless hours of fine arts, superb in-depth news coverage, and programs like "Sesame Street" and "Masterpiece Theater." Now some say there is no need for public radio and television, with so many cable channels and radio stations. But as often as you surf with your TV remote or twist your radio dial, you are not likely to find the kind of quality broadcasting that marks the more than 350 public television and nearly 700 public radio stations that the Corporation for Public Broadcasting supports today. They, as well as the rest of the media, have been helped by the Freedom of Information Act, the Great Society's contribution to greater transparency in government.

Seeing is believing. So is listening.

For urban America, LBJ drove through Congress the Urban Mass Transit Act, which gave San Franciscans BART, Washingtonians Metro, Atlantans MARTA, and cities across America thousands of buses and modernized transit systems. His 1968 Housing Act, creation of Ginnie Mae, privatization of Fannie Mae and establishment of the Department of Housing and Urban Development have helped some 75 million families gain access to affordable housing.

In the progressive tradition in which Theodore Roosevelt and Franklin Roosevelt confronted huge financial and corporate enterprises, Johnson faced a nationalization of commercial power that had the potential to disadvantage the individual American consumer. Super-corporations were shoving aside the corner grocer, local banker, independent drug store and family farmer. Automobiles were complex and dangerous, manufactured by giant corporations with deep pockets to protect themselves. Banks had the most sophisticated accountants and lawyers to draft their loan agreements. Sellers of everyday products—soaps, produce, meats, appliances, clothing, cereal and canned and frozen foods—packaged their products with the help of the shrewdest marketers and designers. The individual was outflanked at every position.

Seeing that mismatch, Johnson pushed through Congress a bevy of laws to level the playing filed for consumers: Auto and highway safety for the motorist a Department of Transportation and National Transportation Safety Board; truth in packaging for the housewife; truth in lending for the homebuyer, small businessman and individual borrower; wholesome meat and wholesome poultry laws to enhance food safety; the Flammable Fabrics Act to reduce the incendiary characteristics of clothing and blankets. He created the Product Safety Commission to assure that toys and other products would be safe for users. When he got over his annoyance that it took him five minutes to find me in the emergency room of George Washington University Hospital, with my three year old son Joe who had swallowed a bottle of aspirin, he proposed the Child Safety Act which is why we all have such difficulty opening up medicine bottles.

Seeing is believing.

By the numbers the legacy of Lyndon Johnson is monumental. It exceeds in domestic impact even the New Deal of his idol Franklin Roosevelt. It sets him at the cutting edge of the nation's progressive tradition. But there is also an important story behind these programs that speaks to the future—that offers the lessons of what it takes to be an effective President. What lessons does this President have for our nation and his successors, especially those who value the progressive tradition?

First, Lyndon Johnson was a genuine, true believing revolutionary.

His Texas constituency and the tactical constraints of his earlier offices reined him in before he became President. But his experiences—teaching poor Mexican American children in Corolla, Texas, working as Texas director of Roosevelt's National Youth Administration, witnessing the indignities that his black cook, Zephyr Wright, and her husband Gene Williams, suffered during his senate years when they drove from Washington to Texas through the segregated south—fueled his revolutionary spirit.

He saw racial justice as a moral issue. He refused to accept pockets of poverty in the richest nation in history. He saw a nation so hell bent on industrial growth and amassing wealth that greed threatened to destroy its natural resources. He saw cities deteriorating and municipal political machines unresponsive to the early migration of Hispanics and the masses of blacks moving north. To him government was neither a bad man to be tarred and feathered nor a bag man to collect campaign contributions. To him government was not a bystander, hoping wealth and opportunity might trickle down to the least among us. To LBJ, government was a mighty wrench to open the fountain of opportunity so that everyone could bathe in the shower of our nation's blessings. He wanted his government to provide the poor with the kind of education, health and social support that most of us get from our parents.

Second, Lyndon Johnson was perpetually impatient, relentlessly restless, always in a hurry.

Andrew Marvell's words could have been written for him: "But at my back I always hear/Time's winged chariot, hurrying near." Lyndon Johnson saw himself in a desperate race against time as he fought to remedy the damage slavery and generations of prejudice had inflicted on black Americans. Why? Because he feared that, once black Americans sensed the prospect of a better life, the discrimination they had once accepted as inevitable would become intolerable; they would erupt—and, subvert their own cause. "Hell," he said to me during some of those eruptions, "Sometimes when I think of what they've been through, I don't blame them."

He saw himself in a race against time as he sized up Congress, political reality and attitudes of affluent Americans. LBJ knew that he must use—now!—the sympathy generated by John Kennedy's assassination and the huge margin of his own election victory in 1964. He knew that his political capital—no matter how gigantic in the early days of his presidency—was a dwindling asset.

Third, Lyndon Johnson was a man of extraordinary courage.

For me the greatest price our nation pays for our collective blindness is this: By rendering LBJ invisible we lose sight, for the future, of how much a truly courageous political leader can accomplish.

Sure, LBJ had the politician's hunger to be loved. But, more than that, he had the courage to fall on his sword if that's what it took to move the nation forward. He did just that when, in an extraordinary act of abnegation, he withdrew from the political arena to calm the roiling seas of strife and end the war in Vietnam.

To me no greater example of Presidential political courage exists than Lyndon Johnson's commitment in the area of civil rights. He fought for racial equality even when it hurt him and clobbered his party in the South.

After signing the Civil Rights Act in 1964, Johnson was defeated in five southern states, four of them states that Democrats had not lost for 80 years.

Still he kept on. In 1965 he drove the Voting Rights Act through Congress. In 1966, he proposed the Fair Housing Act to end discrimination in housing. His proposal prompted the most vitriolic mail we received at the White House, and Congress refused to act on the bill that year.

In the November 1966 mid-term elections, the Democrats lost a whopping forty-seven seats in the House and three in the Senate. Border and southern state governors met with the President at his ranch in December. In a nasty assault on his civil rights policies, they demanded that he withdraw his fair housing proposal and curb his efforts to desegregate schools.

Undeterred, in 1968, he drove the Fair Housing Act through the senate—tragically it took Dr. King's assassination to give Johnson the leverage he needed to convince the House to pass it.

You have to see political courage like that to believe it. I was fortunate to see it close up. I want our people and future leaders to be able to see it.

Fourth, Lyndon Johnson knew how to use power.

Johnson married his revolutionary zeal, impatience and courage to a phenomenal sense of how to use power skillfully—to exploit a mandate, to corral votes, to reach across the aisle in order to move this nation, its people and the Congress forward.

Lyndon Johnson felt entitled to every lever, to help from every person, every branch of government, every business, labor and religious leader. After all. as he often reminded us, he was the only President we had. He had no inhibitions in reaching out for advice, ideas, talent, power, support. He often saw traditions of separation of powers. or an independent press, or a profit-minded corporate executive, as obstacles, to be put aside in deference to the greater national interest as he defined it. He was brilliantly opportunistic, calling upon the nation and the Congress in the wake of even the most horrific tragedies—the assassinations of John Kennedy and Martin Luther King—to bring a new measure of social justice to all Americans.

He knew how to harness the power of the protestors and the media to tap into the inherent fairness of the American people. He asked Martin Luther King in January 1965 to help with the Voting Rights Act by "getting your leaders and you yourself . . . . to find the worst condition [of voting discrimination] that you run into in Alabama . . . . and get it on radio, get it on television, get it on—in the pulpits, get it in the meetings, get it every place you can . . . . and then that will help us on what we are going to shove through in the end." He loved King's choice of Selma, Alabama. He knew, as he told Dr. King, that when the American people saw the unfairness of the voting practices there, they would come around to supporting his bill. And they did.

He offers a defining lesson in the importance of mustering bipartisan support. These Great Society proposals were cutting edge, controversial initiatives and LBJ assiduously courted Republican members of congress to support them. His instructions to us on the White House staff were to accord Senate Republican minority leader Everett Dirksen and House minority leader Gerald Ford the same courtesies we extended to Senate Majority leader Mike Mansfield and House Speaker John McCormack. It was not only that he needed Republican votes to pass bills like the civil rights, health, education and consumer laws: he saw bipartisan support as an essential foundation on which to build lasting commitment among the American people. He knew that the endurance of his legislative achievements, and their enthusiastic acceptance by state and local governments, powerful private interests and individual citizens across the nation, required such bipartisan support.

He didn't accomplish all he wanted. He called "the welfare system in America outmoded and in need of major change" and pressed Congress to create "a work incentive program, incentives for earning, day care for children, child and maternal health and family planning services."

He saw the threat posed by the spread of guns and proposed national registration of all gulls and national licensing of all gun owners. Congress rejected his proposals. But he did convince Capitol Hill to close the loophole of mail order guns, prohibit sales to minors, and end the import of Saturday night specials.

He tried, unsuccessfully, to get expand Medicare to cover pre-natal care and children through age six, and used to say, "If we can get that, future presidents and Congresses can close the gap between six and sixty-five."

He spotted the "for sale" signs of political corruption going up in the nation's capital and called for public financing of campaigns.

Our nation and its leaders pay a heavy price when such a towering figure—among the most towering political figures of American history—becomes at the same time America's invisible president. In this year, when for the first time in our history a black American is a leading candidate for the Presidency, when so many domestic issues dominating the campaign—access to health care, persistent poverty amidst such plenty, affordable higher education, effective public schools, environmental protection—are issues LBJ put on the national government's agenda, it is time to see the full measure of this President. Too many lessons of his presidency have been ignored because the Democratic party, the academic elite, political analysts and the mainstream media have made him the invisible president.

In this troubled time, when political pollsters and consultants parse the positions of candidates for public office, Johnson's exceptional courage on civil rights should be a shining example for a new generation of political leaders. His recognition of the significance of bipartisan support for controversial—but needed—domestic initiatives, and his ability to muster such support, should be studied by politicians and citizens who seek to change the world. His unique ability to make Washington work, to nourish and maintain partnerships between the Executive and the Congress, the public and private sectors, and to focus the people on critical needs like racial justice and eliminating poverty demonstrate "Yes, we can!" to skeptical citizens who have never seen Washington get it done.

It's time to take off the Vietnam blinders and let our eyes look at and learn from the domestic dimension of this presidency. Let everyone think what they will about Vietnam. But let us—especially Democrats—also recognize the reality of this revolutionary's remarkable achievements.

It is encouraging to me that some of Johnson's severest anti-war critics have begun the call for recognition of the greatness of his presidency.

Listen to the words of George McGovern who ran for president in 1972 on an anti-war platform and maintains that "The Kennedy, Johnson and Nixon administrations were all wrong on Vietnam:"

"It would be a historic tragedy if [LBJ's] outstanding domestic record remained forever obscured by his involvement in a war he did not begin and did not know how to stop.. . . . Johnson did more than any other president to advance civil rights, education and housing, to name just three of his concerns. . . . "

" The late John Kenneth Galbraith, another leading critic of the Vietnam War, has called for "historical reconsideration" of the Johnson presidency:

"In the New Deal ethnic equality was only on the public conscience; in the Kennedy presidency it was strongly urged by Martin Luther King and many others. . . . It was with Lyndon Johnson, however, that citizenship for all Americans in all its aspects became a reality. . . . On civil rights and on poverty, the two truly urgent issues of the time, we had with Johnson the greatest changes of our time. . . . The initiatives of Lyndon Johnson on civil rights, voting rights and on economic and social deprivation. . . . must no longer be enshrouded by that [Vietnam] war."

And listen to Robert Caro, LBJ's most meticulous and demanding biographer:

"In the twentieth century, with its eighteen American presidents, Lyndon Johnson was the greatest champion that black Americans and Mexican Americans, and indeed all Americans of color, had in the White House, the greatest champion they had in all the halls of government. With the single exception of Lincoln, he was the greatest champion with a white skin that they had in the history of the Republic. He was . . . the lawmaker for the poor and the downtrodden and the oppressed . . . . the President who wrote mercy and justice into the statute books by which America was governed."

Historian David McCullough has said that the threshold test of greatness in a president is whether he is willing to risk his presidency for what he believes. LBJ passes that test with flying colors. It's time for all of us to give his presidency the high marks it deserves.

Lyndon Johnson died 36 years ago in 1972. But his legacy endures. It endures in the children in Head Start programs in hamlets across our nation, in the expanded opportunities for millions of blacks, Hispanics and other minorities. It endures in the scholarships and loans that enable the poorest students to attend the finest universities. His legacy endures in the health care for the poor and the elderly that are woven into the fabric of American life. It endures in the public radio stations millions of drivers listen to as they drive to and from work. It endures in the cleaner air we breathe, in the local theatres and symphonies supported by the National Endowments, in the safer cars we drive and safer toys our children play with.

Seeing is believing.

That legacy also endures—let us remember—in the unfinished business of our nation's long progressive movement that he pressed so impatiently for us to finish. LBJ knew that movement could be stalled, but he knew that it must never be stopped.

So, over these few days, as we look back and celebrate this centennial, let us also look forward and let us inspire others to see clearly and fully.

Because seeing is not only believing; seeing has everything to do with achieving.

SEEING IS BELIEVING: THE ENDURING LEGACY OF LBJ

WITH THESE ACTS PRESIDENT JOHNSON AND CONGRESS WROTE A RECORD OF HOPE AND OPPORTUNITY FOR AMERICA

1963

College Facilities, Clean Air, Vocational Education, Indian Vocational Training, Manpower Training.

1964

Inter-American Development Bank, Kennedy Cultural Center, Tax Reduction, Farm Program, Pesticide Controls, International Development Association, Civil Rights Act of 1964, Water Resources Research.

War on Poverty, Criminal Justice, Truth-in-Securities, Food Stamps, Housing Act, Wilderness Areas, Nurse Training, Library Services.

1965

Medicare, Medicaid, Elementary and Secondary Education, Higher Education, Bilingual Education, Departent of Housing and Urban Development, Housing Act, Voting Rights.

Immigration Reform Law, Older Americans, Heart, Cancer, Stroke Program, Law Enforcement Assistance, Drug Controls, Mental Health Facilities, Health Professions, Medical Libraries.

Vocational Rehabilitation, Anti-Poverty Program, Arts and Humanities Foundation, Aid to Appalachia, Highway Beauty, Clean Air, Water Pollution Control, High Speed Transit.

Manpower Training, Child Health, Community Health Services, Water Resources Council, Water Desalting, Juvenile Delinquency Control, Arms Control, Affirmative Action.

1966

Child Nutrition, Department of Transportaton, Truth in Packaging, Model Cities, Rent Supplements, Teahers Corp, Asian Development Bank, Clean Rivers.

Food for Freedom, Child Safety, Narcotics Rehabilitation, Traffic Safety, Highway Safety, Mine Safety, International Education, Bail Reform.

Auto Safety, Tire Safety, New GI Bill, Minimum Wage Increase, Urban Mass Transit, Civil Procedure Reform, Fish-Wildlife Preservation, Water for Peace.

Anti-Inflation Program, Scientific Knowledge Exchange, Protection for Savings, Freedom of Information, Hirshhorn Museum.

1967

Education Professions, Education Act, Air Pollution Control, Partnership for Health, Social Security Increases, Age Discrimination, Wholesome Meat, Flammable Fabrics.

Urban Reserch, Public Broadcasting, Outer Space Treaty, Modern D.C. Government, Federal Judicial Center, Deaf-Blind Center, College Work Study, Summer Youth Programs.

Food Stamps, Urban Fellowships, Safety at Sea Treaty, Narcotics Treaty, Anti-Racketeering, Product Safety Commission, Inter-American Bank.

1968

Fair Housing, Indian Bill of Rights, Safe Streets, Wholesome Poultry, Community Exchange Rules, School Breakfasts, Truth-in-Lending, Aircraft Noise Abatement.

New Narcotics Bureau, Gas Pipeline Safety, Fire Safety, Sea Grant Colleges, Tax Surcharge, Housing Act, International Monetary Reform, Fair Federal Juries.

Juvenile Delinquency Prevention, Guaranteed Student Loans, Health Manpower, Gun Controls, Aid-to-Handicapped Children, Heart, Cancer and Stroke Programs, Hazardous Radiation Protection, Scenic Rivers.

Scenic Trails, National Water Commission, Vocational Education, Dangerous Drug Control, Military Justics Code, Tax Surcharge.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I see the arrival of my seatmate, a great friend, ROBERT C. BYRD, and with permission, I would like to speak for about 2 minutes, if that is all right. I know he has some important words.

Before he leaves the floor, I wish to commend my colleague from Iowa, TOM HARKIN. Tom and I arrived in the Congress together 34 years ago in January of 1973. I have listened to him give eloquent speeches but none better than the one he just gave regarding Lyndon Johnson—not only the importance of the man but the importance of his work and what a better country we are today. We are not that more perfect union yet, but we are getting there. One major step in that direction was created by Lyndon Johnson and a guy by the name of TOM HARKIN who has carried on that tradition as well. So he would be very proud of you. I thank the Senator from Iowa for his remarks this morning.

I have some brief thoughts before deferring to my seatmate and dear friend, ROBERT C. BYRD of West Virginia.

Let me just say to all, we often reflect on the impact this institution has had on the United States, on our beloved country. But on this day, I think we cannot help but consider the impact certain Americans have had on this institution and on our great Republic. At this moment, we reflect not on legislative accomplishments, which are Herculean, as Senator HARKIN has identified—appropriately so, and with great eloquence—or even how that might have changed the fabric of our country—it certainly did—but, rather, on the strength of character required by those who made such achievements possible.

I wish to join my colleagues and others here today reflecting upon and paying tribute to one of this great institution's most revered figures on this centennial anniversary of his birth: the former Senate majority leader, the 35th President of this body and the 36th President of the United States, Lyndon Baines Johnson.

Emerson wrote that:

> None of us will ever accomplish anything excellent or commanding except when he listens to this whisper, which is heard by him alone.

If that is true, then when the whisper traveled through the winds sweeping across the Pedernales River in the plains of central Texas, Lyndon Johnson must have been listening carefully, indeed.

I think we all believe that a society such as ours should aspire to greatness, aspire to that more perfect union our forefathers envisioned. But Lyndon Johnson understood something else of what was required of leaders to get us there: the importance of building alliances, however unorthodox; the ability to find agreement, even with those whom we most disagree with; and perhaps most importantly, Lyndon Baines Johnson recognized that this institution could achieve the most remarkable of things if its Members were willing to do the kind of work that more often than not was decidedly unremarkable.

It was his Herculean skills in the legislative arena, of course, honed on this very floor and in these Halls, that proved such a complement to the wonderful rhetorical flourishes of those who identified the great goals we must achieve. But armed with his skills—his maneuvering, his understanding of his fellow Members, of what they could tolerate, what they could agree with, how far they could move—Lyndon Johnson was able, in his very hands, to mold the successful results of which TOM HARKIN spoke so eloquently. In the absence of that ability, a lot of these achievements would have been nothing more than rhetorical flourishes. It took the brilliance of a legislator—not unlike the skills of the gentleman who sits next to me here this morning, ROBERT C. BYRD—to be able to fashion and create the very legislative achievements we talk about. Indeed, it is often said that it took the hardscrabble southerner from Texas to broker a Civil Rights Act. I don't know of anyone who would disagree with that or with the long litany of legislative achievements TOM HARKIN has identified. But I think it does in a sense a disservice to just identify what was perhaps Lyndon Johnson's greatest skill, and that was moving a political body reluctant to change, as most political bodies are.

To be sure, I would be remiss if I were not to mention my father's relationship with Lyndon Johnson as well. I sit at the desk my father occupied in this body for the more than 10 years he served here. But that relationship went back a lot longer than their years here. My father, as a young law school graduate at the outset of the New Deal, became the first State Director of the National Youth Administration in 1933, and Lyndon Johnson was a young man beginning his career in Texas politics and was running a similar program in that State.

Their relationship started in the 1930s and blossomed during their years in public service in this very institution. I am sort of a creature of this place, in many ways, having grown up here. I was a mere child of 8 when my father came to Congress in 1952, and then to the Senate in 1959, with my seat-mate, Senator BYRD. I sat in the family gallery in 1959 and watched him take the oath of office. Three years later, I sat on the floor, dressed like these young men and women, as a Senate page and watched Lyndon Johnson maneuver through this building. In those days, there were no television cameras or microphones that can carry your voice through the halls of this room and beyond. I would watch Lyndon Johnson at this table in front of me here. Members would gather around because you could not hear everything he said—intentionally, I might add, as he was careful that not everything he said was necessarily heard by everyone about the schedule of the Senate, or he may have been talking about achievements that were made. I was here for some of the all-night sessions when the civil rights debates were going on. I developed friendships, which I still hold today, with the other young pages I worked with in those early days.

Lyndon Johnson and my father and Lady Bird and my mother had a great relationship. I have shared with Lynda, Luci, and their families that I remember vividly Mrs. Johnson being at our home. My mother and she would meet with Mercedes Douglas, Justice Douglas's wife, to practice Spanish together. They had a great relationship over the years. I remember vividly, as well, President Johnson and Lady Bird Johnson hosting a surprise wedding anniversary party for my parents at a restaurant here in Washington one evening, as they celebrated their 35th wedding anniversary. So there are family ties that run long and deep.

I remember in 1964, when Lyndon Johnson very graciously invited my father and Hubert Humphrey to come to the White House on the eve of the Vice Presidential nomination in Atlantic City. There was no doubt that Humphrey would be the choice, but it was the gracious act of a President to recognize a friendship he had with this young man from Connecticut, going back to the 1930s, that he invited him to be part of that raising the expectation that he might be chosen as a Vice Presidential running mate for Lyndon Johnson. My father seconded Johnson's nomination in 1960 when I was a page, as well, and watching history unfold.

So it is with great joy that I come to the floor this morning to celebrate a remarkable life that made a huge difference. When students ask us—as they oftentimes do—"can any one person make a difference in the life of other people?" you need look no further than the initials LBJ. It is a story of how one individual, as TOM HARKIN said, born in the hardscrabble territory of central Texas, grew up and served in this body, managed this institution, produced the results he did, and became President of a country that allowed us to achieve the great achievements of the 1960s.

We are all beneficiaries of Lyndon Johnson's legacy. It is highly appropriate, not only today, this week, or in the year of this centennial anniversary, and with great frequency, to remind the young people sitting here today as pages that these great achievements didn't happen miraculously. They weren't given out with a gracious heart of those who fought. They were won in hard-fought battles that produced these results. Our generation, your generation, will have to fight hard, too, to make sure we are going to achieve good things and learn the lessons of Lyndon Johnson—how hard he fought to make a difference in his country and in the world in which we live.

I am honored to be joining those who today celebrate the life, celebrate an achievement our country benefited from, and as long as we survive as a republic, the legacy of Lyndon Baines Johnson. It is a great moment that we ought to remember and cherish for years and years to come.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, today the Senate marks the 100th anniversary of the birth of Lyndon Baines Johnson. The Senate has changed much, in a sense; in another sense, it has changed little since the days when Senator and Majority Leader Johnson strode through these halls and presided over this great body.

I was fortunate to serve with Majority Leader Lyndon B. Johnson. I was fortunate to serve with President Lyndon B. Johnson. And although most Americans remember Lyndon B. Johnson in his role as President of the United States, it is as majority leader and Senator that I especially recall Lyndon B. Johnson.

As I noted upon his death in 1973:

> In his heart, [he] was a man of the Senate. He had a deep and abiding faith in this body, and its place in the past and the future history of this Republic.

It is, therefore, most fitting on the centennial of Lyndon Johnson's birth that he be remembered here in this Senate that he loved.

Lyndon Baines Johnson was the majority leader when I came to the Senate in 1959, and from my first day in the Senate, and for the next 2 years, Senate Majority Leader Lyndon Johnson was a mentor and friend, as well as a leader, to me. At that time, my colleagues, the Senate had a long tradition that a newcomer to the Senate would not be assigned to the more important Senate committees. Yet—hear this, my colleagues—Majority Leader Lyndon B. Johnson placed me on the Appropriations Committee, even though there were several other more senior Members who coveted a position on that prestigious committee. The rest, as they say, is history, still in the making, because I, ROBERT C. BYRD, am still on the Appropriations Committee.

Whenever I went to Lyndon B. Johnson with problems concerning my State of West Virginia, in every instance Majority Leader Johnson was considerate and, in every instance, Majority Leader Johnson tried to be helpful to me. I acknowledged that support and leadership, not only to me but to the Senate, the Democratic Party, and to our Nation, in an address that I titled "The Role of the Majority Leader in the Senate," given at the end of my first year in the Senate. I pointed out that Senator Johnson was "the cohesive, the centrifugal force by which the majority is held together."

When he became Vice President of the United States, I again paid tribute to my former colleague and mentor, declaring that his "political leadership in the Senate [was] a guide and an inspiration to all of us."

Amidst tragedy, on November 22, 1963, Lyndon Johnson became President of these United States. His administration achieved many accomplishments, especially in the areas of civil rights and social policy.

I believe, however, in the observation I made at the time of Lyndon B. Johnson's death:

> The years Lyndon Johnson spent in the Senate might well have been the happiest and the most satisfying of his life.

Lyndon B. Johnson will long be remembered here 100, even 200, years and more after his birth, for his leadership, his sagacity, his wit, for the sheer enjoyment he derived from working in the Senate, and his obvious love for this body and the great Nation it serves.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, this is an opportunity for me to speak about the supplemental appropriations bill, but I would be remiss if I did not recognize the extraordinary life and service of President Lyndon Baines Johnson.

I can remember graphically, as a high school student at La Salle Academy in Providence, RI, going down to, at that time recently named, Kennedy Plaza in Providence to see President Johnson in a motorcade on his way to Brown University to deliver a major policy address with, at that time, the senior Senator John O. Pastore. They were both celebrating tremendous legislative accomplishments in education, health care, and civil rights, none of which would have been wrought except by the vision and work of Lyndon Johnson.

We are commemorating an extraordinary President, an extraordinary gentleman, someone truly larger than life whose contribution and whose influence is with us today. In fact, many days on this Senate floor, I think our tact is to live up to his ideals and his accomplishments and to make them fresh again in both the heart and spirit of America. I hope on our best days we do that.

SUPPLEMENTAL APPROPRIATIONS

Mr. REED. Mr. President, I wish to focus my remaining remarks on the supplemental appropriations bill which is pending before the Senate. We passed a supplemental appropriations bill out of the Appropriations Committee, which I serve on, last week. This bill contains $168.9 billion for funding operations in Iraq and Afghanistan. That is the amount the President requested. But importantly, this bill also includes significant contributions to the domestic economy of this country, to the needs here at home, not just overseas.

It includes funds for LIHEAP. At a time when oil is topping $130 a barrel, the drain on low-income Americans and seniors particularly, simply to pay heating prices, and in the Southwest and South of our country, cooling prices this summer are extraordinary. It is a burden. It is a huge burden. We have incorporated some funds for that situation.

We also have moneys for unemployment insurance, not only necessary to sustain families in a time of economic crisis but also one of the most effective stimulus devices. The money from unemployment insurance goes quickly from the recipient to the local market, to all the needs of a family struggling in this economy to get by. It is a tremendous way to stimulate our economy. So it has both individual benefits and economic benefits for the country as a whole.

I must also point out that included in these domestic provisions is extraordinary legislation by Senator WEBB, my colleague from Virginia, the enhanced GI bill of rights. Senator WEBB has done an extraordinary job, and it is not surprising. He approaches this not only as a very astute legislator but as a combat marine veteran of Vietnam. He has borne the burden of battle. He understands now, in the famous words of President Lincoln, that it is our responsibility to take care of those who have borne the burden of battle.

This responsibility is, I think, one of the most paramount we face, and his legislation goes right to the concerns of so many returning veterans: How will I get back to education? How will I fund my education? How will I be similar to my predecessors, the generation of my father—when so many had the opportunity to go to college, and then not only did they contribute to their own family's well-being, they helped build an economic powerhouse we have seen in America since World War II.

This is a program, again, which I think is extraordinarily important. I commend Senator WEBB for his vision, for his persistence, and for his passion. I hope we include it in the final version of the supplemental appropriations bill.

As I mentioned before, we are putting funds in for LIHEAP. I offered an amendment to include $1 billion. It is so necessary. In places such as California, there are 1.7 million households behind in their utility bills. That is up 100,000 from last year, and last year was a difficult year for many. There are 650,000 households in Pennsylvania that are receiving shutoff warnings, a huge number of families who are facing the end of their utility service. In a very uncertain economy, it is difficult to reestablish that relationship going forward unless we help them.

We have seen a 162-percent increase in energy costs since 2000. It is extraordinary. There is no paycheck for working Americans that has gone up 162 percent, but their energy bills have. We have seen heating oil prices in the last year increase 35 percent. So this is something that is absolutely critical, just as unemployment insurance, just as so many aspects of this legislation.

There are also included provisions not requested by the President. There is some assistance for the global food crisis and for the terrible natural disasters in Myanmar and China.

We also include, as another aspect of the legislation, something that is absolutely, I believe, critical, and that is conditions on our policy with respect to Iraq, particularly. This Congress has, over my strenuous efforts otherwise, essentially given the President a blank check. He demands money, and he has been given money but without conditions. I think it is the responsibility of this Congress to impose reasonable conditions on the funding, to not only govern our operations but also to make it clear to the Iraqi Government that they are ultimately responsible for their own safety, their own future, their own stability, the future of the Iraqi nation and the Iraqi people. It is not something we can do for them. We have rendered extraordinary assistance to them, but the task is truly theirs, and they must seize that task.

These conditions, I think, are terribly important. One would, for example, ensure the readiness of our troops, who are being stretched to the limit, ensure they are ready when they are deployed. That is something I hope no one is arguing with.

Another provision directs the Government to negotiate cost sharing for fuel and troop training with the Iraqis. The Iraqi Government has accumulated upward of $10 billion or more because of the surging oil prices. Very little, if any, of those funds is being devoted to their own people or to the joint effort we have undertaken with them to stabilize the country. It is only fair that they should begin to pay their fair share, particularly since they are sitting on a significant amount of money resulting from high energy prices. That money should be devoted to stabilizing their country and helping their people, much more so than they are doing today.

Then there is another provision which is something Senator LEVIN and I have been stressing for many months now, and that is to begin a transition of the missions our military forces and diplomatic forces are performing in Iraq, particularly our military forces, instead of an open-ended mission, and we have seen this mission from the President's standpoint change dramatically.

As you will recall, the first mission was to find and destroy the weapons of mass destruction, a very difficult mission, since there were no weapons of mass destruction. Then there was the mission of creating a democratic oasis in the Persian Gulf, a very grandiose mission, more or less, and that mission, I think, has been discounted dramatically over the last several months by the President's own rhetoric. He has talked now about simply creating a country that will sustain itself and not threaten its neighbors.

We have to focus not on these globalized missions which are more dogmatic and ideological, but on things the military should be doing for our protection in the context of redeploying forces out of Iraq. Those missions are, in my view, force protection—we have to ensure our forces are fully protected—counterterrorism, because we cannot surrender that mission anywhere in the world; we have to be able to seek out and destroy those terrorist cells that are plotting and planning against the United States and our allies; and third is to train the Iraqi security forces because we do have to provide a force that will stay behind, a force that will help stabilize that country.

The essence of the Levin-Reed amendment has been to move from the open-ended missions of today to these discrete missions and, in so doing, begin a deliberate, consistent disengagement of our forces and a reduction of our forces in Iraq. That is a policy that will, I think, work, and it is a policy that eventually, ultimately must be followed.

I think the reluctance of the administration to entertain any conditions whatsoever over the last several years has undermined, in the long run, our ability to influence the Government of Iraq and also to reassure the American public we are not into an open-ended, unlimited commitment, stretching years and decades and beyond, that our mission is discrete, that our mission in terms of military presence is coming down and will not reverse itself, and that we are doing all we can in that context to save lives in Iraq.

On 9/11, this country was struck by terrorists. The United States, this Senate, the Congress, the administration rallied together with unanimity and with purpose. We authorized and supported an attack against Afghanistan because that is where the perpetrators were lodged, that is where al-Qaida was headquartered. They were collaborating with the Taliban government. They were given safe haven there. The planning for so much of what went on, on that fateful day, originated from Afghanistan. That is where bin Laden, that is where the leadership of al-Qaida was. We struck there, and I must say in an extraordinarily successful operation—and credit and criticism must be given, and there is great credit in terms of the leadership of the administration, our military forces conducting a very sophisticated operation, an operation that used our advantages with precision weapons, used very effectively our special forces, and used collaborative efforts with forces on the ground in Afghanistan and also the collaboration and support, in many respects, of the international community. But rather than consolidating our gains after that successful operation and pursuing al-Qaida in Pakistan, where the leadership fled, the administration turned immediately, almost immediately, to Iraq. And not out of any, I think, strategic need, but out of a dogmatic political, ideological need.

They thought Iraq would be a relatively easy target. They were speaking in those days, informally at least, about a very short operation, and that almost immediately Iraq would blossom as a source of democratic inspiration and market economics in that region. We know the history has not been that cheerful. And that diversion to Iraq, I believe, was a deeply flawed strategy. It was an attack on a country that did not represent an immediate threat to the United States, a point I made on the floor of this Senate as I opposed the resolution of 2002 to conduct those operations.

Because we were pursuing not a strategic necessity but an ideological obsession, it was not a mission that was well advised or well planned for. There was more hope than planning involved, more ideology than practical commonsense application of force to a threatening situation in the world. One of the unfortunate ironies of this is that as we have been obsessed and committed in Iraq, al-Qaida has reconstituted itself as an incredible force once again. The whole purpose of our attack in Afghanistan, the whole thrust of our efforts immediately after 9/11, was to decisively and, we hoped, irrevocably destroy al-Qaida. Al-Qaida is back. While we have been engaged in this hugely expensive mission—expensive not only in terms of resources but in terms of the lives of our soldiers, marines, sailors, and airmen, and also the wear and tear on our military forces—al-Qaida has been quietly rebuilding.

The other thing that has happened unwittingly is that Iran has become a much more credible threat to stability in the region; has become even more influential and powerful. In some respects, this is a direct result of our engagement in Iraq.

Also in that time period, we stood by as the North Koreans overthrew the agreed framework, seized the plutonium that was in the reactors around Yongbyan and took it away. Now we are trying desperately to put together another agreement with the North Koreans, but after years in which they not only tested longer range missiles but also detonated a nuclear device. They crossed a threshold that had never been crossed before, they detonated a nuclear device, and our reaction was, I think necessarily perhaps because of our engagement in Iraq, one of seeking, perhaps too late now, a diplomatic approach. But if you go back to 2000, we had a framework in place that looks very much like the framework they are working out today. We had the plutonium secured, North Korea had not tested a nuclear device, and there were hopes that with further active negotiations we could make additional progress. That, I think, too, is a cost of our engagement in Iraq.

It has also greatly diminished our standing in the international community. This is not just a nice thing to have. An essential attribute of national power is the respect, the esteem, the cooperation, the good wishes, the goodwill, and the political and diplomatic support of other nations, because in this world most of the great challenges cannot be met alone. That was contrary, I think, to the unilateralism that abounded in this administration; that if in fact we are going to do something significant, longstanding and sustainable, it requires a multinational approach and the foundation of that approach is the goodwill and good wishes of the people of the world. This administration has squandered much of that.

It also is contributing, and we can debate how much, to this faltering economy. Oil today is $130 a barrel. Some of that is attributable to the instability in the gulf region; the fact that Iraq has not been producing the same volume of oil consistently over the last several years that it did before the operation. This geopolitical uncertainty has contributed significantly to the price of oil and it is also, I think, contributing to the overall economic issue we are addressing here today, a very critical issue in the United States.

Another aspect of this policy is that we have stretched our military, our land forces, to the brink, if you will. They have seen significant deployments consistently time and time again and the toll is adding up on our military forces. We are now left, and the next administration is left, and this Congress and the American people, with dealing with the consequences of this flawed strategy. I believe we have to begin to recognize and realistically assess the political and military situation in Iraq. We have to begin to develop and implement achievable missions for our U.S. forces there and their civilian counterparts, and then we must turn our attention to restoring our economic prosperity and growth, and rebuilding our military, which has been significantly stretched and stressed by this operation.

We have to also reorganize our civilian resources to deal with the ongoing threats in the world. That is something this administration has yet to do effectively—to develop a complementary power of our State Department officials, our agriculture officials, and all those people who must be part of this approach to a kind of warfare that is, in many cases, less about firepower and more about reaching people with economic progress and educational reform, and water systems. Those are more potent weapons sometimes than any precision-guided missile we might deploy.

I think our first step in all of this is passing this supplemental appropriations bill, with conditioned funding for our forces, with reasonable conditions about the mission and the responsibilities the Iraqi Government should have, and also once again beginning to invest in the American people, investing in keeping them warm in the winter through LIHEAP and keeping them cool through LIHEAP in the summertime; giving them a chance, if they lose their job, to at least keep looking for some support with extended unemployment benefits, and so many other things we have included in this. I think that is critical.

Now, I mentioned before I have felt since 2002 that the strategy of the administration toward Iraq was flawed significantly. It was, I think, a product of a dogma. No one can I think dispute the power of democracy, and it is a power that is not exclusive to our culture. It is a human demand, the ability to live with a sense of personal integrity and personal freedom. But I think the administration didn't realize you need the institutional capacity to have a democratic government, and this capacity is not automatic nor is it built up in a matter of weeks or months. We have seen in Iraq, and in so many other places, that democratic elections do not necessarily lead to democratic political forces controlling a country; that you need to build carefully over, I would suggest, many years the institutional capacity so that elections lead to true democracy, not simply legitimizing those people who are antidemocratic.

I think this has been one of the tremendous flaws of the President's concept of the mission. As a result, we started off with, obviously, I think, an ill-conceived mission of eliminating weapons of mass destruction in a country in which it turned out there were no weapons of mass destruction. People forget that the United Nations put inspectors on the ground, and that it was this administration who hastened their departure, rather than using these inspectors over time to establish whether there were weapons or whether there were no weapons, or at least to do it in a way in which subsequent military action would be legitimized by either noncooperation of the Iraqis or the fact that the questions couldn't be established or answered. But they quickly rushed to a military option, and I think that option has had unfortunate consequences for the United States.

One of the principal consequences, and I mentioned this in my introductory comments, is the fact that al-Qaida, the existential threat to this country, as evidenced by 9/11, has in fact reconstituted itself, not only in the border regions of Afghanistan, to a degree, but much more particularly in Pakistan, in the federally administered tribal areas. These are poor tribal areas ill governed by the Government of Pakistan. In fact, there are provisions in their organic laws which limit their real access to these areas. It has a population of 3 million people, and in that 3 million people al-Qaida, bin Laden, and al Zawahiri have found sanctuary and a safe haven, that continues today.

In a sobering report released last month by the Government Accountability Office, they stated:

> The United States has not met its national security goals to destroy terrorist threats and close the safe havens in Pakistan's FATA.

And this is 7 years after 9/11.

> Since 2002, the U.S. has provided Pakistan with $10.5 billion in military, economic, and developmental aid. Half of it has gone to the

> military. But despite these actions—despite this extraordinary amount of money—GAO found broad agreement, as documented in the National Intelligence Estimate, State and embassy documents, as well as defense officials in Pakistan, that al-Qaida had regenerated its ability to attack the United States and had succeeded in establishing a safe haven in Pakistan's FATA.

Now, I thought the point of our national strategy after 9/11 was to destroy al-Qaida and to eliminate any possibility of a safe haven anywhere in the world. And according to these documents, our embassy, our Defense officials, our national intelligence agency, al-Qaida has reestablished itself and has found safe haven. I would suggest that is, I think, a stunning indictment of the strategy of this administration over the last several years; again, I think an unfortunate consequence of the obsession that they have chosen to pursue in Iraq.

An even more disturbing finding of GAO is:

> No comprehensive plan comprised of diplomatic, economic, intelligence and military efforts for meeting U.S. National security goals in the FATA has been developed.

The one thing that seems to be consistent about the administration is they do not do much planning. There was no plan for Iraq and, according to the GAO, there is no plan for Pakistan and the federally administered tribal areas there.

A key part of the plan that must be developed in Pakistan is economic development. Because what I have witnessed, in the several times I have been to Pakistan, is that this is not strictly, as so many of these conflicts are, a military action. It requires providing economic support, it requires giving people a sense that their fate should be linked to their legitimate government, and that government should be pursuing goals which are not strictly sectarian. That government should be a government relatively open and democratic, and that the appeal of the extremist is weakened if people have that sense of confidence in their government, confidence in their future. That is not a military issue essentially; that is an issue of economic development, of supporting legitimate institutions of the state, be it Pakistan or elsewhere.

That has been recognized by, I think, many experts. But the senior U.S. Embassy officials in Pakistan admit there has been overreliance on the Pakistani military to achieve U.S. national security objectives; that we have not developed a complementary approach of a comprehensive strategy which includes economic, political, and social development also.

As a result, in March, the Director of the Central Intelligence Agency, Michael Hayden, described al-Qaida's safe haven as a "clear and present danger to the United States." The chairman of the Joint Chiefs of Staff, ADM Michael Mullen, has stated:

> If I were going to pick the next attack to hit the United States, it would come out of the FATA.

Now, let us be clear. It is not out of Iraq, it is not out of Mosul, or Basra, or Baghdad, it is out of the FATA. That is the view of the chief uniformed officer of the United States. The 2008 Director of National Intelligence annual threat assessment, which represents the combined judgments of 16 U.S. intelligence agencies, has concluded that:

> The resurgence of the FATA now poses a preeminent threat to the United States national security.

The problems of the FATA are being highlighted by deteriorating conditions in Afghanistan.

What we have seen from the initial success in Afghanistan has been a steady, at times rapid, deterioration of conditions there. It is evident that our efforts in Afghanistan are being undermined by what is happening in Pakistan. Not only have we taken our eye off the major threat, al-Qaida, and allowed it to reconstitute, we are in danger of seeing the progress we have made in Afghanistan slip away.

In 2003, the Taliban, the former government, and their followers, who have continued to try to assert their will in Afghanistan, were operating squad size units. Now we have reports they are operating in battalion size units of almost 400 people, showing the climate has changed radically. Suicide bombers have attacked at rates that were not observed in Afghanistan until relatively recently, but as you have no doubt surmised, it is something that has been imported through terrorist networks into Afghanistan.

Afghanistan's index of corruption is among the highest in the world. You have a state that has marginal capacity to govern well and wisely. Again, this is after many years of our involvement, our engagement. Also, there was a sense that, initially at least, before Iraq, Afghanistan was the major test of our ability, not only to defeat al-Qaida but also to create or help create, in collaboration with the Afghanis, a stable government. That test is in danger of failing miserably.

Afghanistan now provides 93 percent of the world's opium. One of the great additional ironies, now it is one of the major suppliers of drugs, and it is doing so while we maintain our military and diplomatic presence there.

We have a NATO contingent there, but frankly NATO has not been able to fulfill all of its obligations, putting more pressure on our military alliance forces. I think we have to urge NATO to be more helpful. Hopefully, they will. But, as a result, we have sent additional forces in there, about 4,300 troops. We are prepared to send more. This is adding additional stress and strain on our military forces.

As I look, we are seeing a situation in which the principal objective in response to 9/11, the principal place where our enemies were, has now been relegated to the third page of the paper, as the headlines are dominated by Iraq. I think we have a situation where we have literally taken our eye off the major existential threat.

We have another consequence of our operations in Iraq, and that is we have empowered Iran. Iran is heavily involved in Iraq. Its objectives are questionable. They have an interest in maintaining strategic depth by keeping the regime in Baghdad as one that is friendly to them, not hostile as the Baathists were. Also, they have many colleagues in the Iraqi Shia movement. Some of these individuals actually fought with the Iranians against the Iraqis in the 1980s in the Iraq-Iran war.

Iraq is materially assisting all the major Shia parties. They have not limited themselves to one party or one particular group. As we all know, in March of this year, President Ahmadinejad visited Iraq for 2 days. The present government in Iraq, Prime Minister Maliki and all, rolled out the red carpet—literally. He arrived in a motorcade and ran around Baghdad in a sport coat. When any of our colleagues go or when any of our major administrative officials go, it is surreptitiously, it is guarded, and it is in a flak jacket. So there is something going on there with respect to this Government of Iraq and Ahmadinejad and his warm welcome. I think it graphically shows the influence they have in that country.

We are finding a steady supply of IEDs which our military authorities trace to Iran, or at least their technology. Iran is heavily engaged in funding social organizations and building a model they have used elsewhere—Hezbolla in Lebanon, Hamas in the Palestinian Authority—where they are able to not only help them organize the military force but help them carry out social functions, helping people, helping widows, providing relief. That is very powerful when you have a dysfunctional government and that is the case in Iraq.

We also know, on another track, the Iranians are attempting to develop a nuclear fuel cycle. The IAEA, the International Atomic Energy Administration, has been spending decades trying to track the developmental work of the Iranian Government. In 2006 there were documents found of possible nuclear dimension to their program in Iran. This is of great consequence to us. There is a legitimate concern that if the Iranian Government were able to develop a nuclear fuel cycle and could produce nuclear material, they would not be able to resist the temptation to develop a nuclear device. That would be of significant consequence in the region and in the world.

All that is happening in the context of our energies and our attention being overwhelmingly devoted to Iraq. There is a connection between the growing geopolitical clout of Iran in the region and our situation within Iraq. In the long run, I think we might look back and discover that one of the real costs of Iraq was the emergence of a much more difficult, much more threatening, much more powerful Iran.

As I mentioned earlier, while we have been focused so strenuously on Iraq, North Korea has broken out of the Agreed Framework. They have expelled international inspectors. They have withdrawn from the Nuclear Non-Proliferation Treaty. They restarted their nuclear installation at Yongbyon. It is estimated that up to 50 kilograms of separated plutonium, enough for at least six nuclear weapons, have been taken by the North Koreans and dispersed somewhere in the country.

On October 9, 2006, the North Koreans conducted a nuclear test—crossed a red line they had never done before, detonated a nuclear device. Fortunately, over the last several months the administration has reinstituted serious negotiations with the North Koreans. Under the able leadership of Ambassador Christopher Hill, they have begun to identify and work with the North Koreans to identify where the plutonium might be, where there are other nuclear materials, nuclear technologies, and they are beginning to walk back where we were, ironically, in the year 2000 and provide some sense of a diplomatic solution to a very pressing problem.

But I would argue this would be a very different situation if we were not so decisively involved and engaged in Iraq.

I mentioned also, in the course of these last several years, our involvement in Iraq has hurt us in terms of the world's opinion. That is not just a nice thing to have, it is an essential thing to have. In late 2001, 52 percent of Turkish citizens and 75 percent of our British allies viewed the United States favorably. Now that favorable view has dropped to 9 percent in Turkey and 51 percent in Great Britain—one of our longest and most significant allies, Great Britain, and Turkey, one of the most significant members of NATO and also a Muslim country. We have seen our public approval drop precipitously.

In a poll conducted by the BBC just last month, 47 percent of citizens in 25 countries said the United States is playing a mainly negative role in the world. That type of public opinion will not inspire political leaders around the world to help us very much. In fact, to do so they have to consciously operate against their own public opinion. That is a difficult challenge anywhere.

Last month, Zogby and the University of Maryland surveyed citizens of Saudi Arabia, Egypt, Morocco, Jordan, Lebanon, and the UAE and found 83 percent had an unfavorable view of the United States. These countries are moderate Arab countries, so to speak, whose support in this effort in Afghanistan and Iraq and elsewhere is necessary. Their unfavorable view of the United States is alarming.

One of the keys we know of prevailing in this struggle is to challenge and rally the forces of moderation and democracy through the Arab world, of getting the people of the Arab world to understand that we are trying to assist them. That is not working, unfortunately.

Then, as I mentioned, we have the economic consequences of the war. In December 31, 2002, the New York Times reported:

> The administration's top budget official estimated today that the cost of a war with Iraq could be in the range of $50 billion to $60 billion, a figure that is well below earlier estimates from White House officials—

Then OMB Director—

> Mitch Daniels would not provide specific costs for either a long or a short military campaign against Saddam Hussein. But he said the administration was budgeting for both, and earlier estimates of $100 billion to $200 billion in Iraq war costs by Lawrence B. Lindsey, Mr. Bush's former chief economic adviser, were too high.

To date we have approved $526 billion for operations in Iraq—far in excess of any of the estimates of the administration. That spending is affecting what we can do to help our own citizens, what we can do to play a positive role in the world—not in a military sense but in a diplomatic and international sense, helping in so many different areas.

Now, to gain some perspective on the $500-plus billion that we have committed to Iraq, what we could have used it for, this amount accrued plus the amount in the supplemental we are considering would have been sufficient to provide health insurance coverage to all the 45 million uninsured Americans for the timeframe 2003 to 2008. That is taken from the Joint Economic Committee. That would be a significant benefit to the people of America, but that is a benefit foregone. I have pointed out all this money to date has been deficit spending. This is not something we have paid for. One of the complaints we often hear around here is that it is irresponsible to spend money without somehow offsetting it. That line of thought does not persist with the administration when it comes to funding this war in Iraq.

We have also piled up huge contingency costs as we go forward. The direct costs are significant, but the indirect costs and the future costs are also important to note. We have to repair and replace the military equipment that is being used. We have spent money to increase recruitment and retention, and we have to do that for many years. We have had economic disruptions caused by deployment of the National Guard and Reserve troops who have to leave their jobs to go into the military.

According to a November 2007 report compiled by the Joint Economic Committee, the impact of the war on the U.S. economy to date is $1.3 trillion or $16,500 for every American family of four. So the costs, both direct and indirect, have been staggering.

Those costs continue. One of the critical costs we are going to face is the cost going forward of helping our veterans. I was very pleased last year to act as the chairman of the Appropriations Subcommittee on Military Construction and Veterans' Affairs while Senator JOHNSON recovered, and now I am equally pleased to know that he is chairing that subcommittee and doing a remarkable job. But we were able to pass a significant increase in spending for our veterans.

But the real challenge for us is will we do that 5 years from now? 7 years from now? 8 years from now? 20 years from now, when these veterans still need the help but time has passed? I hope we will. That would be a test—and if I am here, I hope I will be able to remind people that the test is each year not 1 year or 2 years.

As Professor Stiglitz, a Nobel laureate, pointed out, this cost, when you aggregate it all, is in the trillions of dollars going forward, looking at the consequential costs today, looking at the direct spending.

That is taking its toll on the economy of this country.

Another place where the toll is being taken is on our Army and Marine Corps, particularly; our military in general, but particularly our Army and Marine Corps.

I recall, as so many of us do, years ago, August 3, 2000, to be precise when Governor Bush stated: Our military is low on parts, pay and morale. If called upon by the Commander in Chief today, two entire divisions of the Army will have to report "Not ready for duty, sir.".

Well, Army readiness is worse today than it was in 2000, and if that is the metric to measure the success of the Commander in Chief, I would argue that that metric has failed. If we look at readiness today, while we have a situation which our brigade combat teams that are deployed or are preparing to deploy are considered ready, the Army has only one ready brigade combat team in reserve for any other contingency in the world. Strategically our flexibility has been constrained almost to the vanishing point. That is a consequence of Iraq.

On February 26, the Army Chief of Staff, General Casey, said before the Senate Armed Services Committee:

> The cumulative effects of the last 6 plus years at war have left our Army out of balance, consumed by the current fight and unable to do the things we know we need to do properly, sustain our all-volunteer force, and

restore our flexibility for an uncertain future.

He added:

> We are consuming readiness as fast as we build it.

I would ask, rhetorically, I wonder if General Casey had to report how many divisions are not ready today, it would probably be more than two, if you aggregated all of the brigades, that for reasons of training, equipping, and personnel are not at 100 percent.

On April 8, General Cody, the Vice Chief of Staff of the Army, testified before the Senate Armed Services Committee on readiness:

> I have been doing this for 6 years. As you know I was at G–3 of the Army and vice chief now for almost 4 years. And I have never seen our lack of strategic depth where it is today.

We have 162,400 troops serving in Operation Iraqi Freedom. There are 33,000 troops in Afghanistan serving in the ISAF and Operation Enduring Freedom. Since 2002, 1.6 million troops have served in either Iraq or Afghanistan, and many of them are multiple tours. Of those on active duty, 336,000 have 1 tour; 108,000 have had 2 tours; and 30,000 have had 3 or more tours.

This is a pace that cannot be sustained. It is a pace that is taking a tremendous toll on our troops and their families, and it is a toll again that cannot be indefinitely sustained.

For our reservists, we have had many of those who have had at least 1 tour, 97,000; 9,000 have had 2 or more tours; and the notices that went out this week to mobilize and alert roughly 42,000 troops include significant Reserve and National Guard deployments, brigade combat teams in the National Guard that will go again. I suspect for many of them it will be at least their second tour and perhaps for some their third. So we have had tremendous turbulence in terms of deployment of our land forces. Our military personnel are dedicated. They are doing a superb job. But they cannot keep up this pace. That is one aspect of it, personnel.

The other aspect is equipment. We have fought tirelessly here in this Congress to give our forces the equipment they need. I can recall returning in 2003 from Iraq, seeing my National Guard military police people in Baghdad being told that they did not have armored humvees and they needed them because they were in the middle of a fight in Fallujah.

I contacted the military authorities. I came to the floor of the Senate, proposed we increase the funding for armored humvees, and that was an initiative that started with my colleagues here in the Senate and the House, reluctantly agreed to, I think, from my perspective, by the administration. It took us many months to begin to get sufficient armored vehicles into Iraq.

Similarly we are now on a second and third generation with MRAP, the mine resistant vehicles. That too was a result of many efforts here in the Congress to get that equipment out to our troops.

I believe, I hope, they have everything they need, the latest technology. That is something that is absolutely essential. But all of this equipment is being used and overused. Roughly 30 percent of the Marine Corps' ground equipment and half of the Army's ground equipment is in Iraq and Afghanistan, again leaving very little back here in the United States, relatively speaking, for the training and the contingency operations that might take place here in a natural disaster or some other major contingency.

It is a harsh, hard environment. The operational tempo is wearing out this equipment. I recall being out in Anbar Province getting ready to go on a Marine helicopter. They were briefing us routinely, claiming that the engines on these helicopters were operating way beyond where they would normally operate. They assured me it was safe to get on the helicopter. But one wondered, as you got on: Would this rate of operational use, if the stress and the strains eventually, would it result in malfunctions for our troops, our forces, our marines in the field.

So we expect, the Army expects, to need $12 to $13 billion per year to reset the forces. The Marine Corps estimates it will need $15.6 billion for reset over the next several years when the operations begin to wind down. The Army National Guard has little more than half of its required equipment and they will need $22 billion for the next 5 years to build the equipment up to 75 percent of authorized levels. So we have a tremendous impact on our Army because of our operations in Afghanistan and Iraq, and principally Iraq.

The other aspect of readiness is training. Because the time back home of Army forces has been reduced effectively to 12 months, they cannot do the same type and the same level of training they had been doing previous to Iraq. In fact, if you talked to most troops, they come back from Iraq, and then they start training, not for the range of missions our military force has to be prepared for but for their next deployment into either Iraq or Afghanistan. In that time they have to squeeze in time with their family, they have to squeeze in the administrative details that are part and parcel of being in home base.

Their training is being pressured. Some of the equipment they need to train is not there. It is already overseas and it remains over there. There is this increasing concern that the only mission they are training for is counterinsurgency and urban combat, because Iraq dominates so much of the time, attention, and resources in the Army.

Another aspect of readiness is recruiting, and this high operational tempo has led the Army in some cases to miss their recruiting goals. Recently, they have been achieving those goals, but it is not without lowering standards, it is not without huge incentives or significant incentives. It is something that over the course of the next several months and years will show increasing strain and stress on the military force, their ability to recruit, their ability to retain.

In 2005 the Army missed its active-duty recruiting targets by 8 percent. That was the first time they had ever missed recruiting targets since 1999, and by a margin not seen since 1979, in the early years of the volunteer Army. Since 2006 the Army has met its yearly recruiting goals, but only by taking some extraordinary measures. In 2007, more than 20 percent of the new Army recruits needed waivers; 57 percent for conduct, 36 percent for medical reasons, and 7 percent for substance abuse. There was a time prior to Iraq when the Army prided itself on approving very few waivers and was trying to drive the standards up, not lower the standards. Thus far in fiscal year 2008, only 82 percent of the recruits have high school diplomas. The longstanding goal of the Army is at least 90 percent. The maximum age for new recruits has been raised from 35 to 42. Now, all of these soldiers are doing their job. But we have to ensure, as we were doing before Iraq, that to the greatest extent possible we increase the quality of our forces. All of these reductions in standards will come with some cost as the Army continues to go forward.

There is another similar picture with respect to retention. The number of officers the Army needs grew by 8,000 as we increased the size of the Army, with 58 percent of this group in captains and majors. As the Army grows, they have to retain more and more of these captains and majors. While the overall officer loss rate for fiscal year 2007 equaled the 10-year average of 8.5 percent, this loss rate must drop to 5 percent in order to maintain this increased size of the Army at these critical positions of captains and majors.

What is happening is that the tempo of operations, the limited time with family, the cycling in and out of Iraq and Afghanistan, is causing these very talented officers, captains, majors, senior noncommissioned officers, to decide that they, for personal reasons, have to leave the service. And this is depriving the military, not only today, but for many years, of the talent and the skill they need, which is a great factor in our military forces. We have got sophisticated equipment, but if we do not have the high quality officers, senior noncommissioned officers, in all of our services, then we will not be as effective as we must be. The cost over the long term is a loss of many talented young men and women who otherwise would be committed to a career in the military.

We are taking efforts to retain these people with bonuses. But more and more what I am hearing is that the financial incentives, the other incentives, are not compensating for the time away from home, for the treadmill in and out of Iraq and Afghanistan, and the toll will mount despite these incentives.

There is another aspect too of what is happening, and that is something that has become the signature injury of these operations in Iraq and Afghanistan, that is, the increasing number of mental health issues arising within our forces. Post-deployment health reassessments which are administered to servicemembers 90 to 120 days after returning from deployment indicate that 38 percent of soldiers and 31 percent of marines report psychological symptoms. The figure in the National Guard is 49 percent.

Of the 1.6 million military personnel who have served in Iraq or Afghanistan, almost 800,000 who have left active service are now eligible for VA benefits, VA care. Of these almost 800,000 veterans, roughly 300,000, or 37 percent, have obtained VA health care since 2001. Of this roughly 300,000, 40 percent, have been diagnosed with a mental disorder.

That is a staggering total, a consequence of the stress, the strain, the types of combat situations, the types of weapons deployed against them. But that is a staggering figure. If that number is projected throughout all of those who have served, that is a huge number of active personnel and veterans who are suffering some type of mental consequence of their service in Iraq.

In January, Dr. William Winkenwerder, the Assistant Secretary of Defense for Health Affairs, announced the Army's suicide rate in Iraq has been about a third higher than past rates for troops during peacetime, another very significant and very sobering statistic.

Anonymous postdeployment surveys show that 20 percent of married soldiers plan to separate or divorce in 2006, another consequence of this operational tempo.

The incidence of alcohol-related instances has substantially increased over the last several years. The VA has identified that one in four homeless persons are veterans of wars in Iraq and Afghanistan. This is again another sobering statistic and a result of the operations that are being conducted and the requirements to deal effectively and principally with those veterans who are returning and those active-duty personnel who are returning.

We have encountered huge costs because of the failed strategy and incompetent execution of this operation in Iraq by the administration. We have seen over the last several months a surge that was promoted as giving the Iraqi Government the ability to reconcile itself, but that reconciliation has not yet been achieved.

We have seen, as I pointed out, that in Iraq today, probably the most influential country, certainly challenging us, is not a democratic country, but Iran, not a country that is committed as we are to the same democratic principles.

The Maliki government is a Shia government. It is operated in collaboration with the Kurds who have their own aspirations for autonomy.

The odd-group-out still remains the Sunni population. We have seen over the last several weeks operations in the south in Basra that started off inauspiciously and ended quickly with the help of Iran. We have seen operations now directed against the Sadr's militiamen in Sadr City, the JAM, the Mahdi army. This is rapidly becoming a fight not against international terrorism but a fight for power within Iraq among various factions and sectarian groups. We are being thrown into it day by day.

It also raises serious questions about, frankly, what we have done in the last several years to prepare for this day, to prepare not only the military forces in Iraq but the political institutions of Iraq to deal effectively and peacefully, we hope, with their citizens and to help develop a stable country that can stand on its own.

We are in a situation also where we have—and I think this was a calculated risk, one that was taken and is working, but the question is, How long it will work?—recognized Sunni militias. They are called the Sons of Iraq or Concerned Local Citizens. These groups are standing by at the moment watching as the Maliki government tries to assert its authority over JAM and some of the Shia extremist groups. But their future direction is uncertain. We are paying them. We have lobbied heavily that the Government of Iraq assume this responsibility. But there is a real question whether the Maliki government will ever truly recognize the 91,000 Sunni militiamen who are organized in the country, and there is the real potential that without this integration, this is another source of not only friction but of significant conflict in Iraq.

There are numerous scenarios that could play out. One scenario is, if Maliki is successful to a degree in disrupting the Shia militias and the JAM, he might decide it is now time to take care of the CLCs, the Sons of Iraq. This could prompt significant fighting. The other possibility is that the Sunni militias, the Sons of Iraq, the CLC, decide the moment is right for them to reassert themselves as a much more powerful force in the political life of Iraq. None of this is certain. But with each passing day, we are further away from weapons of mass destruction and international terrorism and al-Qaida. We are closer and closer to a struggle between contending Iraqi forces for the power to run their country. That is a struggle they must resolve. We cannot. It is a struggle that indicates, again, that our course must be to change our policy, to assist legitimate forces to train to go after whatever remnants of terrorism exist in the country and any place else in the world, and to at all times protect our forces.

Embedded in the supplemental is that policy decision which I hope we make positively. If we can begin our redeployment, successfully and without deviation, from Iraq, then we can begin to focus on what to me are much more critical and central issues—al-Qaida elements in Pakistan, the stability of the Government of Pakistan, renewed support for the Government in Afghanistan, and the successful effort to not only defeat the remnants of the Taliban but to do what we have not been able to yet, which is to create political institutions that will outlast us, that will be committed to a fair view of democracy and a fair view of the treatment of their own people. The economic infrastructure to support such a government, not through opium but through legitimate commercial transaction, that, too, is a difficult task. And then, too, I think we can focus and must focus our attention on Iran, dealing with their nuclear aspirations and also recognizing that ultimately our success in the region of the Persian Gulf depends upon diplomatic efforts involving all countries in a positive way.

This is a tall order. It is a consequence of a misinformed strategy and failed implementation. I hope we can begin with this supplemental to change course, to move forward. I urge my colleagues to consider this supplemental, consider the fact that we have to change direction in Iraq and redirect resources here in the United States. I hope in that spirit we can pass this supplemental and move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise today with the hope that this Chamber will soon find consensus in our efforts to find a new course and a new direction in Iraq.

I am more convinced than ever that we must change our mission in Iraq from one of combat to one of support. We must place the responsibility for Iraq's future and for the security of its citizens in the hands of the Government of the Iraqi people. Until we change our mission and we take our military out of their streets, Iraqi politicians will not take the necessary, courageous, and final steps toward a political reconciliation that can achieve a lasting peace for Iraq and for the region.

Our military is performing admirably in difficult circumstances. They have been tasked with calming streets that are wrought with sectarian conflict, with unraveling thousand-year-old webs of Sunni, Kurd, and Shia rivalries, with understanding the mixture of motives behind car bombings, suicide bombings, roadside bombings, and mass executions. They have been told that if they do this and slow the downward spiral of civil war, the Shiite-dominated Government will press for national reconciliation and a more stable, secure future for Iraq.

Our troops have done their job. The Iraqi Government has not done its part. The Maliki government in Iraq has failed to capitalize on the opportunities for success our soldiers have provided, and the administration has failed to implement a political or a diplomatic strategy that is worthy of their sacrifice on the battlefield.

"There is no military solution . . . to the insurgency [in] Iraq." That is a quote from General Petraeus. It is a quote General Petraeus made to the world and to Members of this body many months ago. He was right then, and he is right today.

I believe the overwhelming majority of Senators have the same goals with respect to our future policy in Iraq. In my view, we share four key principles and ambitions.

First and foremost, every Senator in this Chamber wants a stable Iraq that can protect its citizens without dependence on American combat troops. Regardless of one's position on the merits or demerits of the invasion, we must now help Iraq stand as a sovereign nation. We must root out the terror cells that have set up shop since the invasion. And we must guard against a failed state. We must also find a way to help the 2 million Iraqis who fled across the border to Jordan, to Syria, and to Iran, as well as the nearly 2 million internally displaced persons who have fled the violence of their neighborhoods. It is the largest refugee crisis in the world today.

Second, we generally agree that our military mission in Iraq must transition at some point from one of combat to one of support. We must have the ultimate goal of bringing our troops home. We may disagree about the number or the timing of troop drawdowns, but we all know we cannot sustain 15 to 20 brigade combat teams in Iraq indefinitely. It will take courage and conviction to shift our mission and to bring our troops home, but if Iraq is truly to stand on its own, we must take the decisive action so we can begin that transition.

The third point on which I believe we can, by and large, agree is that this war has been poorly managed. The administration made a series of disastrous mistakes and gross miscalculations after the invasion. Failing to plan for a postwar Iraq, disbanding the Iraqi Army, purging Baathist technocrats from the Government, staffing the Coalition Provisional Authority with neophytes, sending our troops into harm's way without body armor or armored vehicles—these blunders have cost America dearly. They have eroded this administration's credibility, and they have cost us in lives and treasure.

Fourth, I believe there is a widely shared view in this Chamber that the United States should focus its military and diplomatic efforts on the most pressing threats to national security. Senators on both sides of the aisle agree that our top national security priorities should be to capture the men who were behind the attacks of September 11, to break up the terrorist training camps in Afghanistan and in Pakistan, and to confront the nuclear threats that we see, especially from Iran.

Sustaining 140,000 troops in Iraq limits our ability to prosecute the war on terror where terrorist training camps are actually located. Our top intelligence analysts have concluded that al-Qaida has regrouped—has regrouped stronger than ever—on the Pakistan-Afghanistan border. While it is true that al-Qaida in Iraq is a franchise, al-Qaida's main headquarters are elsewhere and not in Iraq.

Furthermore, prolonged commitments in Iraq limit our strategic flexibility should we need to respond to threats elsewhere around the world. We must evaluate whether putting all of our eggs in one basket in Iraq is the best strategy to protect America against threats and future attacks.

On these four points, I believe we should be able to find consensus in this Chamber. Our goal of stability in Iraq, our desire to start bringing our troops home, our shared frustration with the management of this war, and our concern that escalation in Iraq is weakening our defenses against terrorist threats and nuclear proliferation—these four points of agreement lead to the conclusion that we must find a new way forward in Iraq.

The wise heads of the Iraq Study Group laid the groundwork many months ago for a comprehensive strategy on how we would move forward in Iraq. We commissioned out of this Congress our finest and most experienced foreign policy experts, led by former Secretary of State James Baker and former Congressman Lee Hamilton, to provide us an objective and bipartisan set of recommendations on how we should proceed forward in this intractable war. I have reviewed this report multiple times, the report of the Iraq Study Group. That report was released at the end of 2006. It is a small book, but it contains great wisdom of our top diplomats, military commanders, and statesmen from around our country and, indeed, around the world.

The report of the Iraq Study Group laid out a political, diplomatic, and military strategy for how we create the conditions to end this war. Its core military recommendation is simple: It is time to transition our troops from a mission of combat to a mission of training, equipping, advising, and support of the Iraq military. Iraq must take responsibility for its own security, and it must be forced to take the political steps necessary toward that reconciliation.

Unlike the President's policy, the Iraq Study Group's prescriptions couple a military strategy with a robust and effective diplomatic and political strategy. The group recommended making our economic and military support contingent upon the Iraq Government devising and achieving specific benchmarks. While the Iraqis have made some progress in achieving these benchmarks, much remains to be done, and most of these benchmarks have not been met.

Finally, the report makes it very clear we need a diplomatic offensive to help change the equation in the Middle East. Under this diplomatic push, we would reach out to potential partners in the region, engaging those partners in the region as we strive to have a stake in creating long-lasting peace and stability in Iraq.

I wish to spend a few minutes now speaking about the Iraq war provisions in the supplemental which is later on in the day formally before the Senate. The bill before us contains many of the propositions that would change our Iraq policy in ways that are consistent with the Iraq Study Group's core recommendations. First and foremost, the bill expresses the sense of the Senate that our troops' mission should change from combat operations to counterterrorism, training and supporting Iraqi forces, and force protection. It would set a reasonable goal—not a deadline, a reasonable goal—of June 2009 to complete this transition. This goal is some 15 months past the date of March of 2008, which the Iraq Study Group originally proposed as its target date for the completion of this transition.

This bill would require the Iraq Government to stand up to its own responsibilities in important ways. It would be required to match any funds we spend for training of Iraqi security forces or for reconstruction. This legislation would ensure that the U.S. military pays the same price at the pump as Iraqi civilians are paying today, by requiring the Iraq Government to provide the same kind of support for the fuel costs we are using to protect Iraq today. We are spending $12 billion of America's taxpayer dollars each month in Iraq. We are spending $12 billion of American taxpayer dollars each month in Iraq. After more than 5 years of this war, in my view, it is time for the Iraq Government to share this financial burden.

We also need to recognize that this administration's policies have stretched our military to the breaking point. Our troops are away from their families too long, they do not get enough time to train, and readiness is suffering. Under this legislation, the President would have to certify that troops are fully trained and equipped before they are deployed to Iraq. It would place a time limit on combat deployments and ensure that our troops have sufficient dwell time between tours.

Finally, the bill would ban permanent U.S. bases on Iraqi soil and require that any mutual defense agreements with Iraq must be approved by this Congress and by this Senate.

It is not enough to simply endorse a set of military tactics and hope for the best, which is what the President of the United States has done. The solution in Iraq, our military commanders tell us, is one which is not a military solution but one which combines all those elements that were set forth in the Iraq Study Group.

Henry Kissinger once said America needs to rid itself of "the illusion that there are military answers to our security, and that policy ends where strategy begins."

We would be wise to heed Kissinger's advice in this age of turmoil. There are no easy answers in Iraq, no easy exits, no certainty of success. To stay on the President's path of more of the same is simply to embrace a policy that is not working—the same dogmatic leadership that led us into war, the same dogmatic leadership that failed to make a postinvasion plan, the same dogmatic leadership that chases the hope of a mission accomplished without regard to learning the lessons of the failures of the past.

To charge a new path—to build a political, diplomatic, and military strategy in Iraq—is to embrace the role of a statesman. For it is a statesman, Kissinger used to say, who takes responsibility for all the favorable results if everything goes as planned but also for all the undesirable results if they do not.

To serve as statesmen is our role. This is our role as Senators. It is up to the wise heads of this body to take the long view in Iraq, to be realistic about our options, and to consider all our national security interests—from terrorism to nuclear threats—when pursuing our goals of stability and peace in the Middle East.

Thank you. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM BILL VETO OVERRIDE

Mr. SALAZAR. Mr. President, I wish to spend a few minutes speaking about the farm bill. We will be considering an override of the President's veto hopefully later on this afternoon.

As I understand, a few hours ago, the President went ahead and vetoed this bill which we worked on so hard in this Chamber for the last 2½ years, under the great leadership of Senator HARKIN, Senator CHAMBLISS, Senator BAUCUS, and Senator GRASSLEY, along with Senator CONRAD and so many of my colleagues on the Agriculture Committee as well as the Senate Finance Committee. Hopefully, we can override the President's veto quickly because what is at stake is the security of America in so many different ways.

From what my colleagues tell me, this is the best farm bill we have written in the Congress in the last several decades. For me, there are significant portions of this bill which open whole new opportunities for America, and I wish to spend a few minutes talking about what I think some of those opportunities are.

First and foremost, we need to remind the Nation this is a bill about feeding the hungry. It is a bill about nutrition. Nearly 70 percent of the money under this legislation will go to feed the most vulnerable people in America, including providing healthy food—fruits and vegetables—for the young people of America. For my State alone, what this will mean—I come from a small State of some 5 million people—is that about $45 million a year in fruits and vegetables will go to help our young kids who are in school so they can learn healthy eating habits and so they can be in an environment where they can truly learn. So nutrition is a very big part of this legislation. It is why hunger advocates, the faith community, schools, and so many others have been beating the drum so loudly for us to get this bill completed.

Second is rural development. Rural development is a huge issue for much of this country. Today across America there are some 1,700 counties, and more than half the counties of America are designated as rural. About 800 of those counties lost population in the last few years. It is part of the America that is withering on the vine. Many of the provisions of this farm bill, including rural development sections of this farm bill, will help this part of America, which seems to be left out, to be put into a position of being second class. This farm bill invests heavily in rural America through the rural development programs that are included in this legislation.

Third is conservation. Through the leadership of Senator HARKIN and his vision for what we do with conservation, the $3 billion-plus that is added for conservation in this farm bill will help us make sure the conservation ethic we have pursued in this country is something we can preserve for a long time to come.

Fourth, title IX of this farm bill is the energy title. In that title of the farm bill, we continue a policy which has been a bipartisan policy of this Congress to try to get rid of our dependence on foreign oil and to try to harness the power of the wind, the power of cellulosic ethanol, the power of hydroelectricity, the power of geothermal, and so many other renewable energy resources. Rural America stands ready to grasp the reins of responsibility and opportunity to help us achieve energy independence in a real way. So the energy section of this bill is a very important part of it, and so many people have been a part of this and have worked on this legislation.

Finally, I would say this is work which has involved the administration now for 2½ years. It baffles me that this President would turn his back on the people of America by vetoing this farm bill, knowing his administration has been helping us craft this bill. The excuse I have heard, which has been out there in public, is this farm bill raises taxes. This farm bill doesn't raise any taxes at all. Unlike the fiscal recklessness we have seen over the last 7 years with this administration, what we have done is we have paid for this bill. This bill is 100 percent paid for, and it is paid for without a tax increase. It is paid for with the reforms we have included in this farm bill.

So I am hopeful when this legislation does get over here to the floor for the consideration of the override of the President's veto, we will have a near acclamation of a vote against the President's veto of the farm bill.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business for approximately 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. MENENDEZ. Mr. President, as we debate the supplemental, I want to speak about the importance of extending unemployment insurance to our economy and to so many of our fellow Americans.

I know if Senator KENNEDY were on the Senate floor today, he would be leading this effort, lending his powerful voice, as he always does, with fervor and passion on behalf of those in this Nation who are in need. I certainly hope and pray that he will be with us once again lending his voice to this and so many other critical issues.

Mr. President, we know there are Americans in need. These are difficult economic times, not just for Americans on the bottom of the economic ladder but for Americans from all walks of life.

In the past year alone, as this chart indicates, losses in the stock market and in home values have totaled $2.7 trillion each—that is trillion with a "t." Foreclosures have risen 130 percent since 2006. Some 20,000 families lose their homes every week. This combination of a credit and housing crisis isn't just affecting Wall Street or homeowners, but it is reaching throughout our economy and putting a strain on businesses, large and small, from factories to restaurants.

Under the pressure of this economic squeeze, the economy has lost 260,000 jobs in the last 4 months alone. Beyond just the loss of the jobs, what is hurting those who have lost a job is the time it is taking to find a new job. These are not individuals who are just sitting back and waiting for someone to offer them a job. These are people who are actively engaged in the labor market and looking for gainful employment, looking for the dignity of a job.

This chart shows us the average length of unemployment has risen to almost 17 weeks—longer than at any time Congress has extended benefits in the past 30 years. In my State of New Jersey, each week some 3,000 more unemployed workers are exhausting their benefits. It is not that they are sitting back at home. They are engaged in the market looking for jobs—many times even outside of their field, simply to be gainfully employed.

While we certainly hope some of the recent efforts we have performed in the Congress to stimulate our economy will be successful, there are still troubling signs. Long-term unemployment is higher now than before the last recession. Mr. President, 17.8 percent of people unemployed find themselves searching for a job for over 27 weeks. That is a 58-percent increase since the year 2001. Statistics show those who are unemployed are going to have a very difficult time finding a job, as there are 7.6 million unemployed Americans competing for only 3.8 million jobs. That is two workers for every job.

Some are struggling more than others. Veterans and minorities have been disproportionately burdened by our struggling labor market. Young male veterans who answered the call to protect our Nation after September 11, 2001, are now faced with an 11.2-percent unemployment rate—well over twice the national average. A total of 21,588 newly discharged veterans are now unemployed and collecting unemployment insurance.

It seems to me the last thing these brave men and women who risked their lives dodging bullets and IEDs in Iraq and Afghanistan should have to worry about is finding a job when they come home. And when they cannot, it seems to me the last thing they should have to worry about is not having any income to sustain themselves and their families. Now they are standing in an unemployment line, and pretty soon they will not be able to do that either.

Minorities are also being hit especially hard by our current economic conditions. For Hispanics, unemployment has grown to 6.9 percent. For African Americans, unemployment has grown 8.6 percent. Both are well beyond the national average. We cannot ignore the fact that the subprime crisis has also disproportionately affected some communities more than others. Unfortunately, for many of these hardworking Americans, their hope of obtaining and continuing to keep the American dream has instead become a personal nightmare.

These statistics are not just numbers. The 260,000 jobs lost this year, the 7.6 million Americans who are unemployed, the 21,000 veterans collecting unemployment—this is not just economic data. Behind each number is a story and an American worker who is struggling.

Let's take a moment to imagine what it would be like to be one of these workers. All of the Members of the Senate are gainfully employed. But try to put yourself in the shoes of one of these American workers. Imagine you have two kids, you have a mortgage to pay, and you just lost your job. That alone is a scenario that could lead any family into hard times. If you are also facing foreclosure because of a bad subprime mortgage that has reset to a higher rate, or if losing your job meant losing your health care insurance that provided coverage for your children, imagine how powerless you would feel. Imagine the uncertainty of not being able to find a job, not being able to pay for your child's college education for the next semester, not being able to keep the home in which your children grew up. Imagine what that must be like.

Mr. President, there are hundreds of thousands of Americans facing these very dire circumstances, who know all too well, unfortunately, what it feels like. It is up to us to lend them a helping hand during their darkest days. That is what the extension of unemployment benefits in the supplemental will accomplish.

On top of that, we also know extending unemployment is one of the most effective ways to help the economy. For every dollar the Government provides in unemployment insurance, $1.64 goes right into our economy.

While I, along with many of my colleagues, believed this should have been part of the stimulus we had earlier, I am pleased we have another chance.

Today, as unemployment and the cost of living continue to rise, it is even more imperative to act now and do what is right. Mr. President, 1.4 million workers have been actively looking for a job for more than 6 months—half a year of their life actively looking for a job. As it is becoming harder to find a job, more families are running out of their unemployment benefits. Thirty-six percent of workers exhaust their benefits before finding a job, and many expect that number to increase. In March of this year, 45 percent of New Jerseyans receiving unemployment insurance exhausted their benefits before finding a new job.

We have a chance to fairly and reasonably address the challenges that long-term unemployment are creating for many fellow Americans. Extending unemployment insurance will help those who are hit hardest and give the economy a much needed shot in the arm.

We have this opportunity to act, and act now. I cannot understand when those who try every day, get up and go out into the market to try to find a job—when we have twice the number of Americans as there are jobs competing for employment—why we are saying to veterans who have come back and others who are standing on an unemployment line that soon that will be cut off as well. It is unconscionable.

We have an opportunity to change that in this supplemental. I hope our colleagues who enjoy the benefits of gainful employment will give the American workers the helping hand they need and stimulate our economy by supporting the extension of the unemployment insurance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I want to say a few words about two important components of the domestic supplemental bill which, in my view, must be passed whenever we end up considering that legislation, and that is the new GI educational bill and the billion dollars in the bill for the Low Income Heating Assistance Program.

As an early cosponsor of the post-9/11 Veterans Educational Assistance Act, I am here today to ask my colleagues not only to pass this legislation but pass it with big numbers so if President Bush decides to veto it, we will have the votes—and he knows we will have the votes—to override that veto.

The soldiers who have served in Iraq and Afghanistan have paid a very heavy toll. In Iraq alone, over 4,000 have died, over 30,000 have been injured, and tens of thousands more have come home with post-traumatic stress disorder and traumatic brain injury.

In my State of Vermont, middle-aged dads and moms have left their families, they have left their kids, they have left their jobs, and they have joined their fellow members of the National Guard and Reserve in a kind of war they never dreamed they would be fighting. But they went to war and they did their jobs, and they did their jobs well and without complaint. They gave as much as they could give for their country, and now it is our turn to give back, not only for them but for the well-being of our entire economy.

The original GI bill was an appropriate way for a grateful nation to say thank you for the service and sacrifice of those who wore our country's uniform. That bill was not only a way to express our appreciation to the greatest generation, but it enabled millions of Americans to get a college education, and by doing that, it helped reshape the American economy, it created immense wealth, and allowed millions of Americans to enter the middle class.

There are, in fact, those who believe that the GI bill was one of the major reasons for the strong economic spurt this country enjoyed from the end of World War II to the early 1970s.

Unfortunately, as many returning soldiers understand, today's GI educational benefits do not match up with what the World War II veterans received and do not come close today to covering the cost of a college education. That is why it is so important that we update these benefits by passing the new GI bill, both for our Active-Duty soldiers and for the National Guard and Reserve.

As a nation, we must understand that caring for our servicemembers is part of the cost of going to war. If we are going to go to war, we cannot forget about the men and women who put their lives on the line and returned from that war.

There are some who say this bill is too generous for our servicemembers, that we cannot afford to provide these benefits. I disagree. If we can spend $12 billion every single month paying for the cost of the war in Iraq, we surely can spend the equivalent of 4 months of that war to pay for the cost of the educational benefits for these men and women for a 10-year period.

The new GI bill will cover the highest in-State undergraduate tuition at a public college or university where the veteran is enrolled, plus a living stipend, and would be based on how long the veteran served in active duty. This money could also be applied to law school, medical school, or approved programs of study.

This is an extremely important piece of legislation. I congratulate Senator WEBB for offering it. And now it is our job to pass it.

There is another component of the domestic supplemental that also must be passed, and that is the $1 billion in additional funding for LIHEAP that was included in the supplemental appropriations bill through the adoption of an amendment by Senator JACK REED of Rhode Island. I thank Senator REED for offering that amendment and for getting it passed in the Appropriations Committee by a bipartisan vote of 20 to 9, which included 5 Republicans.

Furthermore, I have been active on that issue by authoring a letter, which was cosigned by 20 of my colleagues, including 4 Republicans, who also understand the absolute imperative for increasing funding for LIHEAP.

Two years ago, under the leadership of Senator SNOWE and many other Senators, LIHEAP funding was increased by $1 billion above the appropriated level because it was well understood that at that time, we faced a home heating emergency. I strongly agreed with that assessment. But if we faced a home heating emergency a year ago, we face a much more severe home heating emergency today, and that is because the price of heating oil and propane are escalating off the roof. They are much higher today than they were several years ago. It is absolutely imperative that we significantly increase funding for LIHEAP if we are not to see the purchasing power of this program eviscerated.

While $1 billion is a good step forward, the truth is, we are going to need a lot more than that to keep pace and level fund in terms of real dollars what the American people are receiving from LIHEAP.

Two years ago, as you know, the price of heating oil was less than $2.50 a gallon. Today it is about $4.50 a gallon. What I can tell you is that last winter in the State of Vermont, there were families unable to heat their homes. Families with children became sick because the temperature in those homes was too low. That was last winter. Certainly if that was the case last winter, it will only be worse next winter.

Let us be very clear that the LIHEAP program addresses not only families who are worried about keeping warm in the wintertime, it also addresses the very serious problem of families, especially older people, who, when the weather gets 100-plus degrees, will be too warm in the summertime.

It also addresses the issue of more and more Americans having their electricity disconnected. According to the National Energy Assistance Directors Association, which represents the State directors of LIHEAP, a record-breaking 15.6 million American families, or nearly 15 percent of all households, are at least 30 days late in paying their utility bills. Several States have laws on the books that impose a moratorium on cutting off essential utility services in the winter. However, these utility shutoff moratoriums expire during the spring. Without additional LIHEAP funding, senior citizens on fixed income, low-income families with children, and persons with disabilities from all across this country are in danger of having their essential utility services shut off this spring. This is going on in California, Iowa, Massachusetts—all over this country. Rapidly rising energy costs are the major reason so many Americans are late in paying their energy bills. It is extremely important, therefore, that additional LIHEAP funding be included in the supplemental to address these urgent needs.

I hope very much when we get around to addressing the domestic supplemental bill that, A, we absolutely pass this legislation with strong numbers for our veterans to give them the educational opportunities they need and our country needs and, B, let us not forget that with the cost of gas and oil soaring, millions of Americans will go cold next winter. There are people who will suffer this summer unless we pass an expanded LIHEAP program.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ORDER OF BUSINESS

Mr. CONRAD. Mr. President, I have just spoken with Senator GREGG, the ranking member of the Budget Committee. He has graciously agreed that I could begin to discuss the budget conference report. He is at the White House and will be returning shortly. We have agreed in principle that the time I consume and that perhaps he consumes when he later arrives will be used against the 10 hours, that we will do that retroactively. But we start without an agreement because they are working on a global agreement as to how we will conclude the work of the Senate the remainder of this week. Until they have that agreement, we will not reach a unanimous consent agreement with respect to how we dispose of the budget conference report.

For the information of colleagues, there is up to 10 hours allocated to the budget conference report discussion. We hope that could be done in less time, obviously, and that we might vote this evening, for the notice of my colleagues, or potentially tomorrow, depending on how long it goes and the decision of the leadership.

Before I begin the discussion of the conference agreement, I ask that the clerk keep a close tab on the time because we will try to reach an agreement later to retroactively apply the time.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from North Dakota is recognized.

SENATOR EDWARD KENNEDY

Mr. CONRAD. Mr. President, before I begin on the budget conference report, I wish to say publicly how the entire Senate family is thinking about Senator KENNEDY and Vicki and the family, how much we miss him, his presence on the floor, how much we miss his presence at our caucus, and how much all of us are fervently hoping for his full and quick recovery.

If there is anybody who can beat this, it is TED KENNEDY. He is a lion. Rarely have I ever met somebody of such force of will, somebody who is so totally dedicated to serving the people whom he represents, someone who cares so deeply about America's democracy, about this institution.

On both sides of the aisle, I have had many Senators say to me: TED KENNEDY is simply the most productive Senator among us. Nobody turns out more work, more quality work than he does. Whether you agree with his legislative positions or disagree, you have to admire the incredible energy and devotion that he brings to the job, the respect he has for this institution, and his determination to advance causes in which he believes.

My family has been close to the Kennedy family for many years. When John Kennedy's advance people came to North Dakota or Robert's advance people or TED KENNEDY's, they always stayed with my family. So I have always felt a very close association with the Kennedy family.

Anybody who looks back on his extraordinary service here, virtually unparalleled in the history of the Senate, has to have profound respect for TED KENNEDY, for his work, his values, his deep and abiding love of this country, and of the institution of the Congress, and his respect for the Presidency of the United States.

I want Senator KENNEDY to know that all of us here are pulling for him. I want Vicki to know that we stand ready to do whatever we can to lighten her burden and the burden of the rest of the family.

I deeply admire Senator KENNEDY. Also, what a light he is in this Chamber. He uplifts the rest of us. I have seen many times, when others were stricken in this Chamber, the first person to call was TED KENNEDY, always eager to help when somebody faced a tragedy.

We are thinking about TED.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CONRAD. I will be happy to yield.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am so grateful to the Senator. I wish to associate myself with the remarks of the distinguished Senator from North Dakota and tell him I don't know anybody in the Senate who feels more deeply about Senator KENNEDY than I do. We have been adversaries for 32 years. We have also been partners.

I have watched what their family has given to America. I love his sisters. I love the in-laws. I know he raised the children, and they are good kids. I have great faith in TED KENNEDY as a person who will fight back with the faith and prayers of all of us in the Senate and millions of others across the country. I believe TED will be able to come back, and he will come back, and I believe he will be able to whip this problem. I am going to exert all the faith and prayers I possibly can to help him do it.

I agree with the distinguished Senator, whenever any of us encountered great difficulty, he was always the first to call.

We have worked together on so many pieces of legislation, landmark legislation, that I wish to personally compliment him for being willing to cross the aisle in so many ways and to work out difficulties. One of the last things we worked on was the bio bill. That is a very complex, difficult bill, and we worked along with Senator ENZI, who is a wonderful companion of Senator KENNEDY on the HELP Committee. We worked with Senator CLINTON, who added a great deal to the work on that bill. Senator SCHUMER was a great asset on that bill. These are people for whom I have great respect.

Let me say to TED and Vicki that our prayers and our faith are with both of them and their children and the rest of the extended family, and we will do everything in our power to support Senator KENNEDY in this time of difficulty. I personally believe that if we have enough faith and pray hard enough and with the great clinical help he will have, Senator KENNEDY will return and continue to do the job he believes in. I know he appreciates everybody who has spoken out for him, who has expressed concern, who has expressed anguish, as I do here, about his present situation. I know he is facing this with a great sense of humor, which is one of the most endearing qualities TED KENNEDY has, among many endearing qualities.

He carries so much weight on the Democrat side and, of course, for those of us who work with him on the Republican side, a lot of weight with us as well. So I want him to know we all love him, appreciate him, and appreciate the leadership he has provided through the years and the quality of the person he is.

If the distinguished Senator would allow me to address another topic, I would be very grateful.

Mr. President, I ask unanimous consent that these new sets of remarks be placed in the RECORD at an appropriate place.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. I will have more to say about Senator KENNEDY later, but I wanted to make those few remarks here today.

COMBATING CHILD EXPLOITATION

Mr. HATCH. Mr. President, the exploitation of children is a plague. It is a war with many fronts, and we must be engaged in them all. I wish to review some of the ways we are fighting this good fight and encourage my colleagues to be as relentless in protecting children as are those in the world who exploit them.

Just 2 days ago, the Supreme Court upheld our most recent attempt to combat the spread of child pornography. In a 7-to-2 decision—an overwhelming vote by the Supreme Court, by the way—the Court held that the PROTECT Act is consistent with the first amendment. I introduced the PROTECT Act in January 2003. It passed this body unanimously in February, passed the House without objection in March, and was signed into law in April. The PROTECT Act prohibits the pandering or solicitation of child pornography.

Child pornography is perhaps the most egregious form of exploitation. It not only victimizes and brutalizes children directly but makes a permanent record of that abuse that may never be erased. Child pornography is not protected by the first amendment, which means its possession and sale can be banned.

In 2002, the Supreme Court struck down the Child Pornography Prevention Act, a bill I introduced in the 104th Congress. So we went back to the drawing board. If the objective is important—and I do not believe any objective is more important than protecting children from exploitation—then we must not take no for an answer. We must not let speed bumps, roadblocks, or potholes, or Supreme Court decisions stop us.

The PROTECT Act was the result. We studied the Supreme Court's decision and used its guidance to craft a bill that would prohibit the offer to distribute or the request to receive child pornography. When it upheld the PROTECT Act this week, the Court said that the speech this law targets is what literally introduces this destructive material into the distribution network. Now the PROTECT Act can be deployed in our ongoing, never-ending fight to protect children from exploitation, and I am glad it can be deployed.

I thank my colleagues for not giving up, for not throwing up your hands when the Supreme Court initially said no. I thank you for rolling up your sleeves, for joining with me to find some way to protect children.

Let me quote from the closing paragraph of Justice Antonin Scalia's opinion this week in *United States* v. *Williams*:

> Child pornography harms and debases the most defenseless of our citizens. This court held unconstitutional Congress' previous attempt to meet this new threat, and Congress responded with a carefully crafted attempt to eliminate the First Amendment problems we identified. As far as the provision at issue in this case is concerned, that effort was successful.

While the 108th Congress passed the PROTECT Act, the 109th Congress passed the Adam Walsh Act. The Adam Walsh Act was a comprehensive child protection bill hailed by agencies and organizations throughout this country for its importance.

This legislation enhanced the Web technology available for tracking convicted sex offenders and replaced outdated and inaccurate Web sites with meaningful tools to protect children.

Today, there are more than half a million registered sex offenders in the United States. Unfortunately, many of them receive limited sentences and roam invisibly through our communities. With too many, we don't know where they are until it is too late. Under this law, offenders are now required to report regularly to the authorities in person and let them know when they move or change jobs. If they do not want to follow the rules, they will go back to jail because failure to provide meaningful information is now a felony. In addition, the law created a searchable national Web site that interacts with State sites. Citizens in every State are able to inform themselves about predators in their communities with accurate information.

Unfortunately, many of the enforcement provisions in the Adam Walsh Act have not been funded, and I am fully aware of the competing demands for funding but have no doubt that Americans throughout this country would approve of Federal tax dollars being utilized to ensure that criminals who blatantly trade in child pornography are made to pay a high price for these crimes. I urge my colleagues to show their dedication and resolve to fully fund the Adam Walsh Act.

In another important development, last night the Senate passed the Protect Our Children First Act. I joined Senator LEAHY in introducing this legislation last July, and it is now on its way to the President to be signed into law. This legislation authorizes continued funding for the National Center for Missing and Exploited Children, a center we helped to create. The collective expertise of the center has been invaluable in efforts to address child exploitation, and this bill will ensure their vital work will continue.

With all of the tremendous advantages brought about by the Internet, it has also provided a means of communication which criminals use to advance their crimes. We are all aware that pedophiles are utilizing the Internet to facilitate distribution of illegal child pornography. Everyone agrees this type of crime is the most heinous imaginable, but many think the people who trade these horrendous videos and pictures must set up elaborate technology to facilitate their illegal activities. Unfortunately, this is not true. Many individuals throughout this country utilize peer-to-peer software to share illegal child porn with as much ease as sharing MP3s. Many criminals don't even bother trying to hide what they are doing. They utilize graphic words and acronyms to describe the horrible pictures and videos which they willingly share with one another. They seem to have no fear of being caught by law enforcement.

To illustrate this point, I want to highlight a graphical representation of the locations where law enforcement determined child pornography videos were hosted on computers and shared via peer-to-peer software. It is as disturbing as it is eye-opening.

This map shows the continental United States and locations where child pornography was electronically traded on May 15, 2008. This is just 1 day in the life of this country—6 days ago, as a matter of fact. And it is not meant to be all-inclusive; these are the ones we know of. You can imagine how many there must be. Just in the DC area, look at the child pornography electronic trades. And those are the ones we know about.

Now, this type of activity has created a market for new child pornography. In order to move into the higher echelons of this criminal activity, individuals need to offer new material, new graphic pictures and videos. Many of these criminals find that the easiest way to get new materials is to make it themselves; thus, a vicious cycle is created. These monsters, in some sick, sadistic goal of obtaining stature, videotape their crimes against children in order to facilitate their twisted version of moving up the ladder.

Congress has done a great deal to address this issue. We have passed numerous statutes in order to ensure those who harm children face the most serious penalties possible.

While many local law enforcement agencies are doing a fantastic job addressing these crimes, they are often limited by a lack of manpower and equipment. One program that has had great success is the Internet Crimes Against Children—the ICAC—Task Force Program, which has utilized State and local law enforcement agencies to develop an effective response to child pornography cases. These ICACs provide forensic and investigative activities, training and technical assistance, victim services, and community education.

Last week, the Senate Judiciary Committee passed legislation, which I cosponsored with Senator BIDEN of Delaware, which would take significant steps in highlighting the Federal Government's strategy to address child exploitation and ensuring that each State has an ICAC.

The bill also calls for an annual report from the Attorney General, which will represent the national strategy for child exploitation, prevention, and interdiction. I believe this report will be invaluable for the effective coordination of Government efforts to address this problem.

I have no doubts this legislation will be instrumental in combating child exploitation, and I urge my colleagues to pass this bill quickly.

I also wish to mention another extremely valuable organization that is playing a vital role in locating missing children. A Child is Missing is a nonprofit organization assisting the police in the first hours after a child's disappearance. For over 10 years, this organization has provided local law enforcement with technology otherwise unavailable to them.

Here is how the program works. When a child is missing, local law enforcement contacts the organization with details of the disappearance, including the child's description, clothes, and last known location. A Child is Missing records a message on behalf of the police agency, and this message is phoned out to the geographical area where the child was last seen. The organization has the ability to send over 1,000 calls in 60 seconds. This message asks for residents to contact the police if they have any information.

The effect is instantaneous in that this service opens the eyes of the entire neighborhood in search for the missing child. We all know these first few hours are critical in finding missing children, making this service critical. This is the only program of its kind in the country, and law enforcement has credited it with over 300 safe assisted recoveries. This service is available to law enforcement throughout the country and at no charge to the agencies. It operates 24 hours a day, 365 days a year.

I have joined Senator MENENDEZ in introducing legislation, S. 2667, to ensure that this organization will have the funds to continue to offer law enforcement throughout this country this invaluable service. I am hopeful this bill receives prompt consideration.

In conclusion, Congress has many opportunities to advance the worthy cause of reducing child exploitation. I call on my colleagues to continue this noble cause and pledge my continued support to advance appropriate legislative endeavors.

FISA

Mr. HATCH. Finally, I wish to briefly turn to FISA. This Congress has been working on FISA modernization for over 400 days with apparently no end in sight. Should it take this long? The Constitution of the United States was written in about 115 days. That included travel time on horseback for the Founding Fathers.

Congress has had plenty of time to debate this issue. We have to make sure we do not create unnecessary obstacles for intelligence analysts to track terrorists. As has been said, they can't connect the dots if they can't collect the dots.

While negotiations continue, it is important to look at the two bills that have passed the Chambers. Let me paint a picture, a Tale of Two Bills, if you will. One bill was available for the public to review for over 4 months, went through 2 committees, had 2 weeks of floor debate including votes on 13 amendments, and passed the Chamber with a huge bipartisan veto-proof majority.

The other bill was available for review for 2 days before receiving a vote. It went through no committees, had 1 hour of floor debate, allowed no amendments, and failed to receive bipartisan support, while barely passing the Chamber. Any negotiator would say the first bill in this instance would be the basis for negotiation, not the other way around. I am sure it is no surprise to anyone that the first one I described is the Senate-passed bill.

Make no mistake, I will not support any compromise that disregards the extensive work of the Senate in order to facilitate a quick political fix.

I appreciate those who are standing tall on the FISA bill in both Houses. I hope we continue to do so because our very country is in jeopardy if we do not.

Also, I wish to personally pay tribute and give my gratitude and thanks to the distinguished Senator from North Dakota for his kindness in allowing me to make these remarks out of turn because they are important remarks. I would feel badly if I didn't get on the floor and make these remarks. It was a very gracious thing for him to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. I thank my colleague, Senator HATCH. He is always gracious. I also thank him for his words on Senator KENNEDY because we know they have shared a close association in the Chamber for many years.

I also thank him for his leadership on child pornography. It is pretty sick, some of the things that go on. It is almost hard to believe. I saw the slide the Senator from Utah showed about activity on just 1 day of this year, earlier this month. It is almost hard to comprehend. We thank him for his leadership there as well.

Mr. HATCH. I thank my colleague for his kindness. He has always been very gracious and particularly gracious to me.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that we be in a period of morning business, that Senators be permitted to speak for up to 10 minutes each, and that the clerk keep a close count on the time consumed and that this period be for debate only. We are asking colleagues—we do not have a unanimous consent agreement—but we are asking colleagues to confine their remarks to the budget because we have up to 10 hours and, in the interest of getting the work of the Senate done before the break, it will be most effective and most efficient if we can focus our time on that.

I ask unanimous consent that after I am done, Senator GREGG be recognized, that I be allowed such time as consumed and the Senator then be given that same opportunity.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

THE BUDGET

Mr. CONRAD. Madam President, we are now considering the conference report on the budget. For the knowledge of my colleagues, and especially my colleague, Senator GREGG, I will consume somewhere in the range of 35 minutes. If he has other things to do, we can get that word to him so he is not inconvenienced while I make an opening statement.

Here is what we are confronting—a very dramatic deterioration in the budget condition of our country. You can see, in 2007, the official deficit was $162 billion; that is down from what had been record levels. We achieved an all-time—not achieved, there is no achievement to it—we saw an all-time record deficit in 2004 of $413 billion. That became the record. The year before was the record up until that point—$378 billion in the red. Of course, the real situation is far worse because this does not disclose how much the debt has been increased.

Then we saw some improvement, to 2007, a deficit of $162 billion. But now we are right back at record levels—$410 billion estimated for this year. I believe it is going to be even worse, and 2009 will be about the same level.

When I talk about debt, here is what I am talking about. The gross debt of the United States has gone up like a scalded cat under this administration. When this President came into office at the end of the first year, the debt stood at $5.8 trillion. By the time we are done with the 8 years he will have been responsible for, the debt will have increased to more than $10.4 trillion—a near doubling of the debt of the country. Increasingly, this money is being borrowed from abroad. As this chart shows, it took 42 Presidents—all the Presidents pictured here, 224 years to run up $1 trillion of U.S. debt held abroad. This President has far more than doubled that amount in just 7 years. There are over $1.5 trillion of foreign holdings of U.S. debt run up by this President in just 7 years. He has taken what 42 Presidents took 224 years to do and he doubled it and then added another 50 percent to foreign holdings of U.S. government debt. The result is we owe Japan over $600 billion, we owe China almost $500 billion, we owe the United Kingdom a little over $200 billion, we owe the oil exporters over $150 billion. My goodness, we owe Hong Kong over $60 billion. We now owe Russia over $40 billion. That is a sad fiscal record, but that is the legacy of this President's fiscal policy.

This tremendous runup in foreign debt means we have spread dollars all over the world and are now increasingly dependent on the kindness of strangers to finance our debt here. One of the results of that has been a substantial drop in the value of our currency. If you think about it, the value of a currency is in part a reflection of supply and demand. When you put out a tremendous supply of dollars, guess what happens to the value of the dollar—it goes down. That is what has happened.

You can see back in 2002, this is Euros per dollar. It was 1.13 in January 2002. Through the end of last month, we were down to .63. The value of the dollar against the Euro has dropped like a rock. It has dropped 44 percent.

If anybody is wondering why food prices are going up so rapidly, why oil prices are going up so rapidly, here is one of the key reasons. Those commodities are sold in dollar terms in the world market. When the dollar goes down in value, guess what happens to the value of commodities: there is tremendous upward pressure on their value. That is what, in fact, has happened.

We have also seen the economic growth of the country stagnate. You can see, if we look at the nine previous business cycles we have experienced since World War II, you can see that economic growth averaged 3.4 percent a year during previous business cycle expansions. But, if we look at average annual economic growth since the first quarter of 2001, we see it is stagnating at 2.4 percent.

Something is happening in this business cycle that is unlike what we have seen in the nine major business cycles we have seen since World War II. We see this recovery is much weaker. We see it in job creation; we see it in business investment.

For example, on job creation, if you look at job creation, again looking at the nine previous business cycles since World War II, and you look at the months after the business cycle peak and look at job creation—this dotted red line is the average of the nine other major business cycles since World War II—that is the dotted red line. Now, this other line is the current business cycle. You can see that we are 10.3 million private sector jobs short of the typical recovery since World War II. In other words, if you take all the previous nine major business recoveries since World War II and you average them, compare them to this business recovery, we are running 10.3 million private-sector jobs short in this recovery.

What does that tell us? That tells us something is wrong, something is wrong with our economic performance.

We don't just see it in job creation. We see it in business investment. Again, the dotted red line is the average of the nine previous recoveries since World War II. The black line is this recovery. You can see that we are now running 59 percent below the pace of business investment at the same point during the nine previous recoveries. Something quite significant is happening in terms of our national economy. Anybody who does not see this and understand it and seek to find solutions to it, I think is missing the point. There is something wrong with the underlying economy that has been affecting us since 2001. It is so atypical, it is so different than the other nine recoveries since World War II.

This budget resolution seeks to address some of what we know. It seeks to strengthen the economy and create jobs in several different ways, first, by investing in energy, education, and infrastructure. We think those are priorities to strengthen the economy. It expands health care coverage for our children; it provides tax cuts for the middle class; it restores fiscal responsibility by balancing the budget by the fourth and fifth year of this 5-year budget plan.

It also seeks to make America safer by supporting our troops, by providing for veterans health care, by rejecting our homeland and rejecting the President's cuts in law enforcement, the COPS Program, and for our first responders, our emergency personnel, our firefighters, our emergency medical responders.

In terms of the tax relief that is in this budget resolution, this budget conference report that has come back from an agreement with the House of Representatives, we do the following things. We extend middle-class tax relief, specifically: the marriage penalty relief is provided for; the child tax credit is provided for; and an extension of the 10-percent bracket.

We also provided for alternative minimum tax relief, because we know if we did not, the number of people who would be exposed to the alternative minimum tax would explode from roughly 4 million now to 26 million if we failed to take action.

We also provided for estate tax reform. Right now we are in this bizarre situation where the estate tax goes up to $3.5 million of exemption per person in 2009; the estate tax goes away completely in 2010, there is no estate tax; and then in 2011, it comes back with only a $1 million exemption. We say that makes no sense at all. We should extend the $3.5 million provision per person, $7 million a couple, and index it for inflation.

We also provided for energy and education tax cuts to provide incentives to develop alternative forms of energy and reduce our dependence on foreign oil. We also provided property tax relief and, of course, the popular and important tax extenders, things such as the window energy credit, the solar credit, the research and experimentation credit. All of those are provided for in this budget.

We balance the books by the fourth year, $22 billion in the black, or in this case in the green, by 2012. By 2013 we maintain balance, all the while we are bringing down the debt as a share of gross domestic product from 69.3 percent of GDP to 65.6 percent of GDP in 2013. So we are bringing down the debt as a share of gross domestic product each and every year of this budget resolution. Let me be the first to say, that is not enough. We need to be doing more. I will say in a minute how I think we can and should do more. But this is an important beginning.

One of the ways we do it is we restrain spending. Under this budget conference report, we bring down spending as a share of GDP each and every year of the 5-year plan from 20.8 percent of GDP down to 19.1 percent in 2012 and 2013.

The other side will be quick to say, but you are spending more money than the President is. That is true, we are spending somewhat more money than the President, because we have rejected his cuts to law enforcement, to our first responders, and to other things we think are priorities of the American people.

But when they talk about the difference in spending, they have a tendency to dramatically overstate the difference. Here is the difference between our spending line, which is in green, and the President's spending line. If you are looking at this on television, you probably cannot see any difference. That is because there is almost no difference between our spending line and the President's spending line.

In fact, for this year, the difference in total spending between our budget and the President's budget is 1 percent. That is the difference, 1 percent. Over the life of this 5-year plan, you can see it is a very modest difference.

Let me turn to 2009, because that is the most immediate year covered by this budget plan. You can see the Bush budget calls for $3.03 trillion of spending. We call for $3.07 trillion of spending. Again the fundamental differences are, we are investing in education, in energy to reduce our dependance on foreign oil, and on infrastructure which is so critically important to our future economic success.

On the revenue side of the equation, we also have somewhat more revenue than the President's plan because we have lower deficits and lower debt than the President's plan. Here you can see the difference. The green line is our revenue line; the red line is the President's revenue line. You can see in the first 2 years there is virtually no difference between our revenue lines; they are right on top of each other. In 2011 there is a slight difference, and 2012, 2013, as we climb out of deficit and balance the books.

But again the differences are quite modest, and here they are over the 5 years. We are calling for $15.6 trillion of revenue, the President is calling for $15.2 trillion of revenue. That is a difference of 2.9 percent. That is the difference between the revenue we have proposed, which leads to lower deficits and lower debt than the President's plan.

You will hear our friends on the other side say, this represents the biggest tax increase in the history of the world. We beg to disagree. We do not think any tax increase is necessary to meet these numbers. If someone is listening and they heard me say, well, Senator, you said you have got more revenue, although it is only 2.9 percent more revenue, than in the President's plan, but you say you can do that without a tax increase, how is that? How can you do that?

Well, here is how I would propose to do it. First, the Internal Revenue Service estimates the tax gap, the difference between what is owed and what is paid, is $345 billion a year, the difference between what is owed and what is paid.

Now the vast majority of us pay what we owe. But unfortunately there are an increasing number of people and companies who do not pay what they owe.

That difference is now estimated at $345 billion a year. That goes back to 2001. I personally believe it has grown substantially since then so it would be a higher number. But that is not the only place where there is leakage in the system. I have shown this chart many times on the floor of the Senate. This is a five-story building in the Cayman Islands called Ugland House. This little building down in the Cayman Islands is the home to 12,748 companies. Let me repeat that. This little five-story building down in the Cayman Islands is the home, at least they say it is their home, to 12,748 companies. They say they are all doing business out of this building.

Now I have said that is the most efficient building in the world, little tiny building like that, and it houses 12,000 companies. How can any building be that efficient? Well, we know they are not doing business there. They are doing monkey business, and the monkey business they are doing is to avoid taxes in this country. And how do they do it? Well, they operate through a series of shell corporations, and they show their profits in the Cayman Islands instead of the United States to avoid taxes here. Why would they do that? Do they not have taxes down in the Cayman Islands? No. Is that not convenient? So they do not show their profits here, even though they make their profits here, they show their profits down in the Cayman Islands. That is the kind of scam that is going on. If you doubt it, here is a story that came to us from the Boston Globe on March 6 of this year:

> Shell companies in the Cayman Islands allow KBR [that is Kellogg, Brown and Root] the nation's top Iraq war contractor, and until last year a subsidiary of Halliburton, has avoided paying hundreds of millions of dollars in Federal Medicare and Social Security taxes by hiring workers through shell companies based in this tropical tax haven.
>
> More than 21,000 people working for Kellogg, Brown and Root in Iraq, including about 10,500 Americans, are listed as employees of two companies that exist in a computer file on the fourth floor of a building on a palm-studded boulevard here in the Caribbean. Neither company has an office or phone number in the Cayman Islands, but they claim it is their home.

This is a scam. That is what is going on here. This is the largest defense contractor in Iraq, and they are engaged in a total scam to avoid taxes in this country. If this does not make people angry, I do not know what it would take, because what they are doing is they are sticking all of the rest of us who are honest with our tax obligations. It does not stop there.

Here our own Permanent Committee on Investigations issued this report last year:

> Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches $100 billion per year, including $40 to $70 billion from individuals, and another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

So when somebody says: Well, you have got to raise taxes to produce 2.9 percent more revenue than the President has called for, I say, no, you do not. Let us go after some of this stuff. Let us go after these offshore tax havens. Let us go after these abusive tax shelters. Let us go after this tax gap.

Now, the other side will say, well, there is nothing you can do about it. Well, certainly there is nothing you can do about it if you do not try. You cannot do a thing if you do not try. But if you try, you can get this money. Let me say, I know you can, because I used to be the tax commissioner for my State. I was the chairman of the Multistate Tax Commission. I went after this money. I got hundreds of millions of dollars for my little State of North Dakota going after some of these scams. The United States could do much more.

Here is a picture of a foreign sewer system. This is a sewer system that is in France. Why do I put up a picture of a sewer system in Europe when I am talking about the budget of the United States? Well, because the two have a linkage. What is the linkage? The connection is that we actually have investors in this country buying European sewer systems, not because they are in the sewer business, no, no, no. They are buying European sewer systems to reduce their taxes in this country. How do they do it? It is very simple. They go over, they buy a European sewer system, they then show that on their books as a depreciable asset. They depreciate it over a period of years to reduce their taxes in this country, and then lease the sewer system back to the European city or municipality that built it in the first place.

Now, why should we allow that? This is the kind of thing I think we can shut down and easily achieve 2.9 percent more revenue than the President has proposed. The question comes, well, why haven't you done something about shutting down these scams already? There is a very simple reason we have not. It is called the President of the United States. Because the President of the United States has repeatedly blocked attempts to shut down these scams.

Here are a few of the examples. We tried to codify economic substance, prohibiting transactions with no economic rationale, things that were done solely to avoid taxes. The President threatened a veto.

We tried to shut down schemes to lease foreign subway and sewer systems and depreciate the assets in this country. The President threatened a veto.

We proposed ending deferral of offshore compensation by hedge fund managers trying to evade taxes in our country. The President threatened to veto it.

We proposed expanding broker information reporting so we could close down some of this tax gap. The President threatened a veto.

We proposed taxing people who give up their U.S. citizenship in order to evade taxes here in America. The President threatened a veto.

Now, I have indicated, I have acknowledged, we have 2.9 percent more revenue in our plan than in the President's budget.

The other side will say: Biggest tax increase in the history of the world. That is exactly the same speech they gave last year. Now we have the benefit of a record. Because we can look back, we can look at the speeches they gave last year, and we can look at what has actually happened this year. We can see, what did this Democratic Congress do? Did they raise taxes? No. In fact, here is precisely what happened: They reduced taxes in the House and the Senate by $194 billion. They had offsetting loophole closers, for a net tax reduction of $187 billion.

Anybody who is listening can reality test. Just go to your mailbox. Have you gotten a little check from the U.S. Treasury representing a tax cut as part of a stimulus package? Millions of Americans have, and millions more will. That is part of this $194 billion of tax reduction that has occurred with Democrats running both Houses, despite claims of our colleagues on the other side that we were going to have the biggest tax increase ever.

We all know some of the things that are happening in this economy. One is that gasoline prices are soaring. I filled up my car last week. I have a 1999 Buick. I know people think all Senators have limousines and drivers. Not me. I have a 1999 Buick that I drive myself. I filled it up last week, $52.19. The price of gasoline has soared.

In January of 2001, gas was $1.47 a gallon; in May of 2008, $3.79. We are hearing by Memorial Day gas average $4 nationwide. We have addressed that in this budget by investing in energy, creating green jobs, reducing dependence on foreign oil, and strengthening the economy.

We have provided for energy tax incentives in this budget. We have provided for $2.8 billion over the President's budget for energy to provide for alternative sources of energy, homegrown sources of energy so we are less dependent on foreign oil. We have also created an energy reserve fund to invest in clean energy and the environment. But we know skyrocketing gas prices are not our only problem.

We also know if we look at what is happening to education, we are falling behind our global competition. This is one metric to look at that, the number of engineering degrees in China and the number of engineering degrees in this country. The red line is China's engineering degrees. You can see they are absolutely soaring. There are over 350,000 a year graduating as engineers in China. In this country, we are down here at about 75,000 engineering graduates. Engineering is critical to future economic growth. We know that. So that has to be a concern. Here, China is now graduating 350,000 engineers a year; we are in the 75,000 range. That is something we have to pay attention to. Obviously, I have used one example. There are many others.

This budget resolution invests in education to generate economic growth and jobs, to prepare our workforce to compete in a global economy, to make college more affordable, and to improve student achievement. We have provided for education tax incentives to encourage people to go to college. We have provided $5.5 billion over the President's budget in discretionary funding for education, and we have created an education reserve fund for school construction and for the reauthorization of the higher education legislation.

It doesn't stop there. We also have serious infrastructure issues in this country. Here is a picture of the dramatic collapse of the bridge on 35–W between Minneapolis and St. Paul last year. I am acutely familiar with this bridge because when my wife was in medical school, I went across that bridge many times a week. Can you imagine the absolute horror of the people who were on that bridge? Here are the cars of people who were on that bridge when it fell out from underneath them. This was at rush hour last year, one of the most heavily used bridges in the State of Minnesota.

This budget seeks to address infrastructure by providing targeted investments to repair crumbling roads and bridges, improve mass transit, expand airports and schools. It creates a reserve fund to allow for major infrastructure legislation. It provides $2.5 billion more than the President for key discretionary transportation accounts. It fully funds highways, transit, and increases funding for the Airport Improvement Program.

This budget resolution also deals with other critical national priorities, including fully funding the defense requests of the President. The President has asked for $2.9 trillion over the next 5 years. This budget provides $2.9 trillion. We also provide $3.3 billion more for our veterans health care than the President. The President has called for $44.9 billion over a 5-year period. We have adopted the independent budget, which is a budget that was put together by the veterans organizations to more fairly reflect the needs we see coming because of veterans coming back from Iraq and Afghanistan. We have allocated $3.3 billion more than the President for that purpose. We think we owe these veterans the high-quality care they were promised.

All of us who have been to our VA hospitals, who have been to Walter Reed, are acutely aware of the need for more investment in those facilities. We have also provided in this budget, in fiscal year 2009, $2.8 billion more than the President's budget for law enforcement and first responders. Inexplicably, at least to this Senator, the President has called for the complete elimination of the COPS Program. The COPS Program has put 100,000 police officers on the street, over 200 officers on the street in my home State of North Dakota. The President, in his budget, didn't just call for cutting that program. He called for its total elimination. It makes no sense to me. I just had my house here broken into while I was back home during the break. I have a fellow who rents from me in the basement. He came home from work and our place had been broken into. The place was totally trashed. Many of his things were stolen. Why we would take police off the street when, in jurisdiction after jurisdiction, we are facing heightened criminal activity doesn't make any sense.

I am getting to the end. I know my colleague has been riveted listening to me talk about these charts. He has only had a chance to see them maybe 12 times. I thank him for his patience.

We also have budget enforcement in the budget resolution, discretionary caps for 2008 and 2009. We maintain a strong pay-go rule that I know my colleague will probably want to comment on. We also have a point of order against long-term deficit increases, a point of order against short-term deficit increases. We allow reconciliation for deficit reduction only. I know this is a place where my colleague will agree. I am sure he is pleased that we don't have a reconciliation instruction in this conference report for any other purpose, and we have no reconciliation instruction for any purpose.

We also have a point of order against mandatory spending on an appropriations bill. Again, this is something the Senator will strongly support because we have seen the games that were beginning to be played when the appropriators figured out they could start to do that. We tried to shut it down or at least to create a budget point of order, maintain a budget point of order to prevent that practice from expanding.

The budget conference report also addresses long-term fiscal challenges. I don't want to overstate this because, the truth is, I don't believe an annual budget resolution is the place to deal with the long-term fiscal challenges facing the country. The annual resolutions tend to be done on a partisan basis. Our fiscal challenges are so big, so deep, my own conviction is this has to be done with a special process, a special procedure.

The Senator, who is the ranking member of the Budget Committee, and I have teamed up to offer our colleagues legislation that would create a bipartisan task force that would be responsible for coming up with a plan to deal with our long-term challenges, our fiscal challenges, the imbalance between spending and revenue, and the overcommitments we have made on the entitlement programs.

The proposal we have made is very different from what others have made because our proposal would require a vote in the Congress, not another commission report that sits on a dusty shelf somewhere. That is not going to cut it. We need a plan. We need a plan that is bipartisan. We need a plan that gets a vote. The Senator and I have a plan to do that.

While we are getting ready for that process to occur—and I hope it will—we have provided for a comparative effectiveness reserve fund to deal with health care, a health information technology reserve fund—the Rand Corporation has told us we could save $80 billion a year if we had information technology widely deployed in the health area, program integrity initiatives to crack down on waste, fraud, and abuse in Medicare and Social Security, and a long-term deficit point of order to guard against legislative initiatives that would increase the long-term deficit.

Finally, as I mentioned, Senator GREGG and I have a proposal to address these long-term imbalances, a panel of lawmakers and administration officials with an agenda of everything being on the table, with fast-track consideration, and a requirement that Congress must vote. If the members of this task force, at least a supermajority of them, were to agree on a plan, that plan would come to Congress for an assured vote and a further assurance that there would be a bipartisan outcome because we would require not only a supermajority of the task force to report a plan but a supermajority in Congress to pass it as well.

Before surrendering the floor, I thank Senator GREGG for his many courtesies and the very constructive way that he has helped run the Committee on the Budget throughout this year. He is a gentleman, a person of honor whose word is gold. I deeply appreciate that. I also appreciate very much the professionalism of his staff.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, first, I thank the chairman of the committee, the Senator from North Dakota, for his generous comments and reciprocate by saying it is a pleasure to work with him. Obviously, we have disagreements or we wouldn't be in different parties. That is the purpose of democracy. You have disagreements and reach some conclusion that, hopefully, is constructive for all.

The budget, unfortunately, tends to be a uniquely partisan statement of a party's political positions. Therefore, it is more difficult to reach agreement, especially when the Congress has both Houses of the same party. But that doesn't mean you can't do it in a cordial and, hopefully, constructive way, have your disagreements, and make your points.

I appreciate that the Senator from North Dakota has always been cordial and professional and constructive, as has his staff, to say the least.

I don't want to start off with too much hat tipping to the Senator from North Dakota; I don't want to get carried away. Let me simply say this: It is important that the Congress have a budget. It is uniquely the Congress's responsibility to have a budget. Although the President's budget gets soundly beaten about the ears here, the President's budget is not a factor in the sense that it is part of the congressional budget process.

The congressional budget is uniquely an entity of the Congress. The Congress passes it. It does not go to the President for his signature. The elements of the budget which are most important, such as the allocations to the Appropriations Committee, such as reconciliation instructions, are uniquely the purpose of the Congress as a way of giving a blueprint and defining spending and tax revenues within the fiscal policy of the Congress.

The Congress retains, under the Constitution, the right to the purse strings, and the budget is an element of exercising that right. So although the President sends up a budget under the Budget Act, that budget rarely, if ever, becomes law. I am not aware it has ever become law. It is simply a point for discussion. When you have a Democratic Congress and a Republican President, it tends to be discussed less other than in opposition by the Congress.

So this budget is totally the responsibility of the Democratic Congress. It is passed by the Democratic membership of the Congress, not by the Republican membership of this Congress, and the President's input is at the margins, to say the least. But it is important there be a budget. Even though I may strongly disagree with it, I do think it is the responsibility of the Congress to do a budget.

Thirdly, as a note of appreciation, I do thank the Senator from North Dakota for his insistence that reconciliation instructions not be included in the bill. Reconciliation is an extraordinarily strong hammer which is contained within the Budget Act which allows basically the Budget Committee to, hopefully, control the expansion of entitlement programs. Unfortunately, last year, it was used to expand Government, not to control the rate of expansion of Government, and that was a mistake, a serious mistake that undermined, in my opinion, the integrity of the act. I am glad we are not doing it this year, and I appreciate the Senator from North Dakota insisting on the Senate position on this issue.

To address the budget specifically, this budget, as it is brought forward by our colleagues, by the Democratic membership, is a "back to the future" budget. You hear Senator OBAMA say he wants change. Well, this is "back to the future" change. It is essentially a restatement of things which always happens under a Democratic Congress. It says: Yes, we can raise taxes and a lot of taxes. It says: Yes, we can increase spending and a lot of new spending. It says: Yes, we can run up the debt and a lot of new debt. It says: Yes, we will not address entitlements and the fact that entitlement spending is a major threat to our fiscal integrity.

It is a "back to the future" budget. The term "tax and spend" exists. It may be trite, but it exists because it is accurate. This budget has the largest increase in taxes in the history of the world. It has one of the largest increases in spending. It has a $500 billion increase in entitlement spending, a $200-plus billion increase in discretionary spending. The debt goes up $2 trillion under this budget. And it is on the watch of the other party. Those are policies of the other party that are being put in place, and they are not good policies. They are not healthy. They are not constructive for the American people.

The budget, as I outlined, has the largest increase in taxes in the history of this world, especially this country, and it has an impact on working Americans. You hear a great deal, especially from Senator OBAMA, who is the presumptive nominee now of the Democratic Party after last night, that he is going to raise taxes to pay for all his programmatic activity, but he is only going to raise it from the wealthy.

Well, this budget does not assume, to begin with, most of the proposals by Senator OBAMA to spend money, but it does assume a tax increase. It assumes a $1.2 trillion tax increase, and that tax increase cannot be paid for only by wealthy Americans. If you take the top tax rate in America, and you raise it back to the top tax rate under the Clinton years, which would be 39.5 percent, every year you will add $25 billion of new revenue to the Federal Government, assuming people do not try to avoid taxes and reduce their tax liability, which wealthy people tend to do because they get accountants to show them how to do that. Well, that does not come anywhere near covering the additional taxes which are proposed in this budget, the $1.2 trillion—the $25 billion a year.

No, it is the families who are going to pay that. Forty-three million families in America will be hit under this budget, in the year 2011, with a tax increase of $2,300 or more. Those are working families, by the way. A family of four making $50,000 will have a $2,300 tax increase.

Seniors. Eighteen million seniors under this budget, in 2011, will see a $2,200 tax increase. Small businesses—the engine for economic activity, the engine for jobs in this country—27 million small businesses will see a $4,100 increase. There will be 7.8 million people brought onto the tax rolls who were taken off the tax rolls by President Bush. These are low-income individuals who no longer have to pay taxes as a result of the tax policies of the early 1980s. Those tax policies, by the way, worked. They worked. Yet there is tremendous opposition around here from the other side of the aisle to continuing those tax policies, as this budget points out.

The capital gains—I think we have a capital gains chart in the Chamber—the capital gains revenues during the last 4 years have jumped dramatically—dramatically—as a result of getting a capital gains rate which Americans feel is fair and are willing to pay. In fact, over $100 billion has been collected in the last 4 years from capital gains—$100 billion—more than was expected to be collected by the Congressional Budget Office.

Now, why is that? Why, when we cut the capital gains rate down to 15 percent, did we get more revenue? Well, as I have said before on the floor of the Senate, it is called human nature. If you say to somebody: We are going to give you a fair tax rate on your capital gains income, people will do things that generate capital gains. People do not necessarily have to do anything to generate capital gains. If you own a stock or you own a home or you own a small business and you feel the capital gains rate is too high, you would not want to sell that stock, home or small business because you would not want to pay all that money to the Government. But if the Government sets a fair capital gains rate—15 percent—then you say: All right, I will pay that tax in order to turn over that stock, in order to sell my business, in order to sell my home. I am willing to take that tax rate.

So people go out and they do things which generate economic activity. They generate capital gains. That generates revenue to the Federal Government. That is what has happened here. We have generated significant amounts of revenue we did not expect because people were willing to undertake activity which was taxable.

It has a second very positive effect, besides getting a lot of revenue in the Federal Government. A low capital gains rate—a reasonable capital gains rate—causes people to invest their money more productively. They go out and they take risks. Entrepreneurs take risks. Job creators take risks. Small businesses are started and jobs are created as a result of money being invested in a way that generates more jobs. It generates more activity, more entrepreneurship, more jobs.

This bill assumes the capital gains rate will be doubled. This bill assumes the rate on dividends may be more than doubled, depending on what your bracket is. This bill is a massive tax increase on working Americans and seniors. By the way, it is senior citizens who take the most advantage—and that is logical—of capital gains and dividend income. Most seniors have a fixed income. It is a dividend income. It usually comes from a pension they are getting or they invested in while they were in their working years or they have a home they sold, so they have a capital gains.

So the idea in this bill, which is to end the capital gains rate as it presently exists and raise it and to end the dividend rate as it presently exists and doubling it, that idea is going to disproportionately hit senior citizens. It is not going to raise the revenue that is projected in the bill because people are going to take tax-avoidance action.

But because of the way CBO scores things—it is static around here; there is no dynamic scoring—they claim this is going to raise all this revenue. It will not. But the fact is, those tax increases will slow this economy and damage working Americans and working families, as was shown by the prior chart. That is not fair.

Now, my colleague on the other side of the aisle will argue—and he argues all the time—that, no, we are not going to have a tax increase, even though the tax increase in the bill is the exact amount of money that CBO scores the ending of the capital gains rate and its increase and the ending of the dividend rate and its doubling—the exact amount of money that generates by CBO scoring.

So CBO at least is presuming, and the Democratic Party in setting forward this budget is taking advantage of, revenues that are expected to come from a significant increase in capital gains rates, dividend rates, and general rates. But we hear from the other side: Oh, we don't have to do that. We don't have to do that. They try to fudge this issue by claiming: We are going to collect this all from the tax gap.

As to the tax gap—the Senator from North Dakota probably went on for 15 minutes showing us buildings here and buildings there and subway systems here and subway systems there. Well, do you know something. We had testimony which totally rejects that. The Commissioner of the IRS came in and said: You couldn't possibly collect the type of dollars that are represented in this bill in tax increases from closing the tax gap. You can claim it in theory, but it will not happen in practice. This canard, so to say, has been used for years—years.

In 1987, the Senator from North Dakota said: I pound away at the need for a share. He said: That includes the tax gap between what is owed and what is paid. He said that in 1987.

In 1990, he said: It is both fiscally irresponsible and insulting to the vast majority of honest taxpayers in this country if we fail to tap this revenue from those who have not complied.

Then again, last year, he said: If we collect 15 percent of the tax gap, it would be over $300 billion, and that alone would come close to meeting the revenue needs under our budget.

That was last year's budget, by the way. How much did they collect from the tax gap? Zero. How much did they collect from the tax gap in 1987, when he first made this statement? Zero. How much did they collect in 1990, when he made the statement again? Zero. Throughout the 1990s, through the 2000s, the tax gap is not being closed.

In fact, instead of being closed, last year, they cut the funding to the IRS, those elements of the IRS who would most logically be people who would go out and collect extra money if it was owed. So this whole tax gap thing is nice rhetoric, but it has no substance, and it is not defensible on its face in light of the numbers in this bill. What is in this bill is the largest increase in taxes in the history of this country—$1.2 trillion.

Now, there is, in addition, the issue of the debt. The Senator from the other side is fond of pointing to the President, saying: He has increased the debt this much, he increased the debt this much. Yes, the debt has gone up significantly. I do not like that. Nobody likes that. But you cannot wash your hands of it when you produced the budget last year that added $200 billion to the debt—well, $400 billion it was going to add to the debt. I am sorry. I misstated. Over $400 billion will be added to the debt for the first Democratic Congress's budget—$400 billion. This budget presumes another $370 billion to that debt.

So this wall of debt chart—yes, the President of the United States, because he put forward budgets that increased the debt, deserves some significant responsibility here, but so do our colleagues on the other side of the aisle who are producing this budget. There is $2 trillion of new debt added to the wall of debt under the Democratic budget.

You could reduce that. You could reduce that by not spending so much money, which gets us to the next point. The spending in this bill goes up significantly. We passed the trillion-dollar threshold—$1 trillion of discretionary spending—in this bill.

Now, I suggested—and I agree it would maybe be a statement more of an attempt to make a point than a substantive event, but I suggested we set spending limits in this bill which would keep discretionary spending under $1 trillion. That would have meant that instead of increasing spending in this bill, as the Democratic proposal does, by $24.5 billion next year—which, by the way, is the 1-year number that goes up over 5 years and represents over $200 billion in new discretionary spending—they would have only been able to increase spending by $10 billion and then they would have stayed under the $1 trillion limit. But they couldn't even do that. I mean the desire to go out and spend is a genetic effect; it is a genetic existence in the Democratic position. That is why we have different parties. They believe the Government is better when it is bigger. They believe the Government is better when it takes your money and spends it. They believe Government knows how to spend your money better than you do and therefore, when they are in control—which they are and which they have been—they significantly raise your taxes and they significantly increase spending.

This budget isn't any different. As I said, it is back to the future. Is this change? It is change that takes us back to where we were when we had the last Democratic Congress. Significant increases in spending, and the budget doesn't even account for most spending which we know is coming down the pike which has already been signed on to by the majority of this party on the other side of the aisle.

For example, we have pending in the wings later today or tomorrow a supplemental that is going to add spending in the area of unemployment insurance of $15 billion, spending in the area of veterans of $54 billion. We have a farm bill coming at us that is a $300 billion bill. We have an AMT fix which this budget claims to pay for, but which we know won't be paid for, of $70 billion. The numbers go up and up and up and up, the debt goes up and up and up and up, the spending goes up and up and up, and the taxes go up and up and up. There can be no denying that. It is the way it is. I understand there is a difference of opinion, but I think it ought to be admitted to by the other side. There shouldn't be an attempt to obfuscate it by claiming we are going to get taxes from the Oz somewhere behind the curtain. The tax revenues are going to come out of working Americans. It shouldn't be claimed we are going to generate a reduction in spending when we are generating an increase in spending, and a fairly significant one. The other side of the aisle holds up this chart and says there is no real difference between the President's number and our number. "Ours is a 1 percent difference." But 1 percent on $3 trillion is $300 billion. I don't know where they come from, but $300 billion is a huge amount of money—a huge amount of money.

Mr. CONRAD. Would the Senator yield on the math?

Mr. GREGG. I would yield.

Mr. CONRAD. I say to the Senator a 1-percent difference is a 1-percent difference, whatever the denominator is. One percent is a very small amount of money. I think the Senator would acknowledge that 1 percent difference is—

Mr. GREGG. I reclaim my time then. The point is I don't consider $300 billion a small amount of money. Now, maybe it is a small amount of money in North Dakota, but I do know that $300 billion would run the State of New Hampshire for I think approximately 10 years. Maybe it would only run the State of North Dakota for a couple of years, because I know you have big budgets up there, but I think it is a lot of money, $300 billion. So that is—

Mr. CONRAD. Would the Senator yield for one more moment on the numbers? One percent of $3 trillion, I think the Senator would acknowledge, is not $300 billion, it is $30 billion?

Mr. GREGG. Well, Madam President, I am happy to reclaim my time. Thirty billion dollars is a lot of money in New Hampshire. It would run the State for 10 years.

Mr. CONRAD. But would the Senator acknowledge that the $300 billion that he referenced is simply not accurate.

Mr. GREGG. No, I wouldn't, because $300 billion is a 5-year number. But I thank the Senator for making it clear that he agrees with the fact that $30 billion is a lot of money. Maybe he doesn't agree that $30 billion is a lot of money. I think $30 billion is a lot of money.

Mr. CONRAD. I would say—

Mr. GREGG. I have the time, Madam President. I have the time.

So we are talking about big dollars, real dollars and lots of new spending. Under any scenario, we are talking a number which is going to drive large tax increases not only next year but in the outyears for working Americans in this country, and it is not right to do that to them, in my humble opinion—well, in my opinion. It is not necessarily humble. I apologize.

There is another point here that needs to be made, which is there is a claim in this budget that they have put in some sort of enforcement mechanisms called pay-go. They keep returning to pay-go as an enforcement mechanism. To begin with, they have waived pay-go, adjusted pay-go or manipulated pay-go on at least 17 different occasions for well over $175 billion in new spending. Pay-go is only used as a vehicle to try to increase taxes. If somebody wants to cut your taxes, they will claim pay-go and you have to increase somebody else's taxes to do that. But when it comes to spending around here, as we saw with the farm bill that rolled through here, pay-go has no relevance at all. It is adjusted by changing years. It is adjusted by moving numbers around. It is adjusted by, as in the SCHIP bill, artificially ending a program when you know the program is not going to end. It is scammed. So there is no credibility to claiming pay-go is in this bill.

Furthermore, real pay-go isn't even in this bill. Real pay-go says you match the year of the spending to the year of the cost, the year it is going to be offset against. This bill doesn't do that. The first year of pay-go under this bill— you can claim you are going to offset a new spending program in the fifth year under this bill. So you game that system right to the end.

Then there is the alleged tax proposal in this bill—the Baucus amendment, as it is referred to. Well, we went through this exercise last year. The Baucus amendment was brought forward last year and the other side of the aisle put out a lot of press releases claiming they had extended the tax cuts within the Baucus amendment which included things such as the childcare tax credit and the spousal marriage penalty and I think R&D tax credit. They did a lot of press on that and there was a great deal of fanfare after they took the vote on the budget that claimed they were going to pass a bill which would accomplish these tax cuts, extending them. Where is the bill? Where is the bill? It never passed. There were no extenders passed. The whole amendment turned out to be a fraud. So they—well, it worked so well last year with the press release, they have done it again this year. They have done it again this year. They have claimed they are going to pass those extenders, which they didn't do last year, and they may do it this year, I don't know. I haven't seen anything yet that implies to me they are going to do it. But if they did do it, just to make darn sure that it actually never had any serious effect, they put language in the bill which basically creates a Rube Goldberg system where they take back the tax deductions if a deficit occurs. Well, they know a deficit is going to occur because they have already put in place, spending initiatives which exceed the alleged surpluses they have in this bill. Just the veterans benefit we are going to vote on tomorrow theoretically, and which will pass here at some point, is going to knock out the alleged surplus. So all of these alleged tax extenders which theoretically they are going to pass and at least they are going to put press releases out on are not going to occur, because they put language in this budget which says if there is a deficit, those tax extenders are recaptured, and they end. They come to an end.

So this budget is obviously, from our point of view—and it is our point of view. It is not their point of view. I don't argue with the fact that they believe they have put together a great budget. I mean in their mind, in the mind of the person who believes we should dramatically expand the size of government, dramatically increase taxes on the American people, this is a heck of a good budget. I don't argue with that. But from our perspective, when we think Americans should keep as much of their tax dollars as we can leave them with, because it is their money and they will spend it better, and they are more efficient using it than we are—we should keep a low capital gains rate; we shouldn't penalize seniors who have dividend income as their main source of income—from our perspective, this budget has the wrong priorities because it raises the taxes on capital gains and raises the taxes on dividends significantly.

In addition, it has the wrong priorities because it expands spending significantly—$500 billion in new spending and entitlements. Remember: Probably the biggest threat we face as a nation—fiscal threat—in fact, the biggest threat after, in my opinion, the threat of Islamic fundamentalism and the terrorists using a weapon of mass destruction against us—is the impending economic meltdown of this country as a result of the burden that our generation, the baby boom generation, is putting on the next generation through the entitlement accounts. There is $66 trillion of unfunded liability, $66 trillion—a huge number. Nobody knows because it is hard to define what $1 trillion is. But if you take all the taxes paid since the beginning of this Republic—I think you are talking about something like $37 trillion—and if you take all of the net worth of the American people—all their cars, all their homes, all their stock—and add it together, you come up with something like $45 trillion.

So we have a liability on our books which involves three programs—Social Security, Medicare, and Medicaid—that exceeds the net worth of the Nation and exceeds the amount of taxes paid in this Nation since we began as a nation. That is a huge problem for us. You have to start to address it.

One of the good things the President's budget did was suggest a couple of ways to address it. In fact, he sent up a proposal which would take about 20 percent of this problem as it relates to Medicare, which is the biggest part of the $66 trillion, and would have made Medicare 20 percent less insolvent—which is a big number, by the way. That was a big step. The proposals he sent us had no impact on the vast majority of beneficiaries—no impact at all. He suggested that wealthy Americans such as Warren Buffett, for example, qualify for the Part D premium under Medicare, under the Medicare drug program, or some other extraordinarily wealthy person, should pay a fair share—not all, but should pay a fair share of the cost of the premium of their drug program. That was a reasonable suggestion. What happened to it? It was rejected by the other side of the aisle.

The President suggested that we use IT and disclosure of performance at different levels that medicine integrates with the patient so people could make more intelligent purchasing decisions, so employers and insurers could make more intelligent decisions but, more importantly, Medicare could. What happened to that idea? It was rejected by the other side of the aisle.

The President suggested we should do something about the runaway cost of malpractice, about the trial lawyers essentially running up extraordinary costs on health care providers, especially doctors, and that we should do something to limit that. It is a reasonable suggestion rejected by the other side of the aisle.

How much entitlement saving is in this bill? Zero. Zero entitlement saving is in this bill. Here we are facing probably the most significant fiscal issue of our time and we do nothing about it in this budget. In fact, under the present law, we as a Congress are required by something called the Medicare drug trigger to adjust Medicare spending to bring it down under what is known as a trigger level. It is a technical point, but Medicare Part D premium isn't supposed to exceed 45 percent from the general fund. And we have now gotten a directive from the trustees in the Medicare trust fund to act, and it would cost not a large amount of money in the context of this entire budget—$1.3 trillion.

Mr. CONRAD. Billion.

Mr. GREGG. Billion, thank you. Billion. I got into my trillions. It would cost $1.3 billion to correct this. That proposal is nowhere in this budget; nowhere in this budget. It is hard to believe we couldn't even do $1.3 billion when we have been directed to do it, when we passed the law. It was our law that said we would do this if this problem occurred. Yet the courage isn't there to do even that in the area of entitlements, which is truly irresponsible, an act of malfeasance by the Congress. So entitlement spending remains unaddressed.

Interestingly enough, I heard Senator OBAMA on the stump a couple of days ago—maybe it was a week ago—talking about how he was never going to allow anything to happen to the Social Security recipient or the Social Security trust fund. It is that type of language which absolutely guarantees our children are going to get a bill here that they can't afford, that our generation, the largest in the history of the country, which will double the number of retirees, is going to basically put a weight on our children and our children's children that will make their lives less enjoyable than ours because they will not be able to afford the dollars it costs to support our generation and still be able to buy their homes, send their children to college, and buy their cars because of the tax burden generated by the entitlement costs.

So that irresponsibility is permeated in this budget when it does nothing on the issue of entitlements. Speaking of Senator OBAMA, I am entertained by the fact that this budget, which will have three-fourths of its life under the next President, must assume that the next President will not be Senator OBAMA because he has proposed $300 billion of new spending—$300 billion—in the first year of his Presidency. He proposed 187 new programs. We can only score 143 of them because the other ones were not specific enough. But if you score 143 of them, they add up to $300 billion of new spending just in the first year.

As I said earlier, Senator OBAMA said he is going to pay for this by taxing the wealthy. That is what he said. But if you look at this budget, they have already spent that money. This budget already assumes the wealthy are going to be taxed. The $1.2 trillion tax increase in the budget assumes the top rate in the 2010, 2011, and 2012 period jumps back to President Clinton's level of 39.5 percent. So the budget, which already is projecting deficits in the $400 billion range, already presumes inside of it, as it is presented here, a jump in the top marginal rate, which is the rate on the richest Americans. That money is already spent. It was spent when the other side of the aisle decided to increase entitlement spending by $500 billion under this budget and increase discretionary spending by close to $300 billion under this budget. So where is he going to find the money to pay for his $300 billion of new programs? I don't know. But one thing is pretty obvious: We are going back to the future with enthusiasm. Yes, we can raise taxes and, yes, we can raise spending; that will become the theme not only of this budget but future budgets should we have a Democratic President and a Democratic Congress.

This budget really doesn't do much to address the issues the American people need to have addressed. Those issues involve, No. 1, doing something on the issue of entitlements; No. 2, maintaining a tax law which creates productivity, which energizes entrepreneurship and says to small business people, go out and create jobs; No. 3, disciplines our fiscal house by containing discretionary spending under a trillion dollars.

Those are not really that dramatic or that heavy a lift to undertake. There is no reason we could not keep spending under a trillion dollars on the discretionary side, no reason we could not have taken the small steps, like asking wealthy people to pay a bigger part of—or any part of—their Part D drug premium. There is no reason this budget could not have contained within it some initiatives which would have controlled discretionary spending and would have continued to promote the tax policy we have seen for the last 3 years, which has generated a massive increase in revenues for the Federal Government, especially from capital gains.

Another course that was chosen—the course that is circular—goes back to the way we did things in the past when we had the last Democratic Congress. That course said you have to raise taxes because the American people don't know how to spend their own money, so we have to do it for them. It is a course that says the Government should always grow, and grow fast. There is nothing in the Government that should be reduced. It is a course that says we should add to the Federal debt at a radical rate. It is a course that says we should ignore real problems—the biggest problem we have, which is entitlement spending.

I want to put in one footnote because I think it sort of encapsulates the whole discussion about discretionary spending. The Senator from North Dakota got up and said we had to keep the COPS Program, which was a great program, and put cops on the street. There isn't one program that their budget proposes that we eliminate on the discretionary side that I found. Everything either gets increased or is maintained.

The COPS Program is uniquely appropriate to be eliminated. Why? Don't listen to me. Listen to President Clinton. He created the COPS Program, and he created it with this caveat: This will be a 3-year program.

That is what President Clinton said—that when we get to 100,000 police officers on the street as a result of this program, this program will be terminated. That was the program that was proposed. Not only did we get the 100,000 police officers on the street—because I chaired the committee of jurisdiction at that time—we put 110,000 new police officers on the street using Federal funds. Then, following on the suggestion of what the original program was, and following the edict of President Clinton, we started to phase out that program. It should have been completely phased out. That was 8 or 9 years ago that we hit what the number was under this Federal program. The program is still here. It is a classic example of how programs work. Once they are in place, the interest groups that support them demand that they stay in place forever. Obviously, we all believe police officers do a great job. We admire them, respect them, and they protect us. But this program fulfilled its obligation. It did what it said it would do, and it worked. It should have been terminated, just like President Clinton suggested.

Now, the other side of the aisle, 8 to 9 years after that event, is still claiming this program has to be kept and grown. That is the difference between our parties. We think when somebody puts in a program that says it will last 3 years, with certain goals, and those goals are met and the 3 years are over, the program should be ended and the American taxpayer should get to keep the money from ending that program.

The other side of the aisle thinks we should continue the program forever, grow it, and take money out of the American taxpayers' pockets to pay for something on which we have already fulfilled the responsibility. That is the difference. It is a fundamental difference between our parties. They are in the majority. They have the right to write a budget however they want it. They have done that. It is a budget that has the world's largest tax increase, has significant increases in spending, significant increases in entitlement spending, crosses the trillion-dollar line on the discretionary side, does nothing about containing entitlements, and plays games with enforcement mechanisms relative to the budget. We would not have written this budget. That is why we are opposed to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I am delighted that our colleague talks about our fiscal record and theirs. He talks about circling back to the policies when the Democrats controlled the White House. He is right that there is a difference. The difference is that when the Democrats last controlled the White House, we had record surpluses, and we were paying down the debt. Under the current President, we have record deficits and record debt.

I am delighted to talk about the record because here is their record: In each of the last 3 years of the Clinton administration, we had achieved a budget surplus, we were paying down the debt, and the CBO was projecting that the budget would remain in surplus for years to come. By the time the Bush administration came into power, we had achieved three consecutive years of surplus and were expecting more. But, the Bush administration squandered every dime. By the time this President is done with his responsibility, they will have run up the debt from $5.8 trillion to over $10 trillion. That is the difference in the record. Under the last Democratic administration, we ran surpluses and paid down the debt. Since then, under the Bush administration, the Nation has been beset by record deficits and record levels of debt. That is a fact.

Now, my favorite quote of my colleague on the other side—first, let me say I have respect for the ranking member. I have affection for him, and we are friends. But we have a big divide when it comes to fiscal policy. I think the policies of this administration have been reckless. I think they have dug an enormously deep hole for this country.

I think the factual record is very clear on the differences between our two parties. Under President Clinton, we achieved record surpluses, and we were paying down the debt. Under President Bush, the Nation was plunged right back into record deficits and debt. That is a fact.

But the thing I enjoy most about my colleague's speech is how similar it was to the speech he gave last year. This is what he said last year:

> It includes, at a minimum, a $736 billion tax hike on American families and businesses over the next 5 years—the largest in U.S. history.

The only difference is that now he is saying this budget is the largest tax increase in the history of the world. We can now go back and look at the factual record about what our budget did that was put into place last year.

Did it increase taxes? Did it increase them by the largest in U.S. history, as he asserted last year? Well, let's look. Here is the record—not a speech but the factual record. We had Democrats controlling the House and the Senate, and the assertion last year by the Senator from the opposite party was that there would be the largest increase in the history of the United States. But what happened? Was there the largest tax increase in the history of the United States? No. Was there a tax increase? No. Was there a tax reduction? Yes. Here it is: Tax cuts enacted, $194 billion; offsets and closing loopholes, $7 billion; net tax reduction, $187 billion.

Now, that is the fact. So much for speeches and for hyperbole. Let's deal with facts.

Debt: The President's budget has $83 billion more of debt than the budget we have offered from our side. The Senator questions the Baucus amendment, which is included in this budget, that extends key middle-class tax cuts. That is included in the conference report. We provide $340 billion of tax cuts in this budget.

What is he talking about, the biggest tax increase? There is no tax increase in this budget. None. Zero. There are $340 billion of tax reductions for the middle class in this country who deserve it.

The Senator says: Why haven't they presented a bill, because they had the Baucus middle-class tax cut extension in last year? Why haven't we? Because, as the Senator well knows, those tax cuts are in place until 2010. We didn't need to take action last year. We don't need to take action this year. Those tax cuts are in place now. But in this 5-year budget, we have provided for their extension because we know they run out in 2010. But there is absolutely no need to have taken the action to extend them last year or this year because they are already in place.

Let's deal with facts. The Senator talks about BARACK OBAMA'S budget. BARACK OBAMA doesn't have a budget. BARACK OBAMA is not the President of the United States. He is asserting he has $300 billion of spending increases. I notice he didn't say anything about the McCain budget because while JOHN MCCAIN is not the President, either, he has proposed $3 trillion—not $300 billion but $3 trillion—of additional tax cuts, and we already can't pay our bills. We already are borrowing hundreds of billions from China and Japan. So apparently the McCain plan is to borrow some more money from China and Japan. That is what the party of the other side has become, a party of borrow and spend—they've spent $600 billion so far in Iraq with no end in sight, and they've borrowed so much that the debt will have increased from $5.8 trillion to $10.4 trillion by the time this President is done.

Then there is one other item to which I need to respond, and that is on the question of the pay-go. The Senator says that pay-go is meaningless. What is it? It requires that if there is new mandatory spending or new tax cuts, they must be offset. That is pay-go.

The Senator used to support pay-go. This is what he said in 2002:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event. . . . If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

The Senator was right in 2002, and, in fact, his prediction came true because his party abandoned pay-go, drove up deficits, drove up debt, and we are the worse for it as a nation.

If you wonder about pay-go, here is the record. We had strong pay-go in effect between 1993 and 2000. The deficit was reduced each and every year between 1993 and 1997 and, by 1998, we actually got into surpluses, as I indicated before, which rose in each year through 2000. Then our friends on the other side took charge of the White House. They immediately weakened pay-go, and we plunged right back into deficit. We put pay-go back into effect, and we are starting to dig out of the very deep hole they have dug.

On the issue of pay-go being waived, pay-go has been raised 16 times; pay-go has been waived once—once.

The Senator says pay-go is not working. I disagree. Excluding the alternative minimum tax provisions that were put in place last year to prevent the alternative minimum tax from costing 20 million people more taxes, instead of offsetting that, the alternative minimum tax was prevented from being expanded without paying for it. If you leave out that one item, the Senate pay-go has a scorecard with a positive balance of over $1.5 billion over 11 years.

Every bill sent to the President, other than the alternative minimum tax and the stimulus, which, of course, could not be offset if it was to have a stimulative effect—that was totally bipartisan, both those were totally bipartisan—every bill sent to the President other than those two has been paid for or more than paid for.

Pay-go also has a significant deterrent effect, preventing many costly bills from being offered.

With respect to the specifics of my colleague's criticism, I will enter into the RECORD every one of the items he referenced: immigration reform, the Energy bill, mental health parity, prescription drug user-fee amendments, minimum wage, Water Resources Development Act. Every one of them is paid for. CHIP reauthorization, the farm bill—he just talked about the farm bill. The farm bill, which we will vote on sometime later today or tomorrow to overturn the President's veto, is totally pay-go compliant. It is paid for and without tax increases. Higher education, the reconciliation bill, the 2007 supplemental—every one of them in terms of the bill that actually went to the President is paid for.

When the Senator from New Hampshire calls pay-go "swiss cheese-go," I call their budget approach "easy cheese" because they have faked fiscal responsibility around here long enough, and we are calling them on it because now we have their record, and their record is record deficits, record debt, record borrowing from abroad. That is their fiscal record. It is a fact. It can be checked. They are going to have a hard time running away from their record as we go into an election year.

Madam President, I see my colleague, Senator MURRAY, is here. How much time does the Senator wish?

Mrs. MURRAY. Ten minutes.

Mr. CONRAD. I yield her 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mrs. MURRAY. Madam President, I thank my colleague, the chair of the Budget Committee. He has done an amazing job putting together a budget of which we can all be very proud.

For the last 7½ years, the current administration has really mismanaged our economy and failed to make the kinds of investments that keep our country strong. We all know American families have really paid the price. We have gone from a budget surplus to a record deficit, our infrastructure is crumbling, and our economy is now nearing a recession, if we are not already there. So as we finalize this year's budget, we have to ensure that we are investing in our future and addressing our country's real priorities.

It seems that every day the news we hear gets worse about job loss, about skyrocketing gas prices, about the number of families who risk losing their homes in the mortgage crisis. And in the eighth and final budget this President has sent to us, he has really sent us off on a fiscally irresponsible path. He has given us a dishonest budget that fails to own up to the true cost of the war, and it will require us to borrow billions of dollars from foreign governments to meet our expenses.

I want to give a few examples of how out of touch President Bush's budget is.

People today are struggling to pay for heat and rent. Yet President Bush sent us a budget that proposed to cut low-income heating assistance and housing and neighborhood revitalization programs, such as section 8 and CDBG, right when our constituents are fighting so hard to pay their mortgages to make sure they stay in their homes.

The wars in Iraq and Afghanistan are creating thousands of new veterans every single year, many of them, as we know, with severe injuries and specialized needs. But President Bush sent us a budget that cut critical programs at the VA, including medical research and State extended-care facilities.

More than 1 million people are going to lose their jobs this year. What did President Bush do in his budget proposal? He cut $484 million from critical workforce training programs.

Health care continues to be out of reach for millions of Americans who don't have insurance or, in some cases, don't have access to doctors or nurses. Yet the President sent us a budget that freezes Medicare reimbursement levels for our hospitals and hospices, for our ambulance services, long-term care facilities, and he decimated funding for training programs for our health care professionals.

It is past time that this administration joined with the majority in Congress and the majority of people in this country to make America's families, the working families, our first priority.

The budget conference resolution makes responsible choices that will help get our economy rolling again and invest in our country's real priorities. With this budget which will be before the Senate shortly, Democrats are investing in programs that help families meet expenses and get ahead, things such as schools and health care and job training. Our budget makes up for President Bush's misguided proposals to flat line funding for education and rob students of the opportunities they need to get ahead.

We are restoring the vital funding the President has slashed from our Nation's job training programs to help youth and adult and dislocated workers get the skills they need so they can succeed in our global economy.

We are investing in health care by adding much needed funding for our health professions, the National Health Service Corps, our community health centers, and other programs that help to ensure Americans can see a doctor when they are sick.

We are ensuring our communities at home are safe by funding the homeland security grants and restoring cuts to local law enforcement programs.

Our budget fully funds the port security grants which the President proposed cutting in half. And it restores his dangerous proposal to cut almost $750 million from State homeland security programs and grants. Those are programs that help pay for security improvements, training, and equipment—all of the items that our first responders need so they can prepare for the worst in our communities at home.

Democrats are making critical investments in infrastructure in this budget which will help boost spending and create jobs, while making much needed repairs to our roads and our bridges. We are also preventing a projected shortfall in the highway trust fund so we can keep our commitment to States and communities and ensure that our roads, bridges, and highways are safe and up to date.

This budget ensures we are not turning our backs on the Hanford Nuclear Reservation in my home State or the many other States in our nuclear complex where workers sacrificed to help make nuclear material during the Cold War. Hanford and other sites like it are still home to millions of gallons of nuclear waste and other dangerous material, and the Federal Government has to live up to its promise to clean them up. The longer we stretch it out, the more the cleanup is going to cost over the long run. The budget that will be before us reverses the trend of failing to invest, and it is a big step toward getting us back on schedule.

Finally, in this budget, we are doing the right thing for our veterans. The number of veterans is increasing every day, and the list of needed repairs and expanded facilities in the VA system is stacking up as well. But what does the administration send us? A budget that proposes new fees and increased copays that will essentially discourage millions of veterans from even accessing the VA. In his budget, the President also underfunded VA medical care, VA medical and prosthetic research, and he cut funding for major and minor construction by nearly 50 percent.

I have made it clear over the last several years that I believe denying access or discouraging veterans from seeking care because of their income is morally wrong, and I believe it will also make it harder in the long run for us to maintain a strong voluntary military. Democrats are making sure that we keep our promise to the men and women who have served us so bravely.

I thank our chairman, Senator CONRAD, for his leadership and his tremendously hard work to get us to this point. I urge all of our colleagues to support this budget. This budget sets priorities and gives us critical direction as we begin the appropriations process. The American people desperately want us to take the steps that have been laid out in this budget. Our budget creates jobs, it rebuilds our roads and our bridges, it cares for our veterans, it invests in education, it helps our families meet their basic needs, and it gets us to surplus by 2012. After years of this President's unrealistic policies, Democrats with this budget are making sure that working families are again priority No. 1.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the Senator from Washington, who is an extraordinarily able member of the Budget Committee, someone upon who I rely for much of the very hard work of the committee. She is simply outstanding, and I thank her for her leadership and most of all for her friendship.

Madam President, I ask unanimous consent that the gentleman from Iowa, Senator GRASSLEY, be given 30 minutes on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa is recognized for 30 minutes.

Mr. GRASSLEY. I thank the Senator for providing time for me.

For 6 years, and those would be the years 2001 and 2003 through 2006, the budget resolutions provided the necessary resources that allowed the Finance Committee, the tax-writing committee, usually in a bipartisan manner, to realistically address the demands of tax policy. I am disappointed to say that this year, like last year, is different.

The people spoke in November of 2006, and for this year—and last year—the Democrats are in the majority and in control of the congressional budget process. As ranking Republican on the Finance Committee, a committee I used to chair, like last year, I was not consulted at any point by our distinguished chairman on this budget resolution. Unfortunately, after reviewing the resolution conference agreement, it is clear it does not realistically address the tax policy needs the Finance Committee is very concerned about and has the responsibility to do something about.

I am going to take a look at what the budget means to the American taxpayers in two timeframes, from now until January 20, 2009, and then for the period of time long term. Short term first; long term, the period of time after the new President is sworn in starting January 20, 2009.

Let's take a look, then, at what this budget says to the American taxpayer near term. For the hard-working American taxpayer, the news is not all bad. I complimented the distinguished chairman for preserving the "unoffset" AMT patch for this year in the budget. He had to concede a new point of order to the House, but my guess is there will be 60 votes to waive it when the AMT patch is brought up. The problem that 26 million families face is uncertainty of the action on the AMT patch this very year. In other words, right now.

I have a chart here I wish to put up. It is the estimated tax voucher, a form that people fill out for making quarterly payments. Many of the 26 million families facing the AMT technically should be adjusting their withholding upward and filing the 1040–ES form with a check for a portion of the AMT they already owe because Congress hasn't acted yet to prevent the AMT from expanding to almost 25 million more Americans, which I don't think will happen, because I think we will take care of it in time, but who knows. But right now, those filing quarterly should have made this payment, filled this form out, on April 15. That is when the first quarter's estimated tax is due, and that is what the tax law says right now.

This is all a problem because the House Democratic leadership won't send us an "unoffset" AMT patch. Now, let's make it clear what the Constitution says, so people don't think I am only blaming the House of Representatives. The Constitution says tax laws must start in the House of Representatives. So why then won't the House Democratic leadership send us an "unoffset" AMT patch bill so we can get it to the President? Here is the problem. The House Blue Dog Democrats will not support an "unoffset" AMT patch bill.

Now, why wouldn't the Blue Dogs do that? And I am not accusing them, I am stating what their position is. The answer is the Blue Dogs are a growing presence in the House of Representatives. Most of the seats that shifted from the Republican column to the Democratic column in the 2006 election are occupied by Blue Dogs.

The Democratic-leaning Washington punditry and the Democratic leadership have gloated recently about the trifecta that has happened because of the House special congressional elections this year. By trifecta, I am referring to the three House races that were switched from Republicans to Democrats this year, not something this Republican is proud about. All three of those Members have joined or intend to join the Blue Dog coalition in the other body.

Lord knows we have heard a lot of gloating from the other side about these three new so-called conservative Democrats. We have also heard from a lot of Republicans crying in their favorite beverage about this outcome.

The Blue Dogs have had a heavy hand in this budget and are the leading obstacle to getting the "unoffset" AMT patch bill done and to the Senate so we can send it to the House. So if the Blue Dogs are representing themselves as strict agents of fiscal responsibility, it is a fair question for every one of us to ask about their definition of fiscal responsibility.

Let's take a look at it. I have another chart here. This chart contains a depiction of the most famous Blue Dog. Here he is, the most famous Blue Dog, Huckleberry Hound, showing us the definition of fiscal responsibility from his Blue Dog perspective. Now, here we have Huckleberry Hound barking "fiscal responsibility." American taxpayers should beware. Huckleberry Hound's bite happens to be higher taxes. With respect to spending cuts, all we get is a whimper. No spending cuts.

Maybe I am being too tough on Huckleberry Hound and his Blue Dog friends, but I have yet to see the empowered Blue Dogs propose spending cuts for deficit reduction. All I have seen is higher and higher taxes. Like their liberal brethren, Blue Dog Democrats only look to the American taxpayers to fund new spending. We are seeing it once again on the war supplemental bill. Why couldn't they find a spending cut here or there to pay for the popular veterans' benefit package? Why always go to tax increases?

The reason I point this out is this group of House Members is holding up our ability to pass an AMT patch bill in a form that can pass the Senate and in a form that can be signed by the President. The Blue Dogs' bark of fiscal responsibility is stalling relief for 26 million AMT families. The Blue Dogs insist on getting their bite of $62 billion in new taxes as a condition to sparing these 26 million families from the AMT.

I agree with the Blue Dogs on the importance of fiscal responsibility. And as I have stepped up to the plate over the years with plenty of revenue raisers, well, if you have any questions, ask the people downtown in what we call the K Street crowd who think of defending all these tax loopholes we are trying to close. But the Blue Dogs whimper when it comes to spending cuts. They only look at the taxpayers for fiscal responsibility. This obsession with raising taxes, most pointedly advanced by Blue Dogs, is a theme that runs through this budget.

I am going to turn now to the short-term tax legislative agenda and examine how the budget squares with what we need to do.

As a farmer, I would like to think we country folks can teach city folks a lesson or two. The first chart I am going to put up here involves the method a lot of us farmers use to get our water. You will see a well in this chart. You can see it as a long well. There is a little bit of water way down there at the bottom of the well, but most of the well is dry.

Now, what we are told by those who drew up the budget is that the tax-writing committees will somehow plain find the money. Well, find the money. You have to have some sort of consensus to do that, because in the Senate, to get anything done, you have to have some bipartisanship. We will find the money, they say, to pay for this time-sensitive tax business we have to deal with. Now, these are not just abstract things; these are pending matters. They are pieces of legislation on both sides that we say we want to get done before this session ends.

The offset well here shows about $58 billion that is known, that is identified, and that is scored revenue raisers that the Senate Democratic caucus supports. I used this chart several months ago trying to make similar points. I have updated it to assume that the farm bill will become law, and I think that is going to happen within 48 hours.

As a rule of thumb, the Finance Committee tax staff, in a bipartisan way, has developed about $1 billion per month in new offsets. That figure of $1 billion per month is in line with our historical average, the success we have had of gleaning money by closing loopholes. How reliable is that average, and can we count on it?

As a farmer, I know something about the predictability of rainwater. You hope you will get rain and that will give you a decent level of well water. As a former chairman and now ranking member of the Finance Committee, I know something about revenue raisers. I have been there and done that. When I was chairman, I aggressively led efforts to identify and enacted sensible revenue raisers aimed at closing the tax gap and shutting down tax shelters. And as ranking member, I continue to look for ways to shut off unintended tax benefits. So I consider myself to be a credible authority on what is realistic when it comes to revenue raisers.

From 2001 through 2006, Congress enacted over 100 offsets, with combined revenue scores of $1.7 billion over 1 year, $51½ billion over 5 years, and $157.9 billion over 10 years. So if you look at recent history, we can realistically figure the tax staff will find about $1 billion a month. Let taxpayers who are trying to avoid honestly paying taxes beware of that.

Right now, however, all we can find that is specified, that is drafted and is scored, is that $58 billion. The revenue-raising well shows about $58 billion in available, defined, and scored offsets.

Defenders of the resolution before the Senate will say a virtual cornucopia of revenue raisers is there from the tax gap and from shutting down offshore tax scams. I take a backseat to no one on reducing the tax gap or shutting down offshore tax shelters. I have scars to show from my efforts over the years. But the defined as well as the scored tax gap proposals are included.

We have that here already.

Likewise, we have a proposal targeted at tax haven countries and other off-shore activities on this chart. The well has, then, about $58 billion of offset water. This budget anticipates Congress will be thirsty for this limited group of offsets. On the thirst or demand side, you will see the bucket will be busy bringing up that water. On the demand side, I have talked about next year's AMT patch—there is $74 billion for the patch for next year. There is $16 billion for tax provisions that ran out at the start of this year. That estimate, by the way, is probably low. Then there is $29 billion for next year's extenders, and there is $15 billion for the energy tax package we want to pass.

If you add up those things—and we have to add the $5 billion we have there for the Federal Aviation Administration reauthorization bill, if we get to it—and I hope we get to it. So the pending, the time-sensitive tax business totals what? It is $139 billion that we have to bring up in that bucket.

You see $59 billion of real money is available. That is quite a difference. We are short about $80 billion. I have not even included the demands from the myriad of reserve funds that are mentioned in this resolution. Since we know from almost a decade of fiscal history that the Democratic leadership cannot propose spending cuts, we know the new reserve funding spending will be paid for with tax increases. It has been shown to be the case since the Democrats took power in January 2007.

As I said earlier, the Blue Dogs in the House of Representatives are leading proponents of this tax and this spending practice. You can see it doesn't add up. The budget plan for tax legislative business is very much out of balance. It is out of balance by at least $80 billion. Even if the Senate were to adopt some of the new tax hikes that the House has come up with, we would be substantially still out of balance.

I might add I have included in the Senate offset accounting proposals the House has rejected. So I think on this chart is a fairly conservative estimate.

What is going to happen? How do we then bridge that $80 billion gap? Either the tax relief is not going to happen or we will add that to the deficit. That is a frightening proposition. I had hoped that the shortfall would be confined to the short term, but that is not the case. Over the long term—and I said I had a short-term view and a long-term view of this budget resolution. So what does it look like after January 20, 2009? It gets much worse.

Let's take a look at the budget's assumptions about revenues over that long term. Over the 5-year budget window going out to the year 2012, keeping existing policy in place will have a revenue effect of over $1.2 trillion. This includes AMT relief, extension of bipartisan 2001 and 2003 tax relief, and extending other broadly supported expiring provisions.

In the aggregate, this budget appears to provide $340 billion in new resources for extending these policies over the 5-year window. Let's look further, and you will find a complicated obstacle course to making any of this tax relief happen. To me, the conditional tax relief language is almost bait and switch. Senator GREGG has described in great detail how this mechanism would work. To me, it is as convoluted as a Rube Goldberg type of invention. So I have another chart.

The chart shows a Rube Goldberg potato peeler invention. If you want to peel potatoes, I would tell Rube Goldberg to use a simple potato peeler. If you really mean to deliver tax relief, I would tell the majority, the Democratic majority, write it into the resolution. Make it very clear. Don't use a Rube Goldberg mechanism.

Suffice it to say, the supposed $340 billion in tax relief targeted to 2011 and beyond assumes it will not be used for future spending. Does anybody really believe this new majority will not spend future tax relief if given the chance? If your answer is yes, then I have a few bridges in Iowa that I will sell you.

Under this budget, $1.3 trillion in expiring entitlement spending is assumed to continue. It is right in the CBO outlook. So, Mr. and Mrs. Taxpayers, that is right, your taxes will go up by almost $1.2 trillion unless Congress raises taxes to offset the revenue loss.

When it comes to expiring entitlement spending, it is quite a different story. There is no requirement in this resolution for Congress to do any heavy lifting. This emphasis upon higher taxes and higher spending is reinforced by the pay-as-you-go rules, or we say pay-go around here. That is this budget's notion of fiscal responsibility—unrestrained spending is good, higher taxes are good.

Over the 5 years of this budget resolution, it assumes a dramatic tax increase—at least $1.2 trillion. In 2011 the bipartisan tax relief plan will expire. Some folks will call these provisions the Bush tax cuts. I suppose that term, "Bush tax cuts," arises from polling by campaign outfits on the other side. It is true President Bush signed both bills, but the bipartisan compromises occurred in the Senate Finance Committee. In 2011 President Bush will have been gone from office for a couple of years. You can call this package of tax relief for virtually every American the Bush tax cuts, but for the taxpayers, if Congress does not intervene, it will be a tax increase and it will be the biggest tax increase in the history of the country and it is all going to happen without a vote of the Congress.

So I would like to run through a couple of examples. The first would be a family of four. There is the husband, his wife, and their two children. This family makes $50,000 in income. That is right about the national median household income today. For example, the Census Bureau stated that for 2006 the national median household income was $48,200. Under the Democratic leadership's budget this family will face a tax increase of $2,300 per year. That is a loss in their paycheck of about $200 per month. It is a hit on their yearly budget of $2,300. Where I come from, that is real money.

I will give another example, this one a single mom, two children. She earns $30,000 a year. In 2011, under this budget, she and her family run straight into a brick wall—that is a brick wall of $1,100-per-year taxes. That is $100 a month out of the family's budget.

Some on the other side will say they only excluded top-rate taxpayers or other high-income folks from tax relief. I am going to tell you don't believe it. We have tax bills of the previous several decades to prove it, that you don't tax just the wealthy when you raise taxes. The facts are otherwise. Low-income folks, including millions of seniors, pay no tax on their dividends or their capital gains income. If this budget stands, even with the Baucus amendment, millions of these low-income taxpayers, especially seniors, will pay a 10-percent rate on capital gains and could pay as high as a 15-percent rate on dividends.

Nationally, over 24 million families and individuals reported dividend income. Let's say that again—24 million Americans reported dividend income—because you think it is just a few hundred thousand of very wealthy people—24 million families. In Iowa, for instance, we have 299,000 families and individuals claiming dividend income on their income tax returns. There are not 299,000 millionaire families and individuals in Iowa. Nationally, we are talking about over 9 million families and individuals reporting capital gains income. In Iowa we are talking about 127,000 families and individuals.

There are many marginal rates other than the top rate that would rise if this budget stands, even with the amendment of Senator BAUCUS. The 25-percent rate—which for 2007 starts at $31,850 for singles and $63,700 for married couples—would rise by 3 percent, to 28 percent. The 28-percent rate would go up 3 percentage points to 31 percent. The 33-percent rate would go up 3 percentage points to 36 percent. The top rate would go up from its current 35 percent level to 39.6 percent.

To sum up, even with the Baucus amendment added to this budget, there would be marginal rate increases on millions of taxpayers, and not just millionaires. Those marginal rate increases would reach taxpayers with taxable incomes as low as $31,850 for singles and as low as $63,700 for married couples.

What I just described is accurate only if the Democratic leadership intends to follow the letter and the spirit of the Baucus amendment. If you look at last year's track record, the House neutered the effect of the amendment in the conference committee. They created a Rube Goldberg type of mechanism to impede the amendment.

As I pointed out a few minutes ago, that mechanism is right back again. Of course, after the budget conference report was agreed to, all talk and action around the amendment then somehow ceased.

I wouldn't put much stock on the followthrough on the Baucus amendment. The distinguished chairman and friend of mine points out that since last year's budget, we passed tax relief of $50 billion for last year's AMT patch. He will also point to the stimulus package passed earlier this year. The senior Senator from North Dakota is correct that those tax relief packages did pass. He used the assertion to counter the assertion on our side that there is a $1.2 trillion tax increase in the budget.

The distinguished chairman omits a critical fact in his assertion, and that is the "unoffset" AMT patch passed only because Senate Republicans and the administration insisted that they would not use the AMT problem as a money machine for current and future spending. If the Democratic caucus had prevailed, the AMT patch would have been offset.

Likewise, on the stimulus bill, there was bipartisan consensus that economic stimulus should not be a tax increase.

When you step back from the differences across the aisle on this budget, you probably will not be surprised to find some differences among Presidential candidates. Generally, the candidates on the other side have proposed to take heavily from the taxpayers under the guise of fiscal responsibility. This is true when they are talking about ending the bipartisan tax relief plans of 2001 and 2003. It is true when they are talking about the same loophole closers for a myriad number of expansions of existing entitlements and creating new ones. Nowhere is there discussion of reining in spending.

So the tax side of the Federal ledger is the only route to fiscal responsibility from the perspective of Presidential candidates on the other side of the aisle.

I wanted to give you one telling example. One Democratic candidate has proposed to repeal the bipartisan tax relief plans for taxpayers earning above $250,000. This proposal raises $226 billion over 5 years and 10 years. A key fact is that the source of that revenue peters out over the next few years because under current tax law, the tax relief sunsets at the end of 2010.

Madam President, I ask unanimous consent for an additional 4 minutes.

Mr. CONRAD. I say to the Senator through the Chair that we would be happy to accede to the request if the Senator could say something nice about the chairman of the committee.

Mr. GRASSLEY. Besides the work of Senator HARKIN, we have an outstanding farm bill because of the hard work of the Senator from North Dakota.

Mr. CONRAD. What a kind and gracious thing to say. We would be happy to agree to the request. The Senator would like 4 additional minutes.

Mr. GRASSLEY. I think that is it.

Mr. CONRAD. Why don't we give the Senator 5. You can give back any time.

Mr. GRASSLEY. Sure.

Mr. CONRAD. May I interrupt the Senator and ask unanimous consent when the Senator has concluded, we go to Senator WYDEN?

How much time would the Senator speak?

Mr. WYDEN. I think it would range up to 10 minutes.

Mr. CONRAD. Are we confident that 10 is sufficient?

Mr. WYDEN. Yes.

Mr. CONRAD. Then I ask unanimous consent to go to Senator WYDEN for 10 minutes after Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Well, I was talking about Presidential candidates and what their budget plans might do.

Like the Democratic leadership's budget, the candidates on the other side oversubscribe the revenue sources from proposals that are popular with the Democratic base. The deficiency can only be made up in three ways: One, other undefined sources of revenue would need to be tapped. The taxpayers should rightly be worried about that avenue. Two, the proposed spending plan would need to be abandoned or curtailed. There is not much history on the Democratic side of this avenue being taken. Three, add to the deficit for the cost of the new programs. Unfortunately, this avenue has been taken too many times.

We will hear a lot of criticism of the Republican candidate, Senator MCCAIN, from those on the other side. They will argue, like the President's budget, a continuation of current-law levels of taxation somehow costs the Federal Government too much revenue, just like all the money every worker makes belongs to the Government and we let the taxpayers keep a little bit of it. They will argue that the spending increases they propose are more important than the restrained levels of the President's budget, and they will argue that despite the record tax hikes in their budget, entitlement reform is a matter for another day. In fact, Senator MCCAIN's plan intends to keep the revenue take where it is as a share of the economy. You see revenue averages of about 18.3 percent of the economy. That is 18.3 of the GDP.

The state of the economy affects revenues more than anything else. There are dips when we have been in recession and peaks when growth is high. Our side cares about keeping the revenue line at a reasonable level, about 18 to 19 percent.

We do not see the merits of an imperative behind a growing role for Government in the economy. The other side disagrees. That is their philosophy, they are entitled to it. I think they are wrong.

They impliedly or explicitly reject our premise that the size of Government needs to be kept in check. That view has been best expressed in an editorial of October 22, 2007, in the New York Times. The lead paragraph says it best:

> President Bush considers himself a champion tax cutter, but all the leading Republican presidential candidates are eager to outdo him. Their zeal is misguided. This country's meager tax take puts its economic prospects at risk and leaves the Government ill equipped to face the challenges from globalization.

But the bottom line is the New York Times directly states the view behind this budget and the position of the Democratic candidates. From this perspective, the historical level of taxation is not somehow appropriate as a measure for the next decade.

The New York Times implies that the Federal Government must grow as a percentage of our economy by at least 5 to 8 points. That is more than ever in the history of the country. If we were to follow the path suggested by the Times, the Government's share of our economy would grow by one-third. One-third. One-third is a great big increase in Government. The Democratic leadership budget takes some big steps on that path. So do the campaign proposals of the Democratic candidates. They go in the same direction.

Our Republican conference takes a different view. America is a leading market economy. American prosperity and economic strength, in our view, is derived from a vigorous private sector that affords all Americans the opportunity to work hard, to save, and to invest more of their money.

A growing economy is the best policy objective. It makes fiscal sense as well. Fiscal history shows that despite criticism to the contrary, the bipartisan tax relief plan drove revenues back up after the economic shocks we suffered earlier this decade. I am referring to the stock market bubble, corporate scandals, and the 9/11 terror attacks. Revenues bounced back when the economy bounced back. The revenue outperformed CBO's projections by a significant extent.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). Under the previous order, the Senator from Oregon is to be recognized for 10 minutes.

SENATOR KENNEDY

Mr. WYDEN. Mr. President, the television news folks spent much of yesterday looking at brain scans and pretty much counting out our friend TED KENNEDY. But I will tell you today, I think the TV crowd is missing a much bigger story; that is, TED is the most determined person I have met, and anybody who counts TED KENNEDY out needs to have their head examined.

Now, earlier today, Senator KENNEDY's son, Ted junior, gave me a call. Ted junior is a wonderful guy. We talked about all of the instances where his family has tackled illness, defeated cancer. Ted junior told me earlier today that his dad is mobilizing, he is building a battle plan against cancer, he is talking to the experts, he is digging out the facts the way we know TED KENNEDY does unlike anybody else here in the Senate. And certainly Senator KENNEDY is not sugarcoating anything.

But I think it is also important to note that he sure is looking ahead. Senator KENNEDY is especially looking forward to the passion of his life in public service, fixing health care and universal health coverage, coverage for all of our people.

TED has always been America's go-to guy on health care. He has always been our conscience, our leader on the premier domestic issue of our time. TED is always telling me—he is telling a lot of the Senators—that this time Democrats and Republicans here in the Senate can get it done, that after 60 years of bickering and quarreling partisanship, at this time, it can get done. TED says there is no reason the richest and strongest country on Earth cannot figure this out and cannot figure out a way to get good health care to all of our people. I especially like the way TED points out that we have thousands and thousands of wonderful doctors and hospitals and health care providers. They are ready and waiting for the political leadership to step up and tackle this issue.

Now, nobody has stepped up on health care the way TED KENNEDY has. Nobody has put the effort into looking ahead and what is it going to take to fix the system, to build the coalitions—business, labor, seniors, doctors, health care providers—all the people who are going to be necessary to fix health care.

We should be very grateful that TED KENNEDY has always stepped up on fixing American health care, particularly the challenge of our time, universal coverage. And I for one am very glad this afternoon that Senator KENNEDY is looking forward to being back at his post, as we go forward, Democrats and Republicans, and tackle this issue, this issue so important to our people and our families. That is what Senator KENNEDY and his public service is all about. I want to report this afternoon, he is sure looking ahead to the big challenges we face. And we want him back here with us as soon as he can.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, my understanding is we are in morning business, talking about the budget.

The PRESIDING OFFICER. The Senator is correct. Senators are allowed to speak for up to 10 minutes.

THE BUDGET

Mr. ALLARD. Mr. President, last year we were obligated to accept the assurances from the majority that under this new regime, pay-go would be respected, spending would be curbed, the entitlement crisis would be addressed, and the debt would be attacked. Undoubtedly, that was an ambitious agenda. Obviously, it didn't happen. We now have results, not predictions. When all was said and done last year, there was an $83 billion increase in discretionary spending. There was $143 billion in pay-go violations. Pay-go violations are provisions we put in the budget that help assure we get moving toward deficit reduction and eventually balancing the budget and reducing debt. We didn't close the tax gap. We added to the national debt. The budget was used to add spending, not reduce it.

Previous to that year, we had always had strong budget provisions that forced budget discipline that actually held down spending. We did nothing for entitlement reform, and we assumed tax increases.

When we began consideration of the fiscal 2009 budget resolution, I hoped everyone was aware of what was promised last year and what transpired. I hope they will use that knowledge with what we see today to understand that what we have now, with two budgets written, soon to be approved, is a pattern, a distinct pattern. That pattern is fiscally damaging to this country. The Democratic budget assumes a tax hike of at least $1.2 trillion which will hit 116 million Americans. This is the second year in a row that the majority party is expecting the American public to surrender more of their income to fund big government.

The pay-for assumed in this budget is simply fantasy. The tax gap, for instance, instead of being closed, was actually expanded last year. Middle-class tax relief was not passed last year either. This budget pushes annual spending over the $1 trillion mark for the first time ever. It increases spending over the President's budget by at least $210 billion over 5 years. That is without including the $79 billion we are considering on the floor this week in the supplemental. We have certainly lost control of our budget.

I want to take a moment and comment that our Budget Committee chairman must be having a little fun with us with his chart showing the difference between his budget and the President's budget. His claim that there is little difference between the two lines on his chart must be intended to be humorous, when the Y axis is over a trillion dollars. If he is teasing us, I appreciate his humor; if he is serious, I fear for us.

Another huge problem in this budget is that the biggest fiscal danger in our future, the looming entitlement crisis, is made worse. Actually, "danger" isn't the word. It is not a threat. It is not a danger; it is reality. It is a fact. We need to deal with it. For a second year in a row, nothing is done to address the $66 trillion entitlement crisis now on our doorstep. The budget allows entitlement spending to grow by at least $500 billion over 5 years. This is a huge avalanche of debt waiting to bury our future. But we do nothing. We are not even doing something as productive as fiddling. We are just talking year after year and perhaps wishing it will go away. Instead of reducing the debt as they promised, the majority allows gross debt to climb by $2 trillion by 2013. That debt will have to be paid back by future generations. In fact, every American child will owe an additional $27,000 or more under this budget.

We didn't see many amendments that tried to reduce the debt. I offered one to try to do that, where we looked at those programs that were rated as ineffective. I asked the Members of this body to vote with me to not have a pay increase to these ineffective programs. I thought at least we will let them maintain their funding levels for the previous year. We won't give them an increase, just as we would do with a poorly performing employee. We were not able to get the votes we needed to even put that simple policy in effect. We face a huge challenge, and we need to have a budget that provides the enforcement mechanisms that bring some fiscal sanity back to the process.

There is so much that is disappointing in this resolution that I hate to call attention to some specific points for fear of ignoring all others. But let me point out that an amendment I added in markup, which called for disclosures on debt, was removed. This shows the American public that there are things being done to their paychecks in this bill that the majority party doesn't want them to know. Now that our economy is trending in the wrong direction and when we need the benefits of a reasonable and pro-growth tax policy, we are going to depress our economic growth by adding to the debt and increasing taxes.

When we consider these tax increases, let's remember, last year we were assured we would see tax relief. The first vote we were presented on the budget last year was to budget for an alleged middle-class tax cut. This never materialized. I believe Congress and especially the Budget Committee should be committed to rigid budget discipline, not politically expedient gamesmanship. I urge a return to a tighter and more credible budget document. I plan to offer several amendments to shore up the fiscal discipline we are seeing erode.

Given that this budget assumes raised taxes, increased spending, increases in the debt, failure to address the entitlement crisis, and continuing the ongoing erosion of fiscal discipline in the Government, I feel compelled to vote against it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUNNING. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, in recent polling, close to 80 percent of the American public have told pollsters the Nation is on the wrong track. We have enormous problems to solve. The American people know it, and we should be working together to solve those problems. But this budget, written behind closed doors and in secret by a partisan group of Senators, will do nothing to close the gulf that is keeping us from the people's business. Maybe that is by design.

Majority Leader REID recently explained that Senator CLINTON recommended to him that the Democrats should have a Senate "war room." The war room is up and running today, churning out falsehoods, such as claims that Republicans have staged 71 filibusters—a claim now disputed by the nonpartisan Congressional Research Service. Who are the Democrats at war with?

Just as my good friend, General Petraeus, began to make progress reversing the insurgency in Iraq, the leadership of the Senate decided to wage a different kind of war—a war on Americans who do not share their vision of the future. The vision Democrats would promote, to the exclusion of all others, is laid out in this budget document before us. It begins with more tax enforcement. Everybody should abide by the law and pay the taxes they owe. And I support our new IRS Commissioner. But the notion that we can save anywhere near the amount proposed by Senator CONRAD is nonsense, and he should know it.

The only way to collect that revenue would be to toss out the procedural rights American taxpayers now enjoy. These rights are critical because they assure fair and evenhanded enforcement by the IRS. The Government will lose far more revenue than Senator CONRAD proposes to save if the public loses confidence in the fairness of our tax system.

His own colleagues in the House are not serious about this either. If they were, the House would not have voted on party lines to stop audits of a handful of wealthy Americans under audit by the IRS who claim to be Virgin Islands residents. What is the IRS to make of this mixed message?

The next part of the Democratic vision is predictable: more taxes. In order to achieve balance, the Democrats' budget assumes $1.2 trillion in additional revenue compared to today's baseline. Has anybody asked the 80 percent who think we are on the wrong track whether they would raise taxes on 116 million Americans?

At least 43 million American families will pay $2,300 more per year in Federal tax for the spending in this budget proposal.

Finally, and most significantly, the Democrats' plan on entitlement reform is to stay the course. Senator DOMENICI, the former chairman of the Budget Committee, told Budget conferees yesterday that he fears for our future and the future of our children and our grandchildren. Having 35 grandchildren, I share his concerns.

As any ship's captain knows, when you are heading for the rocks, it is time to change course. Staying the course is the wrong policy and the wrong message, and I am disappointed my colleagues have been unwilling to work with me and with the President to turn the ship of state in the right direction with this budget document.

Please—the American people are watching—let's do what is right and reject this partisan document and write a budget we can all be proud of.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, while we have been in caucus discussing how the business of the Senate will be concluded over the next several days, I note that a number of my colleagues have spoken to once again assert and claim that there is a tax increase in the budget conference report before us. That is a fiction. Our friends on the other side have a very consistent speech, and they give it regardless of what is actually in the legislation. I can say that because we have a record now of their giving this same speech, because they gave the exact same speech last year, almost word for word.

Last year, as shown on this chart, this was the description of the ranking member of the Budget Committee with respect to the conference report. He said then:

> It includes, at a minimum, a $736 billion tax hike on American families and businesses over the next five years—the largest in U.S. history.

Now we are able to check the record and able to see what, in fact, has happened. Did the Democratic Congress pass the largest tax increase in history in the last year? No. Did we pass any tax increase? No. Here is what we did do: We passed $194 billion of tax reduction. That is the record. People do not have to know what specific legislation has occurred here to know what I am saying is true. All they have to do is go to their mailbox. Because tens of millions of Americans are getting a check from the U.S. Treasury, courtesy of the Congress controlled by Democrats and, in fairness, a law signed by the President—one negotiated in a completely bipartisan way to provide stimulus to the economy.

There were $7 billion of loophole closers enacted during the same period. So the net effect of the two is $187 billion of tax reduction. That is our record.

Now they are saying: Well, they have this big tax increase in this package. No, we do not. That is their assumption. It is not ours. What is provided for in this package is $340 billion of tax reduction. The Baucus amendment, passed here—it is included in the conference report—extends all the middle-class tax cuts and reforms the estate tax. Mr. President, $340 billion of tax reduction.

Now, our colleagues say: Well, they had that in last year's budget and did not pass a law to implement it. That is true. You do not need to implement it until the tax reductions that are in place expire. They do not expire until 2010. So, yes, we have provided for them in the 5-year budget. That is to be responsible to show we can balance even with those tax cuts extended. But you do not need to pass the law now because those tax cuts are in effect until 2010.

I wanted to say that to set the record straight. I know Senator KYL is here waiting to speak, so I will stop at this time so he has a chance to make his remarks.

I say to Senator KYL, for the good of the order, could you give us a rough idea how long you might speak?

Mr. KYL. Mr. President, I say to Senator CONRAD, I would say no more than 10 to 15 minutes. I will say 15, but probably I will not take that much time.

Mr. CONRAD. Would it be appropriate to have a unanimous consent agreement that the Senator have 15 minutes—or 20, and then he can yield back time if he wishes.

Mr. KYL. No. Mr. President, I am happy to ask unanimous consent to speak for 15 minutes, and then whatever time Senator CONRAD would urge after that, subject to Senator GREGG's intercession as well.

Mr. CONRAD. Might I say, then we have a couple of other Senators on our side who wish to say something and, hopefully, we will then be done on our side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

Mr. President, let me engage in a little bit more of the sparring between the distinguished chairman of the Budget Committee and the distinguished ranking member, both of whom have had a good debate here. But I would like to add to that debate.

There is a lot of discussion here that must cause Americans watching this to wonder what on Earth is going on here when we pass a budget and that budget assumes various things, and then there are charges back and forth that you have passed a tax cut, you have not passed a tax cut, you have passed a tax increase, you have not, and so on.

Let me see if I can clarify that with what are, in fact, the real assumptions in the budget and what the Senate has and has not done.

The ranking member of the Budget Committee is correct that the budget that has passed the Senate already, and that the Senate is about to enact again, in fact, assumes tax increases which will amount to the largest tax increase in the history of the world—$1.2 trillion. Those are assumed in this budget.

Now, the chairman of the committee correctly says: Well, we have not actually passed those tax cuts. That, of course, is true. The budget is not a law, a bill that is sent to the President for his signature so he can sign it and then it becomes law. That is not what a budget is. The budget is the document we use to frame our deliberations in the Congress for this coming year. We are supposed to stick to it. It sets an upper limit on spending. It sets the revenues that we assume will come in, and part of the revenue is based on taxes.

So what this budget does is to say we assume we are going to have taxes of $1.2 trillion more than we have today. That is what this budget assumes, and that is the largest tax increase in the history of the world.

Now, the chairman responded first by saying: Well, actually we have also included something else in this budget so you cannot say it is necessarily the biggest tax increase in the history of the world because we passed what is called the Baucus amendment, and the Baucus amendment is supposed to provide an extension of certain current tax rates that would otherwise expire in the year 2010, and if we do that, then we will not actually have that tax increase.

The answer is, that is true, were we to do that, that tax increase would not occur—at least it would not occur to that amount.

Well, we did the same thing last year. We had the Baucus amendment last year. But Congress never passed any tax relief based on the Baucus amendment. So while the Baucus amendment was in the budget, it was never implemented. The truth is, it is not going to be implemented this year either. I think everyone will acknowledge that.

So it is no answer to say the tax increases that are assumed in the budget are actually wiped off because the Baucus amendment is also a part of the amendment. The Baucus amendment is not going to be implemented this year, just as it wasn't implemented last year.

The third response the chairman of the Budget Committee made was: Well, that is true, but we actually don't have to pass the Baucus amendment until these current tax rates expire because they currently exist until the end of 2010. So we can still say we passed a tax cut, even though we haven't enacted anything, because we are going to assume existing law continues until the end of 2010.

Well, that is an odd way to argue that you have actually cut taxes. You haven't cut any taxes at all. You have done nothing but allow current rates to continue for next year and the year 2010. It is a good thing those rates are continuing; we wouldn't want them to increase. They are the Bush tax cuts that many Democrats have been very critical of. But here now Democrats are bragging about keeping them in effect for another 2 years. Well, I am glad. I am happy they are being kept in effect for another 2 years. I am worried about what is going to happen after that. The problem is this budget assumes they are going away. That is the $1.2 trillion we are speaking of.

Now, what happens to average Americans if this tax cut fails to materialize and, in fact, the tax increase actually occurs? Well, this budget conference agreement we will be voting on assumes that single people earning as little as $31,000 a year, couples making

$63,000, will see their taxes go up. That is because it assumes the 25-percent bracket which kicks in around $32,000 next year for single filers, $63,000 for married couples, will go to 28 percent. Well, is this 3 percentage points a lot? Is that a big deal? Well, it is a marginal tax rate increase of 12 percent. When you add percentage points onto 25 and go to 28, that is a 12-percent increase. That means people in the 25-percent bracket—and that is people earning as little as $32,000 a year—will give the Federal Government 12 percent more of every dollar they earn over $32,000 more than they do today.

What does that mean? Well, let's look at some high school teachers in Phoenix and Tucson, AZ, my home State. In Phoenix, they make between $42,000 and $63,000 on average. So they would see a significant tax increase. How big? Well, according to calculations run by the Budget Committee, the average tax increase for this middle-income family will be more than $2,000. That may not be much to some, but it is a lot of money to the average school teacher in Phoenix. The average school teacher in Tucson makes between $38,000 and $56,000, on average. Most people think of that as middle class, not wealthy. But under this budget, they would see their taxes go up almost the same amount—$2,000.

Small businesses, which are the backbone of our economy—that is where most of our employment is occurring today. Yet this budget conference agreement raises taxes on small businesses because all income tax brackets above the 15-percent bracket will increase, and small businesses pay on those upper tax brackets. Most small businesses—in fact, the owners of small businesses report their business income on their individual income tax returns and, in fact, over 80 percent of filers in the top bracket report small business income. So you think you are going to soak the rich by increasing the top tax bracket? Well, you are increasing taxes for the small businesses of America. That is who ends up paying the increased taxes.

According to the Small Business Administration, small businesses represent 99.7 percent of all employer firms. They employ about half of all private sector employees. They generate between 60 to 80 percent of the net new jobs annually. Increasing small business taxes will hurt our economy.

How about investors? This is becoming an investor Nation, people saving for their retirement, American seniors living off their savings. In fact, every American who saves and invests rather than spending their extra earnings will see their taxes go up under this budget.

The budget allows the 15-percent capital gains rate to go to 20 percent. That is a 33-percent increase in the tax rate. The dividends tax rate will go up a whopping 164 percent. We talked about a little bit of an increase—164 percent is not little. That is on dividends. That is what seniors get when they invest their retirement savings and get a dividend from the corporation they have invested in. That goes from 15 percent to 39.6 percent.

Why are these rates important? Because keeping tax rates low on investment income gives people the incentive to put their money to work by investing it; by investing in businesses, small and large, and it gives the businesses the resources they need to grow: to hire more employees, to buy more equipment, produce more goods and services. All this, of course, helps the economy grow; it helps produce more wealth and, by the way, it helps produce more revenue for the Federal Treasury as well.

I said we have become an investor Nation. Capital gains. Now, 45 percent of all elderly taxpayers reporting capital gains had an adjusted gross income of $50,000 or less. Rich? We are going to tax the rich here? No. We may be aiming at the rich, but we are hitting the middle class. A $50,000 income is not rich. These are our senior citizens' dividends. Mr. President, 67.6 percent of all elderly taxpayers reporting dividend income had an adjusted gross income of $50,000 or less. The same thing; these are not wealthy people. They are receiving dividends based on retirement income, and they are going to receive a whopping tax increase under the assumptions of this budget. In fact, if you look at the data for all filers under $50,000, capital gains that are $50,000 of income, 35.8 percent of the filers reported capital gains income. Forty-one percent of the filers with incomes of less than $50,000 reported qualified dividend income. So we are talking about folks who are not wealthy, who are reporting not only income but dividend income and capital gains income, getting a huge increase in their taxes because the rates on dividends and capital gains are increased under the assumptions of this budget.

As I said before, there has also been talk of not only taxes going up, but the budget chairman actually said we have actually cut taxes by about $187 billion. Now, this is—well, let's say it bears examination. The tax cut the chairman is counting is simply the existence of the law today. It is existing law. It is continuing that law. As he said before, we don't have to take any action because it is already law, and it continues for 2 more years. That is right. But it is not as if we passed a law to cut taxes. We haven't. We have left them alone. That is not cutting taxes.

This year we are going to enact a 1-year fix for the AMT because we don't want people to have to pay for that. We are going to extend the so-called tax extenders for businesses, such as the R&D tax credit. We will do those things, but it is not as if the people should be grateful to us for cutting their taxes. That is simply taking action to make sure their taxes don't go up. It is to keep them exactly where they are. That is not a tax cut; that is protecting people to retain the existing level of taxation.

Then, the stimulus checks which make up the rest of this, they are not a tax cut either. Remember, that is what the President did when he negotiated with the House of Representatives and said: Let's stimulate the economy by giving people $300 or $600 to spend, and that money is starting to be received by Americans today.

So I don't think the Congress should be bragging about a big tax cut when, in fact, all we have done is to retain existing rates, and all we are going to do is retain existing rates. When I say all we are going to do, believe me, that is important. It is important that we not let taxes increase, but that is what this budget assumes. As the ranking member of the committee pointed out, the biggest tax increase in the history of the world is assumed in this budget, and here is the problem: Right now, Congress does not have to do anything, as the chairman of the Budget Committee said. That is true. But in 2 years, we do have to do something or else taxes are going to go up. This is not a matter of stopping a big tax increase; this is a matter of all these tax rates—the marginal income tax rates, the death tax, capital gains rates, dividend rates—all these rates that are currently in law expire, and they are all increased unless we act.

That is the assumption of this budget. That is why it would be irresponsible for us to support this budget and assume Congress is not going to do the responsible thing and stop those tax rates from increasing. That would be devastating to our economy. It is the last thing you would want to do in a time of economic downturn, and it would be the last straw for American families who are already seeing too much of their income having to go to buy gasoline, to buy a quart of milk or to buy whatever else it is they need for their families with the prices having gone up. To have a tax increase on top of that would, as I said, not only be devastating for the economy, but it would be critical to American families. Ironically, if we are concerned about revenues to the Federal Government, it is also the best way to make sure the Government doesn't collect very much revenue either, because in an economic downturn, the people don't make as much, and therefore they don't pay the Government as much in taxes.

The bottom line is this is a budget that assumes a huge tax increase. It doesn't do a thing to cut taxes. It is not something we should be supportive of. I appreciate the comments of my colleague from New Hampshire earlier in pointing out the fact it is a budget Congress should reject on behalf of the American people. Go back, do this work over again, abide by the instructions to conferees that we passed on the floor of the Senate last week, and ensure that these things can occur without raising taxes, which would be the last straw for the economy we are in right now.

Mr. President, I yield the floor to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you, Mr. President. I wish to, once again, thank Senator CONRAD and all the conferees who have worked so hard. I know Senator GREGG and Senator CONRAD may have a different view on the budget, but certainly I appreciate our ranking member's professionalism in working across the aisle on so many issues and working to place this budget resolution, the final resolution, in front of us.

The chairman and the conferees are presenting the American people with a budget resolution that lays out the Nation's priorities and focuses on what we ought to be doing to improve our economy. We put together a budget, and as a member of the Budget Committee, I am very proud to have played a role in putting it together. I believe it gets it right. It is about our values and our priorities. It is about investing in our future as Americans.

Today we are saying our Nation's budget, which lays out our values and priorities, will focus on the economy, on jobs, and on the future of the country. I come from the great State of Michigan, where the issue of jobs is very serious and very real. People in Michigan want us to act in a way that is going to allow people to have a good-paying job, to be able to work hard, to be able to pay the bills and pay for the outrageous gas prices and the soaring costs of health care and the cost of college and food and all the other things that are squeezing families on all sides. They want to know they have an opportunity to work. We work hard in Michigan. People across this country, middle-class families every day are working hard, and they want to know that our Federal priorities include creating opportunities for people to work, to be able to care for themselves and their families.

Let me first indicate it gets pretty old. You know, it seems the old, tired refrain comes from colleagues on the other side of the aisle. When in doubt, when you can't say anything about the economy under this White House and 6 of the last 8 years under colleagues on the other side of the aisle, when you can't say anything about soaring deficits, when you can't say anything about the inaction and unwillingness of the White House to work with us in a manner that will quickly respond to the housing crisis; when you can't say anything about any of those things, what do you say about Democrats? Well, it is the tired, old refrain of tax and spend.

I wish to remind my colleagues that this budget resolution is 1 percent higher than the President's budget resolution—1 percent higher—and it returns to a surplus. In other words, we balance the budget in 2012 and in 2013. It is a 1-percent difference. What does that mean? This is not about tax increases on low-income or middle-income families. This is not a budget that is focusing on adding costs to families. This is a budget that focuses on taking costs off families and valuing work and creating opportunity and investing in the future of our children with education, focusing on the things Americans want to see focused on. People in America are saying, what about us? We are seeing a war where we are spending $12 billion a month, unpaid for—hundreds of millions of dollars that have gone into rebuilding roads and schools in Iraq, even though they have oil revenues and have not been contributing, as they should, to rebuilding their own country. People in America are saying, what about us, our roads, schools, and jobs in America?

That is what this budget addresses. We focus on the future and on making sure American families have the confidence that we are putting them first. Last year, Congress began fixing the fiscal mess caused by the administration's 6 years of neglecting the homefront. This budget continues that effort by focusing on what is most important to American families.

We have three priorities in this budget: jobs, jobs, and jobs. I am very proud of that.

Today, we are bringing fiscal sanity back to our budget, while at the same time investing in a plan that will create good-paying American jobs, including rebuilding our Nation's aging infrastructure, our roads, bridges, and other infrastructure—in other words, rebuilding American jobs, rebuilding America, with jobs that cannot be outsourced overseas—good-paying jobs, middle-class jobs—investing in America.

Promoting education and job training is so critically needed in this fast-paced, changing world we live in. There is also investment in the future of our energy economy. I am proud my green collar jobs initiative is a part of that. Let me speak to that for a moment. As part of our effort to create jobs and look to the future, I was very pleased that the Senate included my green collar jobs initiative, and that it is substantially intact as it comes out of the conference committee. We focused on 5 areas in the proposal that we put forward: energy efficiency, and conservation, jobs, weatherizing buildings, grants to State and local communities for energy efficiency, and conservation. We can immediately create thousands and thousands of jobs by doing the right thing on energy efficiency and conservation.

Secondly, there is advanced battery technology. When you come from my great State, where we are proud to make automobiles, the buzz word these days is "batteries." If we are going to compete and meet our mandate on fuel efficiency and move away from dependence on foreign oil, we have to be investing in advanced battery technology. Right now, China, Japan, and South Korea are ahead of us. When Ford Motor Company decided to make their first hybrid SUV—and I am proud they did that—they could not find a battery in America. They had to buy that from Japan. With all of the American ingenuity and the smart people we have, we have not been investing in advanced battery technology.

Last year, the President's budget had something like $22 million in it versus the hundreds of million around the world. Our plan that we passed here in the Senate had $250 million in investment in advanced battery technology to make sure we can do the plug-ins, and that GM can quickly move on this technology, and Chrysler is investing in hybrids and other technology, so our companies can compete globally because America invests in our technology.

Retooling older plants. We don't want to say come over and we will build you the plant. We want to keep the jobs in America.

As to biofuel production and access, we know we have spent a lot of energy on biofuel production.

Infrastructure and assets are very important. It is great to make the fuel. We want to grow it in Michigan—and we are—but if you cannot buy it at the pump, it doesn't do much good. This focuses on that as well.

Finally, green job training programs, to create new opportunities. That is what this resolution is all about—value work and looking to the future. This budget provides, as well, $2.5 billion more than the President requested for transportation accounts for rebuilding America. It fully funds the highway and transit programs authorized by the highway bill and includes funding for airport improvement—all things that help us and our communities create safer ways to be able to move around, whether it is airports or roads or whether it is commerce or families going on a vacation or going back and forth to work. These are investments in America. It is about creating good-paying jobs.

The Department of Transportation estimates that for every $1 billion in highway spending, you create 47,500 good-paying middle-class jobs. This budget recognizes that. It also creates $2 billion in economic activity for every $1 billion we invest in infrastructure.

I am glad to see, for the benefit of our country and our families, that the conferees have also invested in other important areas related to education and job training for the future. This is absolutely critical for us.

This budget resolution reflects the values and priorities of the American people. It makes sure we are rejecting the President's efforts to eliminate the COPS program. We want to keep our families safe in their communities, with our children being able to play in parks and on the streets, and know that we have community police officers available to help keep them safe. Then there are the Byrne grants to help our first responders, the firefighters and police officers.

We also, I am proud to say, keep the promise we began last year to fully fund veterans health care as a major priority for our country.

So there is a lot to celebrate in this budget. On top of the new investment and new priorities and changing the way things are done, these investments are paid for because we are following what is called the pay-go rules, which helped balance the budget back in the 1990s and brought us into surplus at the end of the last decade.

We cannot mortgage our children's future, as the administration has done, with soaring deficits and record spending that is not paid for. Instead, we invest in our children's future, in our families, and we balance the budget by 2012.

Again, I congratulate our chairman for his tenacity, his passion, and his commitment to doing the right thing, doing it in a fiscally responsible way. We have all worked so hard to lay out a vision of America that is about jobs, about the future, about investing in America. It is time we did that. The American people expect us to do no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I thank the very able Senator from Michigan, Senator STABENOW, who is an extremely valuable member of the Budget Committee, for her contribution throughout the budget process this year. She has been an absolute champion of the green jobs initiative. We have $2 billion in this conference report for green jobs, which is not only going to help the economy, but it is also going to be good environmentally, and we think even better long term in the economics of the country, because we are going to have, as the world turns its attention with greater concern to environmental issues, high-paying jobs here in this country.

That takes some work, some investment. That is provided for in this conference report. Frankly, it is one of the things I am most proud of in this conference report. It would not have happened without the effort of the Senator from Michigan. She deserves great credit for that. She has also been one of the real leaders on making certain that our veterans coming home from Iraq and Afghanistan have the health care they need and deserve. That is the second part of this bill of which I am especially proud—the additional resources—some $3 billion above what the President requested—for health care for our Nation's veterans.

A third area in which the Senator from Michigan has been especially helpful has been the health care. She has championed health information technology, and we have a reserve fund here to take advantage of the opportunity that is out there for the Nation by more broadly adopting the use of information technology in medical care.

The RAND Corporation has told us—and the Senator has brought it to our attention repeatedly, and that is why it is very much in my mind—that we can save $80 billion a year, if I am not mistaken, if we would broadly adopt information technology in the health care industry, the health care sector. Think of that—$80 billion a year, over 5 years. That is more than $400 billion. So that makes common sense.

I will conclude by saying I think this has been a healthy and full debate today. We have had almost 4 hours, which is about typical on a conference report. I am being informed by the leadership we will not vote until tomorrow morning. I am told that the likelihood is that the budget, which is subject to agreement with both sides—I am being told of the likelihood that the budget vote will not occur until perhaps 9:30 tomorrow morning. I am told the farm bill override vote will also, most likely, occur tomorrow.

I don't have that conclusively, but that is the initial indication I am receiving, that that is the most likely outcome. So I urge Senators not to jump in their cars and head home without checking out with leadership staffs on both sides, but that in fact is the likelihood. I don't think I have anything further to add.

I do think we have laid out the case for this conference report clearly and, I hope, in a compelling way. This has been a difficult challenge—to write a budget in an election year. We know the Congress has not adopted a budget in an election year since 2000. It is extraordinary, if you think about it. This country, in an election year, has not had a budget since 2000. That cannot be the way we do business around here.

I am very proud we had a budget last year. I am very proud we are on the brink of getting a budget this year, even though it is an election year. I hope that sets an example for whoever is in charge that getting a budget does matter.

We have to bend our best efforts on both sides to make certain that this country, the greatest nation on Earth, has a budget. That is about as basic as it can get.

I again thank the Senator from Michigan for her leadership and her great assistance on the Budget Committee and also on the Agriculture Committee on this very important legislation on which we will be seeking to override the President's veto. That bill really should not be called a farm bill. It is far more than that. It is a food bill, an energy bill, a conservation bill, a trade bill, although inadvertently the enrolling clerk over in the House dropped off the trade title. So that will create a bit of a challenge for us as well.

I thank very much the Senator from Michigan.

Mr. President, I ask unanimous consent to have printed in the RECORD data on pay-go.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOP CLAIMS ON PAYGO FULL OF HOLES

Alleged "Real PAYGO Violations"

	Claim	Fact
Immigration Reform —Never passed Senate. —Fully paid for on unified basis.	$30.3 B	0
Energy Bill —Final bill sent to President more than paid for. —Passed Senate 86–8.	4.2 B	– $52 M
Mental Health Parity —In conference—final bill will be fully paid for. —Passed Senate by unanimous consent.	2.8 B	0
Prescription Drug User Fee Amendments —Final bill sent to President more than paid for. —Passed Senate by unanimous consent.	0.2 B	–4 M
Minimum Wage Increase —Fully paid for on unified basis.	50 M	0
Water Resources Development Act —Final bill sent to President more than paid for. —Passed Senate 81–12.	4 M	–5 M
TOTAL	$38 B	61 M

Source: SBC GOP "Swiss-Chesse-Go" chart, SBC Majority staff.

Note: Minimum wage increase in 2007 supplemental was fully paid for on unified basis, but had small net on-budget cost.

Alleged "Gimmicks to Get Around PAYGO"

	Claim	Fact
SCHIP Reauthorization —More than paid for over 6 and 11 years. —5-year reauthorization—Congress will reauthorize in 2012 with new policies and offsets.	$45 B	– $207 M
Farm Bill —More than paid for over 6 and 11 years. —5-year reauthorization—Congress will reauthorize in 2012 with new policies and offsets.	27.5 B	– 102 M
Higher Ed Reconciliation Bill	26 B	– 752 M/5 yrs
—More than paid for over 6 and 11 years —Savings will continue to grow in decades beyond budget window.		3.6 B/10 yrs
2007 Supplemental—County Payments/PILT/MILC —PAYGO rule applies to mandatory spending and revenues only—not to appropriations. —Discretionary spending controlled by separate caps.	6.5 B	0

Alleged "Gimmicks to Get Around PAYGO"

	Claim	Fact
—2008 budget resolution established new 60-vote point of order to limit changes in mandatory spending on appropriations bills and strengthen PAYGO even further.		
TOTAL	105 B	– 3.9 B

Source: SBC GOP "Swiss-Cheese-Go" chart, SBC Majority Staff.

Note: Per section 201 of 2008 budget resolution, net savings enacted pursuant to reconciliation are not included on PAYGO ledger. They are reserved solely for deficit reduction.

Mr. BAUCUS. Mr. President, this budget resolution conference report allows Congress to take action on many of America's priorities.

This conference report starts by providing for many priorities through the revenue side of the budget.

This agreement includes monies to pay for extending expired and expiring revenue provisions.

These provisions include the teacher expense deduction, which helps teachers who buy school supplies.

These provisions include school construction bonds, to help repair our country's deteriorating school infrastructure.

And these provisions include help to businesses to stay competitive. In particular, the budget assumes extending the research and development credit, which gives businesses an incentive to increase research. This will keep America as a top innovator in science and technology.

This conference agreement on the budget resolution also includes monies to provide for education tax reform. So far this year, the Finance Committee has held two tax reform hearings. One of the major themes of the testimony has been simplification.

Witnesses almost always cite education tax incentives as an example of needless complexity. This conference report would allow us to help make education more accessible and affordable by making the education incentives easier to use.

The agreement also includes my amendment that was successfully added to the budget resolution on the Senate floor.

My amendment took the surpluses in the budget resolution and gave them back to the hard-working American families who earned them.

My amendment provided for some important priorities so that the business of America's families can be taken care of.

First, my amendment provided for permanence of the 10-percent tax bracket. That is an across-the-board tax cut for every taxpayer.

Second, my amendment provided for making permanent the changes to the child tax credit. That is a $1,000 tax credit per child. This tax credit recognizes that a family's ability to pay taxes decreases as the family size increases. Unless we act, the child tax credit will fall to $500 per child in 2010.

Third, my amendment provided for making permanent marriage penalty relief. This relief makes sure that a married couple filing a joint return has the same deductions and tax brackets as they would if they filed separately as individuals.

Fourth, my amendment provided for making permanent the increased dependent care credit and changes to the adoption credit.

Fifth, my amendment provided for tax provisions to help military families. And I am pleased to say that these are very close to being adopted by the Congress. This shows that Congress values the sacrifices that our men and women in uniform make for us every day.

Nearly 1½ million American service men and women have served in Iraq, Afghanistan, or both. Nearly 30,000 troops have been wounded in action.

Congress is about to show our support for our service men and women by making the Tax Code a little more troop-friendly.

We will extend the special tax rules that make sense for our military that expire in 2007 and 2008.

We can eliminate roadblocks in the current tax laws that present difficulties to veterans and servicemembers.

One of these roadblocks is how the Tax Code treats survivors of our fallen heroes. The families of soldiers killed in the line of duty receive a death gratuity benefit of $100,000.

The Tax Code restricts the survivors from putting this benefit into a Roth IRA. We are about to make sure that the family members of fallen soldiers can take advantage of these tax-favored accounts.

Another roadblock in the tax laws impedes our disabled veterans. I am talking about the time limit for filing for a tax refund. Most VA disability claims filed by veterans are quickly resolved. But many disability awards are delayed due to lost paperwork or the appeals of rejected claims.

Once a disabled vet finally gets a favorable award, the good news is that the disability award is tax-free. The bad news is that many of these disabled veterans get ambushed by a statute that bars them from filing a tax refund claim. We are about to give disabled veterans an extra year to claim their tax refunds.

Most troops doing the heavy lifting in combat situations are the lower ranking, lower income soldiers. Their income needs to count towards computing the earned-income tax credit, or EITC. Under current law, however, income earned by a soldier in a combat zone is exempt from income tax. This actually hurts low-income military personnel under the EITC.

The EITC combat-pay exception allows combat zone pay to count as earned income for purposes of determining the credit. That way, more soldiers qualify for the EITC. But this EITC combat-pay exception expires at the end of 2007.

We are about to make this provision permanent.

The budget resolution conference report also provides for some certainty to American families on the estate tax.

Lowering the estate tax to 2009 levels is the least that we can do as estate tax reform.

I am pleased that the conference report recommends appropriations of $240 million more than the President requested for the administrative costs for the Social Security Administration for fiscal year 2009.

These funds are badly needed to reduce the enormous waiting times that many applicants for Social Security disability benefits must wait before their claims are finally approved. Funds are also badly needed to improve the low levels of service to the public in SSA's local field offices.

I am pleased to see that the resolution captures Democratic health care priorities and provides economic relief for families. It provides funding for maternal and child health; nutrition assistance for women, infants, and children or WIC; and the Social Services block grant. And the resolution accommodates legislation to modernize the unemployment insurance program.

The resolution retains the reserve funds passed in the Senate to reauthorize CHIP and expand coverage to eligible but unenrolled kids. This is a personal priority for me.

The budget also works to protect seniors from unscrupulous marketing of Medicare drug plans, thereby laying the groundwork for a strong Medicare bill currently under negotiation.

The resolution also provides for important improvements to Medicare, such as promoting the use of Health IT.

And it would set up a "comparative effectiveness" reserve fund to help us learn what treatments work best and most efficiently to keep Americans healthy. I am working with Chairman CONRAD to introduce legislation on this topic this year.

All of these investments take steps toward addressing the underlying growth in health care costs.

The resolution is also tough on government waste, fraud, and abuse and includes important program integrity initiatives to crack down on wasteful or fraudulent spending in the Social Security, Medicare, Medicaid, and Unemployment Insurance Programs.

This budget resolution also accounts for important international trade priorities under the Finance Committee's jurisdiction. The resolution establishes a reserve fund for trade adjustment assistance and a separate reserve fund for other trade initiatives. These reserve funds will allow the Finance Committee to realize legislation to reauthorize trade adjustment assistance, as well as pursue legislation to extend trade preferences, reauthorize customs functions, and implement bilateral trade agreements.

Mr. President, I am thus pleased that this budget resolution conference report allows Congress to take action on these important priorities. I look forward to working with my colleagues to implement the improvements contemplated in the resolution. And I urge my colleagues to support the conference report.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished majority leader.

Mr. REID. Madam President, I am sorry to interrupt my friend from North Dakota, but we are not going to have any more votes tonight. We expect votes early in the morning, as early as 9:30. They will go on throughout the day. So everyone should be aware we are not going to have a vote tonight on the budget or the farm bill, but we will do the budget the first vote tomorrow, and after that we will move to the farm bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the leader. I was thinking about this the other night. We don't thank the leader enough. We are blessed on our side with a leader whom I think every Member on our side has high confidence in because of his good judgment, his fairness, his balance, his willingness to listen and then decide. Even though he may not always agree with any one of us on a particular issue, he always listens, and he does it with respect, and then he decides. He makes a decision. I thank him for it. I know the role of leader is absolutely the toughest job in this town. It is an extremely difficult, demanding job, and our leader does an outstanding job of it. That is why he enjoys the confidence of our colleagues and the affection of our colleagues.

Mr. REID. Madam President, if I may thank the Senator from North Dakota but also say there isn't anything that I agree to out here that doesn't have the full consent of the Republican leader. So even though Senator MCCONNELL and I in public kick and bite and scratch and all those things, I have the ability to work with him on issues, which makes it possible for us to get business done outside the press and a lot of times Senators.

I really appreciate my friend from North Dakota. He and I came to the Senate together. I can remember the first time I saw KENT CONRAD. It was in the LBJ Room. It wasn't named the LBJ Room at the time. We were there for the purpose of indoctrination—I don't know the right word—but we were nominees of our parties. We were running for the Senate in 1986. Neither one of us was expected to get elected. We were both long shots. He was running against an incumbent Senator. I was running against President Reagan and Paul Laxalt. But we surprised them; we won.

We have such a warm relationship. I love Lucy, his wife. When we first came here, a lot of people mixed up Landra and Lucy because they are both short, somewhat dark complected, but we don't mix them up.

I say to the people watching C–SPAN, the only Senators in this Chamber are Senator CONRAD, Senator REID, and Senator STABENOW. Senator STABENOW has indicated in a meeting we just completed that she said the right thing at the right time to help us get to where we are today.

I am embarrassed with the kind words of my friend from North Dakota, but I thank him very much.

Mr. CONRAD. I thank the leader.

Madam President, I wish to indicate to the Chair that we have one other Member on our side who is going to come to the Chamber to talk. Senator WHITEHOUSE is going to come. I think he will only be seeking about 15 minutes, I say to the Chair. He will be here in 10 minutes. He will seek only about 15 minutes. I mentioned this to Senator GREGG. So after Senator WHITEHOUSE, other than Senator DODD, who might still come for 6 or 7 minutes, that will complete speakers on our side. Senator GREGG told me he does not believe he has any further speakers on his side.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

THE BUDGET

Mr. WHITEHOUSE. Madam President, as we conclude the discussion on the budget, in which the Presiding Officer participated so eloquently just a few moments ago, I wanted to come to the floor because there is a significant feature in America's fiscal picture that affects this budget considerably but has not really gotten the attention it deserves; that is, the debt of the United States of America that has been run up by President George W. Bush. It is a frightening legacy, really, because of the weight, the fiscal burden of it that will weigh on our children and our grandchildren.

If I may, we calculated the Bush Debt at $7.7 trillion, and we did it this way. We took the projections for the U.S. budget on the day George Bush took office, which, as the Presiding Officer may recall, projected that we actually would have no debt left at all in our country by as early as fiscal year 2009—and, indeed, there was economic debate among America's leading economists wondering if it is really good for our country for America to be completely debt free. What is the ideal level of debt? Should we maintain some level of debt? Are there potential problems if the United States were to be completely debt free? That was the discussion. That was what America was looking forward to.

The nonpartisan, professional Congressional Budget Office had a projection on where that budget was going to go on the day George W. Bush took office, and that is the top line of our projection. We call it the Clinton budget landscape because it resulted from the economic policies of the Clinton administration which left this country in such good health for President George W. Bush. That was what could have been. The other line is what he did, what this country has done to itself fiscally under George W. Bush. When you compare the difference between the upper line, where the country was going, and where George Bush took us, the difference is the Bush Debt, and it amounts to $7.7 trillion. To me, that is an almost unimaginable number. So just to kind of give an idea of how many zeros that will be, this is what it looks like. That is $7.7 trillion. Even in the great State of Michigan, where the Presiding Officer hails from, that is a big number. To somebody like me, from Rhode Island, it is almost unimaginable. So I asked my staff to give me some means of comparing, some way of thinking about how big that number is.

This is a penny. And I asked my staff: If a penny was $1 billion and you put a stack of pennies on my desk here, how high would that stack of $1 billion pennies go to make $7.7 trillion? Well, they found out that the stack of $1 billion pennies would have to go 39 feet high to amount to $7.7 trillion. I don't think the television camera can take this in, but from here to the very top of this room is about 39 feet of $1 billion pennies. That is the enormous burden on our country from the improvident, wasteful, feckless policies of the Bush administration.

I have a credit card. The distinguished Senator from Michigan has a credit card. If we borrow money on our credit cards, we have to pay interest. American families across the country work to pay interest on mortgages, on credit cards, and on loans of various kinds. Well, guess what. We have to pay a lot of interest on a debt such as we have. And in the recent budget, as the Presiding Officer will recall, that we just passed in the Budget Committee and that we are discussing on the floor, there is $260 billion in interest, much of it paid to foreign countries, on our national debt—$7.7 trillion of it run up by one administration, the administration of George W. Bush.

Now, that $260 billion is another pretty big number. So I asked: What could we do with $260 billion if we didn't have to give it to the Saudis and the Chinese and the Mexicans and everybody else we have borrowed money from to fund George Bush's $7.7 trillion debt? Well, here is what we could do: For starters, we could pay for health insurance for everyone. We would have universal health care in this country. And you know what, there would be money left over. With the money that was left over, you could also add a million children—a million children—to Head Start Programs. Universal health care for everyone, a million extra children getting Head Start, and still there would be money left over. You could double every Pell grant, which helps kids in America pay for college and reach out and seize their futures. Universal health care, a million extra kids in Head Start, and doubling every Pell Grant. And there would still be money left over. With that last bit of money left over, you could repair or replace 95 percent of the bridges that currently need repair and reconstruction in America—not 100 percent, only 95 percent. You would have to wait until next year to do that last 5 percent.

That is what the cost to us is of an administration and a Republican Congress that ran up $7.7 trillion in debt.

So I appreciate very much the ranking member who spoke eloquently last week about the problem of that last $9.6 billion in discretionary spending we authorized in the Senate-passed budget above the $1 trillion mark. We wouldn't need to worry about that $9.6 billion if his colleagues and President Bush hadn't run up $7.7 trillion in debt for Americans to have to pay in the future because this administration, frankly, was too cowardly to pay its own way and has borrowed from future generations to pay for the war in Iraq and to pay for tax cuts for the richest Americans. In a country where the difference between the wealthy and the poor, between the CEOs and the workers is growing dramatically, is straining the very fabric of our society, instead of bringing us together, what was the President's solution? Lots more tax cuts for the very richest people, who are doing the absolute best already, the ones who have nothing to worry about except whether they take the Lincoln or they take the Benz. They are the ones who need the tax cuts in this country? I don't think so. But the President did, and he didn't even have the guts to pay for it or find the cuts. He borrowed the money. That is why we are at $7.7 trillion.

So I think it is fascinating that we are having this budget discussion. I want to salute our chairman, Senator CONRAD, who is absolutely brilliant with the budget. He works so well with people in this body and has such enormous credibility that he is able to work through issues in a very special way—in large part because of his personal character and his credibility. We all benefit from his being able to do that.

But he has had to work very hard to try to bring this budget into balance, 3 or 4 years out from now. It is not easy work, putting this budget together.

When people come to the floor and criticize his efforts and try to knock $9.6 billion off and worry that this might not be fiscally prudent, it is astonishing when those remarks come from the people who aided and abetted George Bush in running up $7.7 trillion in money that we owe now to the rest of the world, that we will have to pay off indefinitely, that will be a weight and a burden on the shoulders of this country for decades if not generations.

I actually think we need to do something about the $7.7 trillion Bush Debt. I recommended that we have a formal commission of some kind, an authority whose job it is to take the best and the brightest people who understand our economy and figure out how we pay down $7.7 trillion. It is really a disaster.

Some of us have served in State government before we came here. Some of us have served in municipal government. If there is a crisis at the State government level—an economic crisis—if a municipality has a terrible fire in a facility and has to rebuild, you take that problem and you set it aside and you create a revenue stream and you deal with it. You don't try to force it through the regular operating budget of the State or of the municipality.

We may be at the stage where the Bush Debt of $7.7 trillion is so serious for us fiscally that we should start thinking about getting together a group of the most learned economists, the people who care the most about America's future, who see the hazard to our welfare, to our national security that this kind of debt creates, and can think creatively about how we can set up special revenue streams to pay it down and begin to bring our country back in balance.

I appreciate the courtesy of the Chair in listening to these remarks. I did think as we closed out the budget debate it was important to remind everybody that, for all the big talk the Bush administration may make about fiscal prudence and about being responsible, it is the most fiscally imprudent and the most irresponsible administration in our history. Indeed, President Bush alone has borrowed more money from foreign countries than all 42 Presidents who preceded him—not any one of them, all of them. If we add up everything they borrowed through the entire history of the Republic, in just one Presidency he has them beat.

It takes a little brass to be able to come and argue for fiscal prudence and responsibility and not mention that President Bush and the Republican Congress ran up $7.7 trillion in debt. I thought we should think about it and reflect on that as this debate concludes.

I appreciate working with the very distinguished Senator from Michigan. Her work on the Budget Committee is very valuable. She is a wonderful colleague to me, and I appreciate the indulgence this evening.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. BROWN. Mr. President, both the international community and experts from across our country have come to a definite consensus. Climate change is not a theory. It is a reality. We may not like it, but we have to confront it. Rising temperatures, melting icecaps, and extreme weather show the increasing effects of global warming in the United States and especially around the globe. Without action, we will be unable to avoid dangerous consequences for our children, grandchildren, and subsequent generations. We risk the health of our citizens, the well-being of our coastal areas, the productivity of our farms, forests, and fisheries.

There is solid support in this institution and around the country for a mandatory cap-and-trade approach to reducing carbon emissions. All three Presidential candidates—Senators OBAMA, CLINTON, and MCCAIN—and both political parties have agreed on this philosophy. The Senate passed the Lieberman-Warner bill out of committee in December. It is likely to reach the floor of the Senate in the next few weeks. I am not saying a climate change bill will pass this year. I am saying a climate change bill will pass. No more burying our heads in the sand, no more ignoring the issue and putting it off for another day. It is not a question of whether; it is a question of when and a question of what it will look like.

As a manufacturing State reliant on coal—not too different from the State of the Presiding Officer—Ohio is going to be significantly affected by the climate change bill regardless of its specifics. I am working with Senators from other industrial States—Senators CASEY, BAYH, LUGAR, DURBIN, STABENOW, LEVIN, and others—to ensure that the effects on manufacturing jobs are considered as this legislation is drafted. We can't shut our eyes or turn our backs or hope that global warming goes away and becomes someone else's problem. That is not going to happen. But we can maximize Ohio's gains, Pennsylvania's gains, the gains of other States, and minimize those losses, looking first at the opportunities presented to us by global change legislation.

The mandatory cap-and-trade approach to climate change will create a market for clean energy and green jobs. By creating markets for clean energy, we can stabilize our Nation's energy supply, reduce greenhouse gases, and bolster manufacturing in Lima, Zaynesville, Toledo, and Ashtabula. It has been estimated that in terms of a global market, the advanced and alternative energy sector will double several times over in the next decade, from a $55 billion industry to a $226 billion business. Wind power alone, it is estimated, will grow from $18 billion to a $61 billion market. In the last 15 months, I have conducted roundtables in Ohio, bringing together 15 or 20 people to talk about problems, about their communities. You can see what is happening in a State such as mine.

The Cleveland Foundation, in conjunction with Case Western Reserve University, is going to build a field of wind turbines in Lake Erie, the first time wind turbines have ever been placed in a freshwater lake.

I have seen the Composite Center in Dayton which makes new, lighter, stronger materials, initially for airplanes, now for fuel-efficient automobiles and wind turbines. The University of Toledo is doing some of the best wind turbine research in the United States. In Columbus and Ohio State, there is the Center for Automotive Research, the work they are doing for more fuel-efficient automobiles. Today I talked with someone who was visiting Washington from Battelle Institute. They are doing astonishing things on a whole range of issues; Stark State and Rolls-Royce on fuel cells. Oberlin College has built the largest building of any college campus in the country fully powered by solar energy. The problem is those solar cells and panels are not made in this country because we don't make them. They were bought from Germany and Japan.

At the same time, we are seeing the largest solar company in the country producing near Toledo in Perrysburg. In Ashtabula, right across the border from Erie, we are seeing components for wind turbines. In place after place, Ohio is helping to lead the way to make my State the Silicon Valley of renewable energy.

Ohio has the potential to create 20,000 new jobs through renewable energy projects. That puts Ohio second only to California in terms of potential job creation. But we have a lot of work to do. Any climate change legislation must invest in the deployment of renewable energy technology and promote green job growth. That is why I introduced legislation called the Green Energy Production Act last month. It is an energy bill, an environment bill, and a jobs bill. The bill creates a government corporation that will set up loan programs and grant programs for green energy manufacturers, mostly small businesses, to get them to develop products and get them to market.

Over 5 years, the bill would invest $36 billion with no political strings attached, no Government picking winners and losers but companies that need capital that are just taking off, small businesses, businesses that need to grow, businesses that need to expand. Some $36 billion will be invested in green energy manufacturing. We have great R&D in my State, but the big problem is commercialization, the key to creating jobs in my State.

Speaking of jobs, we can't overlook the tremendous challenges the industrial Midwest will face under climate change legislation. My State is the seventh largest in the country by population. We are the fourth largest carbon-emitting State, behind California, Texas, and New York. In the past year and a half, I have held roundtables all over my State in some 60 of the 88 counties. They have given me an opportunity to be with workers and business people and civic leaders and local government officials.

One thing is crystal clear: Ohioans are anxious about their communities' futures, and the statistics match their anxiety. More than 40,000 manufacturing plants have shut down in the United States since 2001. More than 3.3 million manufacturing jobs have been lost, about one-sixth of all U.S. manufacturing jobs. My State has lost more than 200,000 jobs. Pennsylvania is comparable. The simple fact is, our economy cannot prosper unless we manufacture and sell goods as a State and a nation. Manufacturing is too important to the prosperity of this country and to our economic and national security. Manufacturing is too important to ignore, as this Government has done in the last few years.

I know, given a level playing field, our companies can outcompete any around the globe. Any climate change legislation must be developed in conjunction with manufacturers to ensure U.S. competitiveness with other growing industrial giants in the world, particularly China and India. We must work together to ensure that domestic manufacturers are protected from imports that come from countries without comparable climate change legislation. That means working together to provide appropriate transition assistance to our energy intensive industries. My State, in some sense, specializes in energy-intensive industries—steel, chemicals, glass, cement, aluminum. We must work together to minimize any economic harm while ensuring the environmental integrity of the climate change legislation.

The bill that came out of committee needs to do a better job. It has made progress from the original bill to the substitute bill brought forward by Senator BOXER. It has made major progress, but it has to do a better job of addressing the need, particularly in people's own personal electric bills and the cost of energy to manufacturers. The bill needs to help low- and middle-income consumers who will face higher energy costs and must help communities and workers who are displaced due to a shift from coal power. It means providing support necessary to create green jobs in Ohio and across the Midwest, and it means helping those energy-intensive manufacturers I was talking about with their energy costs and with unregulated international competition. Some environmental groups quote economic models saying that business under a cap-and-trade program will be all wine and roses. They are on one side. Some business groups are touting economic models that predict climate change legislation will send us all back to living in caves. Both sides are wrong. It is not going to be that easy, but it is also not going to put American business out of business.

One last point. When you talk to people about climate change, one of the first questions that always comes up is what do we do about China and India. If they are not going to, why should we, in some sense, unilaterally disarm as a country, putting more and more costs on Ohio businesses in Cleveland, Columbus, Dayton, Cincinnati? Why should we put more cost on these businesses, when China and India are not doing that? We have three possibilities. One is do nothing. That is unacceptable. We have two other possibilities: To work with countries around the world on bringing them to a level of climate change comparable to the level we want to get to; one is multilateral environment and climate change agreements, negotiations, Kyoto-type agreements among all the major industrial powers in the world. That will take years. That will perhaps only be as successful as Kyoto, which wasn't very successful, ultimately.

The other path to walk down is what we do about trade legislation, about accepting those products coming into the United States from other countries. When we have pretty strong environmental laws, you know in your State what has happened with the steel industry, where they have put huge numbers of dollars into scrubbers and other kinds of environmental cleanup. China and India, frankly, don't do that. When we buy products from China and India, we buy steel from them, discounting the issue of toxic toys and contaminants in vitamins and all the unsafe products they send us that are ultimately consumer products, but when we buy steel from China and India, that steel is made by cheaper labor, and it is also made with very weak environmental rules.

The only way to change that, to get China and India to the table, if you will, if we will not do the negotiations that will be so difficult and tedious and take so long, is to say, every time we import steel from China and India, steel where there is an environmental cost in its production, we charge a tariff at the border, a tariff reflecting the cost that they have not borne but that our manufacturers bear on the production of that steel. So why should a steel company in Lorain or a foundry in Mahoning Valley have to pay these huge additional costs under climate change to deal with their carbon emissions, when people in China and India don't? The only way to equalize that and to make this competitive and keep American business competitive is to figure out what it actually costs China and what moneys China and India save by not coming up to the same level of environmental protection that we do.

That should always have been part of the trade debate. The Bush administration has never believed that. That is one of the reasons we have lost so many manufacturing jobs in my State, since President Bush took office—bad trade policy, bad environmental policy, bad labor policy.

Ultimately, this climate change issue is going to be about equalizing the cost of making air cleaner, limiting carbon emissions, dealing with all the issues around CO_2. The way to do that is through a trade policy that works for us, for China, for India, and especially works for our grandchildren, great-grandchildren, and those subsequent generations. We must work together in this institution to shape legislation that truly addresses global climate change while protecting our manufacturing jobs. That means working assiduously with countries around the world in reaching those goals.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

LESSONS FROM 1787

Mr. ENSIGN. Mr. President, I rise today to address some of the critical issues this body faces at this point in history, and to reflect on why these challenges are surmountable if we focus on working together to forge ahead.

These are clearly not easy times. We are engaged in a global battle for the future of freedom. We are up against radical Islamic extremists who will do anything they can to annihilate those who do not live and believe their way.

At home, we face some daunting questions when it comes to expanding opportunity for all Americans. So do we follow a proven path of tax relief? Can we change the way we educate our children to prepare them for global competition in the 21st century? How do we provide quality health care that is accessible and affordable for all of our families? How do we secure our borders and strengthen legal immigration? Can we come together to make difficult decisions about the future of entitlements before they bankrupt this country?

Today, we face the task of funding the global war against Islamic extremists, providing our troops with the resources they need and prioritizing funding so we do not incur unnecessary debt.

Yes, these are tough questions, with serious consequences. But more than two centuries ago, a group of patriots convened to write our Constitution, and they provided the framework for the Government in which we have the honor to serve today.

They faced questions we take for granted centuries later but which could only have been resolved by incredible vision and the grace of God.

As Delegate James Wilson stated:

> . . . we are providing a Constitution for future generations and not merely for the circumstances of the moment.

How votes would be apportioned in the Congress was one of the first and most difficult questions this convention tackled. The smaller States wanted an equal vote, and the larger States, obviously, preferred a proportional vote. Some argued that the vote in the lower House should be based on taxes paid. There were threats of breaking up States to make them smaller and more manageable to govern. Decisions had to be made regarding the terms of Members of Congress. How would they be paid? What powers would be granted to the Government?

Remember, this was a country that had fought its way out from under the control of a powerful monarchy. The Framers of the Constitution were incredibly aware of that fact.

The Great Compromise was the measure that gave every State two Senators. But would foreigners be permitted to serve in the Congress? Where would the seat of Government be? Would officers of the Government be required to swear an oath to support the Constitution? Who would ratify the Constitution—the States or the people?

To think today about the number of decisions and compromises that were made over the course of a summer is humbling. The North Carolina delegates wrote to their Governor:

> A very large Field presents to our view without a single Straight or eligible Road that has been trodden by the feet of Nations.

Yet great thought, debate, and deliberation went into every single decision. Issues were often revisited time and again before a consensus was painstakingly reached.

The Constitution was by no means thrown together quickly or haphazardly. Once decisions were ultimately made about the branches of Government and their powers, a document needed to be artfully drafted to steer the United States in 1787 as well as for generations to come. The product was nothing short of miraculous. Yet the Constitution was still not a done deal.

The Constitution and its revolutionary ideas had many supporters, but it also faced fierce opposition. It was described as "a most ridiculous piece of business" by some. Those who stood against the Constitution honed in on people's fears. After all, this was a completely experimental government with no proven model to follow. As delegate Davie of North Carolina declared: "It is much easier to alarm people than to inform them."

Fortunately for this Nation the constitutionalists prevailed. To study the transformation of a blank slate of hopes and aspirations to a functioning Constitution that would guide a democracy for more than 200 years is awesome. There are several valuable lessons that I wish to share with my colleagues.

It is difficult to pass legislation today with a closely divided Senate. It was painfully difficult to make decisions about forming a new government and then determine and agree on what should be included in our Constitution. To make progress even more frustrating, a subject already voted on could be reconsidered again the next day and voted on again.

But these men did not let the process interfere with their progress. Their experience and their reasonableness shined during the most difficult days. They understood if they were serious about creating this Constitution, they would have to work together and consider and respect each other's differences.

In the end, the Constitution was the work of those for it and those against it. They came to many compromises in order to make the final product that all could live with. John Adams described the Constitution as:

> If not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen.

Although I serve as chairman of the National Republican Senatorial Committee, I have always prided myself on reaching across the aisle to work for the common good. For example, my home State of Nevada has greatly benefited from the work Senator REID and I have done together on several public lands bills. He brings certain people to the table who trust him; I bring others to the table who trust me. We encourage a dialogue that has resulted in crucial legislation for our State. I imagine this is the kind of give and take that made the Constitution possible.

Another important lesson from the Constitutional Convention was the understanding of the implications that our leaders' words have around the world. There were people who were completely opposed to the Constitution, but they knew how damaging their opinions could be, especially if those opinions were made overseas.

Benjamin Franklin stated:

> The opinions I have had of its errors, I sacrificed to the public good. I have never whispered a syllable of them abroad. Within these walls they were born and here they shall die.

I think this is a critical flaw that is too often made in this body today. Our words have consequences. Today, it is much more difficult to contain what we say. Technology ensures that our enemies have access to the same television shows, Internet sites, and newspapers that our citizens have today. It is naive to think that a debate on the floor about retreating from Iraq has no impact on those plotting against us. It absolutely feeds into their strategy and their hope for our failure and our demise. We should all remember Benjamin Franklin's approach of working to contain our opinions that may be harmful to our Nation.

Finally, there comes a time after a contentious issue when we must come together and move forward. Abraham White, a fierce opponent to the Constitution, gave his word that he would work to convince his constituents to submit to the new law of the land and to live in peace under it.

Mr. President, 220 years ago, the States were in the midst of deciding whether they would ratify the Constitution. It was the pinnacle of a turbulent summer that left many of our delegates amazed at what they had actually achieved. George Washington called it "little short of a miracle." The entire effort, from the first days of the convention to the parades that celebrated the United States and its Constitution, was in fact a miracle. Benjamin Rush, a Philadelphia physician who signed the Declaration of Independence, described the unparalleled emotion that was shared by all during the Philadelphia celebration of the Fourth of July—even greater than at any wartime victory. His description included the words: "We have become a Nation."

It is overwhelming to think about the work that was done hundreds of years ago so that we could continue to live and uphold the tenets of an enduring Constitution today. What a remarkable tribute to the delegates of the Convention and to the leaders whose vision led to the ratification of our Constitution.

I hope we can keep in mind the many hurdles overcome in 1787 by the Constitutional Convention and the men who were gathered there and come together in drafting a real supplemental that will fund our troops, give our military leaders the tools they need, and show the Nation we are united and that we are committed together in this global war against radical Islamic extremists. We have a tremendous legacy on which to continue building. Let's commit to doing that.

I yield the floor.

THE MERIDA INITIATIVE

Mr. LEAHY. Mr. President, the fiscal year 2008 supplemental appropriations bill provides $450 million for the Merida Initiative, including $350 million for Mexico and $100 million for Central America, Haiti, and the Dominican Republic. This is the first installment of an ongoing commitment to help our neighbors to the south respond to the growing violence and corruption of heavily armed drug cartels. It represents a tenfold increase in assistance for Mexico in a single year.

The Merida Initiative is a partnership, and we recognize that achieving its goals presents an extraordinarily difficult challenge. The United States is the principal market for most of the illegal drugs coming from Mexico and Central America. We are also the source of most of the guns used by the Mexican and Central American cartels. Each country contributes to this problem, and we each have to be part of the solution.

President Calderon and President Bush deserve credit for the Merida Initiative. Better and more cooperative relations between our countries are long overdue.

It is unfortunate, however, that neither the Mexican or Central American legislatures, nor the U.S. Congress, nor representatives of civil society, had a role in shaping the Merida Initiative. There was no refinement through consultation. I first learned of it from the press, as did other Members of Congress.

As we have come to expect from this administration, the White House reached a secret agreement with foreign governments calling for hundreds of millions of U.S. taxpayer dollars, and then came to Congress demanding a blank check.

I support the goals of the Merida Initiative, and this bill provides a very generous downpayment on what I believe will be a far longer commitment than the 3-year initiative proposed by the administration. It will take longer than 1 year just to obligate and expend the $350 million for Mexico in this supplemental bill, and the President has requested another $477 million for Mexico in fiscal year 2009.

In addition to appropriating the funds, most of which may be obligated immediately, we require the Secretary of State to determine and report that procedures are in place and actions are taken by the Mexican and Central American governments to ensure that recipients of our aid are not involved in corruption or human rights violations, and that members of the military and police forces who commit violations are brought to justice.

This is fundamental. For years we have trained Mexican and Central American police forces, and it is well known that some of them have ended up working for the drug cartels. It is common knowledge that corruption is rampant within their law enforcement institutions—the very entities we are about to support.

It is also beyond dispute that Mexican and Central American military and police forces have a long history of human rights violations—including arbitrary arrests, torture, rape and extra-judicial killings for which they have rarely been held accountable. Examples of army and police officers who have been prosecuted and punished for these heinous crimes are few and far between. Mexican human rights defenders who criticize the military for violating human rights fear for their lives.

Some, particularly the Mexican press, argue that conditioning our aid on adherence to the rule of law is somehow an "infringement of sovereignty," "subjugation" or "meddling," or that it "sends the wrong message." I strongly disagree.

Since when is it bad policy, or an infringement of anything, to insist that American taxpayer dollars not be given to corrupt, abusive police or military forces in a country whose justice system has serious flaws and rarely punishes official misconduct? This is a partnership, not a giveaway. As one who has criticized my own government for failing to uphold U.S. and international law, as has occurred in Guantanamo, Abu Ghraib, and elsewhere, I believe it is our duty to insist on respect for fundamental principles of justice. I am confident that the Mexican and American people agree.

Mr. President, like Senators DODD, REID, MENENDEZ and many others here, both Democrats and Republicans, I have long urged closer relations with Mexico. We have much in common, yet throughout our history U.S. policy toward Mexico has been far more one of neglect than of mutual respect and cooperation.

Whether it is trade and investment, immigration, the environment, health, science, cultural and academic exchange, human rights, drug trafficking, weapons smuggling and other cross border crime and violence—our contiguous countries are linked in numerous ways. We should work to deepen and expand our relations.

The Merida Initiative is one approach, and while I and many others would prefer that it encompassed broader forms of engagement, it is a start. Most of the funds are for law enforcement hardware and software, which is necessary but insufficient to support a sustainable strategy. As we have learned from successive costly counterdrug strategies in the Andean countries that have failed to effectively reduce the amount of cocaine entering the United States, we need to know what the Merida Initiative can reasonably expect to achieve, at what cost, over what period of time.

Senator GREGG as ranking member, and I as chairman of the State and Foreign Operations Subcommittee had to make difficult choices among many competing demands within a limited budget. We had to find additional funds to help disaster victims in Burma, Central Africa, Bangladesh and elsewhere, whom the President's budget ignored. We had to find additional funds for Iraqi refugees and for crucial peacekeeping, security, and nonproliferation programs. We could not have funded virtually any program at the level requested by the President without causing disproportionate harm to others, and we sought to avoid that.

Considering the amount we had to spend, the Merida Initiative received strong, bipartisan support. Again, this is not simply a 3 year program as the administration suggests. It is the beginning of a new kind of relationship, and we need to start off prudently and with solid footing.

That means the direct participation of the Congress and of civil society and attention to legitimate concerns about human rights, about monitoring and oversight, about rights of privacy, due process, and accountability. How these issues are resolved is critical to future funding for this program, and we need to work together to address them.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On Thursday evening, May 15, 2008, in Sacramento, CA, a 23-year-old man was sitting in his car at a gas station when he was approached by three men. According to police, one of the men asked him if he was gay and he responded that he was. When the man then exited the car, he was attacked by the three men as they yelled homophobic slurs. Micah Jontomo Tasaki, 21, Gregory Lee Winfield, 20, and Robert Lee Denor, 19, were arrested at the gas staion where the attack occurred in connection with the assault. Luckily for the victim, he did not sustain injuries serious enough to necessitate a hospital visit. A Sacramento police officer investigating the crime has called it a "gay bashing" and a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SOLUTIONS TO CLIMATE CHANGE

Mr. BARRASSO. Mr. President, earlier this spring, I introduced legislation to address the challenge of how to deal with greenhouse gases. The bill is called the Greenhouse Gas Emissions Atmospheric Removal Act, or the GEAR Act.

Members of this body have discussed various proposals to regulate the output of greenhouse gases. Some advocate doing it through a cap-and-trade approach. Others have advocated a carbon tax. Such proposals are aimed at limiting future carbon output into the atmosphere. Many proposals have been introduced and debated using this approach of dealing with carbon output.

We want to protect our environment and we want a strong economy. The way to have both is by thinking anew and acting anew. It is time to use our untapped human potential and the American spirit to develop the technologies we need.

The Senate will soon be debating climate legislation. I believe we should identify solutions through imagination, innovation, and invention, not through limits.

It is my hope and my goal that the GEAR Act will foster the kind of solutions that we need to address the concerns about climate change.

Recently, there was a very thoughtful editorial which was printed in "Wyoming Agriculture," which is published by the Wyoming Farm Bureau Federation.

The editorial was written by Ken Hamilton. Ken is the executive vice president of the Wyoming Farm Bureau. I believe he does a terrific job of summing up the feelings of Wyoming people on the need to find practical "real" solutions to climate change.

I recommend it to my colleagues and ask unanimous consent that it be printed in the RECORD.

Ther being no objection, the material was ordered to be printed in the RECORD as follows:

YOU CAN'T HAVE YOUR CAKE AND EAT IT TOO

(By Ken Hamilton, WyFB Executive Vice President)

One of the first little sayings you probably heard when you were growing up was that you can't have your cake and eat it too. Generally everyone will agree that this is self evident, but that doesn't stop Americans (and probably people in other countries) from always trying to have it both ways.

This is never more evident than the actions surrounding global warming. We are continually being bombarded by pronouncements about man caused global warming (it's hovering around 4 degrees with a 25 mph breeze blowing as I write this). When I was discussing this global warming issue with a friend, he said what people need to do is stop arguing with the activists over whether there is man caused global warming and start asking them what their solutions are going to be.

The more I thought about it the more I realized the whole global warming debate is absent any discussion of real solutions. We hear vague pronouncements about a greenhouse gas tax, but not much else. And none have enough details to fully analyze what the impact will be on people. There are numerous shows on television where people are talking about reducing their "carbon footprint", but most of these solutions revolve around still living the lifestyle you want while feeling good about using a material someone has pronounced as "green."

For instance, one of the new "green" materials for flooring in houses now is bamboo. Why someone feels this is greener than oak or pine is beyond me, but nevertheless apparently it is. The interesting thing is that while everyone is talking green, they are busy building a house that's twice the square footage of a generation ago. Our grandparents lived in a house where one or two rooms had heat part of the time. In today's modern homes there is heat running to every room, plus a television set in half of them, a minimum two-car garage (heated of course) and appliances that grandma couldn't even dream about. All of these; of course have some "green" marketing gimmick attached to them, so, you guessed it, people can live in even bigger houses while feeling good about doing their part.

But if meaningful curbs in greenhouse gases must occur as they profess, then there shouldn't be houses with two-car garages. You don't find those sorts of things in third world countries where the people's carbon footprint is less than here. Dishwashers must go as well as washing machines, dryers, and central heating. In third world countries where they don't have such a big carbon footprint, health clubs are not needed, nor are double ovens.

Arnold Schwarzenegger, who is in a panic over global warming, should stop driving around in his Humvee. In fact, to adequately address this issue, he should stop driving period.

But we don't see any of this happening and probably won't in the future. The people worried about global warming are still driving to work every day. They come home to heated and air conditioned homes, turn on their 42-inch flat panel television while getting their meal delivered by a college freshman in a fuel-efficient ¾-ton four-wheel drive vehicle so they don't have to crank up one of those double ovens and hear the latest news about climate change. Recently a weather event caused a power outage in Arnold's state and not once did I hear him say, "thank goodness, now we can start to do something meaningful about man caused global-warming."

Politicians and proponents of global warming only want to personally do something about global warming if it doesn't mean a cold house in the winter or a hot one in the summer. Health clubs will still be needed because people won't walk to work and will need to get some exercise somewhere. And pine forests will grow old, die and burn while folks feel good about their bamboo floors. Thinking all along that they are getting their cake and eating it too.

ADDITIONAL STATEMENTS

TRIBUTE TO FRANK WOODRUFF BUCKLES

• Mr. BOND. Mr. President, one of the most distinguished Americans living today is Mr. FRANK Woodruff Buckles. Born in Bethany, MO, on February 1, 1901, 2 years before Orville and Wilbur Wright made their historic first flight, Mr. Buckles, now 107, is the last living U.S. World War I veteran. He is truly a national treasure: Of the 2 million soldiers the United States sent to France in World War I, he is the lone survivor.

His life story is nothing short of amazing. In 1917, Mr. Buckles told his Army recruiter he was 21 years old and wanted to go to war. He was really just 16. Upon arrival in England, he convinced his superiors to send him forward to France where he would serve as an ambulance driver, carrying wounded allied troops to medical facilities.

When the war ended, Mr. Buckles was responsible for returning prisoners of war to Germany. He separated from the Army in 1920 after achieving the rank of corporal, but his service to the Nation continued as a civilian in the Philippines, where he worked for a U.S. shipping company. When the Japanese took Manila in 1942, Mr. Buckles was made a prisoner of war for the next 39 months, until his subsequent rescue by the 11th Airborne Division in 1945.

During his captivity, he developed chronic illnesses that still afflict him today. But there was no surrender then and there is no surrender today in Mr. Buckles.

Mr. Buckles remains witty and active. During a recent interview, he was asked about the circumstances surrounding his questionable enlistment into the Army. He replied with a chuckle, "I didn't lie; nobody calls me a liar . . . but I may have increased my age." I also understand he does 50 sit ups and lifts weights daily. That is more physical activity than most men my age and even younger!

Today, before Memorial Day, I ask you to join me in honoring Mr. Buckles for all he has done for his country. The debt paid by Mr. Buckles and his fellow soldiers on behalf of future generations must never be forgotten. His life epitomizes patriotism and dedication to our nation. His incredible individual achievements and sacrifices, along with those of his fellow "doughboys," deserve our ongoing admiration and thanks.•

REMEMBERING ELWOOD "WOODY" LECHAUSSE

• Mr. DODD. Mr. President, I wish today to honor the life and service of Elwood Lechausse of Manchester, CT, who died on Saturday May 17, 2008. Mr. Lechausse, known to many as "Woody," enlisted in the U.S. Army in 1958, the day after his 18th birthday, and served with distinction in the 101st Airborne Division in both Turkey and South Vietnam.

Mr. Lechausse's service to his country did not end with his departure from the military in 1965. Following his honorable discharge from the Army, Mr. Lechausse dedicated himself to supporting his fellow veterans. For over 35 years, Mr. Lechausse was a tireless advocate for veterans issues, serving in leadership positions in more than two dozen veterans organizations, including serving as a senior member of the Department of Veterans Affairs Board of Trustees and the Secretary and Treasurer of the Connecticut Veterans Coalition from 1988–2002 and the Department of Connecticut Adjutant of the Disabled American Veterans.

Mr. Lechausse worked hard to educate his fellow Americans on the importance of honoring our veterans and recognizing the challenges they faced. Whether testifying before the U.S. Congress or speaking in the local classroom, Mr. Lechausse carried himself with a vigor and passion that spoke volumes of his dedication to advocating on behalf of his fellow veterans.

In 2003, Mr. Lechausse was named as a Connecticut Treasure for his work on behalf of Connecticut's veterans. In 2007, in recognition of the many lives he touched throughout nearly four decades of service, Mr. Lechausse was inducted into the Connecticut Veterans Hall of Fame.

Mr. Lechausse was a valuable friend of my office, and all of us in Connecticut owe a deep debt of gratitude to Mr. Lechausse for his service to both his country and his fellow veterans. On behalf of the Senate, I offer my most sincere condolences to Mr. Lechausse's wife, Kathryn, his children James and Ralph, and all those who were touched by his tremendous spirit. With Woody's passing, Connecticut and the Nation's veterans have lost a powerful voice that will be sorely missed.•

TRIBUTE TO LAUREL ZAKS

• Mr. ISAKSON. Mr. President, today I wish to honor in the RECORD of the Senate Laurel Zaks, an incredibly dedicated and universally beloved and respected civil servant who died on Friday, March 28, 2008. Laurel was a public health adviser at the Centers for Disease Control and Prevention in Atlanta, GA, with more than 14 years international and domestic work experience as a nutritionist.

Laurel started her career in 1992 as a nutritionist in Bucharest, Romania, with the Free Romania Foundation cross-training staff in three orphanages with medical clinics in health and nutrition issues. She then took a position as a community developer in Pop Wuj, Quetzeltenango, Guatemala, teaching primary health prevention strategies. She returned to the United States in 1996 where she developed and communicated policy and legislative strategy on domestic hunger for Congress and lobbied Congress on nutrition programs involving welfare reform. While in Washington, she also served as a pediatric dietitian with the Children's National Medical Center working on initial and followup nutritional assessments of HIV/AIDS and gastrointestinal disease patients.

In 1997, Laurel joined the Peace Corps volunteering in Ecuador, where she used her training as a dietitian to work with the Ministry of Health and indigenous organizations to develop training materials promoting maternal and child health and prevention of infectious diseases. Next Laurel moved to the city, Santa Domingo de Los Colorados, to work at the Center for Malnourished Children and in local communities where she served as the nutritionist/health educator working in an interdisciplinary medical team. During the last 2½ years of her Peace Corps service, she was instrumental in helping to design a new $400,000 Children's Center for Nutrition Recuperation, which served an average of 40 families daily.

Laurel joined CDC in 2001, 1 week after finishing her Peace Corps tour in Ecuador. Her enthusiasm for making a difference in global health affected all who knew her. She worked in many areas of global health work at CDC, including planning for development of sustainable global public health management, planning for a global pandemic influenza outbreak, and serving as a team member traveling to Botswana in response to an outbreak of infant diarrhea and severe malnutrition. In 2007, she was part of a team honored for rapidly assisting 20 countries around the world to apply for pandemic influenza preparedness funds.

Laurel was an active member and leader in the Atlanta chapter of the

Returned Peace Corps Volunteers. She gave countless hours to charitable organizations domestically and abroad, including the Manna Food Bank in North Carolina and as a charter member of the Ecuadorian Rivers Institute in Ecuador. She received various awards for her volunteer work and was bestowed the North Carolina Governor's Award for Outstanding Volunteer Service in 1994.

Just as she did with the Peace Corps, Laurel's work over 7 years at CDC left a legacy of healthier people around the world. She inspired her coworkers to make a difference in global health, and all who knew her were struck by her compassion and the lasting contributions she made to children living in poverty around the world.●

TRIBUTE TO HAROLD "SHORTY" DORN

● Mr. SMITH. Mr. President, Albert Einstein once said, "It is the supreme art of the teacher to awaken joy in creative expression and knowledge." I wish today to pay tribute to the life and legacy of an Oregonian who devoted his career to that supreme art and, in doing so, made a priceless contribution to the field of journalism.

Harold "Shorty" Dorn passed away in Reston, VA, last week at 83 years of age. Like countless others of his "greatest generation," Shorty proudly wore the uniform of our country during World War II. He entered the U.S. Marine Corps in 1943 and served in the Pacific until the end of the war.

Upon returning home, Shorty earned his college degree and began nearly four decades of service as a college professor. Generations of Oregonians are fortunate because the vast majority of Shorty's career was spent at two of my State's outstanding institutions of higher learning—10 years at Eastern Oregon University in LaGrande and 23 years in the Department of Journalism at Oregon State University in Corvallis.

Professor Dorn was admired and respected by his students for his intelligence, his integrity, his warm humor, his trademark quips, and for the fact that he genuinely cared about them and their future. Shorty's commitment to his students did not end upon their graduation, and many continued to call on him for advice and counsel as they moved on in their careers.

Just as Shorty was devoted to his students, he was also devoted to his family—to his wife Ethel and to his two daughters, Jenna and Lorah. Upon retirement from Oregon State University, Shorty and Ethel moved to Reston, VA, so he could be closer to his daughters, who were both building distinguished careers of service. He also discovered that one of the best parts of retirement was the time he had to be a wonderful grandfather to his two grandsons, Jon and Ben.

Mr. President, it was once said that, "In a completely rational society, the best of us would be teachers and the rest of us would have to settle for something less." Shorty Dorn was certainly one of the best of us, and I extend my condolences to his family and friends.●

IN HONOR OF THE HEARTLAND HONOR FLIGHT

● Mr. NELSON of Nebraska. Mr. President, today I honor veterans from my home State who are taking part in the first Nebraska Heartland Honor Flight to visit the National World War II Memorial.

The National World War II Memorial is a fitting tribute to those remarkable Americans who served in the deadliest conflict in human history. From the beaches of Normandy to the shores of Iwo Jima, these veterans served with courage, honor, and selflessness. In addition to their service, these same veterans returned home to reinvigorate the United States, producing what is still the largest and most vibrant economy in the world.

Soon after President Clinton authorized the American Battle Monuments Commission to establish a World War II memorial, a comprehensive national fundraising campaign began under the leadership of former Senator Bob Dole, the national chairman and a World War II veteran from Kansas. During this time, as Governor of the State of Nebraska, I realized it was imperative to secure funding as soon as possible so that a memorial could be built in time for our veterans to view it. Therefore, on June 1, 1998, I presented a check to Senator Bob Dole in the amount of $52,900 for every Nebraskan who served in World War II. Subsequently, every State that donated money followed our guideline.

There are now close to 14,000 World War II veterans living in the State of Nebraska. Unfortunately, nearly 2,100 of these brave servicemembers pass away each year. Many of these veterans have not been able to visit the memorial, which was dedicated by President George W. Bush on May 29, 2004, as they confront increasing difficulties with traveling due to their age. However, the Honor Flight Program has proven to be a reliable and capable partner in helping alleviate any obstacles veterans may face in traveling to Washington, DC. The Honor Flight Program, started in 2005 by retired Air Force captain and physician's assistant Earl Morse, now has 69 "hubs" in 30 States and has established a goal of transporting 12,000 World War II veterans to view the memorial in 2008.

Today, I am proud to say that the Heartland Honor Flight, Nebraska's own program, will conduct its inaugural flight, transporting more than 100 Nebraska World War II veterans to our Nation's Capital to visit the National World War II Memorial. I am greatly appreciative to the businesses and individuals who have contributed to this cause and am especially grateful to Dan and Cara Whitney, who provided nearly all the funding required for the cost of this initial flight.

This will be an emotional and reflective occasion for these veterans who look upon their service with deserved pride and remember those who died making the ultimate sacrifice for our country in the name of freedom. This memorial was long overdue for those who served our Nation in World War II, and I am confident it will become an enduring symbol in remembering the determination and sacrifice of our country's "greatest generation."●

TRIBUTE TO BRIGADIER GENERAL NEIL SMART

● Mr. SESSIONS. Mr. President, I wish today to pay tribute to BG Neil Smart, former battalion commander in the Battle of the Bulge in World War II and Director of the Veterans Administration Regional Office in Montgomery, AL. General Smart's service to this nation was long and distinguished.

Smart was commissioned a second lieutenant in the ROTC department of the University of Alabama in 1938. He left Active Duty as a lieutenant colonel and continued to serve in the National Guard. After General Smart completed his military service, he continued to serve the Nation's veterans in his work with the Veterans' Administration. He led the VA in Alabama in an exemplary manner from 1958 to 1974.

General Smart also loved to share stories of World War II. He felt this was a legacy his generation should leave younger generations. He really liked to tell the story about an unscheduled inspection he and his battalion had to undergo during World War II. The inspectors were GEN Dwight Eisenhower, GEN Omar Bradley, and British Prime Minister Winston Churchill.

This 94-year-old was also a key fundraiser in the efforts to build a memorial honoring the American effort in World War II. He was scheduled to visit the World War II Memorial with an Honor Flight group from the Prattville and Montgomery area of Alabama this past Saturday. My wife and I were there at the memorial to meet this group of heroes. When the group arrived, we were told the sad news that General Smart had died just hours before their departure.

So, Mr. President it is my honor to pay tribute to this great Alabamian and American. He served his State and Nation well.●

MESSAGE FROM THE HOUSE

At 1:36 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1464. An act to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

H.R. 2649. An act to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992.

H.R. 2744. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

H.R. 2790. An act to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health.

H.R. 3681. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary.

H.R. 3889. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary.

H.R. 5554. An act to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes.

H.R. 5664. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary.

H.R. 5729. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes.

H.R. 6048. An act to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

H.R. 6074. An act to amend the Sherman Act to make oil-producing and exporting cartels illegal and for other purposes.

H.R. 6081. An act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1464. An act to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

H.R. 2649. An act to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; to the Committee on Energy and Natural Resources.

H.R. 2744. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2790. An act to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; to the Committee on Veterans' Affairs.

H.R. 3681. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary; to the Committee on Veterans' Affairs.

H.R. 3889. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; to the Committee on Veterans' Affairs.

H.R. 5554. An act to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5664. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; to the Committee on Veterans' Affairs.

H.R. 5729. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6048. An act to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3036. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 3044. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6074. An act to amend the Sherman Act to make oil-producing and exporting cartels illegal and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6321. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John F. Sattler, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6322. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General David F. Melcher, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6323. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General James M. Dubik, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6324. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Paul E. Sullivan, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6325. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, notification of the payment-in-kind compensation that has been negotiated with Germany for the return of U.S.-funded improvements at 30 small sites; to the Committee on Armed Services.

EC-6326. A communication from the Secretary of Defense, transmitting the withdrawal of the Secretary's previous certification of satisfactory service for a retired officer; to the Committee on Armed Services.

EC-6327. A communication from the Deputy Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report on budgeting for the sustainment of key military equipment for fiscal year 2009; to the Committee on Armed Services.

EC-6328. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amending the Rough Diamonds Control Regulations to Add Two New Requirements Designed to Enhance the Collection of Statistics Related to Importations and Exportations of Rough Diamonds" (RIN1505-AB95) received on May 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6329. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Definition of Eligible

Portfolio Company under the Investment Company Act'' (RIN3235–AJ31) received on May 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6330. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Skowhegan, ME'' ((RIN2120–AA66) (Docket No. 07–ANE–94)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6331. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Williamsport, PA'' ((RIN2120–AA66)(Docket No. 05–AEA–19)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6332. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lewistown, PA'' ((RIN2120–AA66)(Docket No. 07–AEA–14)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6333. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lexington, OK'' ((RIN2120–AA66)(Docket No. 08–ASW–1)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6334. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cameron Balloons Ltd. Models AX5–42, AX5–42 BOLT, AX6–56, AX6–56A, AX6–56Z, AX6–56 BOLT, AX7–65, AX7–65Z, AX7–65 BOLT, AX7–77, AX7–77A, AX7–77Z, AX7–77 BOLT, AX8–90 (S.1), AX8–90 (S.2), AX8–105 (S.1), AX8–105 (S.2), AX9–120 (S.1), AX9–120 (S.2), AX9–140, AX10–160 (S.1), AX10–160 (S.2), AX10–180 (S.1), AX10–180 (S.2), AX210, AX11–225, and AX11–250 Balloons'' ((RIN2120–AA64)(Docket No. 2008–CE–008)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6335. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–102, DHC–8–103, DHC–8–106, DHC–8–201, DHC–8–202, DHC–8–301, DHC–8–311, and DHC–8–315 Airplanes, and Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–233)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6336. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EMBRAER Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–171)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6337. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–172)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6338. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–111)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6339. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–187)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6340. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–191)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6341. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF34–8C1, –8C5, –8C5B1, –8E5, –8E5A1, and CF34–10E Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2007–NE–36)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6342. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Closure of the Commercial Fishery for Deep Water Grouper in the Gulf of Mexico for the 2008 Fishing Year'' (RIN0648–XG27) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6343. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Closure of the Commercial Fishery for Tilefishes in the Gulf of Mexico for the 2008 Fishing Year'' (RIN0648–XG71) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6344. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of Tilefish Permit Category B to Directed Tilefish Fishing'' (RIN0648–XF91) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6345. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XH62) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6346. A communication from the Director of Civil Works, Department of the Army, transmitting, pursuant to law, the report of a rule entitled ''Compensatory Mitigation for Losses of Aquatic Resources'' (RIN0710–AA55) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6347. A communication from the Social Security Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Ticket to Work and Self-Sufficiency Program'' (RIN0960–AF89) received on May 20, 2008; to the Committee on Finance.

EC–6348. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Finance.

EC–6349. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–62—2008–68); to the Committee on Foreign Relations.

EC–6350. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to the Republic of Korea for the development of the A–50 Aircraft; to the Committee on Foreign Relations.

EC–6351. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of revolvers being sold for end use by the Ministry of the Interior of Thailand; to the Committee on Foreign Relations.

EC–6352. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. contributions to the United Nations and its affiliated agencies during fiscal years 2006 and 2007; to the Committee on Foreign Relations.

EC–6353. A communication from the Director, Financial Management and Assurance, Government Accountability Office, transmitting, pursuant to law, a report relative to the Office's opinion on the financial statements of the Congressional Award Foundation; to the Committee on Homeland Security and Governmental Affairs.

EC–6354. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the use of student loan repayments by Federal agencies during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6355. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of U.S. Marshal for the Eastern District of Kentucky, received on May 20, 2008; to the Committee on the Judiciary.

EC–6356. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of U.S. Marshal for the Western District of Michigan, received on May 20, 2008; to the Committee on the Judiciary.

EC–6357. A communication from the National Chairman, Naval Sea Cadet Corps, transmitting, pursuant to law, the Audit and Annual Report of Corps for fiscal year 2007; to the Committee on the Judiciary.

EC-6358. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to Section 304(b)(3) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(3), a general notice of proposed rulemaking as originally transmitted to the President pro tempore of the Senate on March 14, 2008, and printed in the RECORD on March 31, 2008; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-348. A resolution adopted by the Board of County Commissioners of Douglas County of the State of Nebraska expressing its opposition to any cutback of the National Institute of Correction's budget; to the Committee on the Judiciary.

POM-349. A resolution adopted by the Bakersfield City Council of the State of California expressing the Council's support of the Second Amendment to the U.S. Constitution; to the Committee on the Judiciary.

POM-350. A resolution adopted by the City Council of the City of Taft of the State of California expressing its support of the Second Amendment to the U.S. Constitution; to the Committee on the Judiciary.

POM-351. A joint resolution adopted by the House of Representatives of the State of Maine urging Congress to stop gasoline price manipulation and to close the Enron loophole; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

Whereas, energy prices are reaching an all-time high in the United States and its citizens are especially hard hit in the State of Maine, as our cold winters are long and many of our citizens use petroleum products to heat their homes; and

Whereas, diesel fuel prices for Maine truckers are causing severe economic hardship for this hardworking industry and gasoline fuel prices continue to rise, causing financial hardship to all Maine citizens; and

Whereas, it is apparent to the United States Congress and the citizens of Maine that some of the serious factors causing the high prices are excessive trading, speculation and, allegedly, manipulation of the commodities market; and

Whereas, the United States Congress passed, in December 2000, at the behest of the American energy company Enron, what is known as "the Enron Loophole" as part of the Commodity Futures Modernization Act of 2000, Appendix E of P.L. 106-554, 114 Stat. 2763, and this loophole allows electronic exchanges set up for large traders to operate without any federal oversight; and

Whereas, one of the fundamental purposes of futures contracts is to provide price discovery, and those selling or buying commodities in the spot market rely on futures prices to judge amounts to charge or pay for a commodity; and

Whereas, since the creation of the futures markets in the agricultural context decades ago, it has been widely understood that, unless properly regulated, the markets may distort the economic fundamental of price discovery through excessive speculation, fraud or manipulation, and the federal Commodity Exchange Act has long been praised as preventing those economic abuses; and

Whereas, a recent bipartisan United States Senate report, "The Role of Market Speculation in Rising Oil and Gas Prices: The Need to Put the Cop Back on the Beat," stated that as much as 25% of the cost of a barrel of crude oil may be due to the cost of speculation and profiteering taking place in these unregulated commodities markets; and

Whereas, this speculation and profiteering unfairly causes many Maine citizens to pay excessive fuel and gas prices: Now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people we represent, respectfully and strongly urge and request that the United States Congress rein in this excessive energy commodities speculation and enact meaningful reforms of the Commodities Futures Trading Commission, including closing "the Enron Loophole"; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President of the United States Senate and to the Speaker of the United States House of Representatives, and to each Member of the Maine Congressional Delegation.

POM-352. A resolution adopted by the State Board of Education of the State of Mississippi urging Congress to support the passage of the Secure Rural Schools and Community Self-Determination Act; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, in December 2000, the Secure Rural Schools and Community Self-Determination Act, a Federal act, was signed into law; and

Whereas, the Secure Rural Schools and Community Self-Determination Act provides federal funds to school districts with national forest lands located within the school districts boundaries; and

Whereas, 36 school districts have substantial tracts of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

Whereas, these school districts have United States National Forests within its boundaries and have received critical funds for schools based on revenues generated from these forests; and

Whereas, the payments provided to these school districts have been a consistent and necessary source of funding for the schools, teachers and students; and

Whereas, in December 2007, the United States Congress removed the reauthorization of the Secure Rural Schools and Community Self-Determination Act from the Energy Legislation to which it was attached. This legislation was subsequently passed and signed into law without reauthorization for the Secure Rural and Community Self-Determination Act; and

Whereas, the funding provided through the Secure Rural Schools and Community Self-Determination Act will significantly contribute to the local economy of these school districts by providing the necessary funds for schools and roads, which is vital for sustained economic development; and Schools and Community Self-Determination Act; and

Whereas, these school districts depend on the funding from the Secure Rural Schools and Community Self-Determination Act and unless the funding is secured through legislation as deemed appropriate by the Mississippi congressional delegation, these school districts will lose critical funding that it has received for decades: Now, therefore, be it

Resolved by the state board of education of the state of Mississippi, That we, the members of the State Board of Education of the State of Mississippi, respectfully request that the United States Congress pass the Secure Rural Schools and Community Self-Determination Act so that these Mississippi school districts may continue to adequately maintain schools and sustain economic development in the state. Be it further

Resolved, That the Secretary of the State Board of Education is directed to transmit copies of this resolution to President George W. Bush, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Governor of the State of Mississippi, each member of the, Mississippi congressional delegation, the Executive Director of the National Association of State Boards of Education, and that copies be made available to members of the Capitol Press Corps.

POM-353. A resolution adopted by the Georgia State Senate urging Congress to withdraw the U.S. from the Security and Prosperity Partnership of North America and any other agreement that seeks the economic merger of the U.S. with any other country; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 827

Whereas, President George W. Bush announced the formation of the Security and Prosperity Partnership of North America with the nations of Mexico and Canada on March 23, 2005; and

Whereas, at a news conference on the same day, President Bush said: "So that the vision that you asked about in your question as to what kind of union might there be, I see one based upon free trade, that would then entail commitment to markets and democracy, transparency, rule of law"; and

Whereas, the gradual evolution of a North American partnership into some "kind of union" or economic merger; of the United States, Mexico, and Canada would be a direct threat to the Constitution and national independence of the United States and would imply an eventual end to national borders within North America; and

Whereas, on March 31, 2006, President Bush at Cancun, Mexico, celebrated the first anniversary of the Security and Prosperity Partnership, confirmed by a White House news release on that same date; and

Whereas, this trilateral partnership to develop any kind of North American merger has never been presented to Congress as an agreement or treaty and has had virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the Security and Prosperity Partnership of North America process, such as the "open borders" vision of the Security and Prosperity Partnership, eminent domain takings of private property along planned superhighways, and increased law enforcement problems along those superhighways: Now, therefore, be it

Resolved by the Senate that the members of this body urge the United States Congress, especially the congressional delegation from Georgia, to use all its efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America and any similar bilateral or multilateral activity, however named, that seeks to advance, authorize, or fund or in any way promote the creation of any structure or relationship to accomplish any form of North American integration or merger. Be it further

Resolved that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to Vice President Dick Cheney, Speaker of the United States House of Representatives Nancy Pelosi, and each member of the Georgia congressional delegation.

POM–354. A resolution adopted by the Senate of the State of Massachusetts urging Congress to encourage Turkey to respect the religious rights of all people; to the Committee on Foreign Relations.

RESOLUTION

Whereas, the Theological School of Halki, located on the Island of Heybeliada in the Republic of Turkey, was preceded by the Monastery of the Trinity and was characterized as a stadium of wisdom because of its library and those drawn to study on its premises; and

Whereas, the Monastery was rebuilt and rededicated on September 23, 1844, as an Orthodox School of theology, which nurtured educators and scholars from around the world for 127 years and served the needs of the international academic community; and

Whereas, the Theological School of Halki, labeled as a seminary, was closed in 1971 by turkish authorities pursuant to a law requiring higher education and military training to be controlled by the Turkish State; and

Whereas, Turkish law further requires that the ecumenical patriarch of the Orthodox Church and all clergy, faculty and students of the Theological School of Halki be citizens of turkey, a requirement that greatly obstructs the prosperity of religious institutions; and

Whereas, before its closure, the Theological School of Halki was the only educational institution for Orthodox Christian leadership in Turkey; and

Whereas, strict limitations have been imposed by the turkish government that restrict access to the school's library, a collection of some of the rarest and most precious works in the world; and

Whereas, because of these limitations, people are prevented from conducting meaningful scholarly research; and

Whereas, the ecumenical patriarchate in Turkey, where the canonical structure of the Christian Orthodox Church was established, is the spiritual center for more than 300,000,000 Orthodox Christians worldwide, including approximately 5,000,000 Orthodox Christians in the United States and 150,000 Orthodox Christians in the commonwealth; and

Whereas, the closure of the Theological School of Halki has adversely impacted the ecumenical patriarchate's ability to educate its clergy and, ultimately, to select its next ecumenical patriarch; and

Whereas,, the closure has come to symbolize repression of religious freedom for all faiths in Turkey; and

Whereas, freedom of religion has long been recognized as a right which has contributed significantly to the establishment and growth of the citizens of the commonwealth and is central to the ideals of all people: Now, therefore, be it

Resolved, That the Massachusetts Senate hereby memorializes the President of the United States, the Congress of the United States and the United States Department of State to take all actions necessary to encourage the Government of Turkey to adopt and uphold international standards for the protection of human rights, to reopen the Theological School of Halki in order to continue religious training, to eliminate all forms of discrimination in accordance with the ideals associated with the European Union, its member states and all liberal democracies, particularly those based on race and religion, and to respect the human rights and property of the ecumenical patriarchate by safeguarding religious freedom for all; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Secretary of State of the United States and the Presiding Officer of each branch of Congress and to the members thereof from the commonwealth.

POM–355. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to create a national catastrophe fund; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 30

Whereas, the hurricane seasons of 2004 and 2005 were startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause; and

Whereas, creation of a federal catastrophe fund is a comprehensive, integrated approach to help better prepare and protect the nation from natural catastrophes, such as hurricanes, tornadoes, wildfires, snowstorms, and earthquakes; and

Whereas, the current system of responses to catastrophes leaves many people and businesses at risk of being unable to replace what they lost, wastes tax dollars, raises insurance premiums, and leads to shortages of insurance needed to sustain our economy; and

Whereas, creation of a federal catastrophe fund would help stabilize insurance markets following a catastrophe and help steady insurance costs for consumers while making it possible for private insurance to be written in catastrophe-prone areas; and

Whereas, a portion of the premiums collected by insurance companies could be deposited into such a fund which could be administered by the United States Treasury and grow tax free; and

Whereas, a portion of the interest earnings of the fund could be dedicated to emergency responder efforts and public education and mitigation programs; and

Whereas, the federal catastrophe fund would operate as a "backstop" and could only be accessed when private insurers and state catastrophe funds have paid losses in excess of a defined threshold; and

Whereas, utilizing the capacity of the federal government would help smooth out fluctuations which consumers currently experience in insurance prices and availability because of exposure to large catastrophic losses and would provide better protection at a lower price; and

Whereas, when there is a gap between the insurance protection consumers buy and the damage caused by a major catastrophe, taxpayers across the country pay much of the difference, as congressional appropriations of billions of dollars for the after-the-fact disaster relief in the aftermath of Hurricane Katrina demonstrated; and

Whereas, on November 8, 2007, the United States House of Representatives passed the Homeowners' Defense Act of 2007 (H.R. 3355) that would help ensure that individuals and communities destroyed by natural catastrophes have the resources necessary to repair, rebuild, and recover in the aftermath of massive hurricanes, earthquakes, or other natural events; and

Whereas, the Homeowners' Defense Act of 2007 was sponsored by Florida Representatives Ron Klein, Tim Mahoney, and Ginny Brown-Waite and nearly four dozen cosponsors from around the country including then Congressman Bobby Jindal, now governor of the state of Louisiana; and

Whereas, the Senate should pass similar legislation that will integrate the approach of H.R. 3355 with H.R. 91, which includes the Consumer Hurricane and Earthquake Loss Protection Fund and earlier legislative initiatives that will include the Consumer HELP Fund. Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to create a national catastrophe fund; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–356. A resolution adopted by the Legislature of the State of Nebraska urging Congress to continue its efforts to account for all of the missing people from the Vietnam War; to the Committee on Veterans' Affairs.

LEGISLATIVE RESOLUTION NO. 376

Whereas, the official United States military dates for the Vietnam War are August 5, 1964, to January 27, 1973; and

Whereas, over 3,403,000 people served in the United States military in Southeast Asia; and

Whereas, over 2,594,000 people served in the United States military in South Vietnam; and

Whereas, over 58,209 people from the United States died as a result of the war in Southeast Asia and Vietnam from November 1, 1955, the commencement of the military Assistance Advisory Group, to May 15, 1975, when the last United States military member left Southeast Asia; and

Whereas, over 396 Nebraskans died as a result of the Vietnam War; and

Whereas, over 94 Omaha residents died as a result of the Vietnam War, including the following:

Name, Service, Date of Death or Date Declared Dead

Adolf, Larry Eugene, USMC, May 9, 1968
Anderson, Warren Charles, ARMY, August, 15, 1970
Backhaus, Steven Eugene, USMC, December 21, 1969
Bailey, Allen Charles, USMC, March 4, 1966
Bailey, Byrle Bennett, USMC, May 25, 1969
Barney, Terence Edward, USMC, March 17, 1969
Bazar, Paul Thomas, USMC, April 21, 1969
Becker, Michael Paul, USMC, June 7, 1968
Bigley, Richard Ray, USMC, November 22, 1965
Biscamp, Marvin Lynn, ARMY, April 12, 1972
Bosiljevac, Michael Joseph, USAF, Unknown date, 1978
Bragg, Paul Joseph, USMC, July 15, 1969
Buckles, Donald Ray, ARMY, January 28, 1968
Bull, Kenneth R., ARMY, April 17, 1969
Caldwell, Larry Gail, ARMY, May 9, 1968
Cole, Muril Steven, USMC, October 1, 1969
Crayne, Kenneth Eugene, ARMY, December 1, 1970
Cunningham, Richard Ira, ARMY, April 27, 1969

Davis, John Clinton, ARMY, April 28, 1969

Doolittle, Jon Hiliare, ARMY, May 6, 1970

Farrell, Timothy Charles, ARMY, February 11, 1970

Flournoy, James Kaiser, USMC, March 31, 1968

Foley, James Williams, ARMY, January 26, 1968

Fous, James William, ARMY, May 14, 1968

Garcia, Jerry Frank, USMC, April 17, 1968

Gerry, Ronald Lee, ARMY, January 5, 1966

Goc, Paul Stephen Jr., ARMY, June 14, 1969

Griffin, Gerald Charles, NAVY, October 6, 1962

Gronborg, Martin Wayne Jr., ARMY, September 4, 1971

Haakenson, Robert W. Jr., NAVY, October 24, 1972

Hansen, Robert Greg, ARMY, August 7, 1970

Hiley, Thomas Charles, ARMY, January 31, 1968

Hunter, Henry David, ARMY, July 8, 1969

Iler, Kenneth Marvin, USMC, May 29, 1968

Jackson, Eddie Lee Jr., ARMY, November 4, 1968

Johnson, Gary Lee, ARMY, June 18, 1971

Johnson, Lane Carston, ARMY, November 11, 1968

Kavulak, John Henry, USMC, September 21, 1967

Keith, Miguel, USMC, May 8, 1970

Keller, Kenneth Lavern, ARMY, February 11, 1970

Kelley, Harvey Paul, ARMY, November 20, 1969

Kier, Larry Gene, ARMY, September 12, 1978

Klabunde, Arthur John Jr., USMC, January 25, 1968

Klabunde, John Paul, USMC, September 6, 1967

Kocanda, Jerry Joseph III, ARMY, May 21, 1969

Konwinski, Ronald Eugene, USMC, February 6, 1968

Kotrc, James Carl, ARMY, July 29, 1969

Kudlacek, Edwin Allen, ARMY, September 28, 1971

Laird, James Alan, ARMY, October 31, 1970

Lambooy, John Patrick, ARMY, September 19, 1969

Lamere, Anthony John, ARMY, July 1, 1971

Leighton, Earl Laroy, NAVY, January 17, 1969

Luedke, William, ARMY, October 28, 1968

Marchand, Wayne Ellsworth, ARMY, April 8, 1962

Marsh, Alan Richard, ARMY, June 2, 1967

Maxwell, Samuel Chapman, USAF, June 21, 1978

McAllister, Cameron Trent, ARMY, September 7, 1969

Mickna, John Ronald, ARMY, February 23, 1967

Moore, Daniel Eugene Jr., NAVY, February 22, 1967

Morrison, James Anton, ARMY, September 12, 1967

Mueller, Steven Wayne, USMC, December 22, 1967

Murphy, John Patrick, ARMY, July 22, 1968

Nachtigall, David Joseph, ARMY, February 23, 1970

Oonk, Lester Eugene, USAF, August 13, 1970

Perrin, Richard Thomas, ARMY, June 27, 1966

Pinegar, William Dennis, ARMY, October 6, 1965

Poese, Nigel Frederick, ARMY, March 20, 1969

Radil, Ronald Ludwig, ARMY, October 14, 1967

Ross, Milton Alan, ARMY, February 9, 1969

Salyards, Patrick John, USMC, December 9, 1966

Sanders, Mack Royal, ARMY, May 12, 1966

Sandstedt, Daniel Joseph, ARMY, June 19, 1967

Schmidt, Gary Russell, ARMY, September 25, 1967

Shelton, Craig Stephen, USMC, January 25, 1967

Shrader, Harold William, ARMY, August 9, 1965

Shuey, Glenn Colin, USMC, December 20, 1969

Skavaril, Thomas Joseph, ARMY, January 5, 1968

Smith, Michael Francis, ARMY, April 28, 1968

Smith, Paul Richard, ARMY, July 6, 1963

Smith, Thomas Leroy, ARMY, September 11, 1969

Sobolik, Karl David, USAF, November 26, 1966

Solomon, Wilfred L. Sr., ARMY, February 8, 1968

Spencer, Frank III, ARMY, January 23, 1970

Stolinski, James Francis, ARMY, March 26, 1968

Straus, Allen Arthur, ARMY, May 6, 1968

Utts, William Warner, ARMY, March 19, 1969

Waite, Donald Steven, ARMY, February 9, 1968

Wigton, Philip Gregory, USMC, May 9, 1968

Wilkinson, Harland Lyle, ARMY, September 26, 1969

Wilson, Michael Joseph, USMC, May 12, 1967

Wojtkiewicz, Ronald Joseph, ARMY, April 10, 1968

Wolf, Jack Morse, ARMY, March 28, 1968

Zabrowski, Louis, ARMY, December 27, 1969

Ziehe, Gerald Dean, USAF, October 21, 1968; and

Whereas, at least 1,763 United States military service members serving in Southeast Asia remain unaccounted for, including the following 19 from Nebraska:

Name, Service, Hometown, Date of Incident

Biber, Gerald Mack, ARMY, Benkelman, April 22, 1961

Booze, Delmar George, USMC, Papillion, January 24, 1966

Brennan, Herbert Owen, USAF, O'Neill, November 26, 1967

Brenning, Richard David, NAVY, Lincoln, July 26, 1969

Confer, Michael Steele, NAVY, McCook, October 10, 1966

Cordova, Robert James, NAVY, Boys Town, January 27, 1968

Grella, Donald Carroll, ARMY, Laurel, December 28, 1965

Kahler, Harold, USAF, Lincoln, June 14, 1969

Klingner, Michael Lee, USAF, McCook, April 6, 1970

Magers, Paul Gerald, ARMY, Sidney, June 1, 1971

Ogden, Howard Jr., USMC, Omaha, October 18, 1967

Robinson, Larry Warren, USMC, Randolph, January 5, 1970

Scheurich, Thomas Edwin, NAVY, Norfolk, March 1, 1968

Smiley, Stanley Kutz, NAVY, Sidney, July 20, 1969

Sprick, Doyle, USMC, Fort Calhoun, January 24, 1966

Stafford, Ronald Dean, USAF, Oxford, November 21, 1972

Stark, Willie E., ARMY, Omaha, December 2, 1966

Thomas. Daniel W., USAF, Danbury, July 6, 1971

Zich, Larry Alfred, ARMY, Lincoln, April 3, 1972; and

Whereas, at least 150,332 of the United States military service members were wounded during their service in Southeast Asia; and

Whereas, countless numbers returned home with physical and psychological injuries, including post-traumatic stress disorder (PTSD), that were not treated; and

Whereas, countless numbers remain homeless and in despair: Now, therefore, be it

Resolved, by the members of the one hundredth legislature of Nebraska, second session:

1. That the Legislature urges the President of the United States and the United States Congress to continue efforts to account for all of the missing people from the Vietnam War, return any remains to their families, and continue to improve efforts to aid homeless, drug-dependent, and wounded veterans, including those afflicted with post-traumatic stress disorder.

2. That the Legislature acknowledges that, in the past, a less than grateful attitude was shown towards Vietnam Veterans and now belatedly recognizes their service, sacrifice, and suffering.

3. That the Legislature hereby commemorates the thirty-fifth anniversary of the end of the Vietnam War and the twenty-fifth anniversary of the healing Vietnam Veterans Memorial in Washington, DC, by extending to all those who served in Southeast Asia and in Vietnam a long overdue, "Welcome Home, Vietnam Veteran, Welcome Home!".

4. That the Clerk of the Legislature send a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the United States Congressional delegation representing the State of Nebraska.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI:

S. 3045. A bill to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. CASEY, Mr. COLEMAN, Mr. SPECTER, and Mr. INHOFE):

S. 3046. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. OBAMA (for himself, Mr. LUGAR, Mr. SANDERS, and Mr. BROWN)):

S. 3047. A bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S.J. Res. 33. A joint resolution recognizing the efforts of the Ohio Department of Mental

Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE:

S. Res. 572. A resolution calling upon the Court of Appeal for the Second Appellate District of California to uphold the fundamental and constitutional right of parents to direct the upbringing and education of their children; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. ENSIGN, Mr. NELSON of Florida, Mr. COLEMAN, and Mr. LIEBERMAN):

S. Res. 573. A resolution recognizing Cuba Solidarity Day and the struggle of the Cuban people as they continue to fight for freedom; considered and agreed to.

By Mr. REID (for Mrs. CLINTON (for herself and Mrs. MURRAY)):

S. Con. Res. 83. A concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 11, a bill to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations, and for other purposes.

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 1108

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1108, a bill to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes.

S. 1210

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1210, a bill to extend the grant program for drug-endangered children.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1259

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1384

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1384, a bill to amend title 38, United States Code, to repeal authority for adjustments to per diem payments to homeless veterans service centers for receipt of other sources of income, to extend authorities for certain programs to benefit homeless veterans, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2161

At the request of Mr. JOHNSON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2303

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2303, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2504

At the request of Mr. NELSON of Florida, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2511

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2511, a bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Carolina (Mr. DEMINT) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2827

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2827, a bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels.

S. 2828

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2828, a bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes.

S. 2844

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2844, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 2934

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2934, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries.

S. 3040

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3040, a bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances.

S. RES. 569

At the request of Mr. INOUYE, his name was added as a cosponsor of S. Res. 569, a resolution expressing the sense of the Senate regarding the earthquake that struck Sichuan Province of the People's Republic of China on May 12, 2008.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 3045. A bill to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Kenai Mountains-Turnagain Arm National Forest Heritage Area would be the first Heritage Area in Alaska, and one of a few Heritage Areas in the West. Our proposal encompasses the wide mountainous corridor that was the major gateway to pioneer settlement of the State, extending from Seward through the Kenai Mountains to the upper Turnagain Arm. Here mountain trails developed by indigenous First Alaskans became prospectors' trails and, eventually, the roads and railroad used by the pioneers who settled the last frontier of the United States. Transportation, resource development and settlement in this rugged, often-treacherous landscape provide a powerful reminder of the fortitude and resourcefulness of the pioneers of America's Last Frontier.

Historic communities that were developed around mining and early transportation routes have preserved much of their original character. A visit to the Hope Townsite is a visit to a living community that still resembles the gold rush town that it was before the rush to the Klondike. The City of Whittier provides a glimpse of our Nation's intense effort to develop an ice-free port to supply troops who were defending our boundaries in Alaska during World War II. As in the early days, all the signs of human activity in the corridor are dwarfed by the sweeping landscapes of the region, by the magnificence of the mountains, glaciers and tidal fjords and the dominance and power of nature. Turnagain Arm, once a critical transportation link, has one of the world's greatest tidal ranges.

This Heritage Area proposal, truly a grass roots product, began in 1997 when the Kenai Peninsula Historical Association asked a group of local community leaders to reach out and tell people about Heritage Areas. They were successful in garnering support from communities throughout the corridor. These local folks have extensive knowledge of the resources; they are personally acquainted with the area; they understand the ruggedness and the beauty of the land, and certainly appreciate the potential economic value this designation would bring to the area.

In 2000 these community leaders organized the Kenai Mountains-Turnagain Arm National Heritage Area Corridor Communities Association as a non-profit organization with a board of directors made up of corridor community representatives. Later a congressionally designated grant made it possible for the new non-profit to serve as a local coordinating entity and prove its ability to plan and accomplish projects consistent with Heritage Area purposes. Through their management of the grant, historic structures were preserved, a small museum has opened, parks and pavilions with historic interpretation have been constructed, oral histories have been collected from oldtimers and recorded, and an excellent book on corridor history has been published.

Since the corridor is within the western part of the Chugach National Forest, the Association has asked to put this Heritage Area under the Secretary of Agriculture. The bill provides for coordination with the Secretaries of Interior and includes the same components, structure and national recognition as Heritage Areas under the Secretary of Interior. Similar components assure that the Heritage Area will not impact private property rights or public land management. A Memorandum of Understanding between the Secretaries of Agriculture and Interior would establish coordination at the Secretarial level. Passage of this bill will be an excellent way to commemorate the recent centennial of the Chugach National Forest.

I am proud to lend my support to this grassroots effort by introducing legislation today to designate the Kenai Mountains-Turnagain Arm in Alaska as our most northern and western National Heritage Area, the first National Heritage Area in Alaska and the first National Forest Heritage Area to be assisted by the U.S. Forest Service.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kenai Mountains-Turnagain Arm National Forest Heritage Area Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor—

(A) is a major gateway to Alaska;

(B) includes a range of transportation routes used by—

(i) indigenous people; and

(ii) the pioneers that settled the last frontier of the United States;

(C) is located in the heart of the Chugach National Forest, which was established by presidential proclamation on July 23, 1907, by Theodore Roosevelt; and

(D) includes a historically significant segment of the Iditarod Trail connecting Seward and Nome, which was—

(i) scouted by the Alaska Road Commission in 1908; and

(ii) designated as the Iditarod National Historic Trail in 1978;

(2) the cultural landscape formed by indigenous people and by settlement, transportation, and modern resource development in the rugged and often treacherous natural setting of the transportation corridor provides a powerful testimony to the human fortitude, perseverance, and resourcefulness of the people who—

(A) settled the frontier; and

(B) represent the proudest heritage of the United States;

(3) the natural history and scenic splendor of the transportation corridor are equally outstanding;

(4) the transportation corridor includes vistas of the power of nature, such as evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the second greatest tidal range in the world;

(5) there is a national interest in recognizing, preserving, promoting, and interpreting the resources of the transportation corridor;

(6) the Kenai Mountains-Turnagain Arm region is—

(A) geographically and culturally cohesive; and

(B) defined by a corridor of historic routes, trails, water, railroads, and roadways through a distinct landscape of mountains, lakes, and fjords;

(7) the region played a unique role as a portal and transportation corridor through which indigenous people, explorers, missionaries, gold miners, cannery workers, big game hunters, homesteaders, foresters, railroad workers, military personnel, and petroleum developers traveled into southcentral and interior Alaska as part of the waves of travel that characterized the history of the United States;

(8) the region exhibits a high degree of integrity with vast tracks of rugged, undeveloped areas and natural scenery that still look much as the area did to the original inhabitants, the indigenous people, and early explorers and pioneers of the region;

(9) studies that led to the designation of the Iditarod National Historic Trail, the Seward Highway All American Road, and the Alaska Railroad National Scenic Railroad—

(A) determined the national significance of separate transportation routes traversing the region; and

(B) illustrate the national significance of heritage resources in the region;

(10) designation of the transportation corridor as a national heritage area—

(A) provides for a comprehensive interpretation of human history in the wide transportation corridor through the Kenai Mountains and upper Turnagain Arm, including early Native trade routes, historic waterways, mining trails, historic communities, and the 3 designated routes of national significance referred to in paragraph (9);

(B) recognizes the national significance of the Kenai Mountains-Turnagain Arm transportation corridor, including—

(i) the historic and modern resource development of the transportation corridor; and

(ii) the cultural, natural, and recreational resources and landscapes of the transportation corridor; and

(C) would provide assistance to local communities, Indian tribes, and residents of the transportation corridor in—

(i) preserving and interpreting cultural and historic resources; and

(ii) fostering cooperative planning and partnerships;

(11) an additional feasibility study for the Heritage Area is not needed before designation of the Heritage Area because the studies referred to in paragraph (9) provide sufficient documentation of—

(A) the national significance of heritage resources in the region; and

(B) the support of local communities for designation of the Heritage Area; and

(12) the Kenai Mountains-Turnagain Arm National Forest Heritage Corridor Communities Association—

(A) has been formed as a nonprofit corporation to act as the Local Coordinating Entity for the Heritage Area; and

(B) is governed by bylaws that define the purposes of the Association as the purposes established by Congress for the Kenai Mountains-Turnagain Arm National Forest Heritage Area.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor; and

(2) to promote and facilitate the public enjoyment of the resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Kenai Mountains-Turnagain Arm National Forest Heritage Area established by section 4(a).

(2) LOCAL COORDINATING ENTITY.—The term "Local Coordinating Entity" means the local coordinating entity for the Heritage Area designated by section 5(a).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 6.

(4) MAP.—The term "map" means the map entitled "Draft Proposed NHA Kenai Mountains-Turnagain Arm" and dated August 7, 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) STATE.—The term "State" means the State of Alaska.

SEC. 4. ESTABLISHMENT OF KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL FOREST HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Kenai Mountains-Turnagain Arm National Forest Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(1) the appropriate offices of the Forest Service, Chugach National Forest;

(2) the Alaska Regional Office of the National Park Service; and

(3) the Alaska State Historic Preservation Officer.

SEC. 5. LOCAL COORDINATING ENTITY.

(a) DESIGNATION.—The Kenai Mountains-Turnagain Arm National Forest Heritage Corridor Communities Association, a nonprofit corporation chartered in the State, shall be the local coordinating entity for the Heritage Area.

(b) DUTIES.—To further the purposes of the Heritage Area, the Local Coordinating Entity shall—

(1) in accordance with section 6, prepare and submit to the Secretary a management plan for the Heritage Area;

(2) for any fiscal year for which the Local Coordinating Entity receives Federal funds under this Act—

(A) submit an annual report to the Secretary that describes—

(i) the specific performance goals and accomplishments of the Local Coordinating Entity;

(ii) the expenses and income of the Local Coordinating Entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and the sources of the leveraging; and

(v) any grants made to any other entities during the fiscal year; and

(B) make available to the Secretary for audit any information relating to the expenditure of—

(i) the Federal funds; and

(ii) any matching funds; and

(3) encourage, consistent with the purposes of the Heritage Area, the economic viability and sustainability of the Heritage Area.

(c) AUTHORITIES.—For the purposes of developing and implementing the management plan for the Heritage Area, and subject to section 9(c), the Local Coordinating Entity may use Federal funds made available under this Act to—

(1) make grants to units of local government, nonprofit organizations, and other parties within the Heritage Area;

(2) enter into agreements with, or provide technical assistance to, Federal agencies, units of local government, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historic, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal laws or programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that—

(A) further the purposes of the Heritage Area; and

(B) are consistent with the management plan.

(d) PUBLIC MEETINGS.—

(1) IN GENERAL.—Annually, the Local Coordinating Entity shall conduct at least 2 meetings open to the public regarding the development and implementation of the management plan.

(2) NOTICE; AVAILABILITY OF MINUTES.—The Local Coordinating Entity shall—

(A) publish a notice of each public meeting in a newspaper of general circulation in the Heritage Area; and

(B) make the minutes of the meeting available to the public.

(e) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The Local Coordinating Entity shall not use Federal funds authorized under this Act to acquire any interest in real property.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan, the Local Coordinating Entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include—

(A) a list of comprehensive policies, goals, strategies, and recommendations for actions and projects consistent with the purposes of the Heritage Area;

(B) a description of proposed actions and financial commitments of governments (including tribal governments) and private organizations that would accomplish the purposes of the Heritage Area;

(C) a description of the role and participation of the Federal Government and State, tribal, and local governments that have jurisdiction over land within the Heritage Area; and

(D) an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(2) identify existing and potential sources of funding to accomplish the recommended actions and projects for the Heritage Area;

(3) include a business plan that—

(A) describes the role, operation, financing, and functions of—

(i) the Local Coordinating Entity; and

(ii) each of the major activities addressed in the management plan; and

(B) provides adequate assurances that the Local Coordinating Entity has the partnerships and financial and other resources necessary to implement the management plan; and

(4) be consistent with Federal, State, borough, and local plans, including—

(A) the plans for the Chugach National Forest and the Kenai Fjords National Park; and

(B) State transportation and historic management plans.

(c) TERMINATION OF FUNDING.—If the Local Coordinating Entity does not submit the management plan to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the Local Coordinating Entity shall be ineligible to receive additional funding under this Act until the date on which the management plan is approved by the Secretary.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CONSIDERATIONS.—In determining whether to approve or disapprove the management plan under paragraph (1), the Secretary shall consider whether—

(A) the Local Coordinating Entity—

(i) has afforded adequate opportunities for public and governmental involvement in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(B) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) the management plan—

(i) is consistent with applicable Federal, State, borough, and local plans; and

(ii) would not adversely affect any activities authorized on Federal land;

(D) the Local Coordinating Entity, in partnership with other entities, has demonstrated the financial capability to carry out the management plan;

(E) the Secretary has received adequate assurances from State and local officials, the support of which is needed to ensure the effective implementation of the State and local elements of the management plan; and

(F) the management plan demonstrates sufficient partnerships among the Local Coordinating Entity, the Federal Government, State and local governments, regional planning organizations, nonprofit organizations, or private sector parties to implement the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the Local Coordinating Entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 180 days after the receipt of any proposed revision of the management plan, approve or disapprove the proposed revision.

(e) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review and approve any substantial amendments to the management plan in accordance with subsection (d).

(2) USE OF FUNDS.—Funds made available under this Act shall not be expended by the Local Coordinating Entity to implement any changes made by an amendment described in paragraph (1) until the Secretary approves the amendment.

(f) IMPLEMENTATION.—In implementing the management plan, the Local Coordinating Entity shall give priority to—

(1) carrying out programs that recognize important resource values within the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits within the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness of, and appreciation for, the natural, historic, and cultural resources of the Heritage Area, including the contributions of local Indian tribes;

(6) providing opportunities for expanding the public perception of the need for modern resource development of the Heritage Area;

(7) restoring historic buildings and structures that are located within the Heritage Area; and

(8) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are appropriately placed in the Heritage Area.

SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Secretary of the Interior to establish a general framework for cooperation and consultation in the development and implementation of the management plan.

(b) AUTHORITIES.—The Secretary may—

(1) subject to the availability of funds, provide technical and financial assistance for the development and implementation of the management plan;

(2) enter into cooperative agreements with interested parties to carry out this Act; and

(3) in partnership with the Local Coordinating Entity, provide information on, promote understanding of, and encourage research on the Heritage Area.

(c) INFORMATION RELEASED BY THE SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall include the Heritage Area in all nationwide releases, listings, or maps that provide public information about the system of national heritage areas.

SEC. 8. PRIVATE PROPERTY PROTECTIONS.

(a) IN GENERAL.—Nothing in this Act—

(1) grants powers of zoning or management of land use to the Local Coordinating Entity;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or any State, tribal, or local government to manage or regulate any use of land under applicable laws (including regulations);

(3) requires any private property owner to allow public access to the private property, including access by the Federal Government or tribal, State, or local governments;

(4) modifies any provision of Federal, tribal, State, or local law with respect to public access to, or use of, private property;

(5) obstructs or limits—

(A) business activities on private developments; or

(B) resource development activities;

(6) affects the rights of private property owners;

(7) restricts or limits an Indian tribe from protecting cultural or religious sites on tribal or Native Corporation land; or

(8) requires the owner of any private property located within the boundaries of the Heritage Area to participate in, or be associated with, the Heritage Area.

(b) APPLICABLE LAW.—Designation of the Heritage Area under this Act does not convey status to the Heritage Area as a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)).

(c) LIABILITY.—Designation of the Heritage Area does not create any liability for, or affect any liability under any other law of, any private property owner with respect to a person injured on the private property.

(d) EFFECT OF ESTABLISHMENT.—Designation of the Heritage Area does not establish any regulatory authority on land use within the Heritage Area or the viewshed for the Federal Government or any State or local government.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated and made available to the Local Coordinating Entity to carry out the development and implementation of the management plan—

(1) $350,000 for fiscal year 2008; and

(2) $500,000 for fiscal year 2009 and each fiscal year thereafter.

(b) LIMITATION.—Notwithstanding subsection (a), not more than $7,500,000 is authorized to be appropriated for the Heritage Area.

(c) COST SHARING REQUIREMENT.—To the maximum extent practicable, the Federal share of the total cost of any activity carried out using assistance under this Act shall be not more than 75 percent, including the contribution of in-kind services.

SEC. 10. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. BROWNBACK (for himself, Mr. CASEY, Mr. COLEMAN, Mr. SPECTER, and Mr. INHOFE):

S. 3046. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak about a bill I introduced today: the Access, Compassion, Care and Ethics for Seriously-ill Patients Act, ACCESS, Act. I would like to thank the original Senate cosponsors: Senators BOB CASEY, NORM COLEMAN, ARLEN SPECTER and JAMES INHOFE. I also especially thank Representative DIANNE WATSON who will be introducing the companion bill in the U.S. House of Representatives.

In the current era, certain cancers and other chronic diseases touch the lives of almost every American. If you have had the experience of a family member or friend struggling with terminal illness, you were probably aware of their need and limited timeline to access promising treatments. Unfortunately, the current system often does not work for the benefit of terminally-ill patients—during emotionally-charged times, patients and their families may face regulatory and bureaucratic hurdles if they wish to access investigational treatment options in order to preserve their lives. Many terminally-ill patients exhaust their treatment options and do not qualify for a clinical trial. They also do not physically have months to wait for an individual investigational treatment application to be approved.

In this day and age of scientific breakthroughs, we must embrace these advances and do so with a "patient-centered" mindset. Terminally-ill patients often reach a point where the potential benefits of these breakthrough treatments outweigh their inevitable risk of death from their disease.

I introduced the ACCESS Act to offer these patients an ethical option—compassionate access to treatments that show promise earlier in the drug development process. The average time for a treatment to go through the entire FDA approval process is 15 years. As a result, the current system tends to benefit future generations of patients with life-threatening diseases, rather than patients of the present time.

The ACCESS Act offers a new Compassionate Investigational Access approval system for treatments showing efficacy during clinical trials, for use by the seriously-ill patient population. Seriously-ill patients who have exhausted all alternatives and are seeking new treatment options, would be offered access to these treatments with the consent of their physician. This bill also improves upon the existing accelerated approval system, using a patient-centered framework. The ACCESS Act also makes a technical correction that will increase patient access to drugs used off-label to treat life-threatening diseases.

I ask my colleagues to join me in supporting the ACCESS Act that would offer patients, with little hope, a chance at life.

By Mr. BROWN:

S.J. Res. 33. A joint resolution recognizing the efforts of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, May is National Mental Health Month. This proud tradition was started over 50 years ago. Each May, the mental health community comes together to raise awareness about mental health disorders and to celebrate recovery. The last 50 years have seen significant progress in the treatment of mental disorders.

We know that with treatment and support, it is possible to recover.

Dr. Fred Frese knows this first hand. I met Dr. Frese at a roundtable that I held in Cleveland, Ohio. Dr. Frese served as Director of Psychology at Western Reserve Psychiatric Hospital for 15 years. He is currently an Assistant Professor of Psychology in Clinical Psychiatry at Case Western Reserve University and Northeastern Ohio Universities College of Medicine. He has authored and reviewed numerous articles and chapters, lectured in several countries and served on the boards of trustees of various organizations that work on behalf of individuals with disabilities.

In 1999, Dr. Frese received the Hildreth Award, the highest honor given by the American Psychological Association's Psychologists in Public Service Division. Over the course of his career, he has testified numerous times before both houses of the United States Congress. Dr. Frese's career has been remarkable. His life has been remarkable.

He has been living with paranoid schizophrenia since 1966. Dr. Frese is remarkable. But his recovery is not unusual.

Many people stricken with mental illness can and do recover with appropriate treatment. But the stigma associated with mental health disorders can discourage people from getting the help they need. The U.S. Surgeon General's seminal report on mental health cites stigma as a significant barrier to recovery.

I am proud to say that Ohio's Departments of Mental Health and Alcohol and Drug Addiction Services are doing something about it. They have launched a "Think Outside the Stigma" campaign, a public information effort to increase awareness about the misperceptions associated with mental health and substance use disorders.

Today I am introducing a resolution commending this campaign.

My colleague in the house, Congressman Zack Space, is offering a companion resolution.

Imagine a world where individuals with mental disorders are supported and treated, not marginalized and discriminated against. Imagine a world where we see individuals first and disability second. Imagine the wealth of talent and resources that individuals with mental illness can realize with treatment. Individuals like Dr. Frese.

We must work together to overcome the unfair and unnecessary burden of stigma associated with mental illness and substance use disorders. We know that treatment can work. We know that people can recover. We know that Americans are well worth the investment.

We know that Americans are well worth the investment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 572—CALLING UPON THE COURT OF APPEAL FOR THE SECOND APPELLATE DISTRICT OF CALIFORNIA TO UPHOLD THE FUNDAMENTAL AND CONSTITUTIONAL RIGHT OF PARENTS TO DIRECT THE UPBRINGING AND EDUCATION OF THEIR CHILDREN

Mrs. DOLE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 572

Whereas the modern homeschool movement in the United States demonstrates that homeschooled children are a vital component of the United States education system;

Whereas homeschool graduates act responsibly as parents and as students in colleges and universities, are valuable in the workplace, and are productive citizens in society at large;

Whereas many studies confirm that children who are educated at home score considerably above the national average on nationally-normed achievement tests, and above the average on both the SAT and ACT college entrance exams;

Whereas homeschooled children, such as 2007 Heisman Trophy winner Tim Tebow, are receiving national recognition for their victories in national competitions, such as national spelling bees and geography bees, and are being highly sought after by nationally-recognized colleges and universities;

Whereas homeschooling families contribute significantly to the cultural diversity important to a healthy society;

Whereas notable individuals such as Benjamin Franklin, John Quincy Adams, Patrick Henry, Ansel Adams, Charles Dickens, and General Douglas MacArthur all received a high-quality education at home;

Whereas over 2,100,000 children are being homeschooled nationwide;

Whereas the Supreme Court has ruled that parents have a fundamental and constitutional right to direct the upbringing and education of their children, in the cases of Pierce v. Society of Sisters, 268 U.S. 510 (1925), Meyer v. Nebraska, 262 U.S. 390 (1923), and Wisconsin v. Yoder, 406 U.S. 205 (1972);

Whereas on February 28, 2008, the Court of Appeal for the Second Appellate District of California, in Los Angeles, California, issued an opinion in the case of In re Rachel L., 73 Cal. Rptr. 3d 77 (Cal. Ct. App. 2008), that homeschool parents who did not hold a teaching credential could not legally homeschool their children;

Whereas the initial decision by the Court of Appeal in that case would have had an adverse impact on approximately 166,000 children in California who are receiving a quality education at home; and

Whereas on March 25, 2008, the Court of Appeal granted a motion for rehearing in the In re Rachel L. case, with respect to the decision that required parents to hold a teaching credential in order to legally homeschool their children; Now, therefore, be it

Resolved, That the Senate—

(1) commends the Court of Appeal for the Second Appellate District of California, in Los Angeles, California, for allowing a rehearing in the case of In re Rachel L., 73 Cal. Rptr. 3d 77 (Cal. Ct. App. 2008); and

(2) calls upon the court to uphold the Supreme Court's opinion that parents have a fundamental and constitutional right to direct the upbringing and education of their children.

SENATE RESOLUTION 573—RECOGNIZING CUBA SOLIDARITY DAY AND THE STRUGGLE OF THE CUBAN PEOPLE AS THEY CONTINUE TO FIGHT FOR FREEDOM

Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. ENSIGN, Mr. NELSON of Florida, Mr. COLEMAN, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 573

Whereas the Cuban regime continues to deny the basic human rights of its citizens;

Whereas the Cuban people are denied freedom of the press, freedom of speech, and freedom to peaceful assembly;

Whereas the Cuban regime refuses to hold free and fair elections in order to elect a democratic government that represents the will of the people;

Whereas Freedom House recently rated Cuba as 1 of the 8 most oppressive regimes in the world;

Whereas the Cuban regime is currently holding more than 220 political prisoners according to Amnesty International, Human Rights Watch, and Reporters Without Borders;

Whereas these prisoners are illegally held in prison contrary to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which Cuba has signed and recognizes;

Whereas 55 of the 75 political activists imprisoned in the March 2003 crackdown (known as "Black Spring") including independent journalists and union members, remain in prison;

Whereas the wives of these prisoners, known as the Ladies in White, continue to be assaulted for simply seeking information regarding the March 2003 arrests, most recently on April 21, 2008, when the Ladies in White were violently dragged from a peaceful sit-in by Cuban officials;

Whereas prisoners face inhuman and unsafe prison conditions, including the denial of medical treatment; and

Whereas on May 21, 2008 communities around the world will celebrate Cuba Solidarity Day, a day for the world to join together in the fight against oppression in Cuba: Now therefore, be it

Resolved, That the Senate—

(1) celebrates Cuba Solidarity Day;

(2) recognizes the injustices faced by the people of Cuba under the current regime; and

(3) stands in solidarity with the Cuban people as they continue to work towards democratic change in their homeland.

SENATE CONCURRENT RESOLUTION 83—SUPPORTING THE GOALS AND IDEALS OF NATIONAL BETTER HEARING AND SPEECH MONTH

Mr. REID (for Mrs. CLINTON (for herself and Mrs. MURRAY)) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 83

Whereas the National Institute on Deafness and Other Communication Disorders reports that approximately 42,000,000 people in the United States suffer from a speech, voice, language, or hearing impairment;

Whereas approximately 32,500,000, or 15 percent, of adults in the United States report some degree of hearing loss;

Whereas 1 out of every 3 people in the United States over 60 years of age has a hearing problem;

Whereas 1 in 6, or 15 percent, of people in the baby boom generation, between the ages of 41 and 59, has a hearing problem;

Whereas 1 in 14, or 7 percent, of people in the United States between the ages of 29 and 40 already has hearing loss;

Whereas at least 1,400,000 children in the United States have hearing problems;

Whereas traumatic brain injury is an increasing problem among members of the Armed Forces returning from the wars in Iraq and Afghanistan;

Whereas patients with traumatic brain injury may have problems with spoken language, called dysarthria, if the part of the brain that controls speech muscles is damaged, resulting in speech that is often slowed, slurred, and garbled;

Whereas members of the Armed Forces sent to battle zones are more than 50 times more likely to suffer noise-induced hearing loss than members of the Armed Forces who do not deploy;

Whereas, although more than 32,500,000 adults in the United States could benefit from the use of hearing aids, only 1 in 5 people who could benefit from a hearing aid actually wears one;

Whereas, of children between the ages of 6 and 19 years old, approximately 5,200,000, or 12.5 percent, are estimated to have noise-induced hearing loss in one or both ears, often as a result of increased environmental noise;

Whereas hearing loss is the most common congenital disorder in newborns;

Whereas a delay in diagnosing a hearing loss when a child is born can affect the child's social, emotional, and academic development;

Whereas, during the 2003 school year, more than 1,500,000 children had speech, language, or hearing impairments and received services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas children with language impairments are 4 to 5 times more likely than their peers to experience reading problems;

Whereas 10 percent of children entering the first grade have moderate to severe speech disorders, including stuttering;

Whereas more than 3,000,000 people in the United States of all ages stutter;

Whereas approximately 1,000,000 people in the United States have aphasia, a language disorder inhibiting spoken communication that results from damage caused by a stroke or other traumatic injury to the language centers of the brain; and

Whereas, since 1927, May has been celebrated as National Better Hearing and Speech Month in order to raise awareness regarding speech, voice, language, and hearing impairments and to provide an opportunity for Federal, State, and local governments, members of the private and nonprofit sectors, speech and hearing professionals, and the people of the United States to focus on preventing, mitigating, and curing such impairments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Better Hearing and Speech Month;

(2) urges increased coordination of community-based, comprehensive care for members of the Armed Forces, veterans, athletes, and accident victims who have experienced hearing and speech deficiencies as a result of traumatic brain injury;

(3) supports the efforts of speech and hearing professionals to improve the speech and hearing development of children;

(4) encourages the people of the United States to have their hearing checked regularly and to avoid environmental noise that can lead to hearing loss; and

(5) commends the 46 States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4805. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4806. Mr. CORKER (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. NELSON of Florida, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4807. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4808. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4809. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. DURBIN, Mr. SANDERS, Mr. LAUTENBERG, Mrs. BOXER, Mr.

HARKIN, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4810. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4812. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4813. Mr. CASEY (for himself, Ms. SNOWE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4814. Mr. BROWNBACK (for himself, Mr. ENSIGN, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 4803 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4805. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SENSE OF SENATE ON PROVISION OF TACTICAL AND UTILITY HELICOPTERS TO SUPPORT THE UNITED NATIONS–AFRICAN UNION PEACEKEEPING MISSION IN DARFUR

SEC. ____. It is the sense of the Senate that all efforts should be made to expedite any lease, transfer, or acquisition of tactical and utility helicopters to support the United Nations-African Union peacekeeping mission in Darfur, Sudan, as provided in section 1411 of this Act.

SA 4806. Mr. CORKER (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. NELSON of Florida, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. It is the sense of the Senate that, of the funds made available by this Act to carry out title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), for the 180-day period beginning on the date of enactment of this Act, $60,000,000 should be made available to respond to the emergency food assistance needs of Haiti.

SA 4807. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—DOMESTIC FUELS SECURITY

SECTION ___01. SHORT TITLE.

This title may be cited as the "Gas Petroleum Refiner Improvement and Community Empowerment Act" or "Gas PRICE Act".

SEC. ___02. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COAL-TO-LIQUID.—The term "coal-to-liquid" means—

(A) with respect to a process or technology, the use of a feedstock, the majority of which is derived from the coal resources of the United States, using the class of reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(B) with respect to a facility, the portion of a facility related to producing the inputs for the Fischer-Tropsch process, or the finished fuel from the Fischer-Tropsch process, using a feedstock that is primarily domestic coal at the Fischer-Tropsch facility.

(3) DOMESTIC FUELS FACILITY.—

(A) IN GENERAL.—The term "domestic fuels facility" means—

(i) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other transportation fuel;

(ii) a facility that produces a renewable fuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); and

(iii) a facility at which crude oil is refined into transportation fuel or other petroleum products.

(B) INCLUSION.—The term "domestic fuels facility" includes a domestic fuels facility expansion.

(4) DOMESTIC FUELS FACILITY EXPANSION.—The term "domestic fuels facility expansion" means a physical change in a domestic fuels facility that results in an increase in the capacity of the domestic fuels facility.

(5) DOMESTIC FUELS FACILITY PERMITTING AGREEMENT.—The term "domestic fuels facility permitting agreement" means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(6) DOMESTIC FUELS PRODUCER.—The term "domestic fuels producer" means an individual or entity that—

(A) owns or operates a domestic fuels facility; or

(B) seeks to become an owner or operator of a domestic fuels facility.

(7) INDIAN LAND.—The term "Indian land" has the meaning given the term "Indian lands" in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(8) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) PERMIT.—The term "permit" means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated with authority by the Federal Government, or authorized under Federal law to issue permits.

(10) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(11) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

Subtitle A—Collaborative Permitting Process for Domestic Fuels Facilities

SEC. ___11. COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a domestic fuels facility permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a domestic fuels facility shall be improved using a systematic interdisciplinary multimedia approach as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a domestic fuels facility permitting agreement—

(1) the Administrator shall have authority, as applicable and necessary, to—

(A) accept from a refiner a consolidated application for all permits that the domestic fuels producer is required to obtain to construct and operate a domestic fuels facility;

(B) establish a schedule under which each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit shall—

(i) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(C) issue a consolidated permit that combines all permits that the domestic fuels producer is required to obtain; and

(2) the Administrator shall provide to State and Indian tribal government agencies—

(A) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under paragraph (1)(B); and

(B) technical, legal, and other assistance in complying with the domestic fuels facility permitting agreement.

(c) AGREEMENT BY THE STATE.—Under a domestic fuels facility permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) each State or Indian tribal government agency shall—

(A) make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(1)(B).

(d) INTERDISCIPLINARY APPROACH.—

(1) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable,

in the development, review, and approval of domestic fuels facility permits subject to this section.

(2) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(A) environmental management practices; and

(B) third party contractors.

(e) DEADLINES.—

(1) NEW DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the construction of a new domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under subparagraph (A).

(2) EXPANSION OF EXISTING DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the expansion of an existing domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under subparagraph (A).

(f) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(1)(B).

(g) JUDICIAL REVIEW.—Any civil action for review of any determination of any Federal, State, or Indian tribal government agency in a permitting process conducted under a domestic fuels facility permitting agreement brought by any individual or entity shall be brought exclusively in the United States district court for the district in which the domestic fuels facility is located or proposed to be located.

(h) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this section.

(i) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a domestic fuels facility are not approved on or before any deadline established under subsection (e), the Administrator may issue a consolidated permit that combines all other permits that the domestic fuels producer is required to obtain other than any permits that are not approved.

(j) SAVINGS.—Nothing in this section affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a domestic fuels facility.

(k) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this section.

(l) EFFECT ON LOCAL AUTHORITY.—Nothing in this section affects—

(1) the authority of a local government with respect to the issuance of permits; or

(2) any requirement or ordinance of a local government (such as zoning regulations).

Subtitle B—Environmental Analysis of Fischer-Tropsch Fuels

SEC. ___21. EVALUATION OF FISCHER-TROPSCH DIESEL AND JET FUEL AS AN EMISSION CONTROL STRATEGY.

(a) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(1) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(2) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(3) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuels for reducing public exposure to exhaust emissions.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(c) REQUIREMENTS.—The program described in subsection (a) shall consider—

(1) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(d) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

Subtitle C—Domestic Coal-to-Liquid Fuel and Cellulosic Biomass Ethanol

SEC. ___31. ECONOMIC DEVELOPMENT ASSISTANCE TO SUPPORT COMMERCIAL-SCALE CELLULOSIC BIOMASS ETHANOL PROJECTS AND COAL-TO-LIQUIDS FACILITIES ON BRAC PROPERTY AND INDIAN LAND.

(a) PRIORITY.—Notwithstanding section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146), in awarding funds made available to carry out section 209(c)(1) of that Act (42 U.S.C. 3149(c)(1)) pursuant to section 702 of that Act (42 U.S.C. 3232), the Secretary and the Economic Development Administration shall give priority to projects to support commercial-scale cellulosic biomass ethanol projects and coal-to-liquids facilities.

(b) FEDERAL SHARE.—Except as provided in subsection (c)(3)(B) and notwithstanding the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), the Federal share of a project to support a commercial-scale biomass ethanol facility or coal-to-liquid facility shall be—

(1) 80 percent of the project cost; or

(2) for a project carried out on Indian land, 100 percent of the project cost.

(c) ADDITIONAL AWARD.—

(1) IN GENERAL.—The Secretary shall make an additional award in connection with a grant made to a recipient (including any Indian tribe for use on Indian land) for a project to support a commercial-scale biomass ethanol facility or coal-to-liquid facility.

(2) AMOUNT.—The amount of an additional award shall be 10 percent of the amount of the grant for the project.

(3) USE.—An additional award under this subsection shall be used—

(A) to carry out any eligible purpose under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(B) notwithstanding section 204 of that Act (42 U.S.C. 3144), to pay up to 100 percent of the cost of an eligible project or activity under that Act; or

(C) to meet the non-Federal share requirements of that Act or any other Act.

(4) NON-FEDERAL SOURCE.—For the purpose of paragraph (3)(C), an additional award shall be treated as funds from a non-Federal source.

(5) FUNDING.—The Secretary shall use to carry out this subsection any amounts made available—

(A) for economic development assistance programs; or

(B) under section 702 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3232).

Subtitle D—Alternative Hydrocarbon and Renewable Reserves Disclosures Classification System

SEC. ___41. ALTERNATIVE HYDROCARBON AND RENEWABLE RESERVES DISCLOSURES CLASSIFICATION SYSTEM.

(a) IN GENERAL.—The Securities and Exchange Commission shall appoint a task force composed of government and private sector representatives, including experts in the field of dedicated energy crop feedstocks for cellulosic biofuels production, to analyze, and submit to Congress a report (including recommendations) on—

(1) modernization of the hydrocarbon reserves disclosures classification system of the Commission to reflect advances in reserves recovery from nontraditional sources (such as deep water, oil shale, tar sands, and renewable reserves for cellulosic biofuels feedstocks); and

(2) the creation of a renewable reserves classification system for cellulosic biofuels feedstocks.

(b) DEADLINE FOR REPORT.—The Commission shall submit the report required under subsection (a) not later than 180 days after the date of enactment of this Act.

Subtitle E—Authorization of Appropriations

SEC. ___51. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made by this title.

SA 4808. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ASSISTANCE TO SMALL CRITICAL ACCESS HOSPITALS TRANSITIONING TO SKILLED NURSING FACILITIES.

Section 1820(g) of the Social Security Act (42 U.S.C. 1395i-4(g)) is amended by adding at the end the following new paragraph:

"(6) CRITICAL ACCESS HOSPITALS TRANSITIONING TO SKILLED NURSING FACILITIES.—

"(A) GRANTS.—The Secretary may award grants to eligible critical access hospitals that have submitted applications in accordance with subparagraph (B) for assisting such hospitals in the transition to skilled nursing facilities.

"(B) APPLICATION.—An applicable critical access hospital seeking a grant under this paragraph shall submit an application to the Secretary on or before such date and in such form and manner as the Secretary specifies.

"(C) ADDITIONAL REQUIREMENTS.—The Secretary may not award a grant under this paragraph to an eligible critical access hospital unless—

"(i) local organizations or the State in which the hospital is located provides matching funds; and

"(ii) the hospital provides assurances that it will surrender critical access hospital status under this title within 180 days of receiving the grant.

"(D) AMOUNT OF GRANT.—A grant to an eligible critical access hospital under this paragraph may not exceed $1,000,000.

"(E) FUNDING.—There are appropriated from the Federal Hospital Insurance Trust Fund under section 1817 for making grants under this paragraph, $5,000,000 for fiscal year 2008.

"(F) ELIGIBLE CRITICAL ACCESS HOSPITAL DEFINED.—For purposes of this paragraph, the term 'eligible critical access hospital' means a critical access hospital that has an average daily acute census of less than 0.5 and an average daily swing bed census of greater than 10.0.".

SA 4809. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. DURBIN, Mr. SANDERS, Mr. LAUTENBERG, Mrs. BOXER, Mr. HARKIN, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SAFE REDEPLOYMENT OF THE UNITED STATES ARMED FORCES FROM IRAQ

SEC. ____. (a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under this Act or any other provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition in subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

(e) USE OF FUNDS FOR REDEPLOYMENT AND FOR HEALTH CARE AND HOUSING FOR MEMBERS OF THE ARMED FORCES AND VETERANS.—Amounts that would, but for the limitation in subsection (c), be available for obligation or expenditure for the continuing deployment in Iraq of members of the United States Armed Forces shall be obligated and expended instead solely as follows:

(1) By the Secretary of Defense, for the redeployment of members of the United States Armed Forces as described in subsection (b).

(2) By the Secretary of Defense—

(A) for programs and activities to maintain, enhance, and improve military housing for members of the Armed Forces; and

(B) for programs and activities to improve and enhance the medical and dental care available to members of the Armed Forces.

(3) By the Secretary of Veterans Affairs for programs and activities to improve the hospital care, medical care, and other health care benefits and services available to veterans.

SA 4810. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of law, the $2,695,000 appropriated for the Charlotte Rapid Transit Extension-Northeast Corridor Light Rail Project, NC under the Alternatives Analysis Account in division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161) shall be used for the Charlotte Rapid Transit Extension–Northeast Corridor to carry out new fixed guideway capital projects or for extensions to existing fixed guideway capital projects described in section 5309 of title 49, United States Code.

SA 4811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PREFERENCE ON COORDINATION WITH INDIGENOUS IRAQI NON-GOVERNMENTAL ORGANIZATIONS IN PROJECTS ASSISTING INTERNALLY DISPLACED IRAQIS

SEC. ____. Notwithstanding any other provision of law, the Secretary of State and the Secretary of Defense shall ensure in the allocation of all funds appropriated or otherwise made available by this Act or any other Act for projects assisting internally displaced Iraqis, including projects for humanitarian assistance, training, capacity building, or construction and repair of infrastructure directly affecting the return or resettlement of displaced Iraqis, preference shall be given to projects coordinated with indigenous Iraqi non-governmental organizations.

SA 4812. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PROVISION OF PROJECT-BASED HOUSING FOR AFFORDABLE HOUSING UNITS DAMAGED OR DESTROYED BY HURRICANES KATRINA OR RITA

Pursuant to section 215 of title II of division K of Public Law 110-161 (121 Stat. 2433), the Secretary of Housing and Urban Development shall, not later than October 1, 2008, promptly review and approve (A) any feasible proposal made by the owner of a covered assisted multifamily housing project submitted to the Secretary that provides for the rehabilitation of such project and the resumption of use of the project-based assistance under the contract for such project or (B) the transfer, subject to the conditions established under section 215(b) of title II of division K of Public Law 110-161, of the contract for such covered assisted multifamily housing project, or in the case of a covered assisted multifamily housing project with an interest reduction payments contract, of the remaining budget authority under the contract, to a receiving project or projects: *Provided*, the term "covered assisted multifamily housing project" means housing that meets 1 of the conditions established in section 215(c)(2) of title II of division K of Public Law 110-161 and was damaged or destroyed by Hurricanes Katrina or Rita of 2005 and is located in an area in the State of Louisiana, Alabama and Mississippi that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricane Katrina or Hurricane Rita of 2005: *Provided further*, That the term "project-based assistance" has the same meaning as in section 215(c)(3) of title II of division K of Public Law 110-161: *Provided further*, That the term "receiving project or projects" has the same meaning as in section 215(c)(4) of title II of division K of Public Law 110-161.

SA 4813. Mr. CASEY (for himself, Ms. SNOWE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction,

the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following:

SEC. ____. (a) The Secretary of Agriculture shall use $5,000,000 of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to provide funding described in subsection (b) to eligible recipient agencies to offset the costs of the agencies for intrastate transportation, storage, and distribution of commodities made available under section 202(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502(a)).

(b) The Secretary shall provide funding described in subsection (a) to an eligible recipient agency at a rate equal to the lower of $0.05 per pound or $0.05 per dollar value of commodities made available under section 202(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502(a)) that are made available under that Act to, and accepted by, the eligible recipient agency.

SA 4814. Mr. BROWNBACK (for himself, Mr. ENSIGN, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 4803 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 17 and all that follows through line 12 on page 35, and insert the following:

SEC. 1404. WAIVER OF CERTAIN SANCTIONS TO FACILITATE DENUCLEARIZATION ACTIVITIES IN NORTH KOREA.

(a) WAIVER AUTHORITY AND EXCEPTIONS.—

(1) WAIVER AUTHORITY.—Except as provided in paragraph (2), the President may waive, in whole or in part, the application of any sanction contained in subparagraph (A), (B), (D), or (G) of section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)) with respect to North Korea in order to provide material, direct, and necessary assistance for disablement, dismantlement, verification, and physical removal activities in the implementation of the commitment of North Korea, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula.

(2) EXCEPTIONS.—The waiver authority under paragraph (1) may not be exercised with respect to the following:

(A) Any export of lethal defense articles that would be prevented by the application of section 102(b)(2)(B) of the Arms Export Control Act.

(B) Any sanction relating to credit or credit guarantees contained in section 102(b)(2)(D) of the Arms Export Control Act.

(b) CERTIFICATION REGARDING WAIVER OF CERTAIN SANCTIONS.—Assistance described in subparagraph (B) or (G) of section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)) may be provided with respect to North Korea by reason of the exercise of the waiver authority under subsection (a) only if the President first determines and certifies to the appropriate congressional committees that—

(1) all necessary steps will be taken to ensure that the assistance will not be used to improve the military capabilities of the armed forces of North Korea; and

(2) the exercise of the waiver authority is in the national security interests of the United States.

(c) CONGRESSIONAL NOTIFICATION AND REPORT.—

(1) NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for such time during which the exercise of the waiver authority under subsection (a) remains in effect, the President shall transmit to the appropriate congressional committees a report that—

(A) describes in detail the progress that is being made in the implementation of the commitment of North Korea described in subsection (a);

(B) describes in detail any failures, shortcomings, or obstruction by North Korea with respect to the implementation of the commitment of North Korea described in subsection (a);

(C) describes in detail the progress or lack thereof in the preceding 12-month period of all other programs promoting the elimination of North Korea's capability to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems; and

(D) beginning with the second report required by this subsection, a justification for the continuation of the waiver exercised under subsection (a) and, if applicable, subsection (b), for the fiscal year in which the report is submitted.

(d) TERMINATION OF WAIVER AUTHORITY.—Any waiver in effect by reason of the exercise of the waiver authority under subsection (a) shall terminate if the President determines that North Korea—

(1)(A) on or after September 19, 2005, transferred to a non-nuclear-weapon state, or received, a nuclear explosive device; or

(B) on or after October 10, 2006, detonated a nuclear explosive device; or

(2) on or after September 19, 2005—

(A) transferred to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and known by North Korea to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(B) sought and received any design information or component which is determined by the President to be important to, and intended by North Korea for use in, the development or manufacture of any nuclear explosive device,

unless the President determines and certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

(e) EXPIRATION OF WAIVER AUTHORITY.—Any waiver in effect by reason of the exercise of the waiver authority under subsection (a) shall terminate on the date that is 4 years after the date of the enactment of this Act. The waiver authority under subsection (a) may not be exercised beginning on the date that is 3 years after the date of the enactment of this Act.

(f) CONTINUATION OF RESTRICTIONS AGAINST THE GOVERNMENT OF NORTH KOREA.—

(1) IN GENERAL.—Except as provided in subsection (a)(1), restrictions against the Government of North Korea that were imposed by reason of a determination of the Secretary of State that North Korea is a state sponsor of terrorism shall remain in effect, and shall not be lifted pursuant to the provisions of law under which the determination was made, unless the President certifies to the appropriate congressional committees that—

(A) the Government of North Korea is no longer engaged in the transfer of technology related to the acquisition or development of nuclear weapons, particularly to the Governments of Iran, Syria, or any other country that is,a state sponsor of terrorism;

(B) in accordance with the Six-Party Talks Agreement of February 13, 2007, the Government of North Korea has "provided a complete and correct declaration of all its nuclear programs," and there are measures to effectively verify this declaration by the United States which, "[a]t the request of the other Parties," is leading "disablement activities" and "provid[ing] the funding for those activities"; and

(C) the Government of North Korea has agreed to the participation of the International Atomic Energy Agency in the monitoring and verification of the shutdown and sealing of the Yongbyon nuclear facility.

(2) STATE SPONSOR OF TERRORISM DEFINED.—In this subsection, the term "state sponsor of terrorism" means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(g) REPORT ON VERIFICATION MEASURES RELATING TO NORTH KOREA'S NUCLEAR PROGRAMS.—

(1) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement of February 13, 2007, with specific focus on how such verification measures are defined under the Six-Party Talks Agreement and understood by the United States Government.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include, among other elements, a detailed description of—

(A) the methods to be utilized to confirm that North Korea has "provided a complete and correct declaration of all of its nuclear programs";

(B) the specific actions to be taken in North Korea and elsewhere to ensure a high and ongoing level of confidence that North Korea has fully met the terms of the Six-Party Talks Agreement relating to its nuclear programs;

(C) any formal or informal agreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement; and

(D) any disagreement expressed by North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) DEFINITIONS.—In this section—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(2) the terms "non-nuclear-weapon state", "design information", and "component" have the meanings given such terms in section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1); and

(3) the term "Six-Party Talks Agreement of February 13, 2007" or "Six-Party Talks Agreement" means the action plan released on February 13, 2007, of the Third Session of the Fifth Round of the Six-Party Talks held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea (North Korea), Japan, the Republic of Korea (South Korea), the Russian Federation, and the United States relating to the denuclearization of the Korean Peninsula, normalization of relations between North Korea and the United States, normalization of relations between North Korea and Japan, economy and energy cooperation, and matters relating to the Northeast Asia Peace and Security Mechanism.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 21, 2008 in room 406 of the Dirksen Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 9:15 a.m., to hold a hearing on defense trade cooperation treaties with the United Kingdom and Australia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 21, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Exploring the Skyrocketing Price of Oil" on Wednesday, May 21, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 2 p.m., to hear testimony on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, to conduct a hearing. The Committee will meet in room 418 of the Russell Senate Office building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RURAL REVITALIZATION, CONSERVATION, FORESTRY AND CREDIT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry, Subcommittee on Rural Revitalization, Conservation, Forestry and Credit, be authorized to meet during the session of the Senate on Wednesday, May 21, 2008 at 2:30 p.m. in room 332 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. TESTER. Mr. President, on behalf of Senator DODD, I ask unanimous consent that LCDR Christopher Martin, a congressional fellow in Senator DODD's office, be allowed floor privileges for the duration of the debate on H.R. 2642.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Alissa Doobay of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, LCDR John Croghan, be granted the privilege of the floor for the remainder of the debate on the supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING THE PRESIDING OFFICER AND STAFF

Mr. REID. Mr. President, first of all, let me express my appreciation to you for your patience and, of course, all the staff. We have been trying to get where we are. It has been a long night. Hopefully, this is pointing us in the right direction.

UNANIMOUS-CONSENT AGREEMENT—HOUSE MESSAGE ON H.R. 2642

Mr. REID. Mr. President, I ask unanimous consent that following any leader time on Thursday, May 22, the Senate then resume consideration of the House message on H.R. 2642, and there be 2 hours of debate equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the cloture motion with respect to the Reid motion to concur in House amendment No. 2 with an amendment be withdrawn, and the Reid second-degree amendment be withdrawn; that the Senate then proceed to vote on adoption of the motion to concur in House amendment No. 2 with an amendment; that the motion to concur be subject to an affirmative 60-vote threshold, that if the motion achieves that threshold, it be agreed to, and the motion to reconsider be laid upon the table; that if the motion to concur fails to achieve 60 votes, it be withdrawn, and Senator REID be recognized to move to concur in House amendment No. 2 with an amendment which is the Webb GI bill; that the motion be subject to an affirmative 60-vote threshold; and that if it achieves that threshold, the motion to concur be agreed to, and the motion to reconsider be laid upon the table: that if it fails to achieve 60 affirmative votes, it be withdrawn, and the Senate disagree to House amendment No. 2; that upon disposition of House amendment No. 2, Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of the committee-reported amendments Nos. 2 and 3 on funding and Iraq policy; that Senator SANDERS then be recognized to make a rule XVI point of order against section 11312 of the Reid motion; that if the point of order is sustained, Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of committee amendments Nos. 2 and 3 minus section 11312; that it be subject to a 60 affirmative vote threshold, and that if it achieves that threshold, it be agreed to, and the motion to reconsider be laid upon the table; that if it fails to achieve the 60-vote threshold, it be withdrawn, and Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of the committee amendment No. 2 minus section 11312; that the motion be subject to an affirmative 60-vote threshold; and that if the motion achieves that threshold, it be agreed to, and the motion to reconsider be laid upon the table; if it fails to achieve that threshold, then it be withdrawn, and the Senate disagree to House amendment No. 1; that no further points of order be in order, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Thank you, Mr. President, very much.

ORDER OF BUSINESS

Mr. REID. I would now note for everyone within the sound of my voice, we are still having some problems with the farm bill because of the enrolling not having been done, as we understand it, in the House. They failed to enroll one section of the 15 sections. But we are going to deal with that tomorrow in some detail. And because of that, we will have to hold up doing the budget until we try to work something out tomorrow or at some later time.

SUPPORTING HUMANITARIAN ASSISTANCE IN SOMALIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from consideration of S. Res. 541 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 541) supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 541) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 541

Whereas, despite the formation of the internationally recognized Transitional Federal Government (TFG) in 2004, there has been little improvement in the governance or stability of southern and central Somalia, and stability in the northern region of Puntland has deteriorated;

Whereas governance failures in Somalia have permitted and contributed to escalating violence, egregious human rights abuses, and violations of international humanitarian law, which occur with impunity and have led to an independent system of roadblocks, checkpoints, and extortion that hinders trade, business, and the delivery of desperately needed humanitarian assistance;

Whereas the Government of Ethiopia intervened in Somalia in December 2006 against the Islamic Courts Union (ICU) and continues to serve as the primary security force for the TFG in Somalia;

Whereas a United Nations Monitoring Group on Somalia report presented to the United Nations Security Council on July 20, 2007, alleged that Eritreans have provided arms to insurgents in Somalia as part of a long-standing dispute between Ethiopia and Eritrea that includes a series of interlocking proxy wars in the Horn of Africa;

Whereas the United Nations estimates that, as of April 2008, 2,000,000 people in Somalia need humanitarian assistance or livelihood support for at least the next 6 months, including 745,000 people who have fled ongoing insecurity and sporadic violence in Mogadishu over the past 16 months, adding to more than 275,000 long-term internally displaced Somalis;

Whereas, despite Prime Minister Nur Hassan Hussein's public commitment to humanitarian operations, local and international aid agencies remain hindered by extortion, harassment, and administrative obstructions;

Whereas, in March 2008, United Nations Secretary-General Ban Ki-moon presented his report on Somalia based on recent strategic assessments and fact-finding missions, which offered recommendations for increasing United Nations engagement while decreasing the presence of foreign troops, including the establishment of a maritime task force to deter piracy and support the 1992 international arms embargo;

Whereas the United States Government has allocated nearly $50,000,000 to support the African Union Mission in Somalia (AMISOM) and continues to be the leading contributor of humanitarian assistance in Somalia, with approximately $140,000,000 provided in fiscal year 2007 and fiscal year 2008 to date, but still lacks a comprehensive strategy to build a sustainable peace;

Whereas, over the last 5 years, the Senate has repeatedly called upon the President through resolutions, amendments, bills, oversight letters, and hearings to develop and implement a comprehensive strategy to contribute to lasting peace and security throughout the Horn of Africa by helping to establish a legitimate, stable central government in Somalia capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists;

Whereas a February 2008 Government Accountability Office (GAO) report entitled, "Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts", found that United States and international "efforts have been limited by lack of security, access to vulnerable populations, and effective government institutions" as well as the fact that the "U.S. strategy for Somalia, outlined in the Administration's 2007 report to Congress on its Comprehensive Regional Strategy on Somalia, is incomplete";

Whereas the recent designation by the Department of State of Somali's al Shabaab militia as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and as a specially designated global terrorist under section 1(b) of Executive Order 13224 (September 23, 2001) highlights the growing need for a strategic, multifaceted, and coordinated approach to Somalia; and

Whereas it is in the interest of the United States, the people of Somalia, and the citizens and governments of neighboring and other interested countries to work towards a legitimate peace and a sustainable resolution to the crisis in Somalia that includes civilian protection and access to services, upholds the rule of law, and promotes accountability: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States remains committed to the people of Somalia and to helping build the institutions necessary for a stable nation free from civil war and violent extremism;

(2) the President, in partnership with the African Union, the United Nations, and the international community, should—

(A) provide sufficient humanitarian assistance to those most seriously affected by armed conflict, drought, and flooding throughout Somalia, and call on the Transitional Federal Government to actively facilitate the dispersal of such assistance;

(B) ensure accountability for all state, non-state, and external parties responsible for violations of human rights and international humanitarian law in Somalia, including through the deployment of United Nations human rights monitors and the establishment of a United Nations Commission of Inquiry to investigate abuses;

(C) call on all parties to recommit to an inclusive dialogue, with international support, in the interest of promoting sustainable peace and security in Somalia and across the Horn of Africa;

(D) urge the Government of Ethiopia, in coordination with the United Nations Political Office in Somalia, to develop a clear timeline for the responsible withdrawal of its armed forces from Somalia, to honor its obligation under the Geneva Conventions to ensure protection of civilians under its control, and to observe the distinction between civilians and military combatants and their assets;

(E) urge the Government of Eritrea to play a productive role in helping to bring about stability to Somalia, including ceasing to provide any financial and material support, such as arms and ammunition, to insurgent groups in and around Mogadishu and throughout the region; and

(F) call on all countries in the region and wider international community to provide increased support for AMISOM and ensure a robust civilian protection mandate;

(3) to achieve sustainable peace in the region, the Transitional Federal Government, including the newly appointed Prime Minister and his Cabinet, should—

(A) take necessary steps to protect civilians from dangers related to military operations, investigate and prosecute human rights abuses, provide basic services to all the people of Somalia, and ensure that humanitarian organizations have full access to vulnerable populations;

(B) recommit to the Transitional Federal Charter;

(C) set a detailed timeline and demonstrate observable progress for completing the political transition laid out in the Transitional Federal Charter by 2009, including concrete and immediate steps toward scheduling elections as a means of establishing a democratically elected government that represents the people of Somalia; and

(D) agree to participate in an inclusive and transparent political process, with international support, towards the formation of a government of national unity based on the principles of democracy, accountability, and the rule of law.

RECOGNIZING CUBA SOLIDARITY DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 573.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 573) recognizing Cuba Solidarity Day and the struggle of the Cuban people as they continue to fight for freedom.

There being no objection, the Senate proceeded to consider the resolution.

CUBA SOLIDARITY DAY

Mr. MENENDEZ. Mr. President, I and my colleagues wish to commemorate Cuba Solidarity Day and the struggle of the Cuban people against a constant denial of their basic liberties. Yesterday, we marked the day in 1902 when Cuba won its independence from Spain. Yesterday, we celebrated the birth of their nation; today, we express our hope that the island will experience a new birth of freedom. Today, we express our solidarity with Cuba's political prisoners, democracy advocates, and human rights activists who risk their lives so that freedom might live.

About 6 months ago I spoke on the Senate floor with my colleague, Senator MARTINEZ, to express outrage that 70 Cuban dissidents were arrested, detained, and harassed. These 70 Cubans, according to the Cuban regime, had committed the crime of peaceful assembly.

These young people were simply walking down a street in Havana. And while they were peacefully walking, they had on their arms this wristband. The simple white wristband says one word; "cambio".

Unfortunately, as we have seen for decades from this regime, this denial of a basic liberty was not an isolated incident.

This regime has been marked by fear and repression for decades. For decades, they have denied freedom of press, freedom of speech and freedom to peacefully assemble.

They have refused to hold free and fair elections which represent the will of the Cuban people.

They have denied the most basic human rights to its citizens.

But decades of fear and repression have also led to acts of courage.

And I stand here today in solidarity with all of the brave Cubans who have shown such acts of courage.

Currently, according to Amnesty International, Human Rights Watch and Reporters Without Borders, the Cuban regime is holding more than 220 political prisoners.

These heroes continue to sacrifice and fight so that one day the Cuban people will finally know freedom.

We in the Senate recently introduced a resolution to award a Congressional Gold Medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba.

Dr. Biscet's fight serves as an example to all Cubans as well as a source of inspiration for us here.

Dr. Biscet, the hundreds of political prisoners and all Cubans who live with daily political repression have shown that Cuba will change. And this change will come from the Cuban people.

But they need our help. We must continue to fight here to do what we can to empower them. And we must continue to acknowledge them when they empower themselves.

Mr. ENSIGN. Mr. President, I rise in support of this resolution to recognize Cuba Solidarity Day and the struggle of the Cuban people as they continue to fight for freedom. Cuba Solidarity Day is a call for the world to join together in the fight against oppression in Cuba. It is a way of drawing attention to the injustices faced by the people of Cuba under the current regime and a way of saying that our country stands together with the Cuban people as they work toward democratic change.

I believe that it is our country's duty to push for a peaceful transition to democracy in Cuba. It is a travesty that, more than a decade after the Cold War ended, a brutal communist dictator is still oppressing people just miles off the coast of Florida.

The people of Cuba continue to be denied the most basic human rights and the freedoms of speech, press, and assembly. It is estimated that more than 220 individuals are being held as political prisoners by the communist regime in Cuba. For the dissidents suffering prison terms, and for their families and loved ones, their suffering is real. And it is our duty as a free nation to let them know that we remember them, that they are not forgotten, and that their suffering is for a purpose. They must know that the world is watching and that we will not rest and will not tire and will keep working to support them until they are finally free.

I am reminded of the story that Natan Sharansky tells about his time in the Soviet gulag, when word came that President Reagan had called the Soviet Union an "Evil Empire." For the political prisoners, it was the first sign that they had not been forgotten. It was a signal to them that the leader of the world's most powerful democracy had no illusions about the true nature of that regime, that he knew of their plight and was ready to call the Soviet system what is was—evil.

This resolution sends a signal to all the dissidents and political prisoners in Cuba that we have no illusions about the nature of Castro's brother's brutal regime and that we know of their plight and stand ready to help them.

I truly believe there is hope. We are witnessing a remarkable time in history as freedom prevails in places that were once rife with oppression. As former Czech Republic President Václav Havel once said, "without free, self-respecting, and autonomous citizens there can be no free and independent nations." It is now time for the world to voice its support of the Cuban people so they too can rise above the injustice of the communist regime and finally achieve the freedom and independence of a democratic nation.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 573) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 573

Whereas the Cuban regime continues to deny the basic human rights of its citizens;

Whereas the Cuban people are denied freedom of the press, freedom of speech, and freedom to peaceful assembly;

Whereas the Cuban regime refuses to hold free and fair elections in order to elect a democratic government that represents the will of the people;

Whereas Freedom House recently rated Cuba as 1 of the 8 most oppressive regimes in the world;

Whereas the Cuban regime is currently holding more than 220 political prisoners according to Amnesty International, Human Rights Watch, and Reporters Without Borders;

Whereas these prisoners are illegally held in prison contrary to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which Cuba has signed and recognizes;

Whereas 55 of the 75 political activists imprisoned in the March 2003 crackdown (known as "Black Spring") including independent journalists and union members, remain in prison;

Whereas the wives of these prisoners, known as the Ladies in White, continue to be assaulted for simply seeking information regarding the March 2003 arrests, most recently on April 21, 2008, when the Ladies in White were violently dragged from a peaceful sit-in by Cuban officials;

Whereas prisoners face inhuman and unsafe prison conditions, including the denial of medical treatment; and

Whereas on May 21, 2008 communities around the world will celebrate Cuba Solidarity Day, a day for the world to join together in the fight against oppression in Cuba: Now therefore, be it

Resolved, That the Senate—

(1) celebrates Cuba Solidarity Day;

(2) recognizes the injustices faced by the people of Cuba under the current regime; and

(3) stands in solidarity with the Cuban people as they continue to work towards democratic change in their homeland.

ORDERS FOR THURSDAY, MAY 22, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, May 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved, and the Senate resume consideration of the House message to accompany H.R. 2641, the supplemental appropriations bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under the previous order, the Senate will proceed to a series of up to four rollcall votes beginning shortly after 11:30 a.m. tomorrow. I am sorry to everyone involved that we didn't have this finalized earlier, but we were unable to do it any sooner.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:29 p.m., adjourned until Thursday, May 22, 2008, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 21, 2008*

The House met at 10 a.m.

Rev. Fred Lucci, Director, All Saints Catholic Newman Center, Arizona State University, offered the following prayer:

Gracious and loving God, creator and source of everything that is good, You have blessed us in ways beyond anything we could have imagined for ourselves. Please always keep us mindful that every good thing we have, every possession, every talent, every relationship, our health and very life itself is a gift from You. Mindful of these blessings, make us always-generous people in Your own image.

Look now upon this assembly and fill them with the spirit of Your wisdom. May every decision they make reflect Your goodness, promote and protect the dignity of every member of our society, especially the weakest and most vulnerable among us, and be for the peace and well-being of all.

Finally, loving God, we place into Your healing hands our brother, Senator EDWARD KENNEDY. Please give him strength and comfort him, his family, and all who love him.

We ask You this in hope, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ of Minnesota led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H. Con. Res. 354. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 431. An act to require convicted sex offenders to register online identifiers, and for other purposes.

S. Con Res. 79. Concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

WELCOMING FATHER FRED LUCCI

The SPEAKER. Without objection, the gentleman from Arizona (Mr. MITCHELL) is recognized for 1 minute.

There was no objection.

Mr. MITCHELL. Madam Speaker, my guest today, Father Fred Lucci, is the Director of the All Saints Catholic Newman Center in Tempe, which I have attended for more than 40 years.

I am proud Father Fred, as those of us in Tempe call him, could join us today because he is my pastor and my friend. In fact, he is a friend and mentor to the thousands of parishioners at the Newman Center.

Father Fred has a good heart and a special gift. While it may be easy to provide guidance to long-time parishioners like myself, Father Fred continues to have a positive influence on the lives of thousands of students at Arizona State.

In the 1980s, freshman Fred Lucci arrived at Arizona State University's campus with a music scholarship and his clarinet. His ability to connect with students has endured today. Today, Father Fred is a fixture on campus, easily recognized, eager to listen, and always faithful and helpful in guiding students to strengthen their own spiritual relationships. He has led humanitarian missions and pilgrimages that have lifted the souls of all who participate.

Throughout his years in the priesthood, Father Fred has helped students who need it most find their strength within. In the process, he has made Arizona State a more compassionate campus one student at a time. And he has built a parish that has helped shape Tempe into a more decent and caring community.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

POLITICALLY AND RELIGIOUSLY CORRECT SPEECH—IN EUROPE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, freedom of speech is one of the most basic of all human rights. However, more and more European countries are arresting individuals for insult speech. Speech to be free must allow individuals to criticize religion and government.

The first amendment protecting speech and press is first because it's the most important. But in Europe, speech must be politically and religiously correct. Criticize or insult another person's religion and you're likely to be hauled off to prison thanks to the speech police. After all, heaven forbid, offensive or insult speech may hurt somebody's feelings.

In Germany, an insult to a religion can be a crime worthy of imprisonment. Recently, a 61-year-old German businessman was convicted and sent to jail for offending Islam. The same thing happened in Britain where Nick Griffin was prosecuted for describing Islam as a "vicious and wicked faith."

Free speech must be universal. If controversial issues like religion and politics cannot be debated in countries, the people are not free, even in Europe.

Teddy Roosevelt once said, "Free speech, exercised both individually and through a free press, is a necessity in any country where people are themselves free."

And that's just the way it is.

THE DOLLAR IS WEAKENING

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The great amount of borrowing this country is doing from nations like China, Japan and Korea is weakening our dollar. Many of us know that we're borrowing money from China to prosecute a war in Iraq.

So with a weakened dollar, we're seeing a contribution here to the increased cost of crude oil. The weaker the dollar, the higher the price of crude oil. Today, the price of crude oil is about $130 a barrel. We're looking at gasoline this summer perhaps as much as $5 a gallon.

We need to change our economic direction. We need to strengthen our dollar. We need to change our monetary

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

policy and stop borrowing. We need to go after these oil companies, not only in international courts with antitrust action, but we need a windfall profits tax. And if that fails, we need to have an honest discussion in this country about why we let the oil companies control the economy anyway.

Why don't we start looking at ways to take back the power of the people so that we can have control of our own destiny?

COUNTY PAYMENTS: HOOD RIVER COUNTY, OREGON

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, by refusing to renew the county payments program, Congress has broken its promise to rural, timbered America.

I've told you in the past about Harney County, a county that has 78 percent of its land mass, the size of New Jersey, all Federally controlled, 70 percent of its road budget affected by this law that has not been reauthorized.

Let me tell you today about Hood River County, where Congress' failure to act to renew the county timber payments program has forced this county to develop multiple county budgets because we don't know what's going to happen in my home county. One thing is for sure, though, the county annually uses up to $130,000 of Federal forest payments to fund search and rescue operations in the Mount Hood National Forest and Mount Hood itself. You see, Hood River County is responsible for most of the search and rescue operations on that great mountain, and now those costs will be borne by the county because the Federal Government is shirking its responsibility.

That could change. We could pass H.R. 3058, a bill to reauthorize county timber payments. It has been on the Union Calendar for 127 days, held hostage by this leadership. The Democratic leadership refuses to bring it up for a vote.

Make good on the Federal promise. Let us vote on H.R. 3058.

THE HOUSING CRISIS

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Mr. Speaker, with nearly 8,000 foreclosures being filed daily, there is no question that Americans continue to fear losing their homes. In my home State of New Hampshire, it is predicted that nearly 4,300 families will lose their home by 2009.

This month, the House passed landmark housing legislation that will address the housing crisis directly, stabilize the housing market, and make a real difference for families at risk of losing their home. The bill will also help revitalize communities that have become vacant because of high housing foreclosure rates.

We are also working to provide relief to families struggling under the burden of higher gas prices and soaring costs for food and health care.

Mr. Speaker, we cannot fix our struggling economy until we address the housing crisis, but the Bush administration has ignored this growing problem for far too long.

I hope that President Bush and his allies will reconsider their opposition to our commonsense housing package so we can provide hope to the millions of Americans struggling in President Bush's recession.

☐ 1015

IN MEMORY OF SERGEANT FIRST CLASS GEORGE KOON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Saturday I had the honor of attending a memorial service celebrating the life of Sergeant First Class George Walter Koon. Sergeant Koon was a soldier of the United States Army Infantry during the Korean War. He was a POW murdered while in captivity in 1951, but his body remained unrecovered for over half a century. It was not until recently that the hard work of his family and the Department of Defense helped positively identify Sergeant Koon and return him from North Korea to his family in Leesville, South Carolina.

The life and story of Sergeant Koon is an example of tremendous courage and commitment. His brother Reverend Carl Koon correctly stated that "freedom isn't cheap and it isn't free." His sacrifice and that of his fellow American soldiers will never be forgotten to liberate dozens of countries so that more people today live in free market democracy than ever in the history of the world.

The memorial service was conducted by Reverend John McKeown and Reverend George A. Koon, nephew namesake of the deceased hero, at the Old Lexington Baptist Church of Leesville. He received full military honors.

In conclusion, God bless our troops, and we will never forget September the 11th.

IN HONOR OF B'NAI ISRAEL AND THE TOWN OF SOUTHBURY, CONNECTICUT, FOR THEIR OUTSTANDING COMMITMENT TO HUMAN RIGHTS

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, in 1937 the residents of Southbury, a small town in Connecticut, came together to prevent the German American Bund, a group of pro-Nazi German Americans, from establishing a paramilitary training facility in their town.

Led by Rev. Felix Manley of the Southbury Federated Church and Rev. M.E.N. Lindsay of the South Britain Congregational Church, the town of Southbury passed its first zoning law to ban the use of land in Southbury for paramilitary training.

As a great Jewish writer once said, "The opposite of love is not hate, it is indifference." Mr. Speaker, it gives me a great sense of pride to represent the town of Southbury, where this May 31, 2008, the congregation of B'nai Israel will host the Human Rights Festival, honoring the courageous acts of those citizens some 71 years ago and renewing the town's commitment to justice. The proud legacy of the religious community in Southbury and the work of B'nai Israel to recognize that legacy serve as a reminder to all of us that change and progress must come from the bottom up.

NBC SHOWS BIAS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, this week NBC News aired an interview with President Bush in which it removed key statements from the President's response to a question about diplomatic relations with Iran.

While some editing is to be expected, in this case NBC misrepresented the President's response so that it appeared he agreed with the premise of the question when, in fact, he explicitly disputed it.

The White House says NBC's "deceitful editing" was intended to perpetuate a "media-manufactured storyline" about Iran.

The American people deserve to know the President's complete statements on major foreign policy issues. We rely on journalists to provide this information through fair and impartial reporting. The American people rightfully expect the media to give them all the facts, not just a slanted version.

THE GI BILL

(Mrs. BOYDA of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. BOYDA of Kansas. Mr. Speaker, without the 1944 GI Bill, I would not be standing here today.

The GI Bill educated my dad after he came home from World War II. And today is his 86th birthday; so happy birthday, Dad.

The GI Bill paid for his tuition, his room, his books, some living expenses. It paid for his college degree. It helped him lift our family from the Depression into the middle class, and it offered my two brothers and me a brighter future.

Millions of Americans have stories that are just like mine. In all of the many ways that America shows gratitude to our veterans, the GI Bill has to be one of the greatest.

I was honored last week to vote to extend and to renew the GI Bill to the new generation of veterans that are coming home. The GI Bill was always meant to be a permanent promise, a contract with our soldiers, a bill of rights for our veterans. And I certainly urge the Senate and the President to pass this bill into law as soon as possible.

Happy birthday, Dad.

TRIBUTE TO ARMY SPECIALIST JEREMY R. GULLETT

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, today I rise to pay tribute to Army Specialist Jeremy R. Gullett from Greenup, Kentucky, a dedicated soldier who lost his life on May 7, 2008, in the Sabari District of Afghanistan. He was assigned to the 4th Battalion, 320th Field Artillery Regiment of the 101st Airborne Division based out of Fort Campbell, Kentucky.

According to his mother, Cheryl, Jeremy had dreamed of joining the service since he was 6 years old. While attending Greenup County High School, Specialist Gullett was a member of the school's Junior ROTC program. He joined the Army in 2003, shortly after graduating from high school. Jeremy was a model citizen. Not only did he serve our country abroad, he was also a volunteer fireman; a loving father to his two young daughters, Kaye and Katie; and a dedicated husband to his wife, Janeth.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Jeremy Gullett's family and friends. We are all deeply indebted to Specialist Gullett for his service and sacrifice.

DEMOCRATS CONTINUE FIGHT TO LOWER GAS PRICES

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, with gas prices reaching a new record high every day, Congress took strong action last week to bring down the price at the pump by passing legislation to suspend filling the Strategic Petroleum Reserve through the end of this year.

After initially opposing the proposal, President Bush signed the bill into law yesterday. He had the power all along to stop filling the SPR, but it took an act of Congress to push him to take this commonsense step, a step that could lower gas prices by up to 24 cents a gallon.

While the Bush administration has allowed crude oil to rise from $25 a gallon when he first took office to $130 a gallon today, the Democratic Congress is fighting to reduce our dependence on foreign oil, bring down record gas prices, and launch a cleaner, smarter energy future for America.

Today this House will consider legislation that will retain and create hundreds of thousands of green energy jobs and encourage the use of production of renewable energy. While President Bush continues to call for more of the same policies that have failed for the past 7 years, this Democratic Congress is working for an energy independence plan for America.

MAIN STREET USA ENERGY INDEPENDENCE SECURITY ACT

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, I am tired of the majority party talking about introducing a commonsense plan for our growing energy crisis. Common sense or not, I'd be happy to look at their plan if they had one. But they don't. They have demonstrated to families who are wasting their money on the price of gasoline that they have failed to come up with a plan.

I don't want to let those families down, Mr. Speaker, and I don't want them to think that Members of Congress are sitting on their hands doing nothing that's affecting their cost of living. So last week I helped Congressman BUYER announce the Main Street USA Energy Independence Security Act of 2008.

This plan will help solve our national security problem and guide us away from being reliant on international energy sources. It will also open up domestic exploration on our own soil to find energy sources here at home.

The best thing about the Main Street Energy Act is that it is a plan. And let's put the plan to work now.

GAS PRICES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the phones in my office have been ringing off the hook. Constituents are hopping mad about the skyrocketing price of gasoline.

In Dallas in just the last month, the price for a gallon of gas has jumped 30 cents. And that's in Texas, where we drill and explore on land and along the coast.

It's about time for the Congress to take action. In fact, it's past time.

Two-thirds of the oil we use comes from foreign countries. We have oil and gas in the United States, but we have to be willing to move forward with exploration. Congress should allow exploration in Alaska, along the eastern seaboard, the west coast, and allow more refineries to be built.

The answer to rising gas prices is right here in America. We have the technology. We have the resources. The time is now. Democrats in Congress need to step aside and let the ingenuity of Americans solve this problem today.

IN SUPPORT OF THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I rise in strong support of the Low Income Home Energy Assistance Program.

LIHEAP, which provides crucial heating and cooling assistance to millions of hardworking, low-income families all across America, grows more important as fuel prices continue to skyrocket and we head toward another hot summer. Already families who qualify for LIHEAP spend, on average, a fifth of their income on energy costs. For hundreds of thousands of Americans, that figure will continue to rise until the electricity is simply shut off.

Still, rather than rising to the occasion, this government has backed away from our responsibilities to those families. Even as prices soar and LIHEAP applicants have increased by 20 percent, the average LIHEAP grant has dropped by 20 percent, leaving millions without the full assistance to which they are entitled and millions more without any help at all.

In my hometown of Louisville, I hear from people who work hard every day with less to show for it. Seniors, who deserve to live out their golden years comfortably, now face the choice of paying for medicine, food, or energy.

I urge my colleagues to join me in supporting full funding for this crucial program so that millions of LIHEAP-qualifying Americans won't be left alone to face potentially life-threatening heat this summer.

ARMENIAN REMEMBRANCE DAY

(Mr. LAMBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMBORN. Mr. Speaker, I rise to commemorate Armenian Remembrance Day and remember the 1.5 million Armenians annihilated during the final years of the Ottoman Empire, to recognize the 60th anniversary of the Universal Declaration of Human Rights, and to reflect on the continuing violence in places like Darfur, Kenya, and Zimbabwe.

In addition to the genocide of Armenians, the 20th Century bore witness to the loss of 6 million Jews and 400,000 other persons deemed "nondesirable" by the Nazis and the modern-day horrors in Cambodia and Rwanda. Unfortunately, and all too often, we have not learned from past genocides. A vicious circle of noninvolvement and noninterference continues.

Today I wish to recall the past in order to bring about hope for a brighter, more peaceful future and reconciliation of the people of Armenia and Turkey. Only through a thorough examination of history and open acknowledgment of the past will the plight of the Armenians be fully understood.

And as we continue confronting atrocities taking place today and seek to prevent them from occurring in the future, we must also be resolute in acknowledging genocides of the past.

THANKING REPUBLICANS FOR SUPPORTING THE NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, I rise today to thank my colleagues on the Republican side of the aisle and in particular Representatives RYAN, SENSENBRENNER, and PETRI from Wisconsin for joining me in passing this bill yesterday. It's called the "No Oil Producing and Exporting Cartels Act of 2008."

For 7 years the Cheney and Bush administration has done nothing, nothing at all to break up the oil cartels overseas. They have done nothing to reduce the cost of our gasoline at the pump. And wherever I have been in Wisconsin, from Green Bay to Appleton, from Marinette to Minocqua, and everywhere I go in northeast Wisconsin, people are saying, "KAGEN, there are two things you can do to put more money in my pocket: Cut the cost of gasoline and reduce our health care costs." And this bill, voted on and supported by 103 Republicans in a bipartisan manner, will help to do just that. It will make it illegal for anyone to conspire to raise our price of gasoline.

Thank you, thank you, my Republicans, for supporting me in this act.

☐ 1030

EXPAND OIL PRODUCTION

(Mr. McCRERY asked and was given permission to address the House for 1 minute.)

Mr. McCRERY. Mr. Speaker, I was driving my 14-year-old son to school this morning, listening to the radio, and it mentioned that the price of oil had increased to over $130 a barrel. My son said, Dad, why don't we just tell OPEC to produce more oil? I thought about it and I said, Well, son, as a matter of fact, President Bush was over in Saudi Arabia the other day and asked if Saudi Arabia would increase its output.

But I suspect that the leaders of OPEC might turn that question around on the United States and say, Why doesn't the United States increase its output of oil?

The answer is Democrats have blocked every commonsense effort to expand production in this country for years now, and it's time for that opposition to stop and face reality. We need a balanced energy program in this country, one that recognizes that for the immediate future we are going to need oil and gas, and, yes, we need to develop alternative fuel sources as well. But you can't do just one. You have to do both.

CYBERBULLYING

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to address a growing national trend, cyberbullying.

Many of us know of the dangers our kids already face online: predators, fraud, and sexually explicit material. Now children are also facing online bullying. When a young person is ridiculed or threatened online, it can have severe and even tragic effects.

A perfect case in point is Megan Meier, a St. Louis teenager who made friends with a young man named Josh online. The friendship soon deteriorated, with Josh telling Megan, "The world would be better off without you." Megan Meier committed suicide.

Six weeks after Megan's death came the horrifying news that Josh was actually just an alias created by the mother of one of Megan's former friends. At the time of Megan's death, cyberbullying was not considered a crime. The adult responsible for the hoax went unpunished. Recently, Federal charges were filed, but the prosecutor had to be creative because Federal law is inadequate. That is wrong.

Congress must act soon to send a clear message: Online actions have offline consequences.

WAR FUNDING BILLS SHOULD BE ABOUT WAR FUNDING

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. I think war funding bills ought to be about war funding. Last week, the Democrat Congress tried and failed to pass an Iraq funding bill by piling billions of dollars in unrelated domestic spending and higher taxes on the backs of our soldiers. But because House Republicans took a stand, the American people could plainly see that the majority of the majority is willing to cut off funding to our soldiers, even when they are in harm's way.

With Memorial Day just around the corner, this Congress should stop playing politics with funding for our troops. We should pass a clean Iraq funding bill, legislation authored by Representative JERRY LEWIS of California, and we should pass it this week. As we prepare to remember the heroes of conflicts past, let's make sure that today's heroes have the resources they need to get the job done and come home safe.

DEMOCRATS PUT TROOPS AND VETERANS FIRST WITH NEW GI BILL

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, last week, Congress, with strong Democratic support, passed the new GI Bill, which provides all veterans of the Iraq and Afghanistan wars the promise of a full 4-year college scholarship. The bill makes veterans a part of the American economic recovery.

The original GI Bill in 1944 allowed millions of families to achieve the American Dream. It also set our economy on the right course after World War II. For every dollar spent on the GI Bill, $7 were returned to the economy. A similar economic spark is needed today. You would think that the new GI Bill would gain the support of President Bush. But he opposes it. Unfortunately, the vast majority of House Republicans opposed the bill when it was on the floor last week. We must make sure that the brave men and women that we are sending off to battle have everything they need and deserve when they return home.

Mr. Speaker, House Democrats vow to never leave a veteran behind after returning from war by ensuring that they receive the quality care and benefits they have earned. That includes living up to the promise of providing them access to quality higher education.

PIONEER MIDDLE SCHOOL

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Mr. Speaker, I rise today to recognize Pioneer Middle School located in Yorkshire, New

York. Last month, Pioneer Middle School was recognized as one of two Essential Elementary Schools to Watch in New York State. Pioneer is the first middle school in western New York to achieve this prestigious honor. Presently, only 10 middle schools in all of New York State have achieved this recognition over the past 4 years.

This award exemplifies the talent and dedication that these educators and parents demonstrate every day. The school has shown tremendous progress since being named a School in Need of Improvement by the Department of Education in 2004.

As these teachers, students, and parents gather to celebrate this wonderful accomplishment, I want to offer my sincere congratulations. Let the Pioneer Middle School serve as a beacon for schools around the Nation to see that excellence and success comes from devoted teachers and parents.

NATIONAL TEACHERS DAY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, last week, we celebrated National Teachers Day. That day represents one small token of our Nation's gratitude for the long hours and hard work our teachers endure to prepare our students for future endeavors. As a product of the Jefferson County, Colorado public schools, I can attest to the wonderful influence educators have had on my life, as well as on the lives of my three daughters.

I believe we as a Nation cannot thank enough our men and women currently serving in our public education system, such as my sister Cassie, for all that they do. I particularly want to take a moment to recognize the teachers in Adams, Arapahoe, and Jefferson County, Colorado, who enrich the education of our children and have a positive impact on our communities.

We must continue to invest in our public schools and colleges and ensure our educators have the tools and resources they need to give our children the high quality education to succeed in this increasingly competitive economy. Our teachers are dedicated, valuable public servants whom we owe a sincere debt of gratitude.

WAITING FOR AN ENERGY PLAN

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker and my colleagues, the Democrats have had control of the Congress now for a year and a half. We are still waiting for an energy plan. We are going to celebrate Memorial Day this weekend. We are still waiting for an energy plan. What have the Democrats done so far as an energy plan? Well, let's just take a look at it.

This is a spoon from the House cafeteria. They bought this spoon at great expense to the taxpayers, and it is a green spoon. In fact, it melts in your coffee. This is Exhibit 1. What have the Democrats done when gas is $4? Well, go down to the gift store and you will see these Green the Capitol bags. So now we have, at greater expense to the taxpayer, printed these little Green the Capitol bags.

Now what is the centerpiece of their energy policy when you're going to pay $4 a gallon and more around the country for gasoline? They are going to change the light and green the light on the top of the Capitol. Just the study, I'm told, is going to be $800,000, and then millions of dollars. And $4 gas.

DEMOCRATS HELP AMERICANS WHO HAVE BEEN HURT DURING ECONOMIC RECESSION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the economic recession has been particularly hard on lower- and middle-income families. But over the last month, this House has passed important legislation that will make a real difference in their lives. These families were already having trouble squeezing enough money out of their monthly paychecks to pay for the basic necessities. Now imagine how much more difficult that is with the dramatic increases in the cost of foods like bread, milk and eggs.

Last week, in strong bipartisan fashion, this House passed a final farm bill that invests an additional $10.4 billion in nutrition programs so that 38 million American families do not have to go hungry. Our constituents are also rightfully concerned about their jobs. Over the last 4 months alone, 260,000 jobs have been lost. Finding a new job is not necessarily easy in today's economy. That is why this House passed an extension of unemployment benefits last week, giving unemployed workers an additional 13 weeks to find a job.

Mr. Speaker, this Democratic House is delivering results that will benefit families that have been forgotten for far too long.

ROADMAP FOR AMERICA'S FUTURE

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, today I am introducing a roadmap for America's future, legislation to transform our Federal Government, to reform the Nation's health care entitlements, Social Security, and the Federal Tax Code. My legislation does three things: It fulfills the mission of health and retirement security for all Americans by making Medicare, Social Security, Medicaid permanently solvent. Second, it lifts the massive debt burden off of future generations. Third, it promotes solid, sustained economic growth and job creation, and puts the U.S. in a position to lead, not merely to survive in the global marketplace.

This is a real plan, with real proposals, with real numbers to back them up, and real legislation to implement it. I recognize that this is an ambitious proposal. Not everyone's going to agree with every part of it. That is fine. These problems are not Democratic problems and they are not Republican problems, and neither are the solutions.

We need to build bipartisan support for action in Congress. If nothing else, it is my sincere hope that this will spur Congress to move beyond simply rehashing the problem, to debating and implementing actual solutions for the American people.

SUPPLY AND DEMAND

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, the New York Times today has got an article predicting $200 a barrel for crude oil in the not-too-distant-future. The laws of supply and demand, the economic law of supply and demand works. This House, led by this majority, has passed bill after bill after bill whose intent and whose implication is to increase the costs to generate energy, whether its electricity or gasoline. Those policies specifically demand higher prices. If there was a cheaper way to generate electricity or drive our cars, we would already be using those cheaper methods.

So the policies are to raise the prices, and the twisted logic is they then come down here and speaker after speaker gripes and complains about those exact high prices, which is the direct result of what their policies are putting in place.

Yesterday, in a staggering twist of illogic, is to pass, as a part of that bill that was passed yesterday, to unleash our Department of Justice on the very producers that we are trying to incent to produce more crude oil and natural gas on an unfettered witch hunt that will cost millions and millions of dollars and result in absolutely zero.

It's wrong policy. The American people need to speak up.

FREE OUR RESOURCES

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Madam Speaker, free our resources. Our families have to pay $4, almost $4 a gallon to fill up. They are spending $70 just to fill up mid-size cars. We can't take this anymore, but yet we have the resources right here within the United States, whether it's offshore, Alaska, oil shale in Colorado that has been taken off and we can't drill in it. Today, we are going to do tax credits, 1 year of tax credits, that are going to be meaningless to develop biofuels and cellulosic ethanol.

So we have the resources here, my friends, to decrease the price at the pumps by adding more supply, and it's being blocked. It's being blocked by the leadership here. Free up our resources, Madam Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR). Members are reminded to direct their remarks to the Chair.

PROVIDING FOR CONSIDERATION OF H.R. 6049, RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1212 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1212

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6049 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of this rule is for debate purposes only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1212.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 1212 provides for consideration of H.R. 6049, the Energy and Job Creation Act of 2008. The rule provides for 1 hour of debate controlled by the Committee on Ways and Means and waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and H.R. 6049, the Energy and Job Creation Act of 2008, which will not only bring this country into a new alternative energy future, but strengthen our economy by directing fiscally responsible tax relief to middle class families, creating jobs at small businesses in the very towns and rural communities where we need it the most.

The legislation this rule provides for consideration of will extend a number of critical tax relief measures targeted at middle class families and small businesses, including deductions for State and local sales tax, tuition education expenses, and expanding the child tax credit and research and development tax credit.

During these uncertain economic times, it is also absolutely critical that we pass legislation to invest in jobs for today and long-term development for tomorrow, including alternative energy like wind and biomass that will reduce our Nation's dependence on foreign oil and bring the price of gas at the pump to a level families and businesses can afford. The best way to encourage growth and development of new technology is to let businesses invest their own money in ways that expand our economic horizons. Tax credits for alternative energy production have the power to truly jump-start our economy and create good paying, highly skilled jobs that can't be sent overseas.

In my upstate New York district, our location, natural resources, renowned colleges and universities and world class scientific and technological companies perfectly poise our community to seize this opportunity to create a new green economy, complete with green jobs.

I have spoken numerous times throughout the debate over how to extend these renewable tax credits and about the new businesses in my district that are utilizing the national investment in alternative energy to create good paying jobs in upstate New York. Those businesses are to be commended, and that is why I am proud to support nearly $20 billion in long-term clean renewable energy tax incentives and investment included in the Energy and Job Creation Act. I hope that doing so will encourage other companies to follow suit, both in our region and across this great Nation.

The underlying legislation extends and modifies critical tax credits for the production of electricity from renewable sources ranging from wind, solar and geothermal energy to closed-loop and open-loop biomass. It would also extend clean renewable energy bonds, efficient commercial building tax incentives, investment tax credit for solar and fuel cell systems, tax credit for energy efficiency upgrades to existing homes, tax credits for production of efficient home appliances and tax incentives for consumer purchases of energy efficient products. Most of these incentives either expired at the end of last year or are set to expire at the end of this year. It is vitally important to sustaining the development of clean energy technology industries that these incentives are extended.

H.R. 6049 also includes an extension of the research and development tax credit that allows companies a tax credit for a portion of their research and development expenditures. Extending the R&D credit is vital to ensuring that America remains on the cutting edge of innovation that keeps our companies competitive and working here, not offshore. This credit is of particular interest to the area that I represent because its extension will further the expansion of the microchip fabrication and nanotechnology industries which are beginning to blossom in our region.

American companies rely on this credit and upon its continuity to adequately plan their long-term research projects. I support this 1-year extension to provide that continuity and I will continue to work with leaders on the committee and in this body to seek a permanent extension that would eliminate concerns over expirations and lapses.

The bill also extends important tax credits for individuals, as well as creating new and expanded credits. It extends for 1 year the personal income tax deductions for tuition and education expenses, the State and local sales taxes, and teachers' out-of-pocket expenses for classroom supplies. The bill creates a new standard deduction for up to $700 for couples to cover State and local property taxes, and expands the eligibility for the refundable child tax credit. Under the child tax credit, certain low-income taxpayers can claim a refundable tax credit equal to 15 percent of their earned income above an inflation-adjusted threshold. In 2008, this threshold is set to be $12,050, but under H.R. 6049 that threshold will be reduced to $8,500, providing increased relief to more than 12 million families with children nationwide.

Supporting H.R. 6049 comes down to simple common sense. We can create tens of thousands of new jobs, reduce our dependence on oil from hostile regimes, reduce greenhouse gases, spur innovation and provide tax relief to middle class families, and we can do it all—and let me emphasize this—all of those things, without adding to the national deficit.

I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my colleague and friend from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this rule marks the 60th time that the leaders of this Congress have totally closed down the House floor by refusing to allow any Member of this House to offer an amendment to a bill pending and have it debated and voted upon. This is more closed rules than any Congress in the history of our country, which is exactly the opposite of the promise that the Democrat leaders made to the American people when they promised to run the most open and honest House ever.

The House is not open when no amendments are allowed to be offered and when a Republican alternative is blocked from even a minute of debate and denied a vote on the House floor. And it is not in the most honest House when the Rules Committee Democrats block the Republican plan to prevent tax increases from being considered, using the excuse that it doesn't meet House PAYGO rules, especially, Mr. Speaker, when it was just one week ago that the same Democrats were blatantly violating PAYGO rules by billions of dollars in the farm bill. Under this liberal Congress, it is only okay to break the House rules, apparently, when you are increasing spending by billions of dollars, but not by preventing tax increases on the American people.

The Republican plan that was denied, that the Democrats refused to allow the House to vote upon, would provide the following: 1 year of relief from the Alternative Minimum Tax, or the AMT; a 2-year extension of the State and local sales tax deduction for those States that do not have a State income tax; 2 more years for the research and development tax credit; 2 years for the tuition tax credit; and extensions for more expiring tax provisions.

This Democrat bill, for example, does absolutely nothing, nothing at all, to fix the AMT tax for 2008. Twenty-one million middle class individuals will pay an additional $61.5 billion in higher taxes next April if the AMT is not fixed and addressed. That is an average of over $2,800 per affected taxpayer, Mr. Speaker. The Republican plan fully fixes it, but today that fix is not even allowed to be considered on the House floor. Instead, the House is given one choice, and that is a fool's choice bargain to raise taxes by $54 billion in order to simply extend existing tax policies that are due to expire.

Mr. Speaker, current provisions in tax law are expiring, and Congress needs to act to keep these taxes from going up. But, Mr. Speaker, we all know that is no excuse to raise other taxes by billions of dollars.

I and many of my Republican colleagues support a great number of the tax relief extensions included in this bill, including the State and local sales tax deduction, the research and development tax credit, education and tuition tax credits, tax credits for teachers, and several renewable income tax credits. These low tax policies have been law for many years, Mr. Speaker, and they have been extended multiple times, multiple times, and always without raising taxes.

My Democrat colleagues will try to defend their tax-raising ways by invoking the PAYGO rules they ignored just last week. They will claim that this is just being responsible and it is not about increasing the national debt, that it is about government living within its means.

If only that were true, Mr. Speaker. But it is not. All you have to do is to read the final budget plan for next year that this House will vote on later today. Their budget reveals this Congress as what they truly are, and what they truly are, Mr. Speaker, is old time tax-and-spend liberals. In their budget, spending increases by $250 billion over the next 5 years. They increase the debt limit in 2008 by $654 billion, which is the largest increase in history, and they raise taxes by $683 billion, which is the largest amount in American history. More spending, higher debt, record tax increases. That is obviously the plan of this liberal Congress.

Now, my Democrat colleagues will also try to claim the tax increases that are in this bill aren't really that bad. But the facts are the facts, and the facts are that this bill unnecessarily increases taxes by over $50 billion. And that is just the beginning. Remember that their budget would increase taxes by over two-thirds of a trillion dollars. If they aren't raising your taxes this time in this bill, I can assure you, your time is coming. They will get you the next time.

When this liberal Congress imposes the largest tax increase in American history to pay for more government spending, don't think that you can escape permanently their tax-and-spend ways. Their tax increase plans include cutting the child tax credit, cutting that in half; reinstating the marriage penalty and the death tax; and a tax increase for every single American taxpayer. It would even levy taxes on low-income workers who currently pay none.

But if there is a ray of sunshine, and there always is a ray of sunshine in bills, there is a newly created tax break, one that will put a big smile on the faces of some in this country, and it is worth over $1.5 billion.

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The only problem, Mr. Speaker, is that this new tax break is only for trial lawyers. So the only people who will be smiling are the trial lawyers and presumably the Democrats that they give tens of millions of dollars in campaign contributions to each year.

Under this bill, the American taxpayers will be subsidizing speculative lawsuits by trial lawyers to the tune of $1.5 billion. This special interest tax break will allow trial lawyers to make special arrangements that essentially allow them to gamble on lawsuits where they get paid on contingency fees if they win. Meanwhile, taxpayers will be footing the bill for trial lawyers writing off the expenses of conducting these "sue them and see what we can win" lawsuits. Count me among those, Mr. Speaker, who believe we already have too many lawsuits in this country and that we shouldn't be inventing new special tax breaks that may and probably will encourage more lawsuits. Our justice system can operate fairly, as it has done so for many years, without having to give special tax-treatment to trial lawyers.

Finally, Mr. Speaker, I want to specifically mention the extension of the State and local sales tax deduction that is included in this bill. For nearly 20 years, Americans who paid State income taxes could deduct those taxes from their Federal tax bill, while Americans who paid State sales taxes but had no State income tax were not allowed to do so.

In 2006, the Republican Congress restored the sales tax deduction after years of bipartisan effort from the congressional delegations of the affected States, including my home State of Washington. The initial reinstatement of the deduction was for 2 years, 2004 and 2005. In 2006, the Republican Congress extended the sales tax deduction for 2 more years, 2006 and 2007. That deduction has now expired, and this deduction does not exist for this year, 2008.

Efforts last year to extend this deduction and ensure it didn't expire were unfortunately blocked by the Democrat leaders. I regret that the extension provided for the sales tax deduction in this bill is for 1 year only.

Mr. Speaker, this is a step backwards. This deduction has been extended 2 years each time in the past, and it should be extended 2 years now. Otherwise, we face expiring in about 6 months from now because, as I mentioned, there is no sales tax deduction for the calendar year 2008. So if we are to pass this and it were to be signed into law, we would have 6 months on it from right now. The bipartisan Senate bill introduced last month by the chairman and ranking member of the Finance Committee includes a 2-year extension of this sales tax deduction.

The Republican plan that House leaders and the Rules Committee last night blocked from being considered and debated on the floor today provided for a 2-year extension. An amendment was filed with the Rules Committee by Mr. BRADY of Texas which also would have extended the deduction for 2 years, but that too was blocked by the Rules Committee from being debated on this floor.

It is very unfortunate that this bill moves sales tax deduction fairness backwards, not forwards. Taxpayers in income tax States have a permanent tax deduction, and taxpayers in sales tax States that have no State income tax deserve, in my view, equal treatment. The sales tax deduction should be made into permanent law. Even though I think a 2-year extension is better than 1, it should be made permanent. At the very least, they deserve at least a 2-year extension.

What really is more upsetting, Mr. Speaker, is that this bill could have provided very easily under existing PAYGO rules a 2-year extension. The over $1.5 billion cost of the tax deduction given to trial lawyers could instead have been used to give a 1-year extension of the sales tax deduction for those States.

So this bill chooses to create a new billion-plus-dollar tax cut for trial lawyers over tax fairness for the millions of residents in the State of Washington, my State, the State of Florida, the States of Texas, Tennessee, Nevada, South Dakota, and Wyoming.

Mr. Speaker, I have supported every bill that has passed this House to reinstate and extend the State sales tax deduction, but none of these bills, none of these bills that extended that was being held hostage for another tax cut for another special interest.

Restoring and continuing the State sales tax deduction is a matter of fairness. The residents of sales tax States shouldn't have their fair treatment conditioned upon passing huge tax increases.

The rule that is currently before the House and the underlying bill reveal this Congress for what it really is. The rule is totally closed and does not allow debate or a vote on any amendments or an alternative Republican plan. It violates Speaker PELOSI's promise to the American people to run an open and honest House. The bill itself is just the opening act of a move to impose the largest tax increase in history on the American people. Mr. Speaker, under this liberal Congress the only tax bill allowed on the floor of the House is one that will raise taxes. Under this liberal Congress, tax relief is a myth and tax increases are a certainty. Mr. Speaker, under this liberal Congress, Americans will be sending more and more of their hard-earned dollars to Washington, DC so this Congress can increase spending and the size of the Federal Government.

My colleagues should oppose this closed rule and this tax increase bill. We should demand a clean tax relief extension bill that doesn't include new tax breaks for trial lawyers and over $50 billion in tax increases. This bill we know will never pass the Senate, and it will never be signed into law, if on the slim chance that it should pass both Houses and be sent to the President. Raising taxes right now on the American economy is simply the wrong thing to do, Mr. Speaker.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would just like to make one point. Some people in this institution tend to talk about trial lawyers and seem to want to point out the things that they do that they think aren't good. But no one talks about the fact that trial lawyers are out there representing people who have been injured. They are protecting people's civil rights. They are defending people on a contingency fee basis who don't have the money to come forward and sue people that have hurt them. That is critically important. And this bill does not give a windfall tax rebate to lawyers. All it does is allow them to claim expenditures that they have put out in the year that they have made that expenditure, no different than any other business in this country can do.

So I think it is unfair to criticize trial attorneys who are out there doing the kind of things that people hire them to do; and that is protecting people's civil rights and ensuring that people who are injured are able to get what they need so that they are not victimized even further.

I yield 2 minutes to the gentlewoman from California, my friend and colleague from the Rules Committee, Ms. MATSUI.

Ms. MATSUI. I thank the gentleman from New York for yielding me time.

Mr. Speaker, I rise today in support of the rule and the underlying legislation. This bill is a good example of Congress taking action to address the needs of America's businesses and consumers.

Mr. Speaker, our economy is in a downturn. More and more Americans are feeling insecure about their future, and they are looking to this Congress for relief. The tax extenders package that is before us today will help millions of working families cope with everyday expenses of life from tuition to the cost of caring for their children. It will also move our Nation forward to meet the many energy challenges we face.

Investing in renewable resources is the best long-term strategy to reduce dependence on foreign oil and lower energy costs. Clean energy is also a major economic engine that will power the economy of the future.

In my hometown of Sacramento, clean energy investments made years ago are now sustaining over 90 local businesses, from solar and wind companies, to cellulosic fuel and green building enterprises. Clean energy has changed my district's business climate forever. Sacramento's clean energy economy can be replicated across this country, but Congress needs to provide the right incentives to make this vision a successful reality. This bill will help current and future generations live in a country with a healthier economy, a cleaner environment, and a more sustainable policy.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, I thank the gentleman from Washington for yielding.

I was surprised, Mr. Speaker, that the Rules Committee chose to reject an amendment that I offered that was an attempt to bring some clarity and light to this debate, particularly as it relates to energy needs.

I represent a district, Mr. Speaker, in the Chicago area which the Chicago Tribune this week has reported has the highest gas prices in the Nation. So in an attempt to try to take that on, I offered an amendment that I thought was a very straightforward thing, not meant to be controversial, not meant to be overly partisan, just a good commonsense idea that unfortunately the majority on the Rules Committee rejected. That was a simple thing, and that would create a tax credit, Mr. Speaker, a tax credit for biofuel vehicles.

Right now we have got a tax credit for alternative fuel vehicles, and that is great. But you have got a lot of municipalities in my district that are really suffering under the weight of these high gas prices, and they are looking for alternatives and a biofuel vehicle is just one of those things. So, in other words, oftentimes these vehicles can start up using gasoline, and then it can be transferred and powered on compressed natural gas, liquefied natural gas, liquefied propane, or hydrogen, all things that if municipalities are using will take pressure off gas prices.

Now think about it. This is an opportunity for Congress to do something to help to create a market for other vehicles. Right now sometimes the private marketplace isn't able to come up as quickly as we want it, so we have got local units of government that are saying we want to use these types of vehicles; and this Rules Committee, Mr. Speaker, has denied the tax credit that would empower that kind of thing. It makes no sense to me. I am just deeply disappointed that folks on the Rules Committee who are in the majority just rejected this idea. It is not a partisan idea. It is what is called a good idea that we need to move forward.

In 1968, Richard Nixon campaigned for the Presidency claiming he had a secret plan to end the war. He went all over the country and said: I have got a secret plan to end the war. If you elect me President of the United States, my secret plan to end the war will win it all and will bring it all home.

Well, we all know there was no secret plan. His Secretary of Defense said so, everyone has declared so, and history shows it. But there are eerie similarities between that declaration of Richard Nixon in 1968 and the words of now Speaker PELOSI when she was the minority leader: She had a plan to bring gas prices down.

Well, if what the majority is doing on the Rules Committee is rejecting commonsense ideas like tax credits for biofuel vehicles that help suburban communities in my district, I am very interested for when this secret plan that the Speaker has alluded to is going to be coming forward. I don't think there is a secret plan, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. ROSKAM. I think the Speaker in the last campaign was using the type of campaign rhetoric that is now unfortunately coming home to roost.

I am deeply disappointed that the Rules Committee didn't see fit to let a commonsense idea that helps the suburban municipalities that I represent cope with outrageous gas prices.

I thank the gentleman for yielding.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont, my colleague from the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank the gentleman from New York.

This bill has many good features, and I want to speak about two. One is energy and two is children.

If we are going to take on the challenge of energy independence, then we have to start providing incentives, as we do in this bill, for wind, for solar, for biomass, for alternative energy and efficiencies. It is a confident Nation that takes on that challenge. It is a submissive Nation where the leader of our country goes hat in hand to a country that is not our friend and asks him to solve our problem by pumping more oil. This moves us in a confident direction of independence, self-sufficiency, and self-reliance.

The second is children. It is troubling I think to many of us in this country, and many of us in this body, that the gap between the wealthy and the poor has never been wider. The top five hedge fund managers last year earned $12.6 billion. The 9 million lowest income families, that was their equal income, $12.5 billion.

This bill finally increases the earned income tax credit for low-income families, bringing down the floor to $8,500, and 15 percent above that is going to be eligible. Do you know what that is going to mean just in the State of Vermont? 21,000 kids are going to get help. 21,000 kids. It also means 77 low-income kids from military families are going to get some assistance. This is money in their pocket where they too can be self-reliant.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee.

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Mr. GINGREY. Mr. Speaker, I rise in opposition to this closed rule and the underlying bill which the Democratic majority refers to as the Energy and Job Creation Act of 2008. I don't know how anyone can call this an energy creation act when it does nothing, absolutely nothing, to lower the price of gasoline.

With a week-long recess ahead, I am sure the majority wants to pass something with the word "energy" in it so they can pay lip service, while the American people are paying more at the pump.

Well, Mr. Speaker, the American people are demanding real change and real solutions. They want Congress to end this energy crisis which is eating into the budgets of American families and harming their quality of life.

This bill will not solve their problems. While this bill does extend temporarily some important tax provisions, it does absolutely nothing to address the looming alternative minimum tax which will hit millions of Americans, in fact, 22 million of them, if this Congress fails to act. And there's nothing in this bill concerning the alternative minimum tax.

Shortly we will begin debate on another rule for the budget conference report. I have often heard my colleagues on the other side refer to the Federal budget as a moral document. Mr. Speaker, I agree with them. I agree with them.

However, when I look at the details of this budget, I can't help but ask, how is it moral to impose the largest tax increase in the history of this country on working Americans, almost $683 billion over the next 5 years?

Mr. Speaker, how is it moral to raise the marginal tax rate on lower income workers and impose tax burdens on marriage, children, and family businesses?

Mr. Speaker, how is it moral to provide more than $1 trillion in discretionary spending, while doing absolutely nothing to reform entitlement spending and to ensure the solvency of Social Security and Medicare for our future generations, indeed, our children and our grandchildren?

The majority can refer to its budget as a moral document all they want to, but the devil is in the detail, Mr. Speaker. Apparently the majority believes it's moral to rack up debt and raise taxes to pay for it.

Mr. Speaker, we need to cut government spending, and we need to reform uncontrolled entitlement growth by eliminating waste, fraud and abuse, so that we can provide tax relief to hard-working Americans and to prevent the tax increases of the Democratic budget, $683 billion.

I urge my colleagues, vote against this rule, the underlying bill and the Democratic budget.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, in a weak economy it's important for us to take steps to help small businesses create jobs and provide targeted tax relief to middle class American taxpayers.

Today's tax relief package will encourage investment in renewable energy and energy efficient technologies. We help small businesses by extending the R&D tax credit and the State and local sales tax deductions.

Also included are extensions of three tax cuts that I introduced last year, including extending the $250 tax credit to help teachers pay for out-of-pocket expenses for classroom supplies, encouraging companies to donate computers to schools, and investing in the cleanup and development of former industrial sites, commonly referred to as brownfields.

This bill cuts taxes for small businesses, promotes energy independence, and provides targeted tax relief for middle class American families.

I urge my colleagues to support this tax relief package.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today in support of passage of H.R. 6049, the Energy and Tax Extenders Act.

Back home in Arizona, each and every day practically, we have free energy that radiates from the sky. An Arizona utility company recently proposed a plan to take advantage of that sunshine by building one of the world's largest solar power plants, 280 megawatts. This project will inject millions of dollars into the State and regional economy, and once it's complete, will produce enough electricity to power 77,000 homes.

This exciting announcement comes with a caveat. If Congress fails to extend the 30 percent solar tax investment tax credit, this plant will not be constructed. The same stipulation has been given for a variety of solar projects across the Southwest.

H.R. 6049 provides those vital extensions for renewable energy tax credits which include solar energy, and it will be the fourth time that the United States of House of Representatives has acted on this issue.

I have repeatedly pushed for passage of these extensions because I know that they're essential for the solar industry in our country. They will spur innovation, decrease our emission, and improve our energy independence.

With technology improving, many solar industry leaders furthermore believe that solar energy is on track to be cost competitive with fossil fuels by 2015, if not sooner. But to achieve the goal, we have to act today before the current energy tax incentive expires.

I urge my colleagues to vote "yes" on the Energy and Tax Extenders Act. This is an important piece of legislation.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Washington has 10 minutes. The gentleman from New York has 17 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, over the next few years the renewable energy industry in the United States is poised to create hundreds of thousands of family wage jobs. But none of it will happen, and in fact we will lose jobs if we don't extend the investment and production tax credits for new energy technologies.

As someone who spent my entire career in the wind industry, I know firsthand how critical these credits are to increasing renewable energy use and production. These incentives helped to turn wind power into a viable and growing energy option.

Just last week, the Department of Energy released a report estimating that wind could provide 20 percent of our Nation's energy by 2030. Renewable energy is now competitive with conventional power.

I recently hosted a meeting in my district with the heads of solar and wind energy companies to discuss the potential for employment in the renewable sector. It's clear, with the right Federal incentives, the industry will flourish, and we could see the creation of half a million new energy technology jobs in just the next few years.

There's also a flip side. When the production and investment tax credits lapse, there's a devastating consequence for the renewable energy industry. For instance, the last time we didn't extend the production tax credit, the wind industry lost thousands of good paying, green energy jobs all across our country.

That's why today's legislation is so important. If we are serious about weaning ourselves off foreign oil, we need to pass the production and investment tax credits today.

I urge my colleagues to support this bill.

Mr. HASTINGS of Washington. I continue to reserve my time.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, first of all I think my friend from Georgia needs some responding to in terms of the issue of the price of gas today. I just want to point out that what is false is Republicans, not Democrats, advocated and tried to pass legislation to increase the gas tax on Americans, offering legislation that would cost American drivers $800 million. That was a GOP motion to recommit on H.R. 2776 on August 4, 2007. And that data comes from the Joint Committee on Taxation.

The fact is not a single member of the Democratic Caucus supported the Republican effort to increase the gas tax on American families. That comes from rollcall vote 834.

The fact is that the Democratic leadership has not brought forward a bill to increase the gas tax on drivers, only your side of the aisle.

Another point dealing with the pay-fors in this legislation. I just want to point out one of the pay-fors, the worldwide interest allocation, would bring in $24 billion raised to help pay for what we're attempting to do here.

I know my friend, Mr. HASTINGS, was making reference to this, that these are simply tax increases. The provision that we're talking about specifically in worldwide interest allocation, $29 billion, if so, if this is a tax increase, I just want to remind the gentleman that in H.R. 3221, the Ways and Means amendment to the Democratic homeownership rescue bill, that the same provision was included in that bill in which 95 members of your party supported it, including Mr. HAYES, Mr. PORTER, Mr. RAMSTAD, Mr. HULSHOF, Mr. REICHERT, Mr. BUCHANAN, Mr. CAMP, Mrs. CAPITO, Mr. CHABOT, Mr. DIAZ-BALART, Mr. JOHNSON, Mr. KELLER, Mr. KNOLLENBERG, Mr. SHAYS, Mr. LEWIS, Mr. LINDER, Mr. WALBERG, Mrs. DRAKE, Mr. ENGLISH, Mr. FOSSELLA, Mr. GERLACH, Mr. MURPHY——

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. CROWLEY. Mr. WELLER, Mr. WILSON and Mr. YOUNG.

If these are tax increases, I just want you to know, for the record, that in the previous bill that was passed by this House, 95 members of your caucus supported the identical provision that is in this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

In response to my good friend from New York's response, let's set the record straight. We are talking about tax extenders. By definition, tax extenders mean we are extending existing tax relief for people. These are in law already. They have been extended many, many times in the past and always been extended without raising taxes on the other end.

Now the gentleman says that the provision they have in this bill may or may not have bipartisan support. I'm not going to argue with that point. It probably should be looked at on its merits.

But my point in this and the whole part of this debate is that these are extending existing tax relief for the American people, and you don't have to start setting the principle of raising taxes in other areas to continue tax extensions that are already in law. That's the point that I was making.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I rise in support of this energy and jobs bill and, in particular, want to talk about two provisions that are very important to my constituents and I think very important to the country.

The first are provisions that would extend tax credits for the solar energy industry. In my district alone, there are hundreds of jobs at stake. These are hundreds of good, well-paying, clean jobs that not only are good for the citizens in my district, but also are good for the country. We need an Apollo project like effort to wean ourselves off fossil fuels.

We want the ability to be able to tell the oil producing nations of the world that they can take their oil and they can keep it, that we don't need it.

We want to be able to address global warming. We want to be able to make sure that we have a sound energy policy based on this Nation's future. And solar energy is a big part of the solution.

So this tax credit alone, I've had business people in my district tell me if this tax credit goes away, those jobs will go away. It's as simple as that. Homeowners won't be able to meet the financial burden of putting solar power panels on their roofs. Those that produce those panels will have to lay off the people in that industry. People will become more reliant on fossil fuels, not less.

There's a second provision, very important to my constituents and also very important to an industry that has a positive balance of trade with every other country on earth, and that is the entertainment industry. We have tax incentives to try to keep production in this country of small and medium sized films. We're losing a lot of that production to Canada. We'll lose even more if the tax credits that incentivize those small productions go away. I'm very proud that we're taking action to deal with the problem of runaway production. Again, good, well-paying jobs that we want to keep in this country. This legislation will help keep them there.

Many of my constituents are losing those jobs to Canada, Australia and other countries because those other countries are offering incentives to keep and move production there.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

☐ 1130

Mr. SCHIFF. This good bill will help us wean ourselves off fossil fuels. It will help us keep good-paying jobs in the energy industry, in the entertainment industry, and a great many other industries, and I urge support.

Mr. HASTINGS of Washington. Mr. Speaker, once again, can I inquire of the time on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 9 minutes. The gentleman from New York has 10 minutes.

Mr. HASTINGS of Washington. I would inquire of my friend from New York how many speakers he has.

Mr. ARCURI. We have no additional speakers, so I am prepared to close.

Mr. HASTINGS of Washington. In that case, Mr. Speaker, I will yield myself the balance of my time.

Mr. Speaker, I'm going to ask my colleagues to vote against the previous question so we can address the issue of high gasoline prices. But before I make my motion and explain what my motion would be if we defeat the previous question, I want to quote several parts of an editorial that was written by Tracy Warner who is the editorial writer for the Wenatchee World newspaper in Wenatchee, Washington, in my district. He kind of hits some of the issues of what we are doing, or probably I should say not doing, on the head.

[From the Wenatchee World, May 14, 2008]

IRRATIONAL POLICY PART OF THE SHOW

(By Tracy Warner)

The Keystone Cops of Congress wave their truncheons, circle and bump and wriggle their mustaches, then rush to the paddy wagon in search of greedy oil companies. In this time of hardship, this will have to suffice for energy policy.

The goal of the troupe is to somehow make the price of gasoline lower. High gasoline prices are extremely unpopular. If they could be forced downward, this would please Americans at an advantageous time on the political calendar. If that is not possible, and likely it is not, then complaining loudly will do. Or, for a real show of statesmanship, you can dole out financial punishment to the companies that make the product you want more of.

The most recent gesture was a vote Tuesday to have the government cease stockpiling oil in the strategic petroleum reserve, where some 700 million barrels are kept for national emergencies. This halt, passed by the Senate 97–1 and the House 385–25, will reduce federal petroleum purchases by 70,000 barrels a day. The hope is this will affect world oil markets, which are based on global production of 87 million barrels a day. Congress has increased supplies by 0.08 percent. We should be grateful.

In a very small way this shows our representatives have some understanding of economics. Oil markets are mainly a supply-and-demand issue. Raise supply and the price should drop, if demand is steady. Raise supplies by 0.08 percent and the price will drop, maybe by a like amount. We will watch with great anticipation.

The other legs of the constantly evolving federal oil policy are not so easily explained. Congress remains adamant that we will not attempt to affect supplies by drilling on a few thousand acres of the vast Arctic National Wildlife Refuge, where production could exceed 1 million barrels a day. The reason given is this is part of an "oil friendly policy" and we cannot "drill our way" to "energy independence" because the effect of a million barrels is so small. So we deny ourselves a million barrels a day because it is so little, and then demand the federal government cease purchasing 70,000 barrels a day, because that is too much.

Some propose sending the Justice Department to file an antitrust case against OPEC, because its members scheme to limit the supply of oil and thus drive up the price. So, we do not wish to drill ourselves, because that would be wrong, but we demand OPEC sell us more, and if they don't we will send lawyers. And oh, we want "energy independence."

And with lawyers after OPEC, the cops will still be after the oil companies. The line is oil companies get "tax subsidies" they do not deserve. So the House has voted to rescind a tax break for the five largest oil companies. The "subsidy" to which these congressmen refer was no special deal. It was a two-point corporate tax cut given to all manufacturers in 2004. In the meantime, oil companies pay taxes. According to the Tax Foundation, based on data from the Energy Information Agency, it is only in the last three years that after-tax profits of the oil industry have exceeded its taxes paid to federal and state governments. In the last 25 years, oil company taxes were nearly double oil company profits—government makes twice off oil what oil companies make off oil.

On we go. Newly popular in Congress is a windfall profits tax, to collect for government the oil profits government considers "obscene." Oil company profit margins are less than many other industries, but setting that aside, what would be the effect of confiscating them? When this was tried in 1980, oil companies stopped selling the product from which only government would profit, and we went from expensive gas to no gas.'

And, we can make price gouging a crime, even though it already is a crime in most states. Make it a crime to sell fuel when prices are high. Won't that increase supplies?

The sum of all this policymaking is astonishing incompetence. Playing for the crowd usually leads this way.

Let me just make a few points here that he raised that I thought were rather interesting.

He talks about what Congress is doing or not doing, and he says then, and I will quote verbatim, Mr. Speaker, from his editorial, "The most recent gesture was a vote Tuesday to have the government cease stockpiling oil in the Strategic Petroleum Reserve, where some 700 million barrels are kept for national emergencies. This halt, passed by the Senate 97–1 and the House 385–25, will reduce Federal petroleum purchases by 70,000 barrels a day. The hope is this will affect world oil prices or oil markets which are based on global production of 87 million barrels a day. Congress has increased supplies by 0.08 percent."

He then goes on to say, after I quote there, he goes on to talk then about things that we probably are not doing and should be doing otherwise. He goes on to compliment Congress by saying that "at least they have some understanding of economics." If you're going to not put oil in a reserve, you presumably have more supply.

He then goes on to talk about what we haven't been doing, which of course is looking at more known reserves we have in our country to be energy independent. Again I would like to quote, then, verbatim as he makes, I think, a very good point:

"Congress remains adamant that we will not attempt to affect supplies by drilling on a few thousand acres of the vast Arctic National Wildlife Refuge, where the production could exceed 1 million barrels a day. The reason given is this is part of an 'oil friendly policy' and we cannot 'drill our way' to 'energy independence' because the effect of a million barrels is so small. So we deny ourselves a million barrels a day because it is so little, and then demand the Federal Government cease purchasing 70,000 barrels a day, because that is too much."

Mr. Speaker, he goes on to talk about other things here, but they make a very good point. The bottom line is our energy policy is not looking at the supply side of it. We import so much of our crude oil and we aren't energy independent in that sense.

Mr. Speaker, I am going to ask my colleagues to vote "no" on the previous question so I have an opportunity to amend the rule.

Since the Democrats took control of Congress in January of 2007, the cost of gasoline has risen to record-setting prices. According to a report from just 2 days ago by the AAA in my State of Washington, the price of gasoline is at a record $3.86 per gallon. That's 24 cents higher than just last month. The average price of a gallon of diesel is $4.69, which is $1.61 higher than a year ago. In the Tri-Cities where I live, a gallon of gas is $3.83. In Yakima, in the central part of my district, it's $3.84.

[From the Seattle Times, May 19, 2008]

AAA: AVERAGE GALLON OF GAS IN WASHINGTON HITS $3.86

The AAA auto club says the average price of a gallon of gasoline in Washington continues to climb into record territory at $3.86.

That's up 24 cents in the past month and 42 cents in the past year. It's seven cents higher than the national average.

The AAA survey for today found that the average price of a gallon of diesel in the state is $4.69. That's up 29 cents in the past month and $1.61 in the past year.

The AAA says the highest gas prices in the state are at Bellingham at $3.93 and the lowest in Spokane at $3.70.

Prices in some other cities, according to the AAA: Olympia $3.89, Seattle $3.88, Tacoma $3.87, Vancouver $3.84, Tri-Cities $3.83, Yakima $3.84.

This increase in prices is causing real strain on family budgets, farmers, and for small businesses. This Congress needs to act, and we can't afford to sit and do nothing while prices continue to climb. The American people deserve action.

Speaker PELOSI made a promise that the Democrats had a "commonsense plan" to "lower the price at the pump." But this Democrat Congress has done nothing but see fuel prices rise.

One of the most important things that this House can do is recognize a basic economic principle of supply and demand. Mr. Speaker, the laws of supply and demand cannot be changed by wishful thinking. At times, I get the distinct impression that my colleagues on the other side of the aisle believe that wishful thinking will actually lower gas prices.

I support proposals to invent and to develop new sources of energy. I think we should have a diverse portfolio of energy, and I believe a vast majority of my colleagues do as well. But gas, diesel, and oil are absolutely vital to our economy and our way of life and our future.

The problem we are facing at the gas pump is one of high demand and limited supply, and it's part of a global economy and a global product. With India and China suddenly consuming enormous amounts of oil, the price of it is being bid up around the world. The way to combat rising prices due to high demand is to increase supply. And yet proposals to increase oil and gas production and exploration in our country have faced years and years in opposition. Mr. Tracy, in his article, points that out as it relates to ANWR.

We've been stymied by Democrats in the House, blocked by Democrat Senators, and vetoed by a Democrat Senator specifically with ANWR. This liberal Congress is continuing to say "no" to developing energy in our country, to block any bill from being considered or voted upon that would allow for oil and natural gas exploration in Alaska or in the oceans on the Outer Continental Shelf, while at the same time they pass bills threatening to sue foreign countries to produce more oil. That doesn't increase supply, Mr. Speaker.

We are now paying the price for so many years of repeated refusal to make use of our country's own natural resources. Not only are we seeing gas prices going up and up, but our country is even more dependent on foreign sources of oil. Often the response to this argument from the other side of the aisle is that even if we approve production in ANWR or coastal reserves today, it wouldn't come on line for years and wouldn't really help much.

The hollowness of this argument in my mind, Mr. Speaker, is astonishing. We are paying the price today for their years of opposition to real solutions, and they want to keep saying "no" and blaming somebody else.

America can't afford to keep sticking its head in the sand when it comes to building more refineries and developing our own oil and gas reserves. It's time for the House to act. It's time for the House to debate ideas for lowering prices, and it's time for the majority to reveal their promised plan.

By defeating the previous question, Mr. Speaker, this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the rule, that would lower the gas prices of unleaded gasoline.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to defeat the previous question so that we can consider this vitally important issue for America.

I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague and friend from Washington. It's always a pleasure managing a rule on the floor with you.

I would like to thank him for making a point which I think is a very good point in his closing, and that is we can't drill our way to oil independence. I think that is abundantly clear, especially to Americans. I think they know that.

The fact of the matter is, is that oil is a finite resource. That as much as we want to dream and that as much as we want to wish, it is a finite resource. And while there may be reserves that may last us 5 years or 10 years, the fact of the matter is if we don't deal with the fact that it is a finite resource, then our children and our grandchildren will have to deal with the fact that there is no more oil left.

That's what today's bill does. That's what this rule does. It attempts to take real steps to promote alternative energy because that is the future of our children and our grandchildren.

H.R. 6049, if it passes the House today, it will be the fourth time the House has voted to extend many of these energy tax provisions. In each of the previous three times, the legislation has come under heavy fire because of the revenue-raising provisions that were included to ensure that the extensions were compliant with House pay-as-you-go rules. That is the new Democratic majority's commitment to lowering the national debt by bringing fiscal responsibility back to the House of Representatives.

The debate has not fallen on deaf ears. I applaud the Ways and Means Committee and Chairman RANGEL for its tireless commitment to finding less controversial means for paying for this vital tax relief and alternative energy development incentives. Their efforts have been successful judging by the list of organizations and businesses that are supporting H.R. 6049, including the League of Conservation Voters, the National Retail Federation, the National Wildlife Federation, Dow Chemical Company, The Sierra Club, The American Farm Bureau, and the list goes on and on.

Providing tax relief to middle class families and small businesses, providing incentives to promote alternative energy development, and adhering to fiscal responsibility should never, never be a partisan issue.

Too often in this Chamber we hear countless reasons why not to do something, but the fact of the matter is, we cannot afford to allow the vital tax relief and renewable energy incentives in H.R. 6049 to fall victim to Washington politics.

Just to set the record straight, by voting "yes" on the previous question and voting "yes" on the rule and bringing this legislation to the floor, it will allow 11 million families to deduct State and local sales taxes; it will allow 3½ million teachers to deduct classroom expenses so they can better educate the children they teach; it will allow 4 million families the ability to deduct education expenses and help put their children through college; it will allow 13 million families to claim the child tax credit and make it a little easier to put food on their table; and it will allow 27,000 domestic businesses to remain competitive in the global marketplace by investing in vital research and development.

Clearly we in the majority are working to advance the interests of the American people. I am hopeful we can come together later today, Republicans and Democrats, pass this rule, pass the underlying legislation, and move our country forward.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1212 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the substitute which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1145

PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1213 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1213

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman from Washington, my good friend, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1213 provides for consideration of general debate for H.R. 5658. This debate will come under a structured rule.

The rule provides 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against the bill's consideration except those arising under clause 9 or 10 of rule XXI.

As the chairwoman of the Rules Committee announced yesterday evening, the committee intends to meet later today to report out an additional rule which will provide for the remaining consideration of the bill, including amendments and final passage.

This two-part process has been used over the years to ensure that the Rules Committee has ample time to consider the amendments submitted to the committee, and there were a substantial number of amendments offered.

Mr. Speaker, the National Defense Authorization Act is one of the most comprehensive and important pieces of legislation that the House considers each year. The overwhelmingly bipartisan support for this bill is proof that we understand our obligation as legislators to support our military and ensure our national security by coming together and producing quality measures.

I am proud that the chairman and ranking Republican of the Armed Services Committee introduced the underlying legislation together. Chairman SKELTON and Representative HUNTER are to be congratulated for a job well done. Without their work, the unanimous support for the bill with a vote of 61–0 in the Armed Services Committee would not have been possible.

Mr. Speaker, for too long, President Bush's administration has neglected the needs of our military. I was just in Baghdad 2 days ago, and I saw evidence of this neglect. While the President has shown little hesitation to send troops into harm's way, his refusal to take care of them and their families when they return is downright despicable.

The underlying National Defense Authorization Act gives our servicemen and -women and their families the resources that they need and deserve. That includes providing a 3.9 percent pay raise for all servicemembers and expands the authority of the Defense Department to offer bonuses.

This bill takes care of our soldiers and their families by increasing access to financial aid for education, expanding survivor benefits, and enhancing health care services. And it rejects President Bush's proposal to inflict $1.9 billion in TRICARE fee and premium increases and other increases in health care costs for soldiers.

The bill also strengthens our national security by providing our troops with state-of-the-art equipment and authorizes the expansion of the military.

It includes fiscally responsible provisions that are designed to increase efficiency and accountability in the military.

The bill cracks down on the Blackwaters of the world and requires the Department of Defense to put into place policies and systems under which contractors are held accountable for their actions.

The underlying legislation also addresses the issue of readiness. Our Armed Forces are hurting today because we continue to ask them to do more with less.

Under this bill, Congress is making it clear that at least one of the three branches of government will not allow rhetorical and ideological policies to stand in the way of doing the right thing by our troops.

We continue to send our brave young men and women into battle without proper equipment or protection. The National Defense Authorization Act authorizes nearly $800 million for personal body armor, as well as $2.6 billion for mine resistant ambush-protected vehicles for our troops in the Middle East.

Finally, the bill prohibits the establishment of permanent bases in Iraq, requires the Iraqis to invest in the reconstruction of their own country, and I, for one, have emphasized this repeatedly since the beginning of this adventure in Iraq. And this bill provides funds to help train both Iraqi and Afghani security forces.

Mr. Speaker, no one political party holds a monopoly on national security. The underlying legislation is clear evidence that, under new leadership, Congress is addressing the needs of our armed services.

America cannot afford to continue to make the same mistakes we have made in the past. The stakes are too great, and the world is too dangerous.

I urge my colleagues to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes to discuss part one of the proposed rule for the consideration of the Duncan Hunter National Defense Authorization Act of 2009, and I yield myself as much time as I may consume.

Mr. Speaker, this legislation, which was approved by the Armed Services Committee by a unanimous vote of 61–0, as my friend from Florida mentioned, would make a number of very positive improvements to our armed services, and I think this entire House should be particularly proud of the committee's bipartisan efforts to improve the quality of life and safety of those serving our country in the armed services and their families.

This legislation would authorize $600 billion in spending for our Nation's Armed Forces, including $530 billion in spending for defense programs at the Pentagon and Energy Departments and $70 billion to bolster the success of ongoing military operations in Iraq and Afghanistan for part of 2009.

It would authorize $783 million for continued procurement and enhancement of current body armor systems; $1 billion for the training and support of the Iraqi security forces; and nearly $2 billion for unfunded readiness initiatives as requested by the services.

It increases Active Duty Army personnel, Mr. Speaker, by 7,000 and Active Duty Marine Corps personnel by 5,000, while also providing our uniformed servicemembers with a much-deserved pay raise of 3.9 percent.

And for our active duty troops and veterans who have already done so much to serve our country, it prohibits increased copayments and premiums for TRICARE recipients, and expands suicide prevention efforts.

Finally, Mr. Speaker, this legislation also requires the Secretary of Defense to provide an annual report on Iran's nuclear capabilities so that this Congress can take a proactive role on recognizing the potential of this threat and be made aware of the threat that these capabilities pose to America and our allies.

While this legislation does a great deal to improve our armed services and to provide them with the resources that they need—and it accomplishes much of this in a cooperative, bipartisan fashion—there are a few areas that I think could still be greatly improved.

While the Rules Committee has not yet reported out a rule governing amendment debate on this legislation—we will do that this afternoon—I want to take this opportunity to make clear that there are a number of areas that I and a number of my Republican colleagues believe can be used to improve this bill through the amendment process.

First, it is my hope that the amendment process for this year's authorization bill, while it will be a structured rule, will still be as open as it has been under Republican majority, when between 30 and 40 amendments were regularly allowed to be debated and decided by the entire House of Representatives.

Of particular concern is the reduction in funds and focus that the Armed Services Committee chose to provide in this bill for protecting America from the threat posed by ballistic missiles.

In the Armed Services Committee, my colleague TERRY EVERETT from Alabama offered amendments to both authorize the President's request fully for missile defense and allow procurement to go forward and to restore half of the $10 million that the committee eliminated from the request for the study of a space test bed.

Congressman TRENT FRANKS of Arizona, a fellow cochairman of the Missile Defense Caucus, offered his own amendment to add $100 million to a program to launch multiple interceptor missiles at once to defeat multiple incoming missiles or decoys in the event of an attack.

While these amendments, Mr. Speaker, were defeated in committee, I believe that the entire House should have the opportunity to hear their arguments and make their own decisions on these issues, as well as the amendment by my Rules Committee colleague, Mr. SESSIONS of Texas, to state the sense of Congress that we need to support the development, testing, and fielding of the capability to intercept ballistic missiles in their boost phase to protect America's interests.

Again, Mr. Speaker, while this rule provides for 2 hours of general debate on the bill, there are areas that this House needs and deserves to address through the amendment process. That will be addressed in the second rule that we will discuss in the Rules Committee tonight and will presumably be on the floor tomorrow. I certainly hope that the House is given a full and fair chance to consider these issues that I've highlighted, as well as others.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to the chairman of our Armed Services Committee, my good friend, Representative SKELTON, 4 minutes.

Mr. SKELTON. I thank the gentleman from Florida for yielding.

I appreciate the fact that we will be again having a rule taken up in the Rules Committee. I look forward to the second rule for tomorrow.

I rise, Mr. Speaker, in favor of the rule. This is an excellent bill. It is, of course, the annual defense authorization bill, bipartisan I should say, very bipartisan in nature because the vote on final passage out of our committee was 61 Members to none. And I cannot be more pleased with the work that our committee has done, the ranking members, the subcommittee chairmen who really did yeoman's work, and I want to thank them for all their excellent and successful efforts.

□ 1200

I might mention at the outset that this defense authorization bill, which is for 2009, is named in honor of former chairman, now ranking member, who will not be returning to us next year, the gentleman from California, DUNCAN HUNTER. That is certainly fitting and proper that we do so to recognize his efforts on national security through the many years he served on the committee, as well as the leadership positions.

This bill authorizes $531 billion in spending for the defense and national security functions of the Department of Energy. It also authorizes a $70 billion bridge fund, which will be considered shortly.

The pay raise to the troops, 3.9 percent, is five-tenths of a percent more than the administration recommended. And it rolls back the administration's proposed fee increases on health care as well as pharmacy costs. It increases the size of the military, something I have been urging since 1995. It increases the size of the Army by 7,000 and the Marines by 5,000. They're overburdened and they're strained, and this is one step towards relieving that strain.

A major problem today is that of readiness, or a lack of readiness. We restore a great deal of readiness to the military in this bill in various manners, essentially in training and equipment.

There is $800 million in National Guard and Reserve equipment; $650 million to upgrade military barracks for those trainees that are coming through. It improves our efforts in Afghanistan. It bans permanent bases in Iraq. It requires Iraq to do more for itself in the reconstruction area, establishing a formula by which they, with their oil surplus, will have to contribute toward that end.

There are additional steps regarding contractor oversight.

Regarding nuclear nonproliferation, we increase the funding by $245 million. That's a very major step. The European missile defense effort was cut by $370 million. It does a great deal toward national security.

I want to take this opportunity to support the rule, and of course when the time comes, to support the bill itself. Hopefully we will have some excellent amendments that will be considered tomorrow. And we will send this on to the Senate and hopefully have an excellent bill at the end of the day.

The young people in uniform, of whom we're so very, very proud, deserve the best. This is one way we in Congress can make sure they get the very best through this defense authorization bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California, a person in whose name this defense bill is named after. I would join my friend from Missouri, the chairman of the committee, suggesting and acknowledging that it is an honor that is well, well deserved.

I had an opportunity to serve on the committee for 2 years, my first 2 years in Congress. There are probably few, if any, that are more knowledgeable on these issues surrounding defending our country than the namesake of this defense authorization bill.

I now yield 3 minutes to my friend from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman. And I do want to say there is a gentleman here who's got more knowledge than I have on this defense bill, and he just spoke. I want to give my thanks to Chairman SKELTON for doing a great job of putting together an excellent bill which passed unanimously out of the Armed Services Committee.

He followed very strongly what I call the two tracks that we're on. The first track is to provide for the warfighters in the theaters that are currently in progress in Afghanistan and Iraq and around the world, where we're fighting the global war against terror. We do so very well in this bill in terms of putting in lots of extra money for MRAPs, for force protection, for defense against mortars, against roadside bombs, and all the other things that are important aspects and dimensions of force protection.

Then we also provide for what I call over the horizon. That means that we've provided, with the very able chairmen of the subcommittees and the ranking members, for continued equipment buys in critical areas and put in extra money for submarines, which we will have low numbers in the next 5 to 10 years, but are a very important part of American leverage in foreign policy and a very important component of warfighting. Putting in extra money for C–17s, for that airlift that is so critical, for giving a good solid buy on F–22s this year and Joint Strike Fighter.

Also the report that I've received back from the Marines is that the first V–22s are now in theater in Iraq and that they're working very well. The Marines like that doubling of speeds that they now have over the CH–46 helicopters. That's accruing to their benefit in lots and lots of operations.

The chairman and the chairmen of the subcommittees and the ranking members I think have done a great job of filling out both tracks of both the near term and the long term in this bill.

I thank Mr. SKELTON for his kind words. Let me tell you, one of the real blessings in serving in this body is to be able to serve with a great partner, whether you're the chairman or the ranking member. The chairman has done a wonderful job in putting this bill together. The man from Missouri is an outstanding leader in national security, and I applaud him for his great career.

I know we also have two members retiring, Mr. SAXTON, who for many years chaired the Special Operations Subcommittee, very important subcommittee, is now ranking on Air Land. And Mr. EVERETT, who is ranking on Strategic. JIM SAXTON, I have watched him go around the world visiting with our special operators, ensuring that they had what they needed.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield the gentleman 2 additional minutes.

Mr. HUNTER. I thank the gentleman for yielding, and I thank him for his great service on the Armed Services Committee. You can trade up anytime you want to and come back off that old Rules Committee and come back to Armed Services.

But Mr. SAXTON has done yeomen's work in providing for special operations, for operations that aren't given ticker-tape parades in which a number of people know about and are briefed on, but which are crucial to our Nation's security. Those men and women who serve in those very important positions in special operations can be thankful they had JIM SAXTON over these years to be supportive of them. And he is still supportive of them in his job as ranking member to Mr. ABERCROMBIE on Air Land.

Similarly, Mr. EVERETT has an insight and understanding of matters relating to space and missile defense that I think are matched by very few people in this country. And TERRY EVERETT is the master of the closed briefing. He makes very few speeches. TERRY EVERETT is not a guy you look to for long speeches, he's a guy you look to for hard work, for thoughtful analysis, and for doing the right thing when it comes to making sure that as we move into the next 5 to 10 years, we have what it takes in missile defense and in space to ensure America's security.

I want to applaud those retiring members of the committee and once again thank my chairman and all the members of the Armed Services Committee who make this such a great bipartisan committee.

I think we need to support this rule and move this great package down the road.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, I rise today in strong support of the rule for the National Defense Authorization Act and the underlying legislation.

As Congress authorizes this critical funding for the defense of our Nation and its interests abroad, we also have an opportunity to make sure that the current nationwide mortgage housing situation does not adversely affect our veterans.

Current law provides some protections from bankruptcy and foreclosure for the men and women in uniform while serving in harm's way. But it does not provide for debt forgiveness or other relief from contractual obligations of servicemembers who have been called to active duty.

Given the frequency with which military homeowners are forced to move to different bases throughout the country and overseas, our brave service men and women should not have to worry about forestalling or even preventing mortgage foreclosure.

I commend Chairman SKELTON and Mr. HASTINGS and ranking members for including provisions of a bill that I authored that calls upon the Secretary of Defense to establish a mortgage foreclosure and credit counseling program for members of the armed services and those who are returning from overseas.

Credit counseling is available from many sources, including State and local governmental agencies, but not all counseling services are the same or even legitimate. Providing veterans with credible information through the Department of Defense will enhance their ability to make sound financial decisions during difficult times and to provide assistance before a potential problem or crisis arises.

Therefore, I urge my colleagues to support passage of the National Defense Authorization Act.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas, a member of the Armed Services Committee, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I thank my colleague from Washington for yielding some time.

I did vote for the underlying bill that this rule is associated with and intend to vote for it on the floor as it is currently drafted. But I'm going to speak against the rule and intend to vote against the rule, should we get that vote.

While the Defense Authorization Act doesn't have much public policy in relation to energy in it, it is a beneficiary of good, sound national energy policy.

DOD is the single largest department purchaser of energy of any of the Federal agencies that this Congress oversees. It would benefit dramatically by decreases in costs of energy, as would every consumer, every American home would as well. And conversely, its budgets are dramatically negatively impacted with rampant run-up in costs. We fly jets, we drive tanks and Humvees and other vehicles, and we have to buy that fuel to get that done. These increased costs as a result of an unsound national policy on energy are a detriment to the Department of Defense.

A sound national policy on energy should promote additional supplies of domestically produced sources, both fossil fuel sources as well as unconventional sources. It's not an either/or, it ought to be both. And this Democratically led House has consistently, over the last 16 months, had a very negative bias against fossil fuel sources.

Every rational projection of energy usage over the next 20 to 30 years shows that we will continue to be reliant on crude oil and natural gas for that entire time frame. The larger the domestic supply of crude oil and natural gas we have, the less dependent we are on foreign sources and the cheaper it will be. There is an action in economic law for supply and demand that says if you restrict the supply, then your costs are going up. And increased costs of energy and fuel to the Department of Defense is a negative that we ought to address.

If you punish the producers of crude oil and natural gas, you're going to get less of it. The bill we passed yesterday, which unleashes the Department of Justice on an unwarranted witch hunt against the oil and gas industry, will increase costs and will, therefore, have a negative impact on the operations of the Defense Department, which this authorization bill governs. Those increased costs are not in the best interests of Americans and not in the best interests of the Department of Defense.

So while this bill and this rule do not specifically address our national energy policy, a policy that is sound and promotes domestic production of both crude oil and natural gas as well as unconventional sources of energy to supply our Department of Defense with the energy it needs to fly those airplanes, drive those tanks, drive those Humvees, and light the offices at the Pentagon, as well as the housing associated with the Department of Defense, is in all of our best interests. I would urge our colleagues to look at that as we approach these issues.

I urge a "no" vote on this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado, my friend, a member of the Armed Services Committee, Mr. UDALL.

Mr. UDALL of Colorado. I thank the gentleman from Florida for yielding.

Mr. Speaker, I rise in strong support of this rule and this bill. I want to start by applauding Chairman SKELTON for his leadership and also Ranking Member HUNTER. They have done a tremendous job as have their expert staff.

I am particularly grateful to Chairman SKELTON and Chairman SMITH for working with me to provide an important provision for Colorado. The bill prohibits the Department of Defense from transporting away from the Pueblo chemical depot in the 2009 fiscal year the hazardous wastes left after the chemical treatment of mustard agent.

This language is necessary because the DOD continues to look at treating these secondary wastes offsite despite studies showing that shipping these wastes will not yield benefits and despite the clear preferences expressed by the community of Pueblo to treat these wastes onsite.

Last year, Congress mandated that the DOD complete all chemical weapons destruction activities, including the destruction of 2,600 tons of liquid mustard agent housed at the Pueblo depot by 2017. The Department of Defense should get on with this approved plan to treat the secondary wastes at the depot and not delay this program any further.

□ 1215

More broadly, our bill focuses on our military's readiness needs. After more than 5 years at war, both the Active Duty and Reserve forces are stretched to their limits. Our bill will provide what's needed to respond, including funds to address equipment shortages for Active Duty and Reserve forces, improve the quality of our military barracks, ammunition maintenance, and expand training opportunities, among other important readiness needs. It increases Army end strength, consistent with the Tauscher-Udall Army expansion bill in the last Congress. And, importantly, it will provide for a 3.9 percent across-the-board pay raise for servicemembers, boost funding for the defense health program, and prohibit increasing TRICARE and pharmacy user fee increases.

Mr. Speaker, this is an excellent bill, carefully drafted and bipartisan, and I urge its passage.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Once again I am going to ask my colleagues to defeat the previous question so that, with the high price of gasoline that all Americans have experienced, by defeating the previous question, this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the entire rule, that would allow the House to consider H.R. 5984, the Clean Energy Tax Stimulus Act of 2008, introduced by my colleague from Maryland (Mr. BARTLETT), as well as "any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf."

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to defeat the previous question once again so that we can consider this vitally important issue for America's families, workers, truckers, small businesses, and, for that matter, the entire economy.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when Democrats were elected to the majority in 2006, we promised America that we would govern responsibly, with conviction and in a bipartisan fashion.

The Duncan Hunter Defense Authorization Act for Fiscal Year 2009, named appropriately after our colleague from California, is a bill that is a perfect example of all three of these things. It is further proof of how things have changed here in the House in a very short period of time.

The bill continues the necessary cleaning up of the mess created by the Bush administration by modernizing our forces and restoring readiness to our military. It gives our Armed Forces the tools they need to get the job done abroad while taking care of our soldiers and their families here at home.

This is a good rule for a great bill. I urge my colleagues to support both.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1213 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result form a lapse in the tax law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts. if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall he considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1214

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1214.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, House Resolution 1214 provides for consideration of the conference report to accompany S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009.

House resolution 1214 is a traditional conference report rule. It waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Budget.

Mr. Speaker, budgets are moral documents. They are more than just an accounting of expenditures and revenue. They are statements of our national values and priorities. For too long Congress passed budgets with the wrong priorities. For too long the budget put the interests of the powerful before the needs of working families and those going through hard times. And for too long the budgets of the past pretended that people who were struggling didn't even exist, let alone matter.

That has changed now. This Congress, the New Direction Congress, is saying that we value our families and their economic future. This Congress will fight to make sure that their hard work is rewarded and that the American Dream is renewed.

This 5-year budget conference agreement charts a new way forward for the country. It makes investments in energy, education, and infrastructure. It provides tax relief for the middle class. It returns the budget to surplus in 2012 and 2013. And it remembers those whose service and sacrifice here at home and abroad provide the rest of us with security and peace of mind. Mr. Speaker, this is a budget with a conscience.

Today, as we move to pass this conference agreement on the budget, our country faces major challenges: an economic recession, a crisis in the credit markets, a plunging housing market, rising unemployment, declining family income, skyrocketing costs in health care, aging infrastructure, and a safety net struggling to keep up with the growing number of Americans unable to meet their most basic needs.

Faced with these challenges, President Bush and his Republican colleagues proposed the same tired, failed economic and fiscal policies. After 7 years the Bush legacy is the highest deficits in our Nation's history. The Bush legacy is the greatest national debt in our Nation's history. Future generations, our children and our grandchildren, will be forced to pay the price for this unprecedented rise in debt, a legacy of President George Bush and the Republicans' reckless and irresponsible policies.

With this budget resolution, Mr. Speaker, the Democrats are ready to take the necessary steps, as difficult as they may be, to regain our economic health and reclaim our children's future. It is a balanced budget with balanced priorities.

It returns the budget to balance with projected surpluses in 2012 and 2013 by adhering to fiscally responsible policies. It strengthens the U.S. economy over the long term while calling for funds to help Americans struggling in the current economic downturn. It rejects, and I repeat, it rejects the Republicans' harmful cuts to Medicare and Medicaid, the Community Development Block Grant program, and LIHEAP. And it protects priorities like SCHIP, infrastructure needs, homeland security, innovation, energy, education, health care, veterans, and the environment.

This budget agreement does not include any tax increases, despite the overheated claims of the other side. Quite the contrary, it supports significant tax relief, including extension of marriage penalty relief, the child tax credit, the 10 percent bracket, and allowing for estate tax reform. It includes an additional year of relief for the alternative minimum tax that is fully paid for, Mr. Speaker. And it provides for property tax relief, energy and education tax relief, and extenders.

Finally, this budget remembers those who serve at home and abroad. It provides strong and substantial funding for national defense, including quality of life for our troops and their families. It provides more funding for homeland security programs, including first responders, more than the President would. It provides for the care and treatment of all of our veterans but most especially our newest generation of veterans, those returning from Iraq and Afghanistan, many of whom are grievously wounded and thousands who will require treatment for posttraumatic stress and serious depression. Finally, Mr. Speaker, it rejects President Bush's cynical new fees for veterans health care.

In short, Mr. Speaker, this budget charts a new direction for a stronger, safer, more compassionate America.

Mr. Speaker, there are two significant differences between the House- and Senate-passed budgets which this conference report resolves. First were the reconciliation revisions to the alternative minimum tax. And the second is the level of nondefense discretionary funding.

On reconciliation, the conference agreement drops the House-passed reconciliation instructions. Instead, it provides for 1 year of AMT relief that is fully paid for. The House will continue to work with the Senate to identify how to pay for permanent relief of the AMT. In the House such a solution is subject to our PAYGO rules of order and must be fully offset. With the passage of this conference report, any AMT fix offered in the Senate that increases the deficit by $10 billion in a year will also be subject to a Senate point of order.

On nondefense discretionary spending, the difference between the House and Senate budgets was $3.6 billion, and the conference agreement splits the difference. By holding most nonsecurity spending to a modest 1 percent above inflation, we are able to move the budget out of deficit and into surplus by the year 2012 while still providing substantially greater investment in education, income security, veterans, and natural resources.

I urge my colleagues, Mr. Speaker, to adopt this rule and to approve the conference agreement on the fiscal year 2009 budget resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. McGOVERN) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, there are only two ways to balance the budget: You can either spend less or you can increase the amount of money coming in.

The majority, as reflected in their budget, have rejected the first option and instead have chosen higher spending, higher taxes, and a bigger Federal Government.

Republicans have chosen a more responsible approach by committing to spending less and letting workers, families, and small businesses keep more of their hard-earned income to save, invest, and spend as they see fit.

While Republicans have faith in the ability of workers and families to decide how best to use their paychecks, the majority budget reflects the majority's belief that the Federal Government can make better choices at spending money than individual Americans.

□ 1230

That is a fundamental difference between Democrats and Republicans. In order for the majority to fund their government spending, their budget raises taxes by two-thirds of a trillion dollars over the next 5 years. That is almost $700 billion. I want to repeat that, Mr. Speaker. Two-thirds of a trillion dollars.

At a time of an economic slowdown and increased cost of living, American families everywhere are tightening their belts and carefully budgeting their hard-earned money. This is not the time for the majority to be forcing American families to send more of their hard-earned money to Washington. Instead, we should be passing pro-growth policies to help create jobs and economic prosperity. Mr. Speaker, tax increases are not a pro-growth policy. They are anti-growth, anti-small business, anti-job creation, and we should reject them.

Now you can call this a tax increase or you can call it letting tax cuts expire, but the reality is that under the majority's budget, every American will pay more of their paycheck to the Federal Government. That includes many middle class families, small business owners, and entrepreneurs.

Although Democrats try to claim otherwise, the numbers in their own budget document show that taxes will increase nearly three times more than when the largest enacted tax hike to date was passed, making this the largest tax increase in American history. While the majority claims their budget will protect middle class families, their budget numbers tell a different story.

Under the massive tax increases in the majority's budget, the average taxpayer in the State of Florida, for example, will see his or her annual bill increase by over $3,000. The majority's budget lets the current tax cuts expire, and some of those tax cuts are very important to Americans, to our economy.

For example, seniors could see taxes on their investments and savings income double. Forty-eight million married couples could once again face a marriage tax penalty, costing them $3,000 per year. Young families could see a reduction in the child tax credit. States such as Florida may not get an extension of the State sales tax deduction.

The majority's budget may even manage to resurrect the death tax. This will particularly hurt the small businesses in the district that I'm honored to represent, which provide the majority of the community's jobs. It may even hit 26 million additional middle class taxpayers with the alternative minimum tax. Their budget also assumes that 6 million Americans who currently do not pay any taxes, will once again have to pay taxes.

Mr. Speaker, in order to boost our economy, increase investment in the United States, create jobs, Congress should not be raising taxes by the largest amount in history.

At this time, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I would like to insert in the RECORD a statement by Robert Greenstein, the Executive Director of the Center on Budget and Policy Priorities. The statement calls the claims by my friends on the Republican side that somehow this is a tax increase in this bill, he exposes it as being inaccurate.

CENTER ON BUDGET
AND POLICY PRIORITIES,
Washington, DC, May 20, 2008.

STATEMENT BY ROBERT GREENSTEIN, EXECUTIVE DIRECTOR, ON MISLEADING CLAIMS THAT CONGRESSIONAL BUDGET PLAN CALLS FOR "LARGEST TAX INCREASE IN HISTORY"

Some claim that the budget plan of the conferees—which the House and Senate are scheduled to consider this week—would constitute "the largest tax increase in history." This claim is inaccurate, just as the same claim was inaccurate with regard to the budget resolution that Congress adopted last year. This year's budget plan does not include a tax increase. It actually calls for a $340 billion reduction in revenues, reflecting its assumption that Congress will extend some parts of the 2001 and 2003 tax cuts without offsetting the costs.

The charge that the conferees' plan includes a large tax increase arises not from any policy changes that the plan proposes, but instead from policies enacted in 2001 and 2003. Those policies put in place tax cuts that President Bush proposed, but also provided for those tax cuts to expire at the end of 2010. The budget plan assumes that Congress will amend current law to extend some of the expiring tax cuts (especially those affecting middle-class families) and make other changes in tax policy, but it also assumes Congress will partly offset the cost of such changes. The plan does not assume that Congress will increase total revenues above what the federal government expects to collect under current policies—to the contrary, it assumes Congress will reduce total revenues below what is expected under current policies.

The President's tax cuts expire in 2010 because their supporters deliberately designed them that way, in order to fit the tax cuts within the cost constraints imposed by the budget resolutions that Congress adopted in 2001 and 2003. While acknowledging that their real goal was to make the tax cuts permanent, supporters of those measures opted to "sunset" the tax cuts before the end of the ten-year budget window, partly to avoid recognizing the cost of permanent tax cuts. Now, a few years from the tax cuts' expiration, some of these same supporters are acting as though the tax cuts are already permanent and that any proposal to offset any portion of the cost of extending them is a "tax increase."

To extend the tax cuts without paying for them—and to attack those who simply seek to require that Congress at least partially pay for any extension of the tax cuts—further heightens the irresponsible fiscal nature of the original actions.

Mr. Speaker, the fact of the matter is that George Bush and the previous Republican Congresses have created a mess. We are faced with the largest deficits and debt in the history of our country, thanks to their fiscally irresponsible policies. We have more people in this country who are in poverty because of their policies of neglect. We have more people in this country who are hungry because of their policies of neglect. Our veterans are finally, at long last, because of Democratic policies, getting the benefits and the funding that they have earned. But for years, because of Republican policies and because of the misplaced priorities of this White House, they have been short-changed.

We have more people without jobs today because of their neglectful policies. Our infrastructure is falling apart. I come from Massachusetts. We have an aging infrastructure. We have bridges in my State that are older than some of the other States in this country, and the Federal response has been to provide less and less and less funding. The infrastructure is crumbling. It's a danger to people. But those burdens, the cost burden has fallen on the States and our local communities.

So I can go on and on about their policies, which have literally created a mess, including these high gas and oil prices that we are paying right now because they didn't think it was important to invest in alternative renewable clean energy sources. So here we are, and thankfully, Mr. Speaker, thankfully, the American people get it, as we have seen in the recent elections where, in traditional hard-core Republican areas of this country, voters have said, Enough. We have had enough. And they have voted for Democrats.

Mr. Speaker, one of the things about this budget that we are talking about here today is that it rejects the President's harmful cuts in a number of programs that people in this country think are valuable. This conference agreement on the budget rejects the President's deep cuts affecting a wide range of services and constituencies, including $479 billion of Medicare cuts and $94 billion to cuts in Medicaid over 10 years. That was the Presidents' priorities. That was the Republican's priorities. This budget, the Democratic budget, rejects those cuts.

It also rejects more than $18 billion over 5 years in new fees for veterans and military retirees. How in good conscience could anybody propose that, given the fact that our men and women are serving with such great distinction in Afghanistan and Iraq. They deserve better than more fees.

This budget also rejects cuts to services that help our communities, including the community development block grant and the low-income home energy assistance program, which is so important in the Northeast and in other parts of this country.

This budget, the Democratic budget, rejects the President's call for the elimination of several State and local law enforcement programs, including the State criminal alien assistance program, Byrne Grants, and the COPS program. This Democratic budget also says no to the President's cuts to EPA grants that help protect public health and maintain environmental quality.

So we have different priorities as Democrats than the Republicans have put forward over the years. The budget that we are proposing strengthens our economy. It provides crucial funding for the Democratic Innovation Agenda and the America Competes Act to enhance our competitive edge. It increases funding for math and science education and research.

We understand, Mr. Speaker, that it is important to invest in our educational institutions. It is important to invest in math, science, and engineering now so that we can be competitive in this global economy, so that we can be the place where the jobs of tomorrow locate.

This budget that we are proposing, Mr. Speaker, increases funding for efficient and renewable energy programs. It rejects the President's cuts to research, as well as his proposed cuts to weatherization assistance for lower income families, and it invests in renewable clean energy alternatives. This budget invests in education, as I mentioned. It provides significantly more than the President proposed. And it invests in infrastructure, in our highways, water, and other infrastructure by providing sufficient funding in a reserve fund to facilitate new initiatives in a deficit-neutral manner.

On a whole range of issues, Democrats have decided to chart a very different course than what the Republicans have proposed for the previous years. I am proud of the fact that we are moving this country in a different direction, and the sad part is that we have to dig ourselves out of this mess that they created.

This is a budget that I think we can be proud of, and I would urge all my colleagues to support it.

I reserve my time at this point.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong, strong opposition to this budget.

Mr. Speaker, this budget conference report calls for record tax increases and it increases discretionary spending by $241 billion above the President's budget over the next 5 years. It does nothing to reform entitlement or earmarks. Even worse, the Democrats have already signaled their intent to put off the appropriations until next January, at the earliest, making this budget an exercise in futility.

Mr. Speaker, I wanted also to say something about the energy crisis that we are in today. On April 24, 2006, Mr. Speaker, that is almost 2 years ago, then-minority leader NANCY PELOSI stated in a press conference that, and I quote, "Democrats have a commonsense plan to help bring down skyrocketing gas prices." Not only have House Democrats failed to offer any meaningful solutions to address gas prices, they have actually put forward policies that will have exactly the opposite effect. She made this statement April 24, 2006, 6 months before the November elections, when the Democrats did gain the majority.

Since taking control of Congress, Mr. Speaker, gasoline prices have skyrocketed by more than $1.60 a gallon in my home State of Georgia. In fact, in Georgia's 11th District, my congressional district, northwest Georgia, working families are now paying as much as $3.78 for a gallon of regular gasoline.

Every dollar counts, Mr. Speaker, and families should not have to spend them on this "Pelosi premium." They need to buy school equipment, they need to put shoes on their children's feet, they need to buy clothes this fall. Every dollar indeed counts, Mr. Speaker. Working families and their budgets need relief. They do not need more broken promises. Energy prices are rising, cost of living expenses are up, and the Democrats do-nothing leadership has proven that it's content to just sit on the sidelines and do little, other than raise taxes and increase spending.

With gasoline prices skyrocketing, our dependence on foreign oil increasing, and the American peoples' anxiety growing, it is long past time to increase the supply of American-made energy to help lower these prices here at home.

Mr. Speaker, I am not holding my breath for a commonsense plan. Maybe there was a plan, but it sure wasn't common sense, and it definitely didn't lower gas prices. That is what Speaker PELOSI promised the American people 2 years ago. I hope the Democrats will begin working with the Republicans and let's do lower energy prices. Let's have a meaningful energy bill that makes sense.

With that, Mr. Speaker, again, I oppose this rule on the budget resolution, and I ask my colleagues on the other side of the aisle, let's do something meaningful about gas prices.

Mr. McGOVERN. Mr. Speaker, I would just simply respond to the gentleman by saying we have proposed many meaningful measures to try to deal with not only the current energy prices but also to come up with a long-term plan so that we are not so reliant on foreign oil. Unfortunately, it's difficult to get things done with Republican obstructionism and a President who vetoes everything. Any good idea to invest more in renewable clean alternative energy sources, to further develop second or third generation biofuels, this President objects to. The only thing he likes is if we give more to the oil companies.

We had the DICK CHENEY "secret energy task force," which we don't know all the details because the public was denied access to this information. But we do know this, that the outcome of that was more of the same. More drilling, more drilling, more reliance on oil, more reliance on oil. The same old, same old. We are done with that. We are done with that.

I should remind everybody that when George Bush became President, a gallon of gasoline was $1.47. Now it's in excess of $3.79. In some places, over $4. So that is what has resulted from their policies and their obstructionism. As I said before, and I will say it again, the good news is the American people get it. They are tired of it. That is why we are seeing in hard-core Republican congressional districts Democratic victories. Things are changing.

I reserve my time, Mr. Speaker.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished ranking member of the Appropriations Committee, Mr. LEWIS of California.

Mr. LEWIS of California. I thank my colleague from Florida.

Mr. Speaker, I have only one good thing to say about the Democrat majority's budget resolution. Unlike the only other budget-related legislation considered by the House this year, at least this resolution, the budget resolution, follows regular order, not like the Appropriations Committee process this year.

□ 1245

Having looked at this budget in some detail, my advice to working families is simple: Hold on to your wallet. For the first time in history, the proposed discretionary budget will exceed $1 trillion. Think about that. $1 trillion. This bloated budget blueprint is a clear demonstration that the Democrat majority in Congress is keenly focused on dipping into your pockets to take more and more of your hard-earned money.

This budget shows that the Democrat majority will raise taxes without hesitation to support its addiction to spending. And it shows that Democrats in Congress are not interested in making difficult choices, setting priorities or rooting out waste in government spending. While our constituents struggle to keep up with their budgets, to fill their automobiles with gasoline, to buy groceries, for example, Democrats want to spend and tax to continue their dance in the majority.

Mr. McGOVERN. Mr. Speaker, before yielding to the next speaker, I would just respond by saying to my friends on the other side of the aisle, you have had your chance. You were in control of this institution for many years and you had a Republican President, and what you did was create a situation, the one we are in right now, where we have the largest debt in the history of the United States of America.

The American people have rejected very clearly your policies and they are looking for a new direction, and that is what Democrats are going to offer.

Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from Pennsylvania, a member of the Budget Committee, Ms. SCHWARTZ.

Ms. SCHWARTZ. Mr. Speaker, as a member of the Budget Committee, I believe that Congress has an obligation to move our country forward with sound fiscal policy and smart, forward-thinking investments to make America stronger, safer and more secure. I want to thank Chairman SPRATT and the Democratic leadership for their steadfast commitment to a spending blueprint that is fiscally sound and reflects Americans' priorities.

This budget reflects the priorities of Americans while balancing the budget by 2012 without adding to our national debt. It ensures tax relief for middle class American families by committing to an immediate and long-term fix to the alternative minimum tax. And it reflects our commitment to quality health care for all Americans by sustaining and strengthening health benefits for our veterans, our seniors, our children, the disabled, promoting innovation and medical research, and responsibly addressing growing costs, inefficiencies and abuses in the system.

This budget is a first step towards making our economy stronger, our country safer, and guiding us towards a new direction, the right direction for building success for American businesses and for American families, building this country's future.

I urge my colleagues to support passage of this sound and fiscally responsible budget for America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

It has been an interesting debate. Basically I have heard two contradictory arguments. One is that when the Republicans were in the majority, we didn't spend enough on social programs. I remember every year of our majority, for example, increasing veterans spending. As a matter of fact, there has been significant criticism of Republicans when we were in the majority for too much spending globally and in general. I have heard basically two different theories. So I wish that our friends on the other side the aisle would kind of choose which of the two scripts to read. Either we spent too much, or we spent too little.

The reality is that in the Democrats' budget, basically it is a blindfold budget, Mr. Speaker, because the minefields that are laying before the future of this Nation, the needs that we do have to look at and see how we are going to address, the major problems facing this Nation, for example, entitlement reform, all the objective, nonpartisan economists and other experts will tell us that we need to look at such matters in the future of this Nation. But they are not even touched upon, not even mentioned, by the majority in its budget.

Obviously they have a tremendous amount of increased spending. It is evident. They don't call them tax increases, they call them the end of tax cuts. But there are massive tax increases that will be required to fund the Democrats' budget, and then the great problems facing this Nation are simply in blindfold fashion ignored. So it is a very shortsighted budget, it is fiscally irresponsible, and certainly we hope that all Members will oppose it.

Mr. Speaker, this rule provides obviously for consideration of the budget conference report. Budgets inevitably are a very important issue, and especially to many Americans who are taking nowadays a deeper, more careful look into their own budgets, because every day the rising cost of gasoline is taking more and more of their hard-earned income. Part of the reason that we are seeing increasing gas prices is because we have become more and more dependent on foreign oil while avoiding development of domestic energy sources.

I learned the other day how more than 80 percent of the electricity generated in France, for example, is from nuclear power. There is a very strong environmental movement in France, and yet in consensus fashion there they have moved forward with nuclear energy.

Imagine if we had built nuclear power plants. We haven't in about 30 years, nor any refineries. Imagine the amount of oil that we would be saving, how consumption would be reduced, if we also had had the vision and the determination to build nuclear power plants, safe, new nuclear plants in this country to substitute for oil. Well, we haven't. So part of the reason that we are seeing increasing gas prices is because we have become more and more dependent on foreign oil, while avoiding developing domestic energy sources.

Now, one important source of domestic energy is the Arctic National Wildlife Refuge in Alaska. However, efforts to develop just a tiny portion of ANWR have been fought and blocked to the detriment of America's energy independence, even though the people of Alaska, Mr. Speaker, are overwhelmingly in favor of searching for energy there. With the price of gasoline reaching records every day, we should be looking to do all we can to lower the price of gasoline, and that includes domestic exploration, when the people of a State wish to search for energy.

Today I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider an amendment that would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil, by permitting the extraction of oil in the Arctic National Wildlife Refuge; as the people of that great State and their Senators and Representative here in Congress wish to do.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting "no" on the previous question, Members can take a stand against high fuel prices and our reliance on foreign energy sources.

I ask for a "no" vote on the previous question.

I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, I am going to urge my colleagues to support this rule and to support the budget. It is amusing to hear my friends on the Republican side try to offer solutions on how to deal with the energy crisis, when they created it. This is their responsibility. This is a direct result of their failed policies; not investing in clean, renewable alternative energy sources; not building the necessary infrastructure to cultivate these new forms of energy; not investing in second and third generation biofuels. Instead, their policies have been the same old, same old.

My friend from Florida talks about ANWR. Boy, what a creative idea. Let's rely on the oil companies, the same companies that are gouging American taxpayers each and every day, making record profits. Let's do what they want us to do. Maybe the time has come to set a new direction.

With regard to this budget, our budget I think represents responsible governing. Their budgets, when they could ever actually pass budgets—and, by the way, when they were in charge they very rarely did; they especially couldn't muster votes during an election year—represent what I believe is irresponsible governing. They spent a ton of money. They spent too much money, by the way, on oil company subsidies and tax breaks, more and more to the oil companies. They spent too much on the wealthiest Americans, who didn't need any help, who weren't struggling. They spent too much on a misguided war in Iraq that we should never have fought to begin with. And they paid for all of this by passing the costs on to future generations by borrowing from other countries. We are more in debt because of their leadership to China and to India and to other countries.

Enough is enough. Again, that is why you are seeing in these hard-core Republican congressional districts Democrats winning, because the American people, Democrats and Republicans and independents, have had it with the Republican priorities.

Let me just close by reminding my colleagues that within this budget there are important investments, smart energy investments. This conference agreement on the budget provides $7.7 billion in funding for renewable energy, energy efficiency and other energy programs, which is, by the way, $2.8 billion more than the 2008 level. This budget, this Democratic budget, rejects President Bush's budget cuts to energy efficiency and renewable energy programs, including his proposed cuts to the solar energy program, and we reject his suggestion that we terminate the weatherization assistance program. Boy, talk about going in the wrong direction.

This budget, Mr. Speaker, invests $2 billion to create "green collar" jobs in our Nation's communities, because Democrats understand that not only do we need to be better stewards of our environment and become energy independent, but we also realize that there is the potential to create countless jobs in the area of environmental technologies. And this budget, Mr. Speaker, also includes a deficit neutral reserve fund to accommodate legislation that provides tax incentives for renewable energy or energy efficiency.

This is a good budget. If you want to deal not only with the short-term issues involving energy, but the long-term issues, then this is the budget you should vote for.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1214 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law. The first reading of the bill shall he dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall he considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Arctic National Wildlife Refuge. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion or consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: Ordering the previous question on House Resolution 1212; Adopting the resolution, if ordered; Ordering the previous question on House Resolution 1213; Adopting the resolution, if ordered; Ordering the previous question on House Resolution 1214; Adopting the resolution, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 6049, RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1212, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 223, nays 190, not voting 21, as follows:

[Roll No. 338]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Brown, Corrine
Castor
Coble
Crenshaw
Cubin
Fortenberry
Gillibrand
Kennedy
King (IA)
Kingston
Olver
Reynolds
Rush
Sensenbrenner
Sessions
Slaughter
Solis
Speier
Tiahrt
Wexler

☐ 1322

Mr. ROHRABACHER changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SPEIER. Mr. Speaker, on rollcall No. 338, I was meeting with Emergency Room Physicians from California on H.R. 882, Access to Emergency Medical Services Act. Had I been present, I would have voted "yea."

Stated against:

Mr. KING of Iowa. Mr. Speaker, I was detained while attempting to reach the floor to cast my vote on rollcall 338 earlier this afternoon. Had I been able to reach the floor before the vote was closed, I would have voted "no."

Mr. COBLE. Mr. Speaker, on rollcall No. 338, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 194, not voting 17, as follows:

[Roll No. 339]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Boustany
Brown, Corrine
Castor
Coble
Crenshaw
Edwards
Gillibrand
Kennedy
Kingston
Lynch
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 1331

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 339, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1213, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 186, not voting 13, as follows:

[Roll No. 340]

YEAS—235

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg

Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Andrews
Brown, Corrine
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Kingston
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 1339

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. COBLE, Mr. Speaker, on rollcall No. 340, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1214, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 186, not voting 19, as follows:

[Roll No. 341]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Becerra
Biggert
Broun (GA)
Brown, Corrine
Butterfield
Castor
Coble
Crenshaw
Edwards
Gillibrand
Kennedy
Kingston
Pickering
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 1346

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 341, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 199, not voting 16, as follows:

[Roll No. 342]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins

Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre

McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David

Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)

Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick

Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns

Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Biggert
Brown, Corrine
Castor
Coble
Crenshaw

Forbes
Gillibrand
Green, Gene
Kennedy
Kingston
Rush

Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1354

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 342, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, on rollcall Nos. 338, 339, 340, 341, and 342, I was at a bill signing at the White House. Had I been present, I would have voted "yea" on all.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 1212, I call up the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Energy and Tax Extenders Act of 2008".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
Sec. 106. New clean renewable energy bonds.

PART II—CARBON MITIGATION PROVISIONS

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.

Subtitle B—Transportation and Domestic Fuel Security Provisions

Sec. 121. Credit for production of cellulosic biofuel.
Sec. 122. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 123. Credits for biodiesel and renewable diesel.
Sec. 124. Modification of alcohol credit.
Sec. 125. Calculation of volume of alcohol for fuel credits.
Sec. 126. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 127. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 128. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 129. Restructuring of New York Liberty Zone tax credits.
Sec. 130. Transportation fringe benefit to bicycle commuters.
Sec. 131. Alternative fuel vehicle refueling property credit.
Sec. 132. Comprehensive study of biofuels.

Subtitle C—Energy Conservation and Efficiency Provisions

Sec. 141. Qualified energy conservation bonds.
Sec. 142. Credit for nonbusiness energy property.
Sec. 143. Energy efficient commercial buildings deduction.
Sec. 144. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 145. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 146. Qualified green building and sustainable design projects.

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

Sec. 201. Deduction for State and local sales taxes.

Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Treatment of certain dividends of regulated investment companies.
Sec. 204. Qualified conservation contributions.
Sec. 205. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 206. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 207. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 208. Modification of mortgage revenue bonds for veterans.
Sec. 209. Distributions from retirement plans to individuals called to active duty.
Sec. 210. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 211. Qualified investment entities.
Sec. 212. Exclusion of amounts received under qualified group legal services plans.

Subtitle B—Extensions Primarily Affecting Businesses

Sec. 221. Research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 226. Seven-year cost recovery period for motorsports racing track facility.
Sec. 227. Accelerated depreciation for business property on Indian reservation.
Sec. 228. Expensing of environmental remediation costs.
Sec. 229. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 230. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 231. Qualified zone academy bonds.
Sec. 232. Tax incentives for investment in the District of Columbia.
Sec. 233. Economic development credit for American Samoa.
Sec. 234. Enhanced charitable deduction for contributions of food inventory.
Sec. 235. Enhanced charitable deduction for contributions of book inventory to public schools.
Sec. 236. Enhanced deduction for qualified computer contributions.
Sec. 237. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 238. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 239. Subpart F exception for active financing income.
Sec. 240. Look-thru rule for related controlled foreign corporations.
Sec. 241. Expensing for certain qualified film and television productions.

Subtitle C—Other Extensions

Sec. 251. Authority to disclose information related to terrorist activities made permanent.
Sec. 252. Authority for undercover operations made permanent.
Sec. 253. Authority to disclose return information for certain veterans programs made permanent.
Sec. 254. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.

TITLE III—ADDITIONAL TAX RELIEF

Subtitle A—Individual Tax Relief

Sec. 301. Additional standard deduction for real property taxes for nonitemizers.
Sec. 302. Refundable child credit.
Sec. 303. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

Subtitle B—Business Related Provisions

Sec. 311. Uniform treatment of attorney-advanced expenses and court costs in contingency fee cases.
Sec. 312. Provisions related to film and television productions.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

Sec. 321. Modification of penalty on understatement of taxpayer's liability by tax return preparer.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

Sec. 331. Certain GO Zone incentives.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 402. Delay in application of worldwide allocation of interest.
Sec. 403. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking "January 1, 2009" and inserting "January 1, 2012":

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking "the 8 cent amount in paragraph (1)," in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

"(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

"(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

"(i) the applicable percentage with respect to such facility, multiplied by

"(ii) the eligible basis of such facility.

"(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

"(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

"(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

"(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

"(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

"(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGES.—The applicable percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

"(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

"(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

"(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

"(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

"(D) ELIGIBLE BASIS.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

"(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

"(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

"(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

"(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

"(I) which a qualified facility will require for utilization of such facility, and

"(II) which is not a qualified facility.

"(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

"(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT, PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

"(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar year.".

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: "The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.".

(f) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

"(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

"(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

"(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

"(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.".

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking "January 1, 2012" and inserting "the date of the enactment of paragraph (11)".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking "January 1, 2009" and inserting "January 1, 2015".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and".

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by inserting "or" at the end of clause (iv), and by adding at the end the following new clause:

"(v) combined heat and power system property,".

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

"(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

"(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

"(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications), "(B) which produces—

"(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

"(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

"(C) the energy efficiency percentage of which exceeds 60 percent, and

"(D) which is placed in service before January 1, 2015.

"(2) LIMITATION.—

"(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

"(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

"(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

"(3) SPECIAL RULES.—

"(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

"(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

"(ii) the denominator of which is the lower heating value of the fuel sources for the system.

"(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

"(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

"(A) paragraph (1)(C) shall not apply, but

"(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.".

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking "$500" and inserting "$1,500".

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking "$2,000" and inserting "$4,000".

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking "$6,667" and inserting "$13,333".

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.".

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.".

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.".

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(5). QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

"(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

"(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

"(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.".

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting "(before January 1, 2010, in the case of a qualified electric utility)" after "January 1, 2008".

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

"(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

"(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).".

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking "December 31, 2007" and inserting "the date which is 4 years after the close of the taxable year in which the transaction occurs".

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.".

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

"Subpart I—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.
"Sec. 54B. New clean renewable energy bonds.

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

"(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

"(2) SPECIAL RULES RELATING TO EXPENDITURES.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

"(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

"(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

"(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

"(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

"(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

"(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

"(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

"(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

"(4) SPECIAL RULES RELATING TO ARBITRAGE.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

"(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

"(i) such fund is funded at a rate not more rapid than equal annual installments,

"(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

"(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

"(5) MATURITY LIMITATION.—

"(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

"(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

"(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

"(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).

"(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

"(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

"(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

"(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

"(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

"(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

"(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

"(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

"(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

"(3) METHOD OF ALLOCATION.—

"(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

"(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

"(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

"(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

"(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

"(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) REPORTING.—Subsection (d) of section 6049 is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking "subpart C" and inserting "subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking "subpart H" and inserting "subparts H and I''.

(3) Section 6401(b)(1) is amended by striking "and H" and inserting "H, and I''.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking "**Certain Bonds**" and inserting "**Clean Renewable Energy Bonds**''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

"SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

"SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(d) APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—CARBON MITIGATION PROVISIONS

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking "and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and'', and by adding at the end the following new paragraph:

"(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking "$1,300,000,000'' and inserting "$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

"(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

"(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking "and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting "; and'', and by adding at the end the following new subparagraph:

"(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking "and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting ", and'', and by adding at the end the following new subparagraph:

"(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

"(h) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking "and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

"(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking "INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting "CERTAIN''.

(d) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—Section 48A, as amended by subsection (c)(3), is amended by adding at the end the following new subsection:

"(i) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

"(1) is consistent with the objectives of such section,

"(2) is requested by the recipient of the competitive certification award, and

"(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

(e) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

"(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

(3) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (e) shall apply to certifications made after the date of the enactment of this Act.

(4) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting "(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after "20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking "shall not exceed $350,000,000'' and all that follows and inserting "shall not exceed—

"(A) $350,000,000, plus

"(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

"(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).".

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

"(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

"(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

"(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking "January 1, 2014" in subparagraph (A) and inserting "December 31, 2018", and

(2) by striking "January 1 after 1981" in subparagraph (B) and inserting "December 31 after 2007".

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term "settlement with the Federal Government" shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term "coal producer" means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term "exporter" means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term "a party related to such coal producer" means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term "Secretary" means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 is amended by striking "plus" at the end of paragraph (1), by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the cellulosic biofuel producer credit.".

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

"(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means $1.01, except that such amount shall, in the case of cellulosic biofuel which is alcohol, be reduced by the sum of—

"(i) the amount of the credit in effect for such alcohol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

"(ii) in the case of ethanol, the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by the taxpayer, and which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and gasoline or of cellulosic biofuel and a special fuel which—

"(i) is sold by the person producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the person producing such mixture.

"(E) CELLULOSIC BIOFUEL.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'cellulosic biofuel' means any liquid fuel which—

"(I) is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

"(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

"(ii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

"(G) REGISTRATION REQUIREMENT.—No credit shall be determined under this paragraph with respect to any taxpayer unless such taxpayer is registered with the Secretary as a producer of cellulosic biofuel under section 4101.

"(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2016.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 is amended—

(A) by inserting "or subsection (b)(6)(H)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 4101(a) is amended—

(i) by striking "and every person" and inserting ", every person", and

(ii) by inserting ", and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))" after "section 6426(b)(4)(A))".

(B) The heading of section 40, and the item relating to such section in the table of sections for subpart D of part IV of subchapter A of chapter 1, are each amended by inserting ", etc.," after "Alcohol".

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount (as defined in subsection (b)(6)(B)) for each gallon of such cellulosic biofuel.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States and used as a fuel in the United States. For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting "(determined without regard to any qualified cellulosic biofuel production)" after "15,000,000 gallons".

(f) DENIAL OF DOUBLE BENEFIT.—

(1) BIODIESEL.—Paragraph (1) of section 40A(d) is amended by adding at the end the following new flush sentence:

"Such term shall not include any liquid with respect to which a credit may be determined under section 40.".

(2) RENEWABLE DIESEL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new flush sentence:

"Such term shall not include any liquid with respect to which a credit may be determined under section 40.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2008.

SEC. 122. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

"(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biofuel",

(2) by striking "CELLULOSIC BIOMASS ETHANOL" in the heading of such subsection and inserting "CELLULOSIC BIOFUEL", and

(3) by striking "CELLULOSIC BIOMASS ETHANOL" in the heading of paragraph (2) thereof and inserting "CELLULOSIC BIOFUEL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 123. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking "50 cents" and inserting "$1.00".

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

"(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.".

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

"(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.".

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking "subsection (b)(5)(C)" and inserting "subsection (b)(4)(C)".

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking "subsection (b)(5)(B)" and inserting "subsection (b)(4)(B)".

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking "diesel fuel" and inserting "liquid fuel",

(2) by striking "using a thermal depolymerization process", and

(3) by striking "or D396" in subparagraph (B) and inserting ", D396, or other equivalent standard approved by the Secretary".

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence:

"Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking "(as defined in section 45K(c)(3))".

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

"The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

SEC. 124. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—The table in paragraph (2) of section 40(h) is amended—

(A) by striking "through 2010" in the first column and inserting ", 2006, 2007, or 2008",

(B) by striking the period at the end of the third row, and

(C) by adding at the end the following new row:

"2009 through 2010.	45 cents	33.33 cents.".

(2) EXCEPTION.—Section 40(h) is amended by adding at the end the following new paragraph:

"(3) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—

"(A) IN GENERAL.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in subparagraph (B) with respect to all preceding calendar years beginning after 2007, the last row in the table in paragraph (2) shall be applied by substituting '51 cents' for '45 cents'.

"(B) DETERMINATION.—A determination described in this subparagraph with respect to any calendar year is a determination, in consultation with the Administrator of the Environmental Protection Agency, that an amount less than 7,500,000,000 gallons of ethanol (including cellulosic ethanol) has been produced in or imported into the United States in such year.".

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 6426(b)(2) (relating to alcohol fuel mixture credit) is amended by striking "the applicable amount is 51 cents" and inserting "the applicable amount is—

"(i) in the case of calendar years beginning before 2009, 51 cents, and

"(ii) in the case of calendar years beginning after 2008, 45 cents.".

(2) EXCEPTION.—Paragraph (2) of section 6426(b) is amended by adding at the end the following new subparagraph:

"(C) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in section 40(h)(3)(B) with respect to all preceding calendar years beginning after 2007, subparagraph (A)(ii) shall be applied by substituting '51 cents' for '45 cents'."

(3) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 125. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) is amended by striking "5 percent" and inserting "2 percent".

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 126. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

"(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

"(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

"(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

"(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

"(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 127. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE DOLLAR LIMITATION.—

"(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

"(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

"(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

"(c) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) PERSONAL CREDIT.—

"(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

"(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over “(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

“(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘new qualified plug-in electric drive motor vehicle’ means a motor vehicle (as defined in section 30(c)(2))—

“(A) the original use of which commences with the taxpayer,

“(B) which is acquired for use or lease by the taxpayer and not for resale,

“(C) which is made by a manufacturer,

“(D) which has a gross vehicle weight rating of less than 14,000 pounds,

“(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

“(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

“(i) has a capacity of not less than 4 kilowatt hours, and

“(ii) is capable of being recharged from an external source of electricity.

“(2) EXCEPTION.—The term ‘new qualified plug-in electric drive motor vehicle’ shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

“(3) OTHER TERMS.—The terms ‘passenger automobile’, ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(4) BATTERY CAPACITY.—The term ‘capacity’ means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

“(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

“(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

“(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

“(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

“(A) 50 percent for the first 2 calendar quarters of the phaseout period,

“(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

“(C) 0 percent for each calendar quarter thereafter.

“(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

“(f) SPECIAL RULES.—

“(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under sub- section (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

“(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

“(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

“(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

“(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.”.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

“(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.”.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking “and” each place it appears at the end of any paragraph,

(2) by striking “plus” each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting “, plus”, and

(4) by adding at the end the following new paragraph:

“(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.”.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking “and 25D” and inserting “25D, and 30D”.

(B) Section 25(e)(1)(C)(ii) is amended by inserting “30D,” after “25D,”.

(C) Section 25B(g)(2), as amended by section 104, is amended by striking “and 25D” and inserting “, 25D, and 30D”.

(D) Section 26(a)(1), as amended by section 104, is amended by striking “and 25D” and inserting “25D, and 30D”.

(E) Section 1400C(d)(2) is amended by striking “and 25D” and inserting “25D, and 30D”.

(2) Section 1016(a) is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30D(f)(1).”.

(3) Section 6501(m) is amended by inserting “30D(f)(4),” after “30C(e)(5),”.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

“(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking “sections 27, 30, and 30B” and inserting “sections 27 and 30”.

(B) Paragraph (3) of section 55(c) is amended by striking “30B(g)(2),”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 128. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

“(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

“(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

“(B) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

“(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 129. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

“SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

“(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

“(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualifying project expenditure amount’ means, with respect to any calendar year, the sum of—

“(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

“(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

"(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

"(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.".

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting "(in the case of nonresidential real property and residential rental property, the date of the enactment of the Energy and Tax Extenders Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "section 1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

"Sec. 1400L. New York Liberty Zone tax credits.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 130. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

"(D) Any qualified bicycle commuting reimbursement.".

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.".

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

"(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

"(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

"(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

"(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

"(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

"(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).".

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting "(other than a qualified bicycle commuting reimbursement)" after "qualified transportation fringe".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 131. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking "30 percent" in subsection (a) and inserting "50 percent", and

(2) by striking "$30,000" in subsection (b)(1) and inserting "$50,000".

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 132. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable in United States forests and farmlands, including the current quantities and character of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels,

(3) the domestic effects of an increase in biofuels production levels, including the effects of such levels on—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage, forest acreage, and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops and unprocessed forest products,

(G) exports and imports of grains and unprocessed forest products,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation,

(6) the impact of the tax credit established by section 121 of this Act on the regional agricultural and silvicultural capabilities of commercially available forest inventories, and

(7) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The Secretary of the Treasury shall submit an initial report of the findings of the study required under subsection (a) to Congress not later than 6 months after the date of the enactment of this Act (36 months after such date in the case of the information required by subsection (a)(6)), and a final report not later than 12 months after such date (42 months after such date in the case of the information required by subsection (a)(6)).

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 106, is amended by adding at the end the following new section:

"SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

"(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

"(2) the bond is issued by a State or local government, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

"(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

"(e) ALLOCATIONS.—

"(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

"(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

"(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

"(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

"(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

"(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

"(A) Capital expenditures incurred for purposes of—

"(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

"(ii) implementing green community programs,

"(iii) rural development involving the production of electricity from renewable energy resources, or

"(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

"(B) Expenditures with respect to research facilities, and research grants, to support research in—

"(i) development of cellulosic ethanol or other nonfossil fuels,

"(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

"(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

"(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

"(v) technologies to reduce energy use in buildings.

"(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

"(D) Demonstration projects designed to promote the commercialization of—

"(i) green building technology,

"(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

"(iii) advanced battery manufacturing technologies,

"(iv) technologies to reduce peak use of electricity, or

"(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

"(E) Public education campaigns to promote energy efficiency.

"(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

"(g) POPULATION.—

"(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

"(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

"(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

"(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

"(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 106, is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a new clean renewable energy bond, or

"(B) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2), as added by section 106, is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

"(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54C. Qualified energy conservation bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d) is amended by striking subparagraph (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

"(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

"(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

"(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by inserting after clause (ii) the following new clauses:

"(iii) any qualified smart electric meter, and

"(iv) any qualified smart electric grid system.".

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

“(18) Qualified smart electric meters.—

“(A) In general.—The term ‘qualified smart electric meter’ means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

“(B) Smart electric meter.—For purposes of subparagraph (A), the term ‘smart electric meter’ means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

“(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

“(ii) provides for the exchange of information between supplier or provider and the customer’s electric meter in support of time-based rates or other forms of demand response,

“(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

“(iv) provides net metering.

“(19) Qualified smart electric grid systems.—

“(A) In general.—The term ‘qualified smart electric grid system’ means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

“(B) Smart grid property.—For the purposes of subparagraph (A), the term ‘smart grid property’ means electronics and related equipment that is capable of—

“(i) sensing, collecting, and monitoring data of or from all portions of a utility’s electric distribution grid,

“(ii) providing real-time, two-way communications to monitor or manage such grid, and

“(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.”.

(c) Continued Application of 150 Percent Declining Balance Method.—Paragraph (2) of section 168(b) is amended by striking “or” at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

“(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or”.

(d) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) In General.—Paragraph (8) of section 142(l) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(b) Treatment of Current Refunding Bonds.—Paragraph (9) of section 142(l) is amended by striking “October 1, 2009” and inserting “October 1, 2012”.

(c) Accountability.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking “issuance,” and inserting “issuance of the last issue with respect to such project,”.

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) In General.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2008” and inserting “January 1, 2009”.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) In General.—Subsection (e) of section 222 is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) Interest-Related Dividends.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(b) Short-Term Capital Gain Dividends.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(c) Effective Date.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 204. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) In General.—Paragraphs (1)(E)(vi) and (2)(B)(iii) of section 170(b) are each amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(b) Effective Date.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) In General.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(b) Effective Date.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 206. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) In General.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2007” and inserting “2007, or 2008”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 207. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) In General.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking “January 1, 2008” and inserting “January 1, 2009”.

(b) Conforming Amendment.—Paragraph (4) of section 6428(e) is amended by striking “except that” and all that follows through “such term” and inserting “except that such term”.

(c) Effective Date.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 208. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) Qualified Mortgage Bonds Used To Finance Residences for Veterans Without Regard to First-Time Homebuyer Requirement.—Subparagraph (D) of section 143(d)(2) is amended by striking “January 1, 2008” and inserting “January 1, 2009”.

(b) Effective Date.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 209. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) In General.—Clause (iv) of section 72(t)(2)(G) is amended by striking “December 31, 2007” and inserting “January 1, 2009”.

(b) Effective Date.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 210. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) In General.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(b) Effective Date.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 211. QUALIFIED INVESTMENT ENTITIES.

(a) In General.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any payment made on or before the date of the enactment of this Act.

SEC. 212. EXCLUSION OF AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) In General.—Subsection (e) of section 120 is amended by striking “shall not apply to taxable years beginning after June 30, 1992” and inserting “shall apply to taxable years beginning after December 31, 2007, and before January 1, 2009”.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle B—Extensions Primarily Affecting Businesses

SEC. 221. RESEARCH CREDIT.

(a) In General.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(b) Computation of Credit for Taxable Year in Which Credit Terminates.—Paragraph (2) of section 41(h) is amended to read as follows:

“(2) Computation of credit for taxable year in which credit terminates.—

“(A) In general.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year, the applicable base amount with respect to such taxable year shall be the amount which bears the same ratio to such applicable amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.

“(B) Applicable base amount.—For purposes of subparagraph (A), the term ‘applicable base amount’ means, with respect to any taxable year—

“(i) except as otherwise provided in this subparagraph, the base amount for the taxable year,

“(ii) in the case of a taxable year with respect to which an election under subsection (c)(4) (relating to election of alternative incremental credit) is in effect, the average described in subsection (c)(1)(B) for the taxable year, and

"(iii) in the case of a taxable year with respect to which an election under subsection (c)(5) (relating to election of alternative simplified credit) is in effect, the average qualified research expenses for the 3 taxable years preceding the taxable year.".

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) is amended by striking "and 2008" and inserting "2008, and 2009".

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 225. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 226. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 227. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 229. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking "first 2 taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 230. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 231. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 106 and 141, is amended by adding at the end the following new section:

"SEC. 54D. QUALIFIED ZONE ACADEMY BONDS.

"(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

"(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

"(3) the issuer—

"(A) designates such bond for purposes of this section,

"(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

"(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

"(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008, and, except as provided in paragraph (4), zero thereafter.

"(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

"(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

"(4) CARRYOVER OF UNUSED LIMITATION.—

"(A) IN GENERAL.—If for any calendar year—

"(i) the limitation amount for any State, exceeds

"(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

"(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

"(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

"(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

"(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

"(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) rehabilitating or repairing the public school facility in which the academy is established,

"(B) providing equipment for use at such academy,

"(C) developing course materials for education to be provided at such academy, and

"(D) training teachers and other school personnel in such academy.

"(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

"(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment), "(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(C) services of employees as volunteer mentors,

"(D) internships, field trips, or other educational opportunities outside the academy for students, or

"(E) any other property or service specified by the eligible local education agency.".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 54A(d), as amended by sections 106 and 141, is amended by striking "or" at the end of subparagraph (A), by inserting "or" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) a qualified zone academy bond,".

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 106 and 141, is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) in the case of a qualified zone academy bond, a purpose specified in section 54D(a)(1).".

(3) Section 1397E is amended by adding at the end the following new subsection:

"(m) Termination.—This section shall not apply to any obligation issued after the date of the enactment of this Act.".

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54D. Qualified zone academy bonds.".

(c) Effective Date.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 232. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) Designation of Zone.—

(1) In general.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2008".

(2) Effective date.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) Tax-Exempt Economic Development Bonds.—

(1) In general.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2008".

(2) Effective date.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) Zero Percent Capital Gains Rate.—

(1) In general.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2009".

(2) Conforming amendments.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2013", and

(ii) by striking "2012" in the heading thereof and inserting "2013".

(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2013".

(C) Section 1400F(d) is amended by striking "2012" and inserting "2013".

(3) Effective dates.—

(A) Extension.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) Conforming amendments.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) First-Time Homebuyer Credit.—

(1) In general.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2009".

(2) Effective date.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 233. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) In General.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 234. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Clause (iv) of section 170(e)(3)(C) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 235. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) In General.—Clause (iv) of section 170(e)(3)(D) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) In General.—Subparagraph (G) of section 170(e)(6) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 237. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) In General.—The last sentence of section 1367(a)(2) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 238. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) In General.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting "3-year".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 239. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) Exempt Insurance Income.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Exception to Treatment as Foreign Personal Holding Company Income.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

SEC. 240. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) In General.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 241. EXPENSING FOR CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) In General.—Subsection (f) of section 181 is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to productions commencing after December 31, 2008.

Subtitle C—Other Extensions

SEC. 251. AUTHORITY TO DISCLOSE INFORMATION RELATED TO TERRORIST ACTIVITIES MADE PERMANENT.

(a) In General.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) Disclosure on Request.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) Effective Date.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

(a) In General.—Subsection (c) of section 7608 is amended by striking paragraph (6).

(b) Effective Date.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 253. AUTHORITY TO DISCLOSE RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS MADE PERMANENT.

(a) In General.—Paragraph (7) of section 6103(l) is amended by striking the last sentence thereof.

(b) Conforming Amendment.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

(c) Effective Date.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 254. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) In General.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

TITLE III—ADDITIONAL TAX RELIEF

Subtitle A—Individual Tax Relief

SEC. 301. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) In General.—Section 63(c)(1) (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) Definition.—Section 63(c) is amended by adding at the end the following new paragraph:

"(7) Real property tax deduction.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

"(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

"(B) $350 ($700 in the case of a joint return). Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting "($8,500 in the case of taxable years beginning in 2008)" after "$10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 303. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).".

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

"(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

"(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

"(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

Subtitle B—Business Related Provisions

SEC. 311. UNIFORM TREATMENT OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—In the case of any expense or court cost which is paid or incurred in the course of the trade or business of practicing law and the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expense or cost relates, the deduction under subsection (a) shall be determined as if such expense or cost was not subject to repayment.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses and costs paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 312. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

"(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.".

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W-2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.".

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: "A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.".

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

"(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

"(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXPENSING.—The amendments made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2007.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

SEC. 321. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—If a tax return preparer—

"(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

"(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

"(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

"(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

SEC. 331. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109-148, 109-234, or 110-116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

"(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

"SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

"(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

"(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

"(1) any foreign corporation unless substantially all of its income is—

"(A) effectively connected with the conduct of a trade or business in the United States, or

"(B) subject to a comprehensive foreign income tax, and

"(2) any partnership unless substantially all of its income is allocated to persons other than—

"(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

"(B) organizations which are exempt from tax under this title.

"(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

"(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

"(A) such amount shall be so includible in gross income when determinable, and

"(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

"(i) the amount of interest determined under paragraph (2), and

"(ii) an amount equal to 20 percent of the amount of such compensation.

"(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) SUBSTANTIAL RISK OF FORFEITURE.—

"(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

"(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

"(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

"(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

"(I) acquired directly by an investment fund or similar entity,

"(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

"(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

"(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

"(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

"(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

"(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

"(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

"(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

"(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

"(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking "and" at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting ", and", and by adding at the end the following new subparagraph:

"(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).".

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

"Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Notwithstanding section 170(b) of the Internal Revenue Code of 1986, any qualified contribution shall be allowed as a deduction under section 170 of such Code for the taxpayer's last taxable year beginning before 2018 to the extent the aggregate of such contributions made during such taxable year does not exceed the excess of the qualified inclusion amount over the amount of the deduction for all other charitable contributions allowable under section 170 of such Code for such taxable year. Proper adjustments shall be made under section 170(d) to take account of the preceding sentence.

(B) QUALIFIED CONTRIBUTION.—For purposes of this paragraph, the term "qualified contribution" means any charitable contribution (as defined in section 170(c) of such Code) made during taxpayer's last taxable year beginning before 2018 if such contribution is paid in cash to an organization described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term "qualified inclusion amount" means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking "December 31, 2008" and inserting "December 31, 2018".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting "100 percent".

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 36.75 percentage points.

The SPEAKER pro tempore. Pursuant to House Resolution 1212, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Renewable Energy and Job Creation Act of 2008".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
Sec. 106. New clean renewable energy bonds.

PART II—CARBON MITIGATION PROVISIONS

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.

Subtitle B—Transportation and Domestic Fuel Security Provisions

Sec. 121. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 122. Credits for biodiesel and renewable diesel.
Sec. 123. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 124. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 125. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 126. Restructuring of New York Liberty Zone tax credits.
Sec. 127. Transportation fringe benefit to bicycle commuters.
Sec. 128. Alternative fuel vehicle refueling property credit.

Subtitle C—Energy Conservation and Efficiency Provisions

Sec. 141. Qualified energy conservation bonds.
Sec. 142. Credit for nonbusiness energy property.
Sec. 143. Energy efficient commercial buildings deduction.
Sec. 144. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 145. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 146. Qualified green building and sustainable design projects.

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

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Sec. 311. Uniform treatment of attorney-advanced expenses and court costs in contingency fee cases.
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Subtitle D—Extension and Expansion of Certain GO Zone Incentives

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Sec. 401. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 402. Delay in application of worldwide allocation of interest.
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TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking "January 1, 2009" and inserting "January 1, 2012":

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking "the 8 cent amount in paragraph (1)," in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

"(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

"(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

"(i) the applicable percentage with respect to such facility, multiplied by

"(ii) the eligible basis of such facility.

"(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

"(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

"(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

"(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

"(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

"(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGES.—The applicable percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

"(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

"(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

"(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

"(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

"(D) ELIGIBLE BASIS.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

"(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

"(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

"(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

"(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

"(I) which a qualified facility will require for utilization of such facility, and

"(II) which is not a qualified facility.

"(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

"(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

"(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar year.".

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: "The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.".

(f) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

"(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

"(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

"(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

"(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.".

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking "January 1, 2012" and inserting "the date of the enactment of paragraph (11)".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking "January 1, 2009" and inserting "January 1, 2015".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and".

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by inserting "or" at the end of clause (iv), and by adding at the end the following new clause:

"(v) combined heat and power system property,".

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

"(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

"(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

"(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(B) which produces—

"(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

"(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

"(C) the energy efficiency percentage of which exceeds 60 percent, and

"(D) which is placed in service before January 1, 2015.

"(2) LIMITATION.—

"(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

"(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

"(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

"(3) SPECIAL RULES.—

"(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

"(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

"(ii) the denominator of which is the lower heating value of the fuel sources for the system.

"(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

"(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

"(A) paragraph (1)(C) shall not apply, but

"(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.".

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking "$500" and inserting "$1,500".

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years

ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking "$2,000" and inserting "$4,000".

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking "$6,667" and inserting "$13,333".

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.".

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.".

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.".

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

"(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

"(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

"(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.".

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting "(before January 1, 2010, in the case of a qualified electric utility)" after "January 1, 2008".

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

"(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

"(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).".

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking "December 31, 2007" and inserting "the date which is 4 years after the close of the taxable year in which the transaction occurs".

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.".

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

"Subpart I—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.

"Sec. 54B. New clean renewable energy bonds.

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to

any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

"(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

"(2) SPECIAL RULES RELATING TO EXPENDITURES.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

"(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

"(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

"(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

"(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

"(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

"(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

"(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

"(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

"(4) SPECIAL RULES RELATING TO ARBITRAGE.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

"(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

"(i) such fund is funded at a rate not more rapid than equal annual installments,

"(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

"(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

"(5) MATURITY LIMITATION.—

"(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

"(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

"(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

"(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).

"(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

"(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

"(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

"(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

"(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new

clean renewable energy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

"(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

"(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

"(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

"(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

"(3) METHOD OF ALLOCATION.—

"(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

"(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

"(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

"(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

"(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

"(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.".

(b) REPORTING.—Subsection (d) of section 6049 is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking "subpart C" and inserting "subparts C and I".

(2) Section 1397E(c)(2) is amended by striking "subpart H" and inserting "subparts H and I".

(3) Section 6401(b)(1) is amended by striking "and H" and inserting "H, and I".

*(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking "**Certain Bonds**" and inserting "**Clean Renewable Energy Bonds**".*

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

"SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

"SUBPART I. QUALIFIED TAX CREDIT BONDS.".

(d) APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—CARBON MITIGATION PROVISIONS

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking "$1,300,000,000" and inserting "$2,550,000,000".

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

"(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

"(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).".

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.".

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking "and" at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting "; and", and by adding at the end the following new subparagraph:

"(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.".

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking "and" at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.".

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

"(h) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).".

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking "and" at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

"(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and".

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking "INTEGRATED GASIFICATION COMBINED CYCLE" in the heading and inserting "CERTAIN".

(d) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—Section 48A, as amended by subsection (c)(3), is amended by adding at the end the following new subsection:

"(i) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

"(1) is consistent with the objectives of such section,

"(2) is requested by the recipient of the competitive certification award, and

"(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.".

(e) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

"(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

(3) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (e) shall apply to certifications made after the date of the enactment of this Act.

(4) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting "(30 percent in the case of credits allocated under subsection (d)(1)(B))" after "20 percent".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking "shall not exceed $350,000,000" and all that follows and inserting "shall not exceed—

"(A) $350,000,000, plus

"(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.".

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

"(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).".

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

"(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

"(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

"(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking "January 1, 2014" in subparagraph (A) and inserting "December 31, 2018", and

(2) by striking "January 1 after 1981" in subparagraph (B) and inserting "December 31 after 2007".

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term "settlement with the Federal Government" shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term "coal producer" means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term "exporter" means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term "a party related to such coal producer" means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term "Secretary" means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

"(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biofuel",

(2) by striking "CELLULOSIC BIOMASS ETHANOL" in the heading of such subsection and inserting "CELLULOSIC BIOFUEL", and

(3) by striking "CELLULOSIC BIOMASS ETHANOL" in the heading of paragraph (2) thereof and inserting "CELLULOSIC BIOFUEL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 122. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking "50 cents" and inserting "$1.00".

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

"(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.".

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

"(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.".

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking "subsection (b)(5)(C)" and inserting "subsection (b)(4)(C)".

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking "subsection (b)(5)(B)" and inserting "subsection (b)(4)(B)".

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking "diesel fuel" and inserting "liquid fuel",

(2) by striking "using a thermal depolymerization process", and

(3) by striking "or D396" in subparagraph (B) and inserting ", D396, or other equivalent standard approved by the Secretary".

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence: "Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking "(as defined in section 45K(c)(3))".

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following: "The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel."

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

SEC. 123. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

"(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

"(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

"(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

"(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

"(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 124. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE DOLLAR LIMITATION.—

"(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

"(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

"(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

"(c) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the *credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).*

"(2) PERSONAL CREDIT.—

"(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

"(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

"(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

"(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

"(A) the original use of which commences with the taxpayer,

"(B) which is acquired for use or lease by the taxpayer and not for resale,

"(C) which is made by a manufacturer,

"(D) which has a gross vehicle weight rating of less than 14,000 pounds,

"(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

"(i) has a capacity of not less than 4 kilowatt hours, and

"(ii) is capable of being recharged from an external source of electricity.

"(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

"(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

"(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

"(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

"(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent for the first 2 calendar quarters of the phaseout period,

"(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

"(C) 0 percent for each calendar quarter thereafter.

"(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

"(f) SPECIAL RULES.—

"(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

"(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.".

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

"(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.".

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking "and" each place it appears at the end of any paragraph,

(2) by striking "plus" each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting ", plus", and

(4) by adding at the end the following new paragraph:

"(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.".

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking "and 25D" and inserting "25D, and 30D".

(B) Section 25(e)(1)(C)(ii) is amended by inserting "30D," after "25D,".

(C) Section 25B(g)(2), as amended by section 104, is amended by striking "and 25D" and inserting ", 25D, and 30D".

(D) Section 26(a)(1), as amended by section 104, is amended by striking "and 25D" and inserting "25D, and 30D".

(E) Section 1400C(d)(2) is amended by striking "and 25D" and inserting "25D, and 30D".

(2) Section 1016(a) is amended by striking "and" at the end of paragraph (35), by striking theperiodattheendofparagraph(36)and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30D(f)(1).".

(3) Section 6501(m) is amended by inserting "30D(f)(4)," after "30C(e)(5),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30D. New qualified plug-in electric drive motor vehicles.".

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

"(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking "sections 27, 30, and 30B" and inserting "sections 27 and 30".

(B) Paragraph (3) of section 55(c) is amended by striking "30B(g)(2),".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 125. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

"(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

"(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

"(B) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

"(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 126. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

"(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

"(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting "(in the case of nonresidential real property and residential rental property, the date of the enactment of the Renewable Energy and Job Creation Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)'' and inserting "section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)'' and inserting "section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

"Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 127. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

"(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking "and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and'', and by adding at the end the following new subparagraph:

"(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

"(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

"(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

"(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

"(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

"(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

"(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting "(other than a qualified bicycle commuting reimbursement)'' after "qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 128. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking "30 percent'' in subsection (a) and inserting "50 percent'', and

(2) by striking "$30,000'' in subsection (b)(1) and inserting "$50,000''.

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking "December 31, 2009'' and inserting "December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 106, is amended by adding at the end the following new section:

"SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

"(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the *term 'qualified energy conservation bond' means any bond issued as part of an issue if—*

"(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

"(2) the bond is issued by a State or local government, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

"(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

"(e) ALLOCATIONS.—

"(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

"(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

"(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

"(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

"(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

"(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

"(A) Capital expenditures incurred for purposes of—

"(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

"(ii) implementing green community programs,

"(iii) rural development involving the production of electricity from renewable energy resources, or

"(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

"(B) Expenditures with respect to research facilities, and research grants, to support research in—

"(i) development of cellulosic ethanol or other nonfossil fuels,

"(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

"(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

"(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

"(v) technologies to reduce energy use in buildings.

"(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

"(D) Demonstration projects designed to promote the commercialization of—

"(i) green building technology,

"(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

"(iii) advanced battery manufacturing technologies,

"(iv) technologies to reduce peak use of electricity, or

"(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

"(E) Public education campaigns to promote energy efficiency.

"(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure,

"(g) POPULATION.—

"(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

"(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

"(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

"(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

"(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 106, is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a new clean renewable energy bond, or

"(B) a qualified energy conservation bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2), as added by section 106, is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

"(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54C. Qualified energy conservation bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

"(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

"(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

"(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible",

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

"(iii) any qualified smart electric meter, and

"(iv) any qualified smart electric grid system.".

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

"(18) QUALIFIED SMART ELECTRIC METERS.—

"(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

"(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

"(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

"(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

"(iv) provides net metering.

"(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

"(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

"(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

"(ii) providing real-time, two-way communications to monitor or manage such grid, and

"(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.".

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking "September 30, 2009" and inserting "September 30, 2012".

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking "October 1, 2009" and inserting "October 1, 2012".

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking "issuance," and inserting "issuance of the last issue with respect to such project,".

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 204. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking "or 2007" and inserting "2007, or 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428(e) is amended by striking "except that" and all that follows through "such term" and inserting "except that such term".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 207. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 208. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any payment made on or before the date of the enactment of this Act.

SEC. 211. EXCLUSION OF AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) IN GENERAL.—Subsection (e) of section 120 is amended by striking "shall not apply to taxable years beginning after June 30, 1992" and inserting "shall apply to taxable years beginning after December 31, 2007, and before January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle B—Extensions Primarily Affecting Businesses

SEC. 221. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—Paragraph (2) of section 41(h) is amended to read as follows:

"(2) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—

"(A) IN GENERAL.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year, the applicable base amount with respect to such taxable year shall be the amount which bears the same ratio to such applicable amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.

"(B) APPLICABLE BASE AMOUNT.—For purposes of subparagraph (A), the term 'applicable base amount' means, with respect to any taxable year—

"(i) except as otherwise provided in this subparagraph, the base amount for the taxable year,

"(ii) in the case of a taxable year with respect to which an election under subsection (c)(4) (relating to election of alternative incremental credit) is in effect, the average described in subsection (c)(1)(B) for the taxable year, and

"(iii) in the case of a taxable year with respect to which an election under subsection (c)(5) (relating to election of alternative simplified credit) is in effect, the average qualified research expenses for the 3 taxable years preceding the taxable year.".

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) is amended by striking "and 2008" and inserting "2008, and 2009".

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 225. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 226. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 227. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 229. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking "first 2 taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 230. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 231. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 106 and 141, is amended by adding at the end the following new section:

"SEC. 54D. QUALIFIED ZONE ACADEMY BONDS.

"(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

"(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

"(3) the issuer—

"(A) designates such bond for purposes of this section, *"(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and*

"(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

"(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008, and, except as provided in paragraph (4), zero thereafter.

"(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

"(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

"(4) CARRYOVER OF UNUSED LIMITATION.—

"(A) IN GENERAL.—If for any calendar year—

"(i) the limitation amount for any State, exceeds

"(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

"(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

"(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

"(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

"(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

"(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) rehabilitating or repairing the public school facility in which the academy is established,

"(B) providing equipment for use at such academy,

"(C) developing course materials for education to be provided at such academy, and

"(D) training teachers and other school personnel in such academy.

"(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

"(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(C) services of employees as volunteer mentors,

"(D) internships, field trips, or other educational opportunities outside the academy for students, or

"(E) any other property or service specified by the eligible local education agency.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 106 and 141, is amended by striking "or" at the end of subparagraph (A), by inserting "or" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) a qualified zone academy bond,".

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 106 and 141, is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) in the case of a qualified zone academy bond, a purpose specified in section 54D(a)(1).".

(3) Section 1397E is amended by adding at the end the following new subsection:

"(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of this Act.".

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54D. Qualified zone academy bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 232. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2008".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2008".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2009".

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2013", and

(ii) by striking "2012" in the heading thereof and inserting "2013".

(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2013".

(C) Section 1400F(d) is amended by striking "2012" and inserting "2013".

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 233. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 234. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 235. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 237. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 238. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting "3-year".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 239. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "December 31, 2008" and inserting "December 31, 2009".

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

SEC. 240. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 241. EXPENSING FOR CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2008.

Subtitle C—Other Extensions

SEC. 251. AUTHORITY TO DISCLOSE INFORMATION RELATED TO TERRORIST ACTIVITIES MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE ON REQUEST.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

(a) IN GENERAL.—Subsection (c) of section 7608 is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 253. AUTHORITY TO DISCLOSE RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (7) of section 6103(l) is amended by striking the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 254. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 255. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

Subsection (f) of section 9812 is amended—

(1) by striking "and" at the end of paragraph (2), and

(2) by striking paragraph (3) and inserting the following new paragraphs:

"(3) on or after January 1, 2008, and before the date of the enactment of the Renewable Energy and Job Creation Act of 2008, and

"(4) after December 31, 2008.".

TITLE III—ADDITIONAL TAX RELIEF

Subtitle A—Individual Tax Relief

SEC. 301. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

"(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

"(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

"(B) $350 ($700 in the case of a joint return). Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting "($8,500 in the case of taxable years beginning in 2008)" after "$10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 303. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).".

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

"(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

"(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

"(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

Subtitle B—Business Related Provisions

SEC. 311. UNIFORM TREATMENT OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—In the case of any expense or court cost which is paid or incurred in the course of the trade or business of practicing law and the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expense or cost relates, the deduction under subsection (a) shall be determined as if such expense or cost was not subject to repayment.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses and costs paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 312. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

"(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.".

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W-2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.".

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: "A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.".

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

"(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

"(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXPENSING.—The amendments made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2007.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

SEC. 321. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—If a tax return preparer—

"(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

"(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

"(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

"(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

SEC. 331. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

"(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

"SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

"(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

"(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

"(1) any foreign corporation unless substantially all of its income is—

"(A) effectively connected with the conduct of a trade or business in the United States, or

"(B) subject to a comprehensive foreign income tax, and

"(2) any partnership unless substantially all of its income is allocated to persons other than—

"(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

"(B) organizations which are exempt from tax under this title.

"(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

"(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

"(A) such amount shall be so includible in gross income when determinable, and

"(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

"(i) the amount of interest determined under paragraph (2), and

"(ii) an amount equal to 20 percent of the amount of such compensation.

"(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) SUBSTANTIAL RISK OF FORFEITURE.—

"(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

"(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

"(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

"(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

"(I) acquired directly by an investment fund or similar entity,

"(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

"(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

"(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

"(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

"(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

"(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

"(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

"(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

"(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

"(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking "and" at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting ", and", and by adding at the end the following new subparagraph:

"(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).".

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

"Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to (and subsections (b) and (d) of such section shall be applied without regard to) so much of the taxpayer's qualified contributions made during the taxpayer's last taxable year beginning before 2018 as does not exceed the taxpayer's qualified inclusion amount. For purposes of subsection (b) of section 170 of such Code, the taxpayer's contribution base for such last taxable year shall be reduced by the amount of the taxpayer's qualified contributions to which such subsection does not apply by reason the preceding sentence.

(B) QUALIFIED CONTRIBUTIONS.—For purposes of this paragraph, the term "qualified contributions" means the aggregate charitable contributions (as defined in section 170(c) of such Code) paid in cash by the taxpayer to organizations described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term "qualified inclusion amount" means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking "December 31, 2008" and inserting "December 31, 2018".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting "100 percent".

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 37.75 percentage points.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

My friends and colleagues, we now have an opportunity to reverse the trend that this great Nation has bound itself to, and that is, the addiction to oil as well as the lack of will to do something about it.

This great country has faced up to many crises, and the oil shortage just happens to be one. The question is do we have the will to look and to research and to find alternative means in which to meet the needs of this great Nation.

Under the leadership of Speaker PELOSI, I think today is the day that all of us are going to be proud of the initiatives that we have taken, the opportunities that are going to be given, the jobs that are going to be created, and the excitement in being able to say that the United States need not look to any Nation because of their vast resources in oil because we have the ingenuity and the ability to find alternatives.

It is endless the possibilities that this will pursue in encouraging the production of electricity from renewable sources, using the wind, solar, biomass, geothermal, hydropower, landfill gas and solid waste.

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We even go as far as to have coal electricity plants.

It is a great opportunity for us and the world to explore these new areas that we just were too lazy or found no need to do, encouraging energy efficient products such as plug-in hybrid cars and incentives for conservation of energy in our buildings, whether they're residential or whether they're commercial. And I find it very exciting that we allow local government, that knows their communities better than we ever could, to issue tax credit bonds to further explore how we can conserve energy.

I think this is merely a beginning, but it is an historic beginning that defies party lines. I do hope that we thank the Speaker and the chairman of the committee, the staffs who came together after working years on this project, to come together with a bill that's the beginning of the one that could be a new day for America, a new day for the world as we release our addiction and dependency on fossil fuel.

There is another part of this bill that I come to you with mixed feelings and yet ask your support. It's called the extenders. What are the extenders, for the new Members? It's when people want bills passed, but they put expiration dates on them in order to hide the real cost of the bill.

I think that the ranking member of the Committee on Ways and Means and I agree that we have so much garbage in this bill that soon I hope someone would have the courage to take a look at the tax bill that we have and strip it of the preferential treatment and get down to making the bills that we want permanent, and those that should not be permanent, just to kick them out.

I think it's a disgrace that we have a stimulus package and we have to target the middle class in order to be given handouts because they don't have enough money under our tax system to put food on the table, to provide tuition for their kids and put clothes on their back. We target them as being people who cannot afford to save and plan for the future. I think it is a disgrace for the Congress to have a tax system that way.

But because we make commitments and because some of these laws are good and efficient and because we don't have the money at this point in time to make it permanent, we come to you and ask you to support the extenders. These extenders include research and development, standard deduction for property taxes for non-itemizers. We have provisions in here to help Katrina. Expanded child credits. We make it more equitable how attorneys can write off their investments before the end of a case. We also make it equitable for the moving picture industry to get the same benefits that other industries get as relates to job credit.

This is one heck of an opportunity, I think, for us to move this forward in a short way. It's only a 1-year extension, which means that the next administration hopefully will be more progressive in terms of cleaning up the code and making permanent what should be made permanent. It is not paid in controversial taxes. We remove preferences for income that is made overseas and avoid tax liability, as well as tax benefits yet to be received. So there is no pain there.

I ask unanimous consent at this time to yield the remainder of my time to the gentleman from Washington, Dr. MCDERMOTT, for purposes of managing the bill, and to thank him and so many others on the Ways and Means Committee for their leadership, their patience, and being able to bring this bill to the floor. I'm fairly confident that we will have very little problem in the Senate and have this passed into law.

So remember the date. It's historic in nature. And remember the role that you played in supporting this revolutionary approach to avoid the dependency on fossil fuel for our great Nation.

The SPEAKER pro tempore. Without objection, the gentleman from Washington will control the time.

There was no objection.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the legislation before us today and urge all of my colleagues to vote against it today.

Most critically, the bill claims to be a package of tax extenders, but fails to deal with the biggest and most pressing extender in the code, the AMT patch, the alternative minimum tax patch. This is a missed opportunity. We should have included that in this bill of other expiring provisions in the code.

The majority's failure to extend this patch for 2008 would mean an additional 21 million—mostly middle class—individuals and families would be ensnared by the alternative minimum tax. As a result, affected families will pay an additional $61.5 billion in taxes for this year. This oversight—this neglect, I think—is the single largest flaw in the bill.

The majority, I'm sure, will claim during today's debate, just as they did during committee markup, that they will address the AMT before adjourning this year, just not now. Surely our experience from 2007, when the AMT patch wasn't enacted until the day after Christmas, suggests that maybe we ought to begin acting on this now and not just run down the shot clock. Mr. Speaker, it simply does not make sense to vote to extend dozens of tax provisions, some for several years, without also dealing with the biggest and most far-reaching expiring provision, the AMT patch.

The bill also clings to the mistaken view that the House's PAYGO rules require us to raise taxes in order to prevent tax increases. I was pleased last year that, when the House finally did pass the AMT patch, we recognized the foolishness of applying PAYGO to expiring tax provisions, and I'm disappointed that that bipartisan approach is not being followed here today.

Simply put, we shouldn't have to pay to extend current law. This is not paying for a new tax cut in the main. Most of this bill is extending current law.

As we stare at the prospect of a more than $3.5 trillion tax increase baked into the budget by the majority's misguided PAYGO rules, I think it will become even more obvious in the years to come why Congress should not have to raise taxes to prevent a tax increase.

If the majority was ever willing to offset tax provisions with spending cuts, I might view this a little differently. But this bill shows once again that the only tool the majority has to meet its PAYGO requirements is the hammer of tax increases. It's little wonder, then, that to them every problem looks like a nail.

As I documented many times last year and during our committee markup last week, Washington doesn't have a revenue problem. We're getting enough revenues. We're already collecting more in taxes as a percent of our GDP than the historical average of revenues coming into Washington. That's not the problem. The problem is spending. So how many times have we had PAYGO rules be adopted and followed in this House using spending cuts to pay for extending current tax law? Zero.

Mr. Speaker, the continued use of tax increases to pay for extending current law is unacceptable to this ranking member of the Ways and Means Committee, and I hope will be objectionable to a majority of the Members of this House. In fact, this bill not only contains tax cuts, it actually does increase spending. There are items in this bill that score as spending—expanding refundable tax credits, the New York Liberty Zone project. Those score as spending. So we're increasing spending in this bill, and we're paying for that with tax increases.

In addition to those two provisions, the bill contains numerous other new temporary and permanent provisions, undermining the claim that the bill is merely extending current law. Some of the new provisions might be meritorious, but a few of those I think deserve closer examination.

For example, some of my colleagues may be surprised to know that there is a nearly $1.6 billion special tax break for trial lawyers in this bill. The provision overrides developing case law and lets lawyers using certain types of contingency fee arrangements to deduct sooner their expenses. CBO's Joint Tax Committee scores this as costing the taxpayers $1.6 billion over the next 10 years. Now, this provision was not the subject, that I'm aware of, of any hearings or examination by the committee, and yet it's in this bill today.

I would hope that before we make such a significant change in tax law costing taxpayers $1.6 billion, all going to one very narrow set of people in this country, trial lawyers, that we would want to have a hearing on that and flesh it out to see if maybe it could be crafted better, or whether, in fact, it's of any value at all to the country.

This bill also revisits the "green pork" tax credit bonds that were much discussed during the energy debate in 2007. These are the same bond proceeds, remember, that could be used for all sorts of dubious projects, maybe hybrid snowmobiles in Aspen, or maybe a new Wal-Mart with a couple of solar panels out front.

State and local governments using the bond proceeds don't even have to certify that the projects will reduce fossil fuel consumption or greenhouse gas emissions. Unfortunately, the majority rejected a sensible fix for this oversight when this was offered last year.

We know how this is all going to end. It will end with the passage of an AMT patch without offsets, like last year, and probably many extenders being approved without tax increases. More than 40 Senators have signed a letter pledging to oppose a package such as the one before the House today. And even if it somehow squeaks by the Senate, the President has indicated he would veto this bill.

Mr. Speaker, it's unfortunate that the majority has chosen against moving a bill on expiring provisions that could have had bipartisan support and instead have opted for the measure before us.

Given that its fate has already been sealed—it won't become law—I am comforted to know that we will have another chance to consider this legislation this year. I hope it's sooner rather than later so that we're not here in December once again scrambling to deal with these issues.

We can do better than what's before us today. Let's get rid of this, start over, and bring a good bill back.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6049.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I have a great deal of affection and I have a great deal of respect for the ranking member on the other side, but you are dead wrong on this.

First of all, you talk about this side of the aisle not being able to pass AMT. We did pass legislation, and your side sunk it. The alternative minimum tax would be gone, it would be abolished, there would be nada there, but you decided, for whatever reason, that you didn't want to pay for it. That's the problem.

Now, my friends on the other side of the aisle are determined not to support this legislation. It should be noted that entities such as Goldman Sachs—I mean, these are not, most of the time, our friends—Bank of America, Caterpillar, Ford, Deere, and Prudential disagree with you, and they publicly support the legislation.

Connect the dots here. After all, a number of important provisions, such as the critical research and development credit, the election to deduct State and local general sales tax, the 15-year straight-line cost recovery for qualified leasehold improvements, and the election to expense brownfields environmental remediation costs have already expired. These provisions are so important to American businesses and consumers, and the time to renew them is now.

There are a wide array of important provisions here, from renewable energy incentives to middle class tax cuts. I want to add how grateful we should all be to Chairman RANGEL for his decision to include a 1-year extension on the active financing rules critical to global competitiveness of U.S. financial services and companies. Those companies in this country that export are at a tremendous disadvantage. We are not playing on a level playing field. Active financing rules provide American companies with the level playing field necessary to compete in the global marketplace. Most other countries don't try to extract any taxes on its companies' foreign-based operations.

The SPEAKER pro tempore (Mr. ROSS). The time of the gentleman from New Jersey has expired.

Mr. McDERMOTT. I yield the gentleman an additional 10 seconds.

Mr. PASCRELL. Subjecting our businesses to both foreign and American corporate taxes puts them at a competitive disadvantage.

I would add this, in conclusion, these are the kind of actions that will help create fair trade in America. You cannot be against that, in all fairness.

Mr. McCRERY. Mr. Speaker, in fact, I agree with much of what the gentleman just said. I'm happy to hear him endorse many provisions that we, I think wisely, put into the Jobs bill several years ago when we were in the majority. So it's not those provisions that I oppose, it's the tax increases in the bill to pay for just extending current law that I'm opposed to. And I want to make that clear. I like the provisions the gentleman mentioned.

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At this time, Mr. Speaker, I would yield 2 minutes to the ranking member of the Trade Subcommittee of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, like many of my colleagues, I want to express my support for the tax relief included in today's legislation, provisions such as the research and development tax credit and the active financing exception that help our employers stay competitive and the extension of the renewable energy tax incentives.

However, I cannot support this bill as written. First, it continues the negative trend the Democrat majority has followed by permanently increasing taxes to pay for temporary extensions of existing tax law. Given the wide-ranging tax relief that is set to expire in the coming years, the Democrats' PAYGO logic would require us to raise taxes by more than $3.5 trillion between now and 2018.

Secondly, the bill "dodges" extending the middle class alternative minimum tax patch, without which 24 million taxpayers will pay an average of $2,400 in AMT taxes in 2008 alone. We waited until the 11th hour to extend this relief in 2007. We cannot do so again.

Tragically, the House Democrats refuse to work on these issues on a bipartisan basis. Their tax increase approach has been tried and tried again, and for what we have seen in the other body and from what the White House has said, it will fail again. The longer we delay passing a realistic extenders bill, the longer American employers and taxpayers go without this critical tax relief.

Mr. Speaker, I urge a "no" vote on this legislation.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. I thank the gentleman for yielding the time.

Mr. Speaker, this legislation is pro-environment, it's business friendly, and it's paid for.

I don't know how anybody on the other side can mention the words "alternative minimum tax" with a straight face. They had sufficient opportunity in the last session of the Congress to vote for a responsible alternative minimum tax repeal. I know. I authored the legislation. They all voted against it.

I want to thank CHARLIE RANGEL today for his hard work. There are a number of business and individual tax incentives that lapsed in January of this year. There was urgency to getting it done, and we did precisely that. In my home State of Massachusetts this means that 94,000 teachers will get a deduction for out-of-pocket expenses for classroom supplies. It means that a thousand businesses in Massachusetts will get some credit for the millions they spend on research here in the United States. Without this bill 121,000 families in Massachusetts cannot take deduction for college tuition expenses.

This bill provides significant and real tax relief to millions of families nationwide and for some very low income families it will provide a new benefit. There are 111,000 children in Massachusetts whose families will get a higher tax credit because of this bill.

There are an additional 32,000 children and families in Massachusetts who are currently shut out of the child tax credit because of the threshold for earnings that must exceed rises each year for inflation. They're simply too poor for the tax credit. This bill lowers the threshold so that these working families can benefit from the child tax credit just like other families.

These are well-crafted positions, and we don't have time to mention them all. But I want to tell you in the 20 years I have been in this House, this is one of the best pieces of legislation that I have been associated with. It provides tax relief, but at the same time it's pro-environment.

I hope that Members of this House on both sides will support this legislation.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. CAMP), the ranking member of the Health Subcommittee on the Ways and Means Committee.

Mr. CAMP of Michigan. I thank the gentleman for yielding.

Mr. Speaker, it's surprising how well the Democrat majority can turn good ideas like the extension of tax relief into bad legislation. Now, we have seen it before and it usually ends in gridlock. And, frankly, the American people are tired of the majority party's record of stalemate and zero accomplishment. But here we go again with another bill that is headed nowhere.

This bill could have easily passed the Ways and Means Committee and passed on the floor with an overwhelming bipartisan majority of votes. It failed to get a majority of Republican votes in committee and will likely fail to get a Republican majority here today on the floor.

Interestingly, a lot of what is in this package was written when Republicans were in the majority. The Republican bill was devoted to tax incentives; the Democrat bill focuses on tax increase. This is a fundamental difference between our two parties.

It is a real missed opportunity not to deal with the alternative minimum tax, which means higher taxes for more and more Americans. That's why you're seeing key groups oppose this bill like the National Taxpayers Union, Citizens Against Government Waste, Americans for Tax Reform, Alliance for Worker Freedom, Americans for Prosperity, and Club for Growth.

So what the Democrats give with one hand they take with the other. They'll use words like "PAYGO" and "revenue raisers," but the fact of the matter is those innocent-sounding words really mean tax increases. Permanently increasing taxes to pay for temporary tax incentives is a losing deal for the American people.

Congress will be confronted with many more expiring tax provisions in the coming years, and if the Democrats continue with this flawed logic, taxpayers will be hit with more than $3.5 trillion in tax increases between now and 2018 simply to maintain current law. With $3 and possibly $4 of gas and higher grocery bills, a sluggish economy, and a downturn in the housing market, the American public cannot afford higher taxes.

We don't need a fortune teller to tell us that, just like many of the other bills House Democrats have passed that included tax increases, this bill again is dead on arrival in the United States Senate. So we will be back here again at some point debating this bill again. So after we get through with today's exercise, hopefully we can get down to business and write a bill that will gain a majority of bipartisan support.

I urge my colleagues to reject increasing taxes and vote "no" on this legislation.

Mr. McDERMOTT. Mr. Speaker, I understand from my distinguished colleague from Michigan that this bill is headed for nowhere.

Are you talking about the White House?

Mr. CAMP of Michigan. Will the gentleman yield?

Mr. McDERMOTT. No, I'm going to let the gentleman from Michigan (Mr. LEVIN) have 2 minutes.

Mr. LEVIN. Mr. Speaker, this legislation has vital energy provisions. Vital. It has important tax provisions, including the R&D tax credit.

So here we hear the Republicans opposing it. They did not know how to govern effectively when they were in the majority, and they're showing today they don't know how to oppose effectively when they're in the minority.

They criticize PAYGO. Their creed is "pay-no." They don't want to pay for anything. They oppose a tax provision to close a loophole, an egregious one, and they call that a tax increase. They say this is their principle: Don't pay for extending current tax law, even though the reason it meets its end is because they didn't want to extend it a few years ago and increase the deficit. What illogic.

They say do further with the extenders, but they don't want to pay for it. They say do more right now on the AMT but don't pay for it.

We're going to keep working on the AMT. We're going to keep trying to pay for it. The reason this may not succeed in the Senate is because of the minority Republicans and in the White House.

I think the public is tired of this blockade. We will keep moving ahead and I hope with success. It's time to act. I hope there will be some minority support for this bill.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I don't know what's being sold around here today, but there is nothing revolutionary about this bill. There are some good things in it, no question. But it is dangerously incomplete and it is tainted.

It includes a last-minute special interest provision that no one in America has ever had a chance to look at or consider. It is not revolutionary because it includes extensions of what's already law in America today, the research and development tax credit, that's so important to innovation America. The State and local sales tax deduction, important for families to deduct what they pay in sales taxes from what they owe Uncle Sam because sales taxes really add up fast, especially for younger families. Energy provisions, which are important for us to do renewable alternative fuels. All that is very good. Everyone supports it.

This bill is dangerously incomplete because it does not address a huge looming tax increase on most of middle class America. The alternative minimum tax, the second tax, that families find when they do their taxes or do their software for taxes, and they're okay, they don't owe Uncle Sam anything. We catch them with a second tax. And we said over the years that we'll do away with that. Republicans did do away with that second tax. Unfortunately, President Clinton vetoed it, and we live with it today.

This bill does nothing to stop the alternative minimum tax, the second tax, on American families, and we need to act now, not later to do that.

It is tainted because it includes a provision, $1.6 billion, a new tax break, for one special interest group, plaintiffs' attorneys with contingency fees. The wealthiest 1 percent of attorneys in America will receive $1.5 billion more of your money.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCRERY. I yield the gentleman an additional 30 seconds.

Mr. BRADY of Texas. Mr. Speaker, the wealthiest 1 percent of attorneys in America will receive a tax break courtesy of you, the taxpayers. Yet we won't do more to help the refundable child tax credit. Those are single parents who are usually raising one or two kids and working several jobs. We offered the amendment. Instead of helping a trial lawyer buy a second private jet, why don't we help a waitress who's trying to raise her kids? Wouldn't that be a fair use of help and dollars?

So I oppose this bill. I believe we ought to do these extensions, and I believe this bill does not deserve support.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, I'm surprised to hear my Republican friends talk about their dismay that AMT is not in this package. AMT was not in the President's budget, not one nickel, not one cent. I never heard one word in the Ways and Means Committee, not a word that I can recall, of dismay from my Republicans that the President didn't address AMT.

This bill before us is to address a number of expiring provisions including energy. Good gosh, with oil approaching $130 a barrel, you would think we could bust out an energy portion and make an immediate response. The American people deserve no less.

Just take, for example, one provision: The wind production tax credit expires at the end of the year. But to be effective, a wind power plant has to be invested, constructed, and turning energy in order to qualify under the 2008 provision for the production tax credit. What that means in real terms is that already activity is being placed at risk. Financing packages are being denied for growing wind power in this country.

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Our upside potential on harnessing power for wind is immense. But even the, I'd say paltry, 1-year extension under the bill, because this industry deserves much more than 1 year, is placed at risk now by Republican opposition.

Fundamentally, we believe if we are going to extend these tax provisions, we need to find revenue offsets so that we don't drive the deficit deeper. I think what this debate is really about is a very different vision. They're happy to just run up the debt even deeper by extending these provisions without the pay-fors. We refuse to do that. As important as these provisions are, we are not going to let our kids pay for them. We will pay for them right here and now by finding the appropriate offsets.

So for the interest of the people in this country in getting renewable energy sources, especially wind power, let's advance this legislation.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I listened to my good friend, CHARLIE RANGEL, the Chairman of the Ways and Means Committee, from New York, a while ago, and he was talking about all these areas where we are going to get additional energy. There were some great ideas there. The problem is many of them are going to take a long, long time before we get the job done.

Right now, people in this country are paying close to $4 a gallon for gasoline, and the issue is we have a supply of oil in this country that will take care of most of the problem. We can drill in the ANWR and get a million to 2 million barrels of oil a day. That is three-and-a-half times the size of Texas, Alaska is, and we can't do it because they say it's environmentally dangerous. We can drill off the Continental Shelf and get a million to 2 million barrels of oil a day. They won't let us drill off the Continental Shelf, and yet Cuba is going to drill within 50 miles of the United States and give the oil to China.

They are using all these environmentally questionable issues to keep us from drilling for oil in this country to be energy independent. We have been talking about energy independence for 30, 40 years, and we haven't done a darn thing about it. The Speaker said here not long ago, about 2 years ago, they were going to do something about skyrocketing gas prices when it was $2.33 gallon. Now it's approaching $4 a gallon and we can't even drill for oil that's in our country to reduce the cost of gasoline.

The American people want solutions. They want Democrats and Republicans to come together and do what is necessary to help them with their energy problems. They want us to work together. We need to have some balance between environmental concerns and the cost that we need to deal with regarding this economy, and that means we need to lower the price of energy, especially gasoline, so people can get to and from work and deal with the problems they face on a daily basis. There's no question about that. Gasoline should not be $4 a gallon, and we can lower it if we drill for oil in our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCRERY. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. BURTON of Indiana. While we are talking about the long-term problems of energy and dealing with new technologies, and we are all for that, we have to deal with the immediate problem, and the immediate problem is drill for oil in this country, build more refineries so we can get that oil to market and lower the gas prices like the Americans want it be to lowered back down to around $2 a gallon or less.

We can do it. But we will never do it unless we work together, Democrats and Republicans. All I hear from the other side of the aisle is, No; we have to worry about the environment. There has to be a balance between environment and economic concerns, and we are not doing it.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Today, we are going to approve a plan that will produce significant new energy resources for the American people. We have passed this bill four times. Mr. BRADY is right. There is nothing new here. We keep passing it and passing it and the oil companies keep killing it.

What you're hearing today, just the last speaker says, let's drill in the Arctic National Wildlife Refuge or go hat in hand to OPEC and say, Please produce more oil. Or let's have some more secret meetings down in the White House with the Vice President and design a new tax policy that will get our oil prices even higher. They met in the first months in the White House and decided how to drive up the oil prices for the oil companies.

We are going to implement a tax plan that uses the Tax Code to produce renewable energy to put us on a path to providing our children with an energy-independent future. The plan creates incentives for America to apply technology and use practices to use energy more efficiently than the way we are presently doing.

There was a time a long time ago when the United States led in alternative energy. But now Denmark, Japan and Germany are far ahead of us because of 8 years of this present administration and their attitudes toward alternative energy.

With this legislation, we'll take a big step toward regaining our leadership in the manufacture and deployment of renewable energy. This legislation will not only create jobs in what may be the world's largest emerging industry, but it will be a blueprint for the energy policy for the 21st century.

We need to end our addiction to oil, and that's what this bill is about. I urge my colleagues to support it this time.

I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me the time.

We are for extending these good tax policies on research and development, we are for extending these good tax policies on energy research particularly. As Republicans, as conservatives, as people who actually brought these tax policies to the table to start with, of course we are for them.

Now a 1-year extension is not the right amount of time. We can debate that. I hope we have time to because this is not the last day we are going to see this bill. If you're really serious about energy research, try to go to borrow money with a 1-year plan. You can't borrow money with a 1-year plan. You can't take a chance with a 1-year plan. You can't hire people with a 1-year plan. Surely, everybody here knows that.

If we were really serious about extending these policies, we would be sending signals that we are committed to these policies for a long time. But we are for the policies that we are talking about in current law. We are not nearly as excited about the new things that are added; the tax breaks for lawyers who have taken a case on contingency and now want taxpayers to subsidize their dealing with that case by these new ideas in the Tax Code. But we are for the continuation of good policies. But we are not for believing that to continue good tax policies, you have to pay for those by taxing other people.

If these tax policies are good enough for now, they are good enough to continue to be the policies of the future. This House decided last year on the alternative minimum tax that, well, we don't want more people to slip into that bad tax situation so we are going to move forward without having taxes that replace what would happen if we didn't try to maintain the current status of taxes.

That is what we are for, maintaining current policies, giving them as much life as possible, and not assuming that other taxpayers have to suffer in an economy that we need to be sending signs of growth and productivity to, not signs of more ideas for the Federal Government to increase taxes.

I hope we can come back to a bill that extends good policy, that does it for a longer period of time, and doesn't seem to feel it's necessary to tax other people to extend policies that are working in the Tax Code today.

Mr. McDERMOTT. Mr. Speaker, I would remind the gentleman from Missouri that during the 6 years that the Bush administration had a rubber-stamp Congress up here, they put it out 1 year at a time. Now you want us to make it long. We will see.

I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. The prior speaker said you can't have a plan for 1 year. What he didn't mention is that the Bush administration and the Republican Congress hadn't had a plan for 7 years, and look where it's gotten us.

The fact is a lot of people want to talk about you have to have a balanced approach. That's true. You do have to have some drilling. There are 9,300 permits owned by the oil companies here in the United States for drilling that they do not use. Close to 72 percent. They don't use. They are not drilling. Could alleviate today. They are waiting for the price to increase before they drill. Those permits have been issued. So that is part of a plan.

What we are talking about today is seizing future energy sources, be that wind, solar, biomass. In fact, today, the Wall Street Journal, lead story, the Pentagon knows and it is launching, according to the headline, an alternative fuels strategy. The Pentagon knows that. Corporate America is investing in alternative energy sources. They know that. The American consumer knows you have got to have a different strategy than the one that depends only on oil. The only people that don't know that you need to have a diverse energy policy is the White House and sometimes I believe some of the Republican Members of Congress here.

We need an energy policy so it begins to invest in 21st century energy sources, like wind and solar, and stop subsidizing 20th century energy sources, which is only oil. This gives us an agenda, a strategy to look to the future, build new technologies, new industries that will employ hundreds of thousands of people, and invest and give America its energy independence.

Second, it does not cost the American taxpayer. This is a paid-for piece of legislation by closing offshore deferrals where a lot of people hide their income in offshore deferrals. In fact, Congressman McCRERY and Senator GRASSLEY both acknowledge it is a decent way to pay for something. Whether they agree for this, they do agree it's a legitimate pay-for.

Third, there's a lot of talk about middle class and the suffering in the middle class. This legislation provides property tax relief for middle class families.

Remember that this is the first step toward energy independence and making sure that we build on the progress we have made, such as CAFE standards for cars.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

I assure the gentleman from Illinois that despite the fact there might be 9,300 permits to drill out there that aren't being utilized, I am sure there are good reasons for not utilizing those permits. I can assure the gentleman that if we opened up ANWR, if we opened up the Continental Shelf and more parts of the Gulf of Mexico, we would have domestic oil companies taking advantage and drilling to produce.

Mr. EMANUEL. Will my colleague yield?

Mr. McCRERY. I would be happy to yield.

Mr. EMANUEL. We can have a legitimate debate about Alaska. We have had 20 years of it. What I am suggesting, and you would agree that Alaska is 10 years down the road.

Mr. McCRERY. I don't agree with that.

Mr. EMANUEL. Alaska is not today. There are 9,300 permits that have been issued today for onshore drilling not being exercised by the oil companies.

Mr. McCRERY. Reclaiming my time, I don't quarrel that that may be correct. But it's beside the point. There may be legitimate reasons why those particular permits are not being utilized. But the fact is, by law our companies cannot drill in ANWR, they cannot drill in the Outer Continental Shelf beyond a few areas in the Gulf of Mexico. And that is wrong.

Look, my 14-year-old son this morning, I am driving him to school and the radio report came on that oil hit $130 a barrel, and my son says, Dad, why don't we just tell OPEC to produce more oil? Well, he's a pretty smart kid. That would help. But I said, Son, if we told OPEC to drill for more oil and then they turned it around and said, Well, why doesn't the United States drill for more oil.

Mr. EMANUEL. Would the gentleman yield?

Mr. McCRERY. No, I've already given you some time.

The SPEAKER pro tempore. The gentleman from Louisiana controls the time.

Mr. McCRERY. What if they told us, Why doesn't the United States drill for more oil, what would our answer be? We don't know, because Democrats for years have blocked every sensible environmentally sound plan to explore and develop known resources here in this country, and that is a shame. We ought to have a balanced energy policy. Yes, alternative sources that we Republicans put in legislation several years ago, passed the bill, I believe, in 2005, and began a lot of these credits that we are extending today. We agree with that.

Mr. EMANUEL. Will you yield for a second?

Mr. McCRERY. Let us develop the resources we know we have, the proper fuel resources that can help immediately.

Mr. EMANUEL. Just one second.

The SPEAKER pro tempore. The gentleman from Louisiana controls the time.

Mr. McCRERY. Thank you, Mr. Speaker.

I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

□ 1445

Mr. TERRY. Mr. Speaker, I really believe that we need to have our own American-made energy, and we have the resources here. I have been a leading advocate in Energy and Commerce on alternative energies, on wind, solar, geothermal, closed-loop biomass and cellulosic ethanol, and these tax credits, I think, are important in that process. We need to have a complete portfolio that includes alternatives, these types of alternatives. But I have to say that I am disappointed greatly in the fact that we are extending these for 1 year.

I have sat down with the leading folks in especially wind energy. And, by the way, let's not confuse these sources that generate electricity with putting fuel in our cars. Most of these generate electricity, like wind. We need it. But they can't take their business plan to the bank on a 1-year tax credit. They said they need at least a 5-year, and prefer a 10-year.

If we are very serious about making alternatives part of our energy portfolio, we need a 5- to 10-year plan to extend these tax credits. Otherwise, we are just simply perpetrating a hoax upon the American public that is looking towards Congress to find a way to alleviate the pressures of high gas costs. It is about what they are paying when they pull up to the pumps. So if we are serious about it, let's do a long-term tax credit bill that is actually going to be usable by the folks that want to invest in these alternatives.

Yes, we do a little bit better job on solar. I am surprised that they pulled one out and treated that so specially, when all the others are just so meritorious. And, by the way, I am not sure we have gotten to the technology yet where we can have wind panels and solar panels operating our cars for us. They can generate electricity if we want to do a plug-in, but even that we are not doing a long-term plan for.

Mr. McDERMOTT. Mr. Speaker, could I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 12½ minutes remaining. The gentleman from Louisiana has 4½ minutes remaining.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Washington State.

I want to commend Mr. RANGEL and Mr. NEAL for an outstanding piece of legislation that they have put before us. I am particularly pleased with the extension of credits as it relates to fuel cell and geothermal technology, but wind and solar as well. To extend these credits in a manner that will allow us to become energy independent is something that is long overdue for this Nation. Let us hope that our colleagues on the other side are able to join us in making sure that we take a positive step forward for the future of energy independence.

What seems apparently is the stumbling block on the other side is that we are providing that we pay for this, and that we are doing so by, well, taxing a group of people who otherwise go untaxed and yet reap all the benefits of this great Nation. But those poor hedge fund guys who sequester their funds offshore and are making millions of dollars, to subjugate them to a tax, oh, just the thought of it sends a shudder up the spines of our dear friends on the other side. Imagine the people back home, the people that they talk about, that Mr. BURTON said need this relief immediately. But to do so by taxing offshore hedge funds? Well, we can't have a part of that.

It is time for this country to get serious about energy independence. It is time for us to step up to the plate and for Americans to understand that people who are making funds offshore paying no taxes ought to contribute to making sure that we are able to move this Nation forward in the direction of energy independence.

I commend Chairman RANGEL and RICHARD NEAL for this fine proposal.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if my good friend Mr. LARSON's description of the tax increase in the bill were correct, I wouldn't have any quarrel with it. However, the provision affects more than just offshore hedge fund managers. It affects any employee working for a company based offshore in any business. So it is much broader than the gentleman described, and that is the main reason that I oppose that provision in its current form.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank our Chair, Mr. RANGEL; Mr. NEAL, our subcommittee Chair; Mr. MCDERMOTT; and all the members of this committee for this great piece of legislation around energy and tax extenders.

I know my colleagues have done a great job talking about the energy portion of the bill, so I am going to move straight to a couple of areas that are important specifically to people who reside in my congressional district.

In my role as the Chair of the Congressional Philanthropic Caucus, I am especially pleased to see the inclusion of the IRA rollover provision, which has become an important fund-raising and development tool in the philanthropic community. More and more today we are calling upon the philanthropic organizations to do the job that others have stepped away from.

In addition, the extension of the active finance exemption sends a message to corporate America that this Congress has their interests at heart because this provision, along with the subpart F look-through, allows them to remain competitive and keep jobs here and not abroad. The tenets of sound tax policy begin with the notion of equity, efficiency and simplicity. Relying on the traditional framework, I am certain that we are driving towards a rational consensus.

It is in this environment or within this context I am pleased to support this piece of legislation, and encourage my colleagues throughout the Congress to join us in passing this legislation that will impact energy and other extenders in the Tax Code.

THE PROCTER & GAMBLE COMPANY,
Cincinnati, OH, May 20, 2008.

Hon. STEPHANIE TUBBS-JONES,
U.S. Representative, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE TUBBS-JONES: I want to take this opportunity to thank you for your leadership in the Ways & Means Committee's consideration of H.R. 6049, the Renewable Energy and Job Creation Act. House passage of H.R. 6049, including the so-called CFC Look-through rule, is very important for us to remain competitive in markets around the world.

Your efforts to include the extension, the so-called CFC Look-through rule in H.R. 6049, were critical to the ability of P&G, and many other American companies, to serve our customers and consumers around the world. We look forward to working with you as this legislation moves through the House of Representatives.

Sincerely,

ROBERT A. MCDONALD,
Chief Operating Officer.

Mr. McCRERY. Mr. Speaker, since the majority has so much more time left than the minority, I would reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

There have been some stark differences in the debate here today, but there is one thing that is clear: There is a clear record of failed fiscal discipline on the part of our friends on the Republican side of the aisle; 12 years of failure to deal with the alternative minimum tax, including 6 years of that time when they controlled the entire process, their failure to cut spending while they borrowed money on our children's credit card to give tax benefits to those who need it the least, and for 12 years they refused to fix the AMT.

There is going to be a new era in Washington in 242 days where we will be able to deal comprehensively with tax reform, and I look forward to it. But, in the meantime, it is critical to give Americans more energy choices, and this legislation does precisely that.

In particular, it would extend the investment tax credit that deals with renewable energy. When the PTC for wind energy expired at the end of 2003, the installation of new wind capacity dropped 77 percent in the next year. A recent analysis by our friends in the wind and solar industries suggest that we are looking at $19 billion of lost investment and 116,000 lost job opportunities if we fail to act on the extension. This will set us back not just in terms of the challenge of wind and solar energy today, but we are going to lose ground to our competitors overseas.

I strongly urge that we focus on the need to provide more energy choices for Americans today. Extending these credits is a way to make a difference this year. Failure to do so is going to cause unnecessary disruption, not just in terms of energy, but economically as well.

I would hope that this is one area where we ought to be able to work together, agree with these responsible provisions, and enact it into law.

Mr. McCRERY. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I proudly rise in support of the Renewable Energy and Job Creation Act. I am enthusiastic about it because it will cut taxes for millions of middle-income families and grow the U.S. economy, it will invest in renewable energy technologies to create high-paying green jobs, it will make us more energy independent, and it will remove incentives in the Tax Code that encourage shipping jobs and investments overseas.

I would like to acknowledge the extraordinary leadership of the chairman of the Ways and Means Committee, Mr. CHARLIE RANGEL. He has brought a bill to the floor that makes key investments in our families and our future. And I thank the gentleman from Washington State, Mr. MCDERMOTT, for his leadership and for yielding me time.

This is how the bill will cut taxes. Here are seven reasons why everybody in this Congress should vote for this bill. Any one of them should be enough.

First, it provides 30 million homeowners with property tax relief.

Secondly, it helps 13 million children by expanding the child tax credit.

Third, it benefits 11 million families through the State and local sales tax deduction.

Fourth, it helps 4.5 million families better afford college with tuition deductions.

Next, it saves 3.4 million teachers money with a deduction for classroom expenses. Imagine now when our teachers go into classrooms that are not fully equipped. They have to pay for that equipment themselves. This at least says if you do that, you will get a tax deduction.

It provides more than 22,000 military families with tax relief under the earned income tax credit.

And it ensures U.S. competitiveness by expanding the research and development tax credit.

That is how it cuts taxes. There are seven reasons right there, any one of which I think is sufficient to vote for this bill.

When it comes to gas prices, Mr. Speaker, as we debate this legislation American families are paying record prices at the pump. Yesterday the cost of a barrel of oil passed $129 for the first time in history. Today I believe it went past $130. This legislation invests in the future and the ingenuity of the American people to create and deploy cutting-edge renewable technologies that will reduce our dependence on foreign oil, and this is how it does that.

It strengthens and extends the production tax credit which will spur the deployment of wind, biomass, geothermal, hydropower, tidal and landfill gas.

Next, it transitions biofuel beyond corn by creating a new tax credit to promote the production of cellulosic biofuels.

Next, it expands and extends the solar and fuel cell investment tax credit and offers tax incentives for residential, solar, wind and geothermal technologies. It provides tax incentives for coal electricity plants that capture and sequester carbon dioxide. It includes incentives to encourage energy efficient products, such as plug-in hybrid cars and incentives for energy conservation, both in commercial buildings and residential structures. And it creates a new category of tax credit bonds to fund local initiatives to promote the deployment of green technologies.

This is a comprehensive approach, the missing part of the energy bill that we passed last year because it did not have the tax credits. Now we do. This industry can take off. We can have private sector initiatives to grow our economy, create good-paying jobs here at home, green jobs, and have the green economic revolution that is so important to our future.

And this is all being done in a fiscally sound way. No new deficit spending. It is paid for. This forward-looking legislation invests in renewable energy, creates hundreds of thousands of good-paying green jobs, spurs American innovation, and cuts taxes, cuts taxes, for millions of Americans. And it does so, as I mentioned, in a fiscally responsible way.

To invest in our future, this bill closes loopholes allowing corporations and executives to avoid paying certain taxes by shipping jobs and investments overseas. The New Direction Congress thinks we should focus tax benefits on creating jobs and encouraging investments here at home.

Despite the strong case for rescinding taxpayer subsidies for big oil companies making record profits, opposition by the Senate Republicans to these offsets makes their inclusion untenable for the bill being debated today. But we will come back to that.

☐ 1500

Today's bill represents a concerted effort to enact a bill into law promptly, and thus relies on revenue offsets that enjoy strong bipartisan support.

I urge my colleagues to join Mr. RANGEL and members of the Ways and Means Committee and Members of our House on both sides of the aisle who care about an energy future for America that reduces our dependence on foreign oil. It is a national security issue, it is an economic issue, it is an environmental and health issue, it is an energy issue, it is a moral issue for us to preserve God's beautiful creation, this planet, and to pass it on to the next generation in a responsible way.

I urge my colleagues to support the Renewable Energy and Job Creation Act.

Mr. McCRERY. May I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from Louisiana has 4 minutes remaining. The gentleman from Washington has 6 minutes remaining.

Mr. McDERMOTT. Mr. Speaker, I would like to enter into the RECORD a letter from the managing director of Credit Suisse that says, "I am writing in support of H.R. 6049. We fully support your efforts to use the revised deferred compensation measure as a revenue raiser."

CREDIT SUISSE SECURITIES (USA) LLC,
New York, NY, May 15, 2008.

Chairman CHARLES RANGEL,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN RANGEL: On behalf of Credit Suisse, I am writing to express our support for H.R. 6049 the Energy and Tax Extenders Act of 2008. The bill's deferred compensation provision is of particular interest to us and we very much appreciate the efforts of you and your staff to ensure that this measure does not create any unintended consequences.

We are aware that issues have been raised regarding the need to offset the bill and with the deferred compensation provision specifically. As you are aware, we are generally cautious as it pertains to revenue raisers and always look to work with the Committee to guard against unintended consequences. However, in this instance we fully support your efforts to use the revised deferred compensation measure as a revenue raiser in H.R. 60491 Given the House rules on pay-go, we recognize that without offsets the bill is not likely to be enacted this year, thereby causing a series of tax provisions to expire which in our opinion would not be a good overall outcome.

I reiterate our support for the measure and thank you again for your willingness to work with us on the deferred compensation provision. I look forward to working with you again in the future and please let us know if we can be of any assistance.

Sincerely,

THOMAS PREVOST,
Managing Director.

I yield 1 minute to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I would like to thank Chairman RANGEL and Congressman NEAL for bringing forward this wonderful piece of legislation, which I proudly support. And I support this bill to provide incentives for clean domestic renewable energy production. It will improve our energy security, extend vital tax provisions, and provide tax relief to parents and teachers, college students, homeowners, small businesses, and millions of other middle-income Americans. Closer to home, this legislation is needed to ensure that Nevada residents, who do not pay a State income tax, will be able to deduct State and local sales taxes from their Federal income taxes.

Currently, some families who could benefit the most from the $1,000 refund and for a child tax credit actually make too little to qualify. This bill ensures that more hardworking parents will be able to benefit from this credit.

The bill extends the investment tax credit for solar energy property for 6 years, while doubling the annual credit cap for residential properties to $4,000.

The SPEAKER pro tempore. The time of the gentlewoman from Nevada has expired.

Mr. McDERMOTT. I yield the gentlewoman 15 seconds.

Ms. BERKLEY. This important provision not only increases clean energy production, but it will also create new green collar jobs in Nevada.

While I strongly believe the alternative minimum tax should be eliminated and I remain committed to protecting the 130,000 Nevadans who will be hit by this tax, this bill is paid for. I recommend everyone support it.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I listened to the Speaker of the House who spoke so eloquently about the pain Americans are feeling at the gas pump. She and her party should know a lot about it. They helped cause it.

Since the Democrats have been in control here for almost a year and a half, we have seen prices at the pump go up about $1.50 a gallon. A barrel of oil is at the highest price we have ever seen. They have tried to sue their way into lower gas prices. Now they are trying to tax their way into lower gas prices. Yet they never think about producing American energy in America.

So now we have the so-called tax extender bills, Mr. Speaker. Well, isn't that an interesting concept. Why is it that spending is forever and grows exponentially, and yet tax relief to hardworking middle-income families is somehow temporary? It just kind of disappears. But the Speaker of the House tells us that this is somehow fiscally responsible.

If you read the front page of USA Today 2 days ago, it tells you that under the Democrats' watch we have an extra $2.7 trillion of unfunded obligations that are put upon our children.

Apparently the majority leader thinks that is a laughing matter. As the father of a 6-year-old and the father of a 4-year-old, I don't find it too funny.

What we have here is we are going to preserve tax relief for some by increasing taxes for others. Again, what an interesting concept. The bottom line is the job creation mechanism of America is taxed, taxed again when people's paychecks are shrinking. This isn't fair.

Now some people say, well, these particular provisions need reform. I am happy to reform the Tax Code. I have cosponsored the Taxpayer Choice Act of 2008. I invite my Democrat colleagues to cosponsor it so that we can present a two-tier flat tax system to the American people. But the bottom line is Washington is spending too much, and we don't need another tax increase bill.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the gentleman.

This bill continues the new Congress' steadfast commitment to driving a clean energy revolution in our country and stimulating near-term growth in our struggling economy.

Gas prices are up around $4 a gallon. Climate change is a clear and present danger. We need to wean ourselves off of largely imported foreign sources of fossil fuel. This bill charts that new course, the right course. It provides critical incentives for accelerated energy production from wind, geothermal, and hydropower sources. It includes investment tax credits for solar and fuel cell properties and a number of other factors.

To give our economy a boost, the legislation extends pro-growth policies like the R&D tax credit, and cuts taxes for millions of middle class families through a host of provisions including the expanded child tax credit. Mr. Speaker, this is a pro-growth, pro-environment, forward-looking and fully paid for package that helps move our country in a new direction.

Our colleagues on the other side of the aisle continue to resist change. They had a monopoly on power in Washington for 6 years and did nothing. Now they have become the party of "no," veto, and the status quo. Let's move in a new direction.

Mr. McCRERY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I include at this point in the RECORD excerpts of a memo written to Bill Dauster of the Senate Finance Committee from Ed Kleinbard, Chief of Staff at the Senate Joint Committee on Taxation.

CONCLUSION

While we recognize that colorable arguments can be made in support of the contrary conclusion, we believe that Rule XLIV's disclosure requirement for limited tax benefits is applicable to Section 301.

Mr. Speaker, this new majority is all politics all the time.

Now, the Speaker gave seven reasons to vote for this bill. Funny, she didn't include the tax boondoggle for trial lawyers. That is right, a tax break for trial lawyers.

The bill allows plaintiffs' trial lawyers to take deductions for the payment of contingency fees. I ask you, under current economic conditions, should we be using the Tax Code to give the plaintiffs bar possible financial incentives to bring more and costlier lawsuits against American business?

Second, by definition, in the rules of this House this bill contains earmarks and pork. The restructuring of the New York Liberty Zone tax credits provide pork, a limited tax benefit of over $1 billion to New York City.

Pork for powerful Members of Congress. Pork for trial lawyers. Mr. Speaker, two good reasons to vote "no" on this bill.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, as a member of the Ways and Means Committee, I rise in strong support of this legislation.

This package encourages the innovation and entrepreneurship needed to advance America's energy independence. It promotes economic growth, enhances the ability of American businesses to compete internationally, and provides much needed relief to American families. This proposal extends the research and development credit that encourages innovation and creates new green jobs; the higher education expense deduction that enables Americans to afford to go to college and to be able to compete in the new technology jobs. And the provisions that are included encourage renewable energy development and conservation, including a provision that I championed which incentivizes more energy efficient commercial buildings.

This is not the first time that we have passed these energy provisions in this House. Past efforts have been opposed by the Republicans and by the President both on substance and on how it is paid for. But this bill passed the committee with a bipartisan vote.

With a strong bipartisan vote today, we can send a strong message that we are ready for a new energy policy in this country and should be passed this afternoon with bipartisan effort.

Mr. McCRERY. Mr. Speaker, I have no further requests for time, and I would reserve the balance of my time to close on our side.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me address the contingency fee provision that has come up several times.

Mr. McCRERY, I agree with you that contingency fee lawyers are a very, very narrow class of people. They are the only major business in America that gets paid solely based on how effective they are. If they earn nothing for their client, they get nothing in the way of compensation.

Another fact for my friends on the minority: Contingency fee lawyers are small business owners who run up expenses, like every other small business in America. Simple tax fairness says they ought to be able to take the expenses when the expenses occur. That is how we grow businesses in America, we give people a chance to use the Tax Code to grow. And if every other business in America can take a deduction for expenses in the year in which you incur the expense, how dare we single out one class of small business owners and treat them differently.

This provision is a simple clear matter of tax equity.

Mr. McDERMOTT. Mr. Speaker, I would reserve the balance of my time to close, using the majority leader.

Mr. McCRERY. Mr. Speaker, let me close today by simply saying that we don't object to the main body of the bill, the extensions of the expiring provisions of the Tax Code. After all, those were provisions that we put in the Tax Code when we were in the majority. That is not the point.

The point is that if we follow the PAYGO rules that require these existing provisions of law to be paid for if they are extended just amounts to a built-in tax increase. If we are already bringing in to the Federal Government more money as a percent of GDP than we historically have with all these provisions in place, what sense does it make to raise taxes just to keep them in place? It doesn't make sense, unless you simply want to raise more revenue for the central government in this country, grow the government even more.

So, Mr. Speaker, with all due respect to those who have spoken so eloquently on the merits of the expiring tax provisions, I agree with that. But to hold to the PAYGO provisions that require the offsets in this bill would lead us to a huge tax increase over the next 10 years.

Mr. McDERMOTT. Mr. Speaker, I yield the remainder of my time to the gentleman from Maryland, the majority leader to close the debate.

Mr. HOYER. I thank the gentleman for yielding.

Again, I want to say how much respect I have for Mr. McCRERY. I think he is one of the most positive Members of this body. I think he has worked productively with Chairman RANGEL, and I have great respect for my colleague. He will be leaving, and that will be a loss for the Congress. I wanted to say that before I begin.

Let me say that we have disagreements. However, and on the overall issue that he raised in closing about paying for this, he is accurate. Now, some of these extenders even pre-date the time when the Republicans were in the majority in 1995 and through 2006. But I think there is consensus on extending them. The difference is, should we pay for them? There are only a number of options, a few options available to us. We can pay for them, or our children can pay for them. Somebody will pay for them. There is not a free lunch.

My view is this supply side economics pretends there is somewhere out there where the tooth fairy is going to deliver the money. There is not a tooth fairy. It is the parent who delivers the money under the pillow when the tooth is lost. But we are the parents, and we need to act as adults. We need to pay for what we buy. And if what we buy is giving somebody a tax incentive because we believe that they will do something good that will advantage our community and our country, then that is fine. I am supportive of that. But we ought to pay for it, because that is our decision.

□ 1515

One of the gentlemen spoke about his two children. I have three children. I have three grandchildren, and I have one great-granddaughter. I'm equally concerned. I'm concerned about the $4 trillion in debt that we've added over the last 6-plus years, and now some $400 billion this year alone. But that is the general philosophy.

The specific philosophy here is we need to be energy independent. We need to be sure that our policies that we pursue do not continue to make us hostage to those who have petroleum products.

Mr. Speaker, I first want to commend Chairman CHARLIE RANGEL and all of the members of the Ways and Means Committee for their hard work on this very important, farsighted legislation, the Renewable Energy and Job Creation Act.

This week the American people are paying, on average, $3.79 per gallon for gasoline. Mr. HENSARLING observed that I was laughing when he said the Democrats have been in charge and look what's happened to gas prices. I was laughing because the absurdity is rejected by the American public, that somehow policies that we've adopted over the last year, when the President vetoes anything he doesn't want, has affected those gasoline prices to me is patently absurd and clearly rejected by the American people. It was, I thought then and think now, a laughable proposition to make.

Motorists are paying $4 per gallon, more than $2.50 per gallon more than they were paying when the current administration took office.

To show you the difference, when Bill Clinton was President from 1993 to 2001, gas prices rose from $1.06 to $1.46, 40 cents, or a nickel a year, a nickel a year during those 8 years. During this President's administration, prices are rising a nickel a week.

There is no doubt that this explosion in gasoline prices is squeezing hardworking families who live in every one of our districts who also are coping with the rising costs of food and groceries, health care and education.

This legislation is not a panacea to those immediate concerns. Would that we had one. But it does represent an important step in our continuing effort to reduce our dependence on foreign oil.

Among other things, the bill will establish a new tax credit of $1.01 per gallon for cellulosic biofuel production from now through 2015, so that we can rely on the Middle West and perhaps other parts of our country, rather than the Middle East. It will extend this $1 per gallon biodiesel tax credit, and makes it available to all potential sources of diesel that can be made without petroleum. And it allows jet fuel produced from biomass to qualify for the credit as well.

Furthermore, this legislation will reduce our dependence on imported fuel for our electricity sector by extending and expanding tax incentive for sources of renewable energy including wind, solar and biomass.

It also will encourage the use of plug-in hybrid cars and provide incentives for energy conservation in residential homes, commercial buildings and appliances; all of which, I think, the American public applauds.

Additionally, this bill will help create hundreds of thousands of "green jobs." It will spur American innovation and business investment, which will strengthen our economy today and in the future. And it will provide tax relief for millions of Americans, expanding the child tax credit for the families of 13 million children, helping 4.5 million families better afford college through a tuition deduction, and saving 3.4 million teachers money with a deduction for classroom expenses, so when they buy something for their classroom, like a business expense, they'll be able to deduct it.

Now, many on the Republican side object to this bill because the Democratic majority, in keeping with our commitment to fiscal responsibility and pay as you go budget rules, insists that this legislation be paid for and not add to the national debt.

That's a fundamental difference between our two sides. One believes that tax cuts somehow pay for themselves. Mr. Bernanke doesn't believe that, Mr. Greenspan doesn't believe that, but our Republican colleagues clearly believe it, and they've pursued that policy, which has, as I said, put us over $3 trillion in additional debt over the last 82 months.

To them I simply say: It is long past time that the Members here insist that our Nation pay for the things it buys. To not do so takes the discipline out of the democratic process, because if we can simply charge that which we buy, there will be no discipline on the part of the electorate to say no, we don't want to be taxed to buy that. And I guarantee the system would stop buying it. But if there is no discipline, if we're not paying, my grandchildren will not be able to vote and exercise that discipline.

History, I suggest to my colleagues, is littered with the stories of formerly great nations that began their demise through fiscal profligacy. It is within our power to ensure that the United States of America is never added to that list.

The method by which Chairman RANGEL and the committee have paid for the cost of this bill is laudable. Important. This legislation closes loopholes that allow corporations and executives to avoid U.S. taxes by shipping jobs and investments overseas. And because our obligations do not stop, average working Americans, therefore, must pay more if the wealthiest among us who can seek tax havens do not pay their fair share.

This legislation is the right thing to do. Mr. Speaker, this is an excellent bill that will help reduce our dependence on foreign oil and protect our environment, create thousands of jobs and strengthen our economy, and provide tax relief to millions of hardworking Americans.

I commend Mr. RANGEL, Mr. McDERMOTT, the members of the committee, and I commend Mr. McCRERY for his responsible stewardship as the ranking member and his working to try to bring consensus. We have not reached it in this instance, but I do commend him for his efforts.

And I urge my colleagues, support this important legislation which moves us towards energy independence and a fair and equitable tax system.

Mr. CARSON of Indiana. Mr. Speaker, I rise today in strong support of H.R. 6049, The Renewable Energy and Job Creation Act of 2008. This is a fiscally responsible and progressive piece of legislation. H.R. 6049 responds to the concerns we consistently hear from our constituents about energy prices, property taxes and the needs of our brave men and women in uniform.

H.R. 6049 recognizes that the need for renewable energy is greater than ever. Oil companies reap higher and higher profits but consumers are struggling to keep up the rising cost of gas. Our dependence on foreign oil continues to pose a serious risk to our national security. Further, we know our current energy sources are contributing heavily to global climate change. I applaud H.R. 6049 for including a $20 billion dollar investment in renewable energy research and production to find environmentally sound alternate energy supplies.

In my home state of Indiana, families are struggling to keep up with sky-high property taxes. My colleague BARON HILL has worked to bring about relief for homeowners and introduced H.R. 3726 the Property Tax Relief Act of 2007, a bill I am proud cosponsor. I was pleased to note the bill we are discussing today provides an additional standard deduction for State and local real property taxes paid for 2008, a provision very similar to H.R. 3726.

This bill also provides assistance to our veterans and active duty service men and women. H.R. 6049 includes provisions allowing members of the armed services to include combat pay in order to qualify for the earned income tax credit and rules to allow veterans to qualify for mortgage revenue bonds. These programs offer critical assistance to lower income individuals.

H.R. 6049 helps American families by extending the deduction for qualified tuition and related education expenses and increasing the eligibility for the refundable child tax credit for 2008. Further, it rejects President Bush's attempts to cut down Medicare and Medicaid benefits, the budget for the Centers for Disease Control and Prevention, the Environmental Protection Agency and several key law enforcement programs. Having spent my career in law enforcement, I was especially concerned to hear that the President proposed eliminating the Byrne Memorial Justice Assistance Grants and cops. I am pleased this bill continues to support these important programs.

I commend Chairman RANGEL for his leadership on this important bill.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this legislation that will extend critical tax credits for renewable energy and for American families while not adding to the federal deficit.

As co-chair of the Renewable Energy and Energy Efficiency Caucus, I am especially pleased to see the House take action on needed tax credits for renewable energy. The Production Tax Credit (PTC) in particular has been instrumental in promoting the creation of a renewable energy industry. An extended PTC will provide more market certainty and we must have an extension of this key tax credit before the current credit expires at the end of 2008.

I must add that, while I am pleased that the bill provides a 3-year extension of the PTC for most renewable energy sources, I am concerned that it only provides a 1-year extension for wind energy. Wind is a very promising renewable energy source and a 1-year extension will not be as helpful for the industry. I will continue to lead the fight to extend the PTC for more than 1 year.

The bill also extends the Investment Tax Credit (ITC) for solar energy, qualified fuel cells, and microturbines through the end of 2014. The ITC will help companies with initial investment costs in expanding these renewable energy sources across the country.

The bill also authorizes $2 billion of new clean renewable energy bonds (CREBS) for public power providers and electric cooperatives. This is a critical tool, especially for Colorado's rural co-ops and municipal utilities.

This bill would also benefit families who want to invest in renewable energy. It would extend the credit for residential solar property for 6 years and increase the annual credit cap, currently capped at $2,000, to $4,000. And it would expand the definition to include residential small wind equipment and geothermal heat pumps so that consumers have more options.

Rising gas prices are forcing many Coloradans to dip into their savings just to make ends meet. This bill will help families reduce their fuel bills by providing $3000 in tax credits toward the purchase of fuel-efficient, plug-in hybrid vehicles. It will also help address long-term fuel cost concerns by expanding production of homegrown fuels, including creating a new production tax credit for cellulosic biofuels besides ethanol, as well as an extension of the tax credits for biodiesel and renewable diesel.

I supported the energy bill that the House passed last year which included many of these important tax provisions, as well as the Renewable Energy and Energy Conservation Tax Act of 2008 that the House passed earlier this year. But, for the lack of support in the Senate, these provisions have not yet made it to the President's desk to be signed into law.

And this bill will also help Colorado businesses stay competitive by extending the research and development tax credit for 1 year. While again I would like to see this key tax credit extended for more than 1 year, this is a step in the right direction.

To help with the hard economic times that Coloradans are facing, this bill includes several other key tax credits, including expanding the child tax credit for some of our neediest families, allowing teachers to take a deduction for purchasing classroom supplies out of their own pockets, and providing additional support for families paying for college education.

I hope today we can move this bill forward and promote positive change that will benefit our families and rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I strongly encourage my colleagues in the House to vote for this needed legislation, and also encourage quick action in the Senate so that we may move it to the President's desk.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 6049, Renewable Energy and Job Creation Act of 2008. I would like to thank my colleague the Chairman of Ways and Means, Congressman CHARLES RANGEL for bringing this energy legislation forward .

The bill extends dozens of expired or expiring tax provisions, and extends and creates new energy-related tax incentives for the production of wind and other renewable energy and for homeowners' investment in solar and fuel cell equipment.

Texas has invested in the production of wind and is looking to come up with more ways to aid us in energy conservation and harnessing our natural resources in a way that does not damage the environment.

There is an undeniable consensus on the importance of America achieving energy independence in the 21st century. It is critical that we terminate our dependence on foreign sources of oil, the majority of which are located in regions of the world which are unstable and in most circumstances, opposed to our interests. Accordingly, there is no issue more essential to our economic and national security than energy independence.

By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.

Houston, Texas, is the energy capital of the world, for the past 12 years I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of Energy Braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa.

My Energy Braintrusts were designed to be a call of action to all of the sectors that comprise the American and international energy industry, to the African American community, and to the nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet distinct voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis.

Mr. Speaker, this legislation will aid Americans as we seek to wean ourselves from our foreign oil dependence. I urge my colleagues to support H.R. 6049.

Mr. CONYERS. Mr. Speaker, I rise today in support of this common sense piece of legislation offered by my dear friend, Representative

CHARLIE RANGEL, the Chairman of the Ways and Means Committee. If enacted, his bill will marshal the tremendous economic power of our Nation's physical and human capital and direct it towards solving the twin challenges of energy dependence and global warming. Through $20 billion investment in renewable energy tax incentives, carbon mitigation provisions, transportation efficiency tax credits, and energy efficiency incentives, this bill offers a comprehensive strategy that empowers both individual citizens and the private sector.

The bill empowers everyday Americans by providing tax credits to green citizens who add energy-efficient improvements to their homes and businesses and purchase plug-in electric cars. The bill helps the private sector push the limits of research and development by encouraging the building of carbon capture and sequestration demonstration projects. The bill also creates incentives for the energy production sector to invest in nontraditional cutting edge energy production methods. I am particularly excited that this bill will, for the first time, incentivize investment in technologies that will harness the power of the waves and tides found in our Nation's Great Lakes and oceans.

I am also proud of this body's recent efforts to address the global climate change crisis. This bill is a logical and important next step toward this end. For too long, our country lagged behind the rest of the industrialized world in recognizing and taking action to address the climate change crisis. Global warming endangers all of us, but threatens to have the most devastating impact on the poorest and the most vulnerable. By encouraging our Nation's citizens and businesses to act in a carbon-conscious way, we protect not only ourselves, but show compassion for our brothers and sisters around the world. At a time when global public opinion regarding our Nation is at an all-time low, the important positive impact this bill will have on our country's public diplomacy efforts should not be downplayed.

Lastly, I believe that this bill serves as a powerful example of the tax policy differences between the 110th Congress and past Congresses. Instead of using the tax code to promote inequality and corporate largess, the American people now know that the tax code can be used to promote personal responsibility, national security, compassion, and global sustainability. I am proud to join with my colleagues here today as we continue to establish a progressive tax policy for the 21st century.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 6049, Renewable Energy and Job Creation Act of 2008. This bill provides tax relief for millions of Americans while spurring business investment and innovation in renewable energy.

I am pleased to note that H.R. 6049 will benefit the families of millions of children by expanding the child tax credit to those earning $8,500 a year. This bill will also provide tax relief by extending the State and local sales tax deduction, provide property tax relief for 30 million homeowners, and help families afford college with the tuition deduction. As the only former school superintendent serving in Congress, I am especially pleased to note that this bill is supported by the National Education Association because it includes an extension of the tax deduction for educators who help supply their classrooms, and an extension of the Quality Zone Academy Bonds school modernization program that helps school districts address renovation and repair needs.

H.R. 6049 includes important tax relief provisions for businesses as well as individuals and families. This bill extends the Research and Development Tax Credit for over 27,000 businesses, the 15-year straight-line cost recovery for leasehold improvements and qualified restaurant improvements, and the tax credit for the environmental remediation of brownfields areas. We need to strengthen our economy by helping to spur American innovation with investment in American businesses.

Developing alternative energy sources and ending our dependence on foreign oil is one of the most critical challenges facing our nation. H.R. 6049 includes several provisions that will spur innovation in this area such as an extension of investment and production tax credits for solar energy, wind energy, and energy derived from biomass, geothermal, hydropower, and solid waste. In addition, H.R. 6049 includes incentives that promote the production of homegrown renewable fuels, like biodiesel, for the installation of more E–85 pumps, and a $3,000 tax credit for the purchase of fuel-efficient plug-in hybrid vehicles. These provisions will create and preserve thousands of "green collar jobs" as well as provide relief for Americans who continue to see gas prices rise to historic records across the country.

I support the passage of H.R. 6049, Renewable Energy and Job Creation Act of 2008, and I urge my colleagues to join me.

Mr. MARKEY. Mr. Speaker, for nearly eight years, this Administration's backwards energy policy has lined the pockets of oil company executives while hurting American consumers, the economy, and the planet. This bill encourages production of clean alternative fuels and renewable energy while creating jobs. It transfers Oil Executive Power to Blue Collar Renewable Power.

Last week the House passed legislation on the Strategic Petroleum Reserve to give hurting Americans an immediate break at the pump. But the energy crisis demands long term action, breaking our addiction to oil and transitioning our economy to clean renewable energy sources once and for all.

Last week immediate relief with SPR, this week we put our nation on a path to a clean renewable future.

President Bush and Senate Republicans have been given opportunity after opportunity to pass tax credit extensions for renewable energy. They have sided with Big Oil each time, even as oil prices have blown past $100 a barrel and many Americans are now paying $4 per gallon for gas. This morning oil reached $130 a barrel.

This bill finds alternative revenue raisers which I do support. But let's not forget what this Administration fought to protect. ExxonMobil had $40 billion in profit last year. Do you know how the largest corporate profit in history was used in 2007?

It repurchased $31.8 billion worth of stock.

It increased compensation for top executives by 170 percent since 2001.

It financed a $100 million public relations campaign to try to deflect blame from angry consumers.

It invested around $10 million in renewable energy alternatives. That is less than one tenth of one percent of their profits.

These and other findings are being released today in a report by the Select Committee that analyzes where Big Oil's profits are going. Let's hope President Bush's love for the oil industry doesn't extend to hedge fund managers and corporate CEOs using offshore tax havens.'

Today, because of this Administration's misguided policies, the renewable energy industry has its back against the wall. Solar and wind companies are delaying projects because of investment uncertainty. There is no more time to delay.

The other side likes to tell America that wind and solar and biomass cannot be real solutions to our energy challenge. They tell us that drilling in our most pristine natural areas and building nuclear power plants with taxpayer support are the only things that can solve this problem.

No. Last year the United States installed 5,244 megawatts of wind power, 30 percent of all the new capacity installed nationwide in 2007. Solar photovoltaic installations in the U.S. also grew an incredible 80 percent. This was the start of the renewable energy revolution.

Last week, the Department of Energy produced a study detailing what it would take for America to meet 20 percent of its electricity needs with wind power in 2030. The way the industry has grown over the last decade—about 30 percent a year—we can meet this target ahead of time.

This bill also provides valuable incentives for carbon capture and sequestration, plug-in hybrid cars, and renewable fuels. The American entrepreneur will rise to the energy and climate challenge if Congress puts the right incentives in place.

Passing H.R. 6049 will give renewable energy the support it needs, drive economic expansion and job growth in this country and put America on a greener path towards realizing long-term solutions to global warming. I urge an "aye" vote on the rule and on the underlying bill.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 6049, the Renewable Energy and Job Creation Act of 2008. As a member of the Ways & Means Committee, I am proud to have helped craft this very important tax bill that will give much needed relief to millions of American taxpayers while also moving forward on our agenda to reduce greenhouse gas emissions and stimulate our economy.

Unfortunately, over the last several years we have seen tax bills pushed through Congress and signed by the President under the guise of "relief" for the middle class and the poorest in the country. I think many in this chamber have now come to recognize that many of these measures presented as tax relief for the middle class were in fact more tax breaks for the richest in society. Today we finally have before us a bill that will give real relief to millions of taxpayers, many of whom are hardworking middle class families struggling with rising energy and food bills.

First, H.R. 6049 addresses the need for more clean energy production in our country by providing long-term extensions of the renewable energy production tax credit and the solar energy and fuel cell investment tax credit, while amending them to increase accessibility. These long-term extensions will give utilities and investors the predictability they need to move forward with new generation projects in the years to come. The bill also addresses energy use and carbon emissions by extending multiple energy-efficient credits for homes and businesses, creating incentives for carbon capture and sequestration demonstration projects, and calling for carbon audit of the tax code to determine what policies are encouraging wasteful energy use and unnecessary carbon emissions. The Act also addresses our dependence on dirty foreign oil by extending and improving tax credits for the production of cellulosic biofuels and plug-in electric vehicles.

Most exciting of all, however, are the innovative qualified energy conservation bonds this bill creates. The qualified energy conservation bonds give states and local governments the resources needed to invest in green programs designed to reduce greenhouse gas emissions. Giving local authorities the power to choose what green energies to implement in their backyard is good public policy, because I know the energy needs of western Wisconsin are vastly different than those of Queens. By not picking the winners and losers in Washington, we are allowing exciting technological changes, advancements, and the market—not Congress—drive the green energy revolution.

In the area of tax relief, H.R. 6049 extends several popular expiring tax provisions. In particular, the bill will provide property tax relief for 30 million Americans, help for more than 12 million children through an expanded child tax credit, tax relief for more than 11 million families through state and local sales tax deduction, help for more than 4.5 million families to cover the cost of education through the tuition deduction, and relief for more than 3.5 million teachers who will be reimbursed for out-of-pocket expenses for their classrooms.

Finally, this bill is fully offset and complies with pay-go rules. Under the leadership of Chairman RANGEL and Speaker PELOSI, we are demonstrating that we can provide tax relief without sending the debt on to our children. After years of fiscal recklessness—deficit-financed tax cuts for the wealthy and out-of-control government spending—this bill sets a precedent of fiscally responsible tax reform.

Again, Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. Offering some tax relief in uncertain economic times and meeting the challenge of climate change with innovative and constructive solutions are exactly the issues this Congress should be focused on. I urge my colleagues to support H.R. 6049.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support of the Renewable Energy and Job Creation Act and congratulate Speaker PELOSI and Chairman RANGEL for putting forward legislation that will make a real difference for American families.

H.R. 6049 extends and expands tax incentives for renewable energy and encourages energy efficiency. At a time when families are facing record-breaking gas prices, this bill will help to reduce our dependence on foreign oil and lower energy bills. These tax incentives will also create and preserve good-paying "green collar" jobs such as those in the wind and solar industries.

The Renewable Energy and Job Creation Act also furthers our nation's innovation efforts by extending the research and development tax credit for 27,000 companies. It is critical for our global competitiveness that we encourage and support entrepeneurs and new ideas.

For families struggling to make ends meet in this difficult economy, this bill provides 30 million homeowners with property tax relief, expands the child tax credit, and extends the state and local sales tax deduction. It also helps students afford higher education with a tuition deduction and provides our teachers a tax deduction for classroom expenses. Finally, this legislation provides additional tax relief under the Earned Income Tax Credit for 22,000 troops in combat.

Mr. Speaker, to ensure that our children and grandchildren are not burdened with additional debt, this bill is fully paid for by closing a tax loophole for offshore companies and delaying a tax break for U.S. multinational companies. These changes not only ensure this bill follows pay-go, they also improve the fairness of our tax code.

H.R. 6049 is critical to our long term energy policy and to family budgets. I urge my colleagues to join me in supporting this important bill.

Mrs. BOYDA of Kansas. Mr. Speaker, this past fall, this House passed H.R. 3997, which included a provision to permanently extend the military eligibility for the earned income tax credit (EITC). However, we are back here again while our men and women in uniform still wait for a permanent solution. We provided a 1-year extension, but our military deserve a permanent fix.

Without action today, hundreds of thousands of troops could find their EITC eligibility slashed. It would be a tax borne solely by our soldiers and our military families. We call it a soldier tax.

Our military continues to serve our country with honor and distinction. The last thing we need is for our soldiers and their families to have to worry about paying higher taxes next year. That is why I authored the Tax Relief for Armed Combat Families Act for 2007. It will permanently end the soldier tax. Our military families should not have to worry from year to year what funds are going to be available to take care of their families.

I thank Chairman RANGEL for working my language into today's legislation, and I call on my colleagues to pass this important legislation. Let's permanently end the soldier tax.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 6049, the Renewable Energy and Job Creation Act. This legislation will extend and expand tax incentives for renewable energy and create hundreds of thousands of green jobs, along with providing critical tax relief to families as they face rising gas and food costs.

With soaring gas prices hitting our constituents hard in the pocket book, we need to reduce our dependence on foreign oil, while protecting the environment. H.R. 6049 does this by increasing production of renewable fuels and renewable electricity, and encouraging greater energy efficiency. Specifically, the 6-year extension of the investment tax credit for solar energy, the 3-year extension of the production tax credit for biomass-, geothermal-, and hydropower-generated energy, and the 1-year extension of the production tax credit for energy derived from wind set us on the right path for decreasing our dependence on foreign oil.

This bill would also provide critical tax relief to families at a time when they are paying more at the pump and in the grocery store. When passed, this bill would provide this relief through the ability to deduct State and local sales tax, tuition and other education expenses including the out-of-pocket expenses by teachers, the deduction of property taxes for non-itemizers and probably most importantly, relief for more than 12 million children through an expansion of the refundable child taxpayers earning $8,500 a year. These are commonsense items directed towards those who are in the most need of relief. It is no secret that the cost of living is increasing and wages are stagnant. These provisions will help the average American family receive some relief.

Mr. Speaker, I am pleased to support the Renewable Energy and Job Creation Act and I urge my colleagues to do the same.

Mr. GENE GREEN of Texas. Mr. Speaker, I stand in strong support of H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

I have always believed that as a Nation we should wean ourselves from our dependence on fossil fuels and invest in the energy of the future.

After several attempts, the House of Representatives has finally found an appropriate balance to promote the technologies of tomorrow in a way that will benefit our long term energy security.

This legislation has much to be proud of.

It will extend the tax credit for producing electricity from renewable sources of energy which will enable Texas—the Nation's number one producer of wind energy—to continue adding clean energy and jobs to our economy.

It also extends the investment tax credits for solar energy, fuel cells, and energy-efficient appliances for the home, and it creates new tax credits for plug-in hybrid vehicles and renewable energy tax-credit bonds.

And after learning of the unintended consequences that corn-based ethanol has had on our environment and global food prices, this legislation rightly includes a six-cent reduction in the ethanol tax credit and creates a new credit for the production of cellulosic biofuels.

Aside from energy provisions, I am pleased this legislation includes several sections extending benefits for members of the military and veterans.

Extension of the rules allowing military personnel to treat their combat pay as earned income, extending specialized mortgage bond rules for veterans, as well as a provision allowing reservists to make penalty free withdrawals from the retirement accounts if called to active duty for 180 days or more will benefit those who have served our country, and provide added financial options for their families if necessary.

Finally, H.R. 6069 will extend the state and local sales tax deduction which assists taxpayers in Texas who do not pay a state income tax, and it provides almost $10 billion of additional tax relief for individuals through an expansion of the refundable child tax credit and a new standard deduction for property taxes.

Mr. Speaker, I want to thank my good friend and colleague, Chairman RANGEL, for producing a bill that enhances our energy and job security and that has support from both sides of the aisle.

I urge my colleagues to support this legislation.

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of H.R. 6049, the Renewable Energy and Job Creation Act. This important legislation would provide critical tax relief to families coping with increased costs of gas and food, while continuing our national investment in renewable energy and conservation programs to reduce our dependence on foreign oil. I am particularly pleased that this legislation includes $3 billion in energy conservation bonds to help States reduce greenhouse gases.

Protecting the environment for future generations is a collective responsibility. We must each do our part to leave a better, cleaner world than the one we inherited. That has been a guiding principle for my efforts in Congress, and it is our mutual obligation.

Recently, both Rockland County and Westchester County in my district in New York have joined communities nationwide moving to reduce our dependence on foreign oil by passing plastic bag recycling laws.

We know that the production of plastic bags and film plastic worldwide uses over 12 million barrels of oil per year, accounting for more than 4 percent of the world's total oil production. We also know the disturbing truth that in the United States we use more than 1 billion plastic bags a year, and less than 1 percent of those bags are recycled. Even more troubling, the Environmental Protection Agency estimates the average plastic bag takes up to 1,000 years to decompose—in the process breaking down into smaller pieces that contaminate our soil and waterways and cause injury, illness or death to marine and animal life.

I recently introduced H. Res. 1161 to honor retailers and those State and local governments throughout the nation that have taken similar proactive steps to tackle this critical energy and environmental challenge. In the coming weeks I will also be introducing legislation to establish a national program promoting plastic bag recycling at our retail outlets, and I look forward to working with the members of the Ways and Means Committee, the Energy and Commerce Committee, and the Select Committee on Energy Independence and Global Warming to tackle this issue.

Thank you again to Chairman RANGEL for your leadership on these critically important issues, and I urge my colleagues to support H.R. 6049.

Ms. SOLIS. Mr. Speaker, I strongly support H.R. 6049, the Renewable Energy and Job Creation Act. This legislation will extend and expand important tax incentives for renewable energy, will spur business investments, cut taxes for millions of Americans, and retain and create hundreds of thousands of green jobs.

The Renewable Energy and Job Creation Act includes $18 billion in tax incentives to spur green jobs and energy independence. I am pleased that it includes a six-year extension of the investment tax credit for solar energy, and between one and three year extensions of the production tax credit for addition sources of renewable energy. It also provides tax credits of $3,000 or more to purchase fuel-efficient, plug-in hybrid vehicles and includes important incentives for energy conservation in commercial buildings, residential structures, and energy efficient appliance. This bill also includes $3 billion in tax credit bonds for State and local governments to make energy conservation investments in public infrastructure, investments which I hope can be targeted toward low-income communities and our schools.

Without these energy tax extensions, our nation could lose an additional 116,000 jobs this year. with additional long-term repercussions in the growth of an industry which has enormous potential at in an otherwise uncertain economic time.

This legislation also invests $37 billion to spur job creation and cut taxes for millions of middle-class families. It will help the families of more than 13 million children by expanding the child tax credit to those earning $8,500 a year, saves 3.4 million teachers money by providing a deduction for classroom expenses, extends tax relief under the Earned Income Tax Credit to 22,000 American servicemen and woman in combat, and would help more than 4.5 million families better afford college.

At a time when families are struggling in a slowing economy and oil prices reached yet another record on the world market, this bill is a much needed step toward securing our energy and economic future. I hope my colleagues and the President will join us in enacting this important legislation which makes needed investments without increasing the national debt.

Mr. MARKEY. Mr. Speaker, oil prices have now reached $135 a barrel and regular gasoline averages $3.81 per gallon around the country. Meanwhile, the big five oil companies are reaping the rewards of record prices. The major oil companies recorded more than $123 billion in profits in 2007. However, rather than reinvesting the bulk of those profits to advance a strategy that vigorously incorporates renewable energy alternatives, oil company profits have been spent largely to fund huge increases in stock buybacks designed to prop up stock prices. ExxonMobil—the largest of the major oil companies—recorded $40 billion in profit in 2007 and spent $31.8 billion repurchasing shares of its own stock. Meanwhile ExxonMobil only spent $10 million investing in renewable energy in 2007.

The oil industry in the past 5 years has undertaken one of the largest stock buybacks in the history of capitalism. Spending on share buybacks for the five major oil companies went from under $10 billion a year in 2003 to nearly $60 billion a year in 2007. Big Oil has increased spending on stock repurchases from $7.9 billion in 2003 to $57.7 billion in 2007—an increase of 630 percent. The increase in Big Oil's spending on stock buybacks in recent years has been so remarkable, and indeed unprecedented, that Exxon spent more repurchasing its own shares in the first quarter of 2008—$8 billion—than all the major oil companies spent on stock buybacks for all of 2003.

The money being invested by Big Oil in all types of production still pales in comparison to the value being returned to shareholders in the form of dividends and stock buy-backs. While ExxonMobil has increased capital investment in drilling and exploration from $12 billion in 2003 to $15.7 billion in 2007—an increase of roughly 30 percent—ExxonMobil has increased spending on stock buybacks from $5.9 billion in 2003 to $31.8 billion in 2007—a five-fold increase.

The legislation that I am introducing today, the Renewable Investment and Consumer Protection Act or 2008, would impose a 10 percent fee on all stock buyback transactions entered into by major oil companies and redirect that revenue to fund investment in renewable energy and low-income energy assistance programs. If the oil companies refuse to help American families by finding alternatives to $4 gasoline, then it is time for Congress to ensure that we invest in renewable technologies such as solar, wind and biofuels that can help American consumers, our economy and our planet.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1212, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCRERY

Mr. MCCRERY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCCRERY. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCrery moves to recommit the bill H.R. 6049 to the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Alternative Minimum Tax and Extenders Tax Relief Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 102. Extension of increased alternative minimum tax exemption amount.

TITLE II—INDIVIDUAL TAX PROVISIONS

Sec. 201. Election to include combat pay as earned income for purposes of the earned income credit.
Sec. 202. Distributions from retirement plans to individuals called to active duty.
Sec. 203. Deduction for State and local sales taxes.
Sec. 204. Deduction of qualified tuition and related expenses.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Modification of mortgage revenue bonds for veterans.
Sec. 207. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 208. Treatment of certain dividends of regulated investment companies.
Sec. 209. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 210. Qualified investment entities.
Sec. 211. Qualified conservation contributions.

TITLE III—BUSINESS TAX PROVISIONS

Sec. 301. Extension of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 306. Enhanced charitable deduction for contributions of food inventory.
Sec. 307. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 308. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 309. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 310. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 311. Parity in the application of certain limits to mental health benefits.
Sec. 312. Extension of economic development credit for American Samoa.
Sec. 313. Extension of mine rescue team training credit.
Sec. 314. Extension of election to expense advanced mine safety equipment.
Sec. 315. Extension of expensing rules for qualified film and television productions.
Sec. 316. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 317. Extension of qualified zone academy bonds.
Sec. 318. Indian employment credit.
Sec. 319. Accelerated depreciation for business property on Indian reservation.
Sec. 320. Railroad track maintenance.
Sec. 321. Seven-year cost recovery period for motorsports racing track facility.
Sec. 322. Expensing of environmental remediation costs.
Sec. 323. Extension of work opportunity tax credit for Hurricane Katrina employees.
Sec. 324. Enhanced deduction for qualified computer contributions.
Sec. 325. Tax incentives for investment in the District of Columbia.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

Sec. 401. Extension of credit for energy efficient appliances.
Sec. 402. Extension of credit for nonbusiness energy property.
Sec. 403. Extension of credit for residential energy efficient property.
Sec. 404. Extension of renewable electricity, refined coal, and Indian coal production credit.
Sec. 405. Extension of new energy efficient home credit.
Sec. 406. Extension of energy credit.
Sec. 407. Extension and modification of credit for clean renewable energy bonds.
Sec. 408. Extension of energy efficient commercial buildings deduction.
Sec. 409. Extension of special rule to implement FERC and State electric restructuring policy.
Sec. 410. Suspension of taxable income limit with respect to marginal production.
Sec. 411. Extension of credits for biodiesel and renewable diesel.

TITLE V—TAX ADMINISTRATION

Sec. 501. Permanent authority for undercover operations.
Sec. 502. Permanent disclosures of certain tax return information.
Sec. 503. Disclosure of information relating to terrorist activities.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking "or 2007" and inserting "2007, or 2008", and

(2) by striking "2007" in the heading thereof and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($66,250 in the case of taxable years beginning in 2007)" in subparagraph (A) and inserting "($69,950 in the case of taxable years beginning in 2008)", and

(2) by striking "($44,350 in the case of taxable years beginning in 2007)" in subparagraph (B) and inserting "($46,200 in the case of taxable years beginning in 2008)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—INDIVIDUAL TAX PROVISIONS

SEC. 201. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2014".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

"(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 202. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 203. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 204. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, 2008, 2009, 2010, 2011, 2012, or 2013".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting "and after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2014" after "January 1, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 207. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 208. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 211. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

TITLE III—BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION OF RESEARCH CREDIT.

(a) EXTENSION.—Subparagraph (B) of section 41(h)(1) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, 2009, 2010, 2011, 2012, and 2013".

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2014", and

(2) by striking "December 31, 2008" and inserting "December 31, 2013".

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2014".

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting "of books" after "to any contribution".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 311. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and", and

(3) by adding at the end the following new paragraph:

"(4) after December 31, 2013.".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting ", and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2013" after "December 31, 2007".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by inserting ", and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2013" after "December 31, 2007".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 8 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 314. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 315. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 316. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 8 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 317. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking "and 2007" and inserting "2007, 2008, 2009, 2010, 2011, 2012, and 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 318. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 319. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 320. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 321. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

"(D) APPLICATION OF PARAGRAPH.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2014.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 322. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 323. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting "8-year".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 324. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 325. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2013".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2013".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2014".

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2018", and

(ii) by striking "2012" in the heading thereof and inserting "2018".

(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2018".

(C) Section 1400F(d) is amended by striking "2012" and inserting "2018".

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2013".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

SEC. 401. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking "calendar year 2006 or 2007" each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting "calendar year 2006, 2007, 2008, 2009, 2010, 2011, 2012, or 2013".

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting "beginning after December 31, 2007" after "for all prior taxable years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 402. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 403. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 404. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

Section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting "January 1, 2014".

SEC. 405. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 406. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2014".

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 407. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by striking "$1,200,000,000" in paragraph (1) and inserting "$1,600,000,000", and

(2) by striking "$750,000,000" in paragraph (2) and inserting "$1,000,000,000".

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

"(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).".

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 408. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 409. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking "January 1, 2008" and inserting "January 1, 2014".

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking "December 31, 2007" and inserting "the date which is 4 years after the close of the taxable year in which the transaction occurs".

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

SEC. 410. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking "January 1, 2008" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 411. EXTENSION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "December 31, 2008" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

TITLE V—TAX ADMINISTRATION

SEC. 501. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 502. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking "REPORTING" in the heading thereof and all that follows through "The Secretary" in subparagraph (A) and inserting "REPORTING.—The Secretary", and

(B) by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

SEC. 503. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2013".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

Mr. McCRERY (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana is recognized for 5 minutes in support of his motion.

Mr. McCRERY. Mr. Speaker, this is a straightforward motion that offers Members of this House a simple choice. Are you in favor of long-term extensions of these expiring tax provisions and extending the all-important AMT patch, without raising taxes?

As we have discussed at length here today, the majority's bill unwisely adheres to their ill-advised PAYGO rules. Thus, they have once again found themselves boxed in a corner, scouring the Tax Code for ways to fuel their agenda. Whether that agenda involves additional spending, new tax incentives, or even just extensions of the low-tax policies that Republicans originally enacted during our time in the majority, the Democrat solution seems to always be the same: tax, tax, tax.

Today's bill is no different. While there is virtually no disagreement in this House that the expiring tax reductions contained in the underlying legislation need to be renewed, the two parties seem to have a major disagreement about whether revenue-raisers should be necessary to pay for them. The majority's bill represents a clear choice in favor of higher taxes. Our motion to recommit, on the other hand, represents a clear choice in favor of extending current tax relief, without offsetting tax increases.

Unlike the bill brought forward today by the majority, Mr. Speaker, which contains $55.5 billion in revenue-raisers, our motion contains no—repeat, no—tax increases. Democrats were wrong to propose these sorts of offsetting tax hikes last year, and they're wrong again today. If they stick with their misguided PAYGO rules, they'll be wrong again in 2010 as well, when a huge number of critically important tax policies, ranging from the expanded $1,000 child credit to the lower rates on dividends and capital gains and lower individual rates will expire. And the majority's PAYGO logic will then require more than a $3.5 trillion tax increase simply to maintain current law. But that's where PAYGO will take us.

This motion to recommit offers us a different path, Mr. Speaker. Not only does our motion reject the majority's tax hikes, it extends the bill's positive provisions for considerably longer than the underlying bill does. Indeed, our motion extends the package of expiring provisions, including all the expiring energy tax provisions, through 2013.

So if you support the deduction for State and local sales taxes, here's your chance to extend it for 6 years, not just 1. If you support the research and development tax credit, here's your chance to extend it for 6 years, not just 1.

In short, if you want to extend all of the important low-tax policies that expired last year—as well as the energy extenders that are set to expire just months from now—on a long-term basis, here's your chance.

This motion also gives Members the opportunity to extend one final crucial provision that has gone completely unaddressed by the majority: the AMT patch. As we've highlighted throughout today's debate, the majority's legislation is deafeningly silent on the urgently needed AMT patch. Their bill's failure to patch the AMT for 2008 means that more than 25 million middle class individuals and families are in line for a $61.5 billion tax hike next April, an average tax increase for those families of more than $2,400 per taxpayer.

Our motion does what everyone knows must be done. It patches the AMT for 2008, and it does so early in the year to help ensure that we avoid a repeat performance of the legislative meltdown engineered by the majority last year, which prevented the 2007 patch from being enacted until the day after Christmas. We need to patch the AMT and we need to patch it now. This motion gives us that opportunity.

I will close, Mr. Speaker, with just a word about process. I suspect that we'll hear from our friends on the other side that this motion will kill the bill. Well, Mr. Speaker, I would submit to you that you can't kill a bill that's already dead. This bill is dead on arrival in the other body, Mr. Speaker. Forty-one Senators signed a letter last month pledging to oppose tax bills that contain revenue-raising offsets.

On the very same day that our committee, the Ways and Means Committee, reported out this bill last week, our colleagues across the Capitol passed a motion on the Senate floor instructing Senate conferees on the budget resolution to reject the House's plan to raise $110 billion in taxes in order to pay for the extension of expiring provisions, including the AMT patch.

And, Mr. Speaker, even if this legislation somehow got through the Senate, the President has indicated he would veto the bill.

You can't kill a bill that's already dead, Mr. Speaker. So let's use this motion to recommit to revive this bill, send it back to committee so that we can do our work in a bipartisan way, and get a bill passed and to the President that he will sign.

Mr. RANGEL. Mr. Speaker, I rise in outrageous opposition to the motion to recommit that has been offered to this House.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. One, the outrage concerns my love for the Congress and the Constitution. And to think that this great House and the committee which I'm proud to chair would even have to consider what they're thinking, if they're thinking at all on the other side, to decide what we're going to legislate outrages me.

☐ 1530

Two, whatever the President says he's going to do or may do—we understand that he's addicted to veto, but that shouldn't stop us from doing the right thing.

And why do I think basically it's the right thing? Well, it has to be if you want to extend it for 5 years. So your vote on this, after the motion to recommit dies on this floor, is going to be very interesting as to if you want it for 5, why wouldn't you want to extend it at least for 1?

Lastly, I wish that I had some time to share with my friend, whom I've enjoyed working with as the ranking member of the Ways and Means Committee, to ask him how much money do you think they have in Japan and China to loan us? There must be some limit to their capacity.

Our bill costs about $125 billion altogether, I think. $54 billion for the energy provisions as well as for this. So I assume that you want to add another $200 billion to that. And I don't remember you using the creative language that you used when you and the Senate—that you and the other body, whatever they call themselves—decided that you don't have to pay for the alternative minimum tax.

First of all, if I understood that, I'll take it home to my wife and explain that there are ways that you can lose revenue and not renew it and still not change your lifestyle. And if it works at home, I will come here, and at least for the next Congress, ask Mr. McCRERY, if he can't stay over there, come on our side and explain how, if the President puts in the budget that we should be expecting money from these 25 million hostages that shouldn't have to pay the tax, that we don't have to make up for the money.

So I assume that you have now extended this to cover the extenders. And I hope really that you would stick around a little while so that you will be able to work with me and the next President, not to explain why in the last 8 years we haven't reformed this doggone tax system. Most of this stuff shouldn't be in the Tax Code. You know it and I know it. And the things that should be in the Tax Code should be made permanent. The stuff that shouldn't be in there should be taken out.

So in 8 years, the President is now talking about vetoing. Why didn't he take enough time to say, Let's straighten out the code, let's attempt to balance the budget, let's do the right thing for energy and whatever has to be in an extender that expires, help us to get rid of it without being charged with raising taxes. Any extender that expires, we would say that it raises taxes.

I know and Secretary Paulson knows, and we'll be hearing more from him probably after he leaves the administration, that this House has the responsibility of having a Tax Code that is simple, that is economically inspiring, and is something that can be confident and things shouldn't expire. If they expire, they shouldn't be in there in the first place. If it is good, it should stay in the Tax Code so there's reliability.

And if you're going to say that we're not going to get revenues as a result of extending this, we say for 1 year, we will raise the money, we will do it the right way, we will be proud of it, and in a small way attempt to stop this deficit.

But be kind to the people in Japan. Be kind to the people in China. They can't forever support everything that the Republicans want.

We're going to have to make sacrifices if we want to make changes. So this war is one against ignorance and not having the research and development. It's one in trying to have research and development for our corporations, but, more importantly, to find alternatives to this addiction that we have.

So you have been there for 8 years. Please don't try to change the things in 10 minutes here. Join with us. Let's work together in a bipartisan way, and let's mark down this day that is a day that House Democrats and Republicans said, stop the addiction, move to the alternatives, and dedicate ourselves to having a reformed Tax Code, if not this year then certainly next year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McCRERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6049 and motions to suspend the rules on H.R. 1771 and H.R. 4841.

The vote was taken by electronic device, and there were—yeas 201, nays 220, not voting 13, as follows:

[Roll No. 343]

YEAS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lambbrn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski

Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Brown, Corrine
Carter
Castor
Coble
Costa
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

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Messrs. BERRY, KUCINICH, SPRATT, BUTTERFIELD, KLEIN of Florida, ALTMIRE, DICKS, LANGEVIN, OLVER, GEORGE MILLER of California, RUPPERSBERGER, REYES and SHERMAN changed their vote from "yea" to "nay."

Messrs. MCKEON, WALSH of New York, BURGESS, MCINTYRE and MITCHELL changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 343, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HERGER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 160, not voting 12, as follows:

[Roll No. 344]

AYES—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—160

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Brown, Corrine
Carter
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1608

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 344, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "no."

CRANE CONSERVATION ACT OF 2008

The SPEAKER pro tempore (Mr. WEINER). The unfinished business is the question on suspending the rules and passing the bill, H.R. 1771, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1771, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. WALDEN of Oregon. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 304, noes 118, not voting 12, as follows:

[Roll No. 345]

AYES—304

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—118

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Conaway
Cubin
Culberson
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Pickering
Pitts
Poe
Price (GA)
Radanovich
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Sali
Scalise
Sessions
Shadegg
Shimkus
Shuster
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Young (AK)

NOT VOTING—12

Brown, Corrine
Carter
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1616

Mr. MORAN of Kansas changed his vote from "aye" to "no."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 345, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "aye."

SOBOBA BAND OF LUISENO INDIANS SETTLEMENT ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4841, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4841, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 6041.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Monday, May 19, 2008:

House Concurrent Resolution 300, Senate Joint Resolution 17, House Concurrent Resolution 325, House Resolution 1074, H.R. 3323, House Concurrent Resolution 334, House Resolution 1152, House Resolution 1132, House Resolution 1153, House Resolution 1026, H.R. 752, and H.R. 5787.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Without objection, applicable titles are amended.

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table.

There was no objection.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–115)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2419, the "Food, Conservation, and Energy Act of 2008."

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, "Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation." For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 21, 2008*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Minnesota (Mr. PETERSON) is recognized for 1 hour.

☐ 1630

Mr. PETERSON of Minnesota. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Virginia (Mr. GOODLATTE) and further would yield 10 minutes of my time to the gentleman from Wisconsin (Mr. KIND) and ask unanimous consent that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. I yield myself such time as I may consume.

I ask my colleagues to listen up here because this has been a very difficult bill and there has been numerous problems that have developed every day for the last year-and-a-half. I guess it's appropriate that there would be a problem that would be developing today as well.

When the enrolling clerk enrolled the bill to send to the White House, somehow or another they inadvertently, or however it happened, did not include the trade title, title III of the bill, in the official documents that went to the White House. So the President vetoed the bill minus the trade title, title III.

The trade title includes the food aid programs, including McGovern-Dole; it includes the market promotion; the export credit program; the market access program, and it also includes the soft wood lumber certification program.

So we are moving ahead to override the veto that the President has done. But we have this issue that one of the titles is missing from the bill. We have a process after we get through the override to try to deal with that issue.

Mr. Speaker, the President's veto message said that when the commodity prices are high, it's irresponsible to increase government subsidy rates for 15 crops and subsidize additional crops and so forth. We made some adjustments in some of the price supports to try to rebalance the system from what it has been in the past. These were modest, and I think it's questionable that you would use this as one of the items in the veto override.

As I have worked through this process, I spent more time than anybody else talking to the White House, trying to avoid the situation we are in today, where the President has vetoed this bill. I don't know that anybody else has spent more time trying to work with the White House. The problem has been that they keep changing the objections to the bill, and 2 or 3 weeks ago, when we tried to engage the White House to be able to work with them in a negotiating fashion to take into consideration some of their concerns, their position was that, well, they had these demands but they really weren't in a position or willing to negotiate with us.

So we have come to this day where the White House has vetoed this bill, which I regret. But we have a good bill that I think all of us should be proud of. It maintains a safety net for farmers, by and large, in the way it was done in the 2002 bill. We did make some changes; reductions in crop insurance and some other areas. We included a new disaster program that is paid for, that would be an unusual situation because generally the disaster ad hocs that we have done have not been paid for. So we think we have made some improvements in area.

We responded to the concern of people around the country of food costs and the way food prices have gone up by taking all of the new money, the whole $10 billion of new money that was put into the bill over and above the baseline and we have put that into nutrition programs. $10.364 billion in this bill was put into nutrition programs. That includes modernizing and indexing food stamps; $1.25 billion for food shelves and food banks that are basically bare right now; and also a new fruit and vegetable snack program for folks in low-income schools so that our kids can have healthy snacks and have an alternative to some of the things that they are now snacking on. We also made some changes, as I said, in the commodity area so that we could improve substantially conservation. We have added a specialty crop title to this bill, and we have also added an energy title to this bill.

So we have responded to what we heard when we traveled the country under the leadership of then-Chairman GOODLATTE. We have responded to all of the areas. We think we have a bill that is responsible, that is paid for without tax increases, that puts the priorities where they need to be in this country.

I would ask my colleagues to follow up on the good vote that we had last Wednesday on the bill when it was on the floor and give us the majority today to override the President's veto.

With that, I would reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, of the 30 minutes yielded to me by the gentleman from Minnesota, I would ask unanimous consent to yield 10 minutes to the gentleman from Arizona so that he may manage that time as a part of the debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of the farm bill, and the words before me say "the very same farm bill passed by this body last week with an overwhelming bipartisan majority." Now we find that it is not quite the same farm bill because of an enrolling error or something in the transmission of the document. I certainly hope that we can find an amicable way to make sure that the trade title of this bill, which is an important title, is included in the final product, whether as a part of a joint resolution or by some other means of adopting that.

This bill was a collaborative effort, crafted by Members on both sides of the aisle and both sides of the Capitol, and is historic in the amount and degree of reform. It costs less than either the House or the Senate bills and ensures Americans will continue to enjoy access to a safe, affordable, and reliable food supply.

Last week, the 318 bipartisan votes in favor of the farm bill sent a clear message: This is a good bill and there is significant support for it. Despite what has been opined by editorial boards throughout the country, this bill contains significant reforms and is the most reform-minded farm bill this body has ever considered. Granted, everyone didn't get exactly what they wanted. We all gave a little and we all got a little. But such is the nature of compromise. Given the diverse nature of a farm bill, it is extremely difficult to manage the scope of needs within the farm bill, and even more difficult when you're not given the resources needed to do so.

This bill contains many of the ideas suggested in the administration's farm bill proposal. Like the administration, we utilized the adjusted gross income to reduce payments to the wealthiest farmers and ranchers. We eliminated the three-entity rule, created a revenue-base countercyclical program, modified and modernized the dairy program, modified planting flexibility rules, increased the efficiency of the crop insurance program, directed funding to the development of cellulosic ethanol, included programs for beginning and socially disadvantaged farmers, and created beneficial interest for the loan programs.

Variations of these measures were included in the administration's proposal. We may not have gone as far as the administration wanted, but these reforms help make this a better bill than the House or Senate farm bills.

It is important to point out that despite comments to the contrary, this bill is completely paid for, without any tax increases. While many throughout the world are feeling the effects of increased food prices, U.S. consumers have been largely insulated from spikes in food prices because many years ago we established a food production system that maintains an adequate supply in good times and in bad. Because it is produced domestically, we know it to be safe and affordable.

This bill ensures that Americans will continue to enjoy the access to a safe, affordable, and reliable food supply, and I urge my colleagues to join me in supporting this farm bill, which moved substantially in the direction that the President asked for, but which did not meet all of his goals. I think we have increased the support for this bill substantially by almost 90 Members in the process, and I urge my colleagues to support this override vote.

Mr. KIND. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we do need a farm bill. It's planting season throughout the country. The farm economy is crucial in regards to the health and well-being of our Nation. It's an integral part of the economic well-being of my home State in Wisconsin. But I always believed that we should have the right type of farm bill, not the wrong type of farm bill before us today.

Merely because the President is not the most popular person in the country today doesn't mean that he is always wrong. I think he is right when he is sending back a veto message telling the Congress today: We can do better. We should do better. We ought not be giving large taxpayer subsidies to wealthy individuals at a time of record commodity prices.

The modicum of reform that is being hailed under the commodity title is barely the illusion of reform. In fact, if you look at the three main subsidy programs that still exist and still continue on this farm bill, the loan deficiency program, the countercyclical, and the direct payment all of them are going up, in practice. They are increasing the loan rates under the LDP program, increasing the target price under the countercyclical, they are expanding the maximum amount allotted under the direct payments from $40,000 to $45,000.

While the gentleman from Virginia is correct that there is a little tightening of the adjusted gross payment limit to farm entities, it doesn't come anywhere close to the type of reform that is eminently justifiable in light of farm income and debt to asset ratio.

By the time you allow two entities on the same farm to qualify for these same direct payments, you can have a farm entity with an adjusted gross income of up to $2.5 million still receiving taxpayer subsidies. What does this mean in regards to production agriculture? It means that based on last year's schedule F tax returns that farmers file to report their income, these so-called reforms under the commodity title might affect two-tenths of 1 percent of producers around the country today. Hardly the type of reform that we should be talking about. Hardly the justification that we can take home and tell the taxpayers that we are doing right by them.

I believed from the beginning that we can still have a farm bill that maintains an important safety net for family farmers throughout the country in case the bottom drops out, in case they run into hard times. And we know how cyclical farm economy is. We can find savings under those subsidy programs through the reforms that are justifiable to have a strong conservation title coming out of this, strong nutrition title, research and marketing for specialty crops, and having a strong rural economic development program, not to mention the energy title that was alluded to.

In talking to one of my colleagues earlier this afternoon, he says he is reminded by an old Clint Eastwood film: The Good, the Bad, and the Ugly. There's plenty of good that you can point to in this farm bill. Certainly the increase in nutrition is justifiable in light of rising costs and eligibility and to combat hunger that is rising throughout the country.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. KIND. I yield myself 1 additional minute.

The bad is the fact that last year when we passed the farm bill out, they were talking about an increase of $5.7 billion of funding under the conservation title. Today, coming back, it's less than a $4 billion increase.

Why is this important? It's important because the increase of commodity prices, there's great pressure on sensitive lands to bring them back into production, and that means it's going to affect wildlife habitat, highly erodible land with sediment and nutrient flows flowing off and contaminating our water and drinking supply. We are seeing already that CRP enrollment is dropping because farmers are choosing to take that out of CRP and putting it back into production. Instead of recognizing market forces and having the strongest possible conservation title, that was one area where they went for further savings in order to protect these large subsidies.

Finally, the Washington Post reported in an article today, Farm Bill Subsidy Costs May Rise. Billions More Could Be Paid Through Little-Notice Provisions. This is that new revenue-based countercyclical program the gentleman from Virginia just alluded to.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired.

Mr. KIND. I yield myself an additional 30 seconds.

This is based on a 2-year rolling average of commodity prices rather than 5 years that the administration was proposing. But even 2 years ago, commodity prices were at or near record lows. What this means is that it will take very little for the prices to drop today for this program to get triggered and for tens of billions of dollars to be flowing out in further subsidy programs because of the way this is structured, and that is wrong. And we should be more honest, not only with the Members of this Congress of how it's going to work, but with the American taxpayer.

One farm economist called this new ACRE program, and I quote, "lucrative beyond expectations." That is what has been created. So instead of reform, we are heading in the opposite direction.

I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

□ 1645

Mr. HENSARLING. Mr. Speaker, I rise in opposition to this conference report, but I certainly want to thank our ranking member for taking a product and making it better.

Mr. Speaker, 2 days ago the front page of USA Today talks about taxpayers' bill leaps by billions, long-term financial obligations of the Federal Government grew by $2.5 trillion last year, unfunded obligations that will be placed on our children and grandchildren.

Today we have a conference report for a farm bill that is going to cost somewhere in the neighborhood of $700 billion. Now, I have heard it said, well, this bill is paid for. Yes, it is paid for. It is paid for by the auto mechanics in Garland, Texas. It is paid for by the guy that sweeps out the grocery store in Mineola. It is paid for by the guy who works at the counter at the hardware store in Canton, Texas, that I have the privilege of representing.

We have a farm program that in many ways is at odds with the poster child that is represented. Two-thirds of this bill isn't about agriculture. It is about nutritional programs, welfare programs, food stamps. And of the money that is going to agricultural production, two-thirds of agricultural production is not getting anything. And yet some of this money is going, as we know, to millionaires, at a time when middle-income family paychecks are shrinking.

Now, I must admit, Mr. Speaker, this is a debate that is somewhat personal to me. I grew up working on a family farm. I come from three generations of farmers. No one sought a subsidy from their neighbor. No one gave a subsidy. You can make a living in agriculture without asking your neighbor to give you a check.

We do need a farm bill, but what needs to be in a farm bill is tax relief, to prevent taxes from being increased. We need an end to the death tax. We need to increase trade opportunities. We could be exporting good Texas beef right now to Colombia.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FLAKE. I yield an additional minute to the gentleman.

Mr. HENSARLING. We do need a farm bill, but not a farm bill that forces our neighbors to subsidize this program. Ninety-six percent of the world lives outside of America, and already we had the Democrat majority deny a trade agreement that could have opened up great trading opportunities for agriculture in America.

We need a respect for private property rights. We need regulatory relief. When we have an EPA out of control trying to somehow deign animal manure as part of the Superfund hazardous waste site, you know that something is out of control.

So our agricultural producers need help. But this is the wrong way to do it. Again, at a time of shrinking paychecks, at a time when $2.5 trillion of burden have been added to our children and grandchildren, why are we keeping alive a relic of the New Deal, not to mention at a time of the highest food inflation in almost two decades. And why we would take money away from some people to hand to millionaires is beyond me.

We ought to defeat this conference report.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 1 minute to the distinguished vice chairman of our committee and also the chairman of the Subcommittee on Conservation, Credit, Energy, and Research, Mr. HOLDEN from Pennsylvania.

Mr. HOLDEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the farm bill and I rise to congratulate and commend the chairman and ranking member of the committee, and really all the members of the committee and the staff.

I think this is a shining example of how this House should work its will. This bill is bipartisan. This bill has been worked together by both sides of the aisle as we traveled around the country and listened to what producers had to say and people concerned about conservation and every title of this bill as we put this together.

This bill reflects the diversity that we have in agriculture all across this country. No one can say they got 100 percent of everything they wanted in this bill, but every region of the country has benefited from this legislation.

As was spoken about previously in the commodity title, there has been significant reform in the commodity title. Could we have gone further? Maybe we could have, but we would have lost votes in other regions of the country. In the conservation title, there is an additional $4 billion in investment in conservation that will be beneficial all across the country.

In my short time here, Mr. Speaker, the one point I would like to make is that throughout this whole day we have been hearing an awful lot of people talking about the need for the Congress to do more for energy independence. This bill reflects that with the energy title.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER), a subcommittee ranking member.

Mr. NEUGEBAUER. I thank the distinguished gentleman from Virginia for not only the time, but for his leadership, as well as the chairman, Mr. PETERSON, on this important farm bill.

I heard some of my colleagues say this is not a good farm bill. But, do you know what? Seventy-five percent of our colleagues here in the House thought this was a good farm bill. Eighty-five percent of the Members in the Senate thought this was a good farm bill. And do you know why they thought it was a good farm bill? It is because they understand how important American agriculture is to our country.

One of the things that we were listening to today, oil prices again set another record price today. Why? Because there is not enough oil to meet the demand for our country. There is a mentality going around here that maybe if we just don't produce things, things will just show up. But if we are going to eat feed and clothe America, we have to produce something. If you are going to get something, you have to produce something.

So what this farm bill does is it allows American agriculture to continue to do what it has been doing for hundreds of years, and that is produce the highest quality, the most affordable food and fiber in the world. It is the reason today demand for a lot of American agricultural products are at an all-time high. With the cheap dollar, you can buy the best for a lot less.

What is important here is that we have a future for American agriculture, because we don't want to be in the same shape we are today. We had to wake up today and figure out who is going to supply energy for America. The American people don't want us to have to wake up tomorrow and say who will feed us, who will clothe us, because we have let American agriculture die in America.

So this bill, the reason I support it and why I encourage my colleagues to override this presidential veto, is because it is a good bill. Yes, it is not a perfect bill, but it is a good bill. A lot of bipartisan work and bicameral work was done to bring this product to the floor, and that is the reason it is important now that we do what American agriculture has been waiting several months for us to do, is finally put in place permanent policy for American agriculture. I encourage my colleagues to support this bill.

Mr. FLAKE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if this represents reform, I would hate to see what the Ag Committee calls a boondoggle. We have here not just a continuation of all the programs we had before, some even at higher levels; we have a new program.

As the gentleman from Wisconsin mentioned, there was an article in the Washington Post today detailing the ACRE program. The ACRE program is a new program where subsidies will kick in at far higher levels than they ever have before. In fact, just take corn, for example. If corn hits $3.50 a bushel, where it was just a year or two ago, at historic highs for the time, if we hit that again, that will trigger subsidies totaling about $10 billion a year, in addition to everything we are doing today.

That is not reform. That is far away from reform, and how somebody can stand up today and with a straight face say this is reform, I just don't know.

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent to control the time on behalf of Mr. PETERSON.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL), the chairman of the Livestock, Dairy, and Poultry Subcommittee.

Mr. BOSWELL. Mr. Speaker, I thank the chairman and the stand-in chairman for the moment. Mr. GOODLATTE, thank you again for your hard work, and everybody else who participate in this process. I thank my ranking member helping on the Livestock Committee. ROBIN, I appreciate your work as well.

We do have a new livestock title. It is the first time ever. It offers producers much-needed protection and ensures fairness and transparency within the marketplace. And as I look at the support we gave when we passed the bill, the 318 here, 81 in the other body, and then the 1,000 organizations that have sent letters supporting us to do this override, why, it seems to me like there is a lot of need to get this done.

So, in short, I think we have got the best we can do under the circumstances. It is bipartisan. I appreciate the efforts, and I recommend the override.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from Arizona about the ACRE program. This is a program that was requested by the administration. It was modified by the House and modified by the Senate. Now we hear the administration doesn't like the way it is projected to work, but, quite frankly, it scores by the Congressional Budget Office as saving the taxpayers of our country $400 million.

Why? Because the fact of the matter is it is not expected to have a very high enrollment, and in order to have what the gentleman describe take place, we would have to have a dramatic drop in corn prices. But the administration just signed into law in December a bill that mandates ever-increasing costs of amounts of production for ethanol, and the fact of the matter is we are not going to see those conditions. It is a theoretical possibility, a practical unlikely condition.

Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, for more than 3 years I have worked with Southwest Louisiana farmers to deliver a sound and responsible farm bill, and I am glad to report that our hard work has finally paid off with a bipartisan bill.

This important piece of legislation is a victory for farmers in rural communities throughout Louisiana and around the country, but the President failed to see it this way. And I understand his arguments. This is not a perfect bill, but it does make important reforms with a hard cap on farm and nutrition programs.

The hard work of farmers and ranchers across our region maintains America's food security. Ensuring that we have access to safe quality food is critical, and American farmers lead the way. This farm bill supports American farmers going through tough times, while not burdening them during good times. This farm bill supports the agriculture community and ensures its competitiveness in the years to come.

This has been a long process, but in the end we were able to come together and support a bipartisan, responsible farm bill. I am proud of the work we accomplished on this farm bill, and I am grateful to all of those in Southwest Louisiana who helped me with it.

I urge my colleagues to override the veto and vote for American farmers.

Mr. HOLDEN. Mr. Speaker, at this time I would like to recognize the gentleman from North Carolina (Mr. ETHERIDGE), the chairman of the Subcommittee on General Farm Commodities and Risk Management, for 1 minute.

Mr. ETHERIDGE. Mr. Speaker, let me thank Chairman PETERSON and Ranking Member GOODLATTE for their hard work. They worked together in a bipartisan manner. I rise today in support of the veto override of H.R. 2419.

Last week, this legislation was passed on a bipartisan vote in this House and by an overwhelming vote in the other body, and I am saddened that this President, a man who represents himself as a friend of agriculture, would choose to turn his back on our Nation's farmers and rural America by vetoing one of the most important pieces of agricultural legislation that this Congress has passed this year.

Mr. Speaker, it is critical that we have a stable farm policy in this Nation, not just for farmers, but for every child that participates in a nutrition program, for every food bank, for every school lunch program. This legislation affects every citizen in this country.

This is a bill that we can be proud of, Mr. Speaker, and I urge my colleagues to vote to override this veto. It is a vote for America.

Mr. FLAKE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to respond to the gentleman from Virginia responding to my statement about the ACRE program and the potential for taxpayer liability here.

The reason that the CBO scored it as a net savings is because of what is called baseline shopping. It was done with this bill, where we actually reached back and chose to base the bill on a baseline, a prior year baseline, when corn prices, when wheat prices, when soybean prices weren't as high. Had we used this year's baseline or this year's projections, then we would see that next year, for example, when this kicks in, that you could have corn at $4.25 a bushel still receiving subsidies. Now, keep in mind $4.25 is higher than corn has ever been, until this year.

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And so dropping back to just what it was before this year will trigger subsidies that would not have been triggered before. That is not reform. That is not reform at all. That is soaking the taxpayers. That is farming the taxpayers rather than the land.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman. I applaud your hard work on this farm bill and Chairman PETERSON's.

Every day we are reminded of our problems that we are facing because we rely on foreign nations for our energy supply. I believe that Americans ought to think about what happened with the pet food issue and realize that we need a safe and reliable food supply.

As we worked on this farm bill, we had demands from the Speaker of the House, we had demands from the White House. Serving in the minority there was the tension between my party and the other party in the Senate and the House. We had a great deal of difficulties to overcome. But I am proud today to say that I stand in support of this farm bill and urge my colleagues to join me in overriding this veto.

This farm bill increases funding to food banks that are seeing more and more people come in, needy people. It increases that funding by $1.2 billion. The farm bill increases dollars for conservation programs that are so important in this Nation. The farm bill increases investment in alternative energy research. Americans want to lessen our dependence on foreign oil.

When we are concerned at this time in our Nation about childhood obesity and diabetes, this farm bill increases dollars for nutrition programs for school children around the Nation. And, most importantly, it provides a safety net for rural America.

As we look at what Americans spend on their food supply, 10 percent of their disposable income, we are truly blessed in this world to have this safe, abundant food supply, and we want this to continue. Despite what has been said on this House floor today, this farm bill contains real reform, and we are moving in the right direction with that.

So, again, I urge my colleagues to join me as we override this President's veto.

Mr. KIND. Mr. Speaker, I yield 3 minutes to a strong advocate of reform and conservation in this farm bill, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership. It is a pleasure to be here with my friend from Arizona (Mr. FLAKE) as we are going back to review some of what we said was going to happen when we were here a week ago. Remember, we talked about what would happen: As the light of day shone on this bill, there would be more things that would come up that would give pause.

Now I have had my differences with President Bush from time to time, but he did the right thing by putting the spotlight on this bill by vetoing it. As has been pointed out by my colleagues, we found out just in the course of the last couple of days something that wasn't clearly explained on the floor, how as the high commodity prices declined to more typical levels, we could end up paying an additional $16 billion of subsidy.

This bill simply is a missed opportunity for real reform. It is not turning your back on America's farmers and ranchers to suggest, as some of us have and the President argues, that you are limited to $200,000 a year of income before subsidies kick in. At a time of record commodity food prices, farm couples earning up to $1.5 million a year with an additional up to $1 million outside income simply don't need to receive government subsidy. Meanwhile, the majority of farmers who don't grow the commodity crops are going to continue to get little or no money.

It hurts a State like mine, the State of Oregon, where we are proud of what our ranchers and farmers do. But the majority of them get nothing under the existing farm bill and they will continue to get nothing under this proposal.

It troubles me that we are creating a new permanent disaster program, an additional layer of subsidy, which doesn't make sense. If a region is representing repeat disaster year after year after year, it is not really a disaster. It is growing the wrong things using the wrong techniques in the wrong places. We shouldn't turn it into an entitlement.

This bill is a missed opportunity for conservation. The National Wildlife Federation has called the farm bill a disaster for wildlife that "fans the flames of global warming." The funding for conservation is not nearly enough to meet the needs. They are not met today. The majority will not be met under this bill. And, sadly, it makes cuts to important programs like the conservation reserve program, the wetland reserve program. I am disappointed that it also guts the sod saver program that protects important prairie and grassland habitat.

I mentioned last time that I was on the floor that this bill nullifies a Federal appeals court decision under the Freedom of Information Act that ordered USDA to make public data that is critical to monitoring the economic and environmental impacts of these subsidies.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. KIND. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. Nobody talked about this on the floor, drawing the veil over this information. It was inserted without public hearings, without debate, and will have serious oversight ramifications on how we manage these programs. Nineteen congressional districts in the country will get about half the money. They make out grandly. But States with strong agricultural communities will continue to be shortchanged.

Congress could have done a better job for the environment, could have concentrated the help on the majority of farmers who are shortchanged to help them and their communities. Small- and medium-sized farmers will continue to be squeezed away. If we pass this bill, do not sustain the veto, we will continue to have large operations squeezing out small and medium-sized operations. If we can't muster reform with these record high prices, we probably never will. The President was right to veto it. I strongly urge my colleagues on both sides of the aisle to support him and go back and do it right.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to the distinguished chairman of the Department Operations, Oversight, Nutrition, and Forestry Subcommittee, who did such an outstanding job in putting the much needed nutrition title together, Mr. BACA from California.

Mr. BACA. Mr. Speaker, I rise to voice my strong opinion in support of this farm bill, and urge my colleagues to override the President's veto.

Simply put, this farm bill strengthens our nutrition, conservation, energy independence, and specialty crops like no other farm bill has ever done before, and it is done in a bipartisan fashion.

People asked us to come here in Washington, D.C. and vote on a bipartisan, not to vote on a partisan. We have come together on a bipartisan.

This currently will feed 38 million Americans who do not have enough to eat. We are in an economic recession. People have lost their jobs. People have lost their homes because of foreclosures. Gas prices are going up. This farm bill will put food on the table for over 13 million American families. We have raised the food stamp benefit index to keep up with the lost of living. These changes will help an additional 10 million Americans, including poor working families, the elderly, the disabled, and the veterans.

We expanded the USDA snack programs under the fresh fruits and vegetables. We will leave no child behind. This will feed them.

I urge my colleagues to support this bill and override the President. This is a good bill. It is a bipartisan bill.

Mr. FLAKE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. I thank the gentleman.

Earlier someone indicated that we had thousands of supporters, thousands of groups supporting this bill. Who couldn't get thousands of groups to support a bill by paying them $300 billion in subsidies?

We are poised here to pass a record-breaking, multibillion-dollar, Soviet-style central planning farm bill that takes tax dollars away from the general public and doles them out to a few people in the agricultural industry, some of them millionaires, at a time when crop prices are breaking records.

What benefit do the American taxpayers get from this bill? They get higher taxes for the privilege of paying artificially higher food prices. What a deal.

Mr. Speaker, when oil prices hit record highs, the Democrat leadership and some Republicans called for the imposition of a windfall profits tax on greedy evil oil producers. But when crop prices skyrocket, the same leadership comes to the floor of this House to hand out billions of dollars in subsidies to big agricultural businesses and wealthy hobby farmers.

America, what a country. Washington, what a disaster.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from California, the chairman of the Horticulture and Organic Agriculture Subcommittee who brought us the first specialty crop title to the farm bill, Mr. CARDOZA of California.

Mr. CARDOZA. Mr. Speaker, I thank the chairman, I thank him for his leadership and for allowing us to write this bill the way we did, including specialty crops. And I rise in strong support of overriding the misguided Presidential veto on the Farm, Conservation and Energy Act.

It is extremely unfortunate that we must go through this exercise on legislation that is so critically important to both rural and urban America alike. The bipartisan conference report on the 2008 farm bill represents the blood, sweat, and tears of many members on this floor and of the other body of the agriculture committees and including myself. We have made significant reforms, preserved the safety net for American farmers, and dramatically increased domestic nutrition assistance. And for the first time in history we have given specialty crops a seat at the table. We did all of this, and we complied with the PAYGO rules of this House.

It is not a perfect bill. There are some who would have preferred more conservation spending or more reforms. However, the 2008 farm bill is the product of hard work and compromise, and should not be discounted simply because we could not meet the unrealistic, impractical, and unworkable benchmarks set by the administration.

I take particularly strong exception to the President's repeated insistence in the farm bill that it must be vetoed in the name of international trade agreements. Meeting our global trade obligations should never trump critical domestic priorities. Our farmers have the capacity for immeasurable innovation and success, and they deserve our commitment and our support, and it is done in this farm bill.

The President has let down American agriculture today, and that is just a shame. But I am confident that, together with the Senate, we can override this veto today and make good on our promise to protect American farmers and ranchers. I strongly urge my colleagues to override this veto.

The SPEAKER pro tempore. The gentleman from Minnesota has 8½ minutes; the gentleman from Virginia has 11½ minutes; the gentleman from Wisconsin has 1½ minutes; the gentleman from Arizona has 4 minutes.

Mr. KIND. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 1 minute to the gentleman from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Speaker, I rise in support of overriding the President's veto of the farm bill.

When I was elected to Congress, I joined the Agriculture Committee because of my district's rich and deep tradition in farming. And as a member of this committee, I am committed to serving not only the needs of my district, but also to preserving our Nation's agricultural vitality. As such, I am extremely disappointed by the President's veto.

I am very pleased, however, by what our committee has been able to do in writing this farm bill. This farm bill fairly and accurately represents the interests of all our farmers and various agricultural industries across the country and was fashioned in a bipartisan manner. Particularly the dairy and specialty crops and conservation programs will be extremely beneficial to New York farmers. But, more importantly, this legislation contains reform.

For the first time in history there will be a hard cap on the adjusted gross income standard to prevent the wealthiest from receiving payments. As such, this farm bill has broad support from a variety of agricultural, nutrition, conservation, and consumer entities. This farm bill is an opportunity to make American farm policy truly comprehensive, competitive and cohesive, and I urge my colleagues in Congress to override this veto.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize an outstanding member of our conference committee, also a member of the Ag Committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, ladies and gentleman, Mr. Speaker, this bill requires our urgent action to override the President's veto. The American people are concerned about many, many things, but they are most concerned about the high cost of food and the high cost of gasoline. And as soon as this bill is made into law, we will deal with these two issues right away.

The first thing that this bill does to address the high cost of food and the high cost of gasoline is that we immediately look at the corn-based ethanol, and we reduce the tax credits on corn-based ethanol and we increase the tax credits on ethanol made from cellulosic materials, which are switch grass and pine straw.

The other reason why we need to make sure we override this veto is simply because, Mr. Speaker, this bill will reach out and bring in individual segments of our population that were left out. The African American farmers are entitled to their due, and this bill will require that African American farmers who in the past have been discriminated against will have this, and it provides millions of dollars for traditionally African American schools. That is why it is important that we override the veto of this bill.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

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Mr. CONAWAY. Mr. Speaker, I rise today to encourage my colleagues to join me in voting to override the President's veto of the farm bill. It's a widely held axiom that good agriculture policy is good Federal policy. This farm bill is a fulfillment of that statement.

This legislation will continue a safety net for America's producers and consumers, while providing a proper return on investment to the American taxpayer. The food and fiber commodity market is an extremely unpredictable place in which our producers have no ability to set their prices for their products.

Furthermore, farmers and ranchers in all areas of the world are forced to deal with uncontrollable production risks that could at any time wipe out an entire year's income at a moment's notice. These are fundamentals that will never change, and I firmly believe that we'll always have a need for policies and mechanisms to address these issues.

This long overdue and extremely important piece of legislation, once law, will return a sense of certainty to farmers and ranchers of rural America.

The farm bill has an important impact on every single American, and I strongly support this bipartisan act, and urge my colleagues to override the President's veto.

Mr. FLAKE. I yield 90 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I hate to have to come to the floor today to talk about how bad this bill is, but it's impossible not to do that.

This bill gives millions of dollars, billions of dollars in farm subsidies to millionaires. This bill takes all budget discipline in this Chamber and throws it out the window. It sweeps PAYGO under the rug.

Ninety-seven percent of the world's consumers don't live in this country. They're overseas. And the way we help farmers is to open up markets to their products overseas. This bill shuts that down. This bill makes it next to impossible for us to be able to open up markets for our farmers.

A farm bill ought to help the family farmer in tough times. This doesn't do that. This is corporate welfare. This is subsidies for multi-millionaires. In fact, you can still live on Wall Street, make half a million dollars and get farm subsidies under this bill.

This bill is not going to help agriculture. This bill is going to help corporate agriculture, not family farmers.

I believe that we should sustain the President's veto. And this is not always good to say it's bipartisan. And I hope, on a bipartisan basis, we support this veto and pass a farm bill that actually helps the family farmer and takes away these exorbitant subsidies to multi-millionaire corporate farming operations.

We ought to protect conservation. We ought to help the Third World raise themselves out of poverty, and we ought to open up markets for our farmers so they have more people to sell their products to. That's what a farm bill ought to look like. That's not what this farm bill does.

I urge a sustain of the veto.

Mr. PETERSON of Minnesota. Mr. Speaker, I would like to yield 1 minute to the distinguished gentleman from North Dakota (Mr. POMEROY) who is a member of both the Ways and Means Committee and Agriculture Committee, and did an outstanding job in helping us put this bill together.

Mr. POMEROY. I thank the chairman. The rhetoric is a little overblown against this bill, as it was the first time it was before us, as it was when we passed it on final passage.

The fact is, this bill spends billions less than the last farm bill. This bill increases the baseline on conservation, and this bill is the result of some of the best bipartisan activity I've seen in this place to develop and produce a fine product. It responds to the needs of consumers having a hard time buying their groceries with increased nutrition support. It responds to the struggles of family farmers meeting the incredibly high cost of getting their crop in with better risk protection, and it does so in a collaborative measure.

As my friend, BOB GOODLATTE, said last week, this isn't Republicans voting for a Democrat farm bill, this is the parties coming together to build a strong collaborative product.

I urge us to override the President's veto of this very important bill for rural America.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 1½ minutes to the gentleman from Oklahoma, a ranking member on the Agriculture Subcommittee, Mr. LUCAS.

Mr. LUCAS. Mr. Speaker, I rise today to urge my colleagues to vote to override the President's veto. As I told you a few days ago, not everything in this bill do I love. But the fact of the matter is, I love rural America. And production agriculture and those small towns and all those good people who live out there who work the land and raise the stock, provide the food and fiber that feeds and clothes us all. And they know that we need a comprehensive farm bill. They know how important it is that we provide the resources to meet the needs of this country.

Now, 75 percent of this bill goes to the food stamp program, the feeding programs. They understand that in rural America. They want to make sure all of our fellow citizens have enough to eat.

But they also know that they fight the weather, they're paying more for diesel and fertilizer and inputs than they ever have or they may ever again. But they want to raise those crops, and they want a comprehensive farm bill that provides a reasonable amount of safety net to allow them to work with their bankers and financiers.

Vote to override the veto for the future of rural America.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield 1 minute to one of our new outstanding freshmen on the Agriculture Committee, the gentleman from Florida (Mr. MAHONEY) who represents a very big agriculture district and has done outstanding work for us.

Mr. MAHONEY of Florida. Thank you, Mr. Chairman, for your leadership.

Mr. Speaker, I've read the President's reasons for vetoing this farm bill, and it's clear that even though he owns a ranch, he's not a rancher. It's clear he doesn't understand that to have national security, America needs food security. It's clear that while the White House whines about crop subsidies, that his administration's failed economic policies have resulted in $4 per gallon diesel and skyrocketing fertilizer costs that are driving farmers in Florida out of business.

Although not perfect, this farm bill, for the first time, gives Florida agriculture some of the monies we need to help market and protect our crops. It ensures that our Nation's hungry children and seniors get Florida's fresh fruit and vegetables. It invests in conservation that will speed up our efforts to save the Everglades.

Finally, this farm bill, in combination with the energy bill, provides rural Florida a new beginning by breaking the corn ethanol monopoly, and ensuring that Florida, the biggest biomass producing State in the Nation, takes its rightful place as a leader in renewable energy production.

I call on my colleagues, on a bipartisan basis, to vote to override the President's veto.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), a member of the Agriculture Committee.

Mr. FORTENBERRY. Mr. Speaker, it is important to note that the average U.S. farmer provides enough food and fiber for 143 persons, both here in the United States and internationally. This new farm bill continues agricultural policies which have allowed America's farmers to help feed the world.

I believe that the farm bill promotes agricultural stability and diversification, agriculture-based renewable energy production, and good conservation and land stewardship practices. As with any complicated piece of legislation, there are trade-offs and concerns. For instance, payment limitation reform progressed, but did not go far enough in my view. Even though I'm going to vote to override the President's veto, I do commend the administration for its considerable efforts to highlight the need for reform, particularly in the area of payment limitations.

I'm also pleased that the farm bill conference report includes three of my initiatives. First, a new rural energy self-sufficiency initiative that would provide grants to rural communities seeking to become energy self-sufficient through the use of renewable sources such as wind and solar and biofuels and biomass.

Additionally, there is a new provision allowing school systems and other governmental institutions to purchase local foods from local farmers, promoting agricultural sustainability and diversification.

And there is a change to the value-added producer grants program that would help target assistance to farmers with small or mid-sized farms who develop new uses and creative marketing strategies for their product.

Mr. Speaker, the development of this important legislation has taken several years. This ground has been plowed long enough. I believe this bill deserves merit. I wish to thank our ranking member, Chairman GOODLATTE, for his support of this bill and Chairman PETERSON as well for his considerable efforts.

Mr. FLAKE. I just want to address some of the comments that have been made. It's been said several times that this bill is good because it's a bipartisan bill. If this is the standard by which we judge legislation, then we're doing pretty poorly in this House.

If anybody remembers, just a couple of years ago, the infamous bill that brought us the Bridge to Nowhere. Do you want to know how bipartisan that bill was? I believe it was 412 votes for, 8 votes against. If that isn't bipartisan, what is?

Yet who would want that vote back if they could? 6,300 earmarks, with a lot of bad ones, including the infamous Bridge to Nowhere. And yet we laud legislation simply because it's bipartisan.

I would love to see a lot more partisanship in this House when it comes to fiscal discipline. I wish that my party, the Republican Party, would stand up and say, anybody who believes in limited government cannot support a bill like this, a $300 billion bill that is bipartisan because so many groups are now involved.

You do a specialty crop title; you add another subsidy program called ACRE, you get biomass in it, you get cellulosic ethanol, you add another nutrition program, and pretty soon you have so many people in it that they don't dare vote against it, and it just gets bigger and bigger and bigger, and pretty soon you have a $300 billion bill that you can only pay for by shopping for a baseline other than this year's baseline, and waive PAYGO requirements. That's why this is a bipartisan bill.

I would hope, in a week where a major news organization published, and I hope it set off some alarm bells here; that not only do we have about 9 or $10 trillion in debt, but when you add in the unfunded liabilities, it adds up to about a half a million dollars per person in this country, the amount of debt and unfunded obligation that we're on the hook for.

If we cannot, in this legislation, tell a farm entity, a farm couple that earns as much as $2.5 million that they can no longer collect farm subsidies, how in the world are you going to tell a grandmother, you're going to have to postpone your retirement for a couple of years because we can't afford your Social Security payment?

How in the world are you going to tell somebody, you know, you're going to have to have a higher copay on Medicare for prescription drugs because we have a big farm bill like this?

We need to be more responsible, and I would urge us to sustain the President's veto.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, may I ask how much time remains.

The SPEAKER pro tempore. The gentleman from Virginia has 6½ minutes. The gentleman from Minnesota has 5½ minutes. The gentleman from Wisconsin has 1½ minutes.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the distinguished Member from Missouri, a real advocate for agriculture, Mr. HULSHOF.

Mr. HULSHOF. Mr. Speaker, the President has, for the second time, vetoed a bill that would help Midwestern farmers. Once again, I rise to vote for Missouri's family farmers and to override President's veto.

I think it's interesting that for over a year, opponents have said prices are high, farmers don't need a safety net, as if we can predict with certainty the market price of commodities 5 years down the road.

Today those opponents claim prices may drop, causing the safety net to be too expensive. Well, with all respect, which is it?

Sixteen percent of this bill provides a responsible safety net for farmers when the market turns south. And let's make no mistake. Farmers don't want to farm for a government check. Farmers want to farm for the market.

And what is the cost to the American taxpayer? Six cents a day. In my mind, six cents a day is not too much to pay to ensure that we continue to have the safest, most abundant food supply at the lowest cost.

Now, we have seen what happens when we offshore or energy production. What will happen when we offshore our food production? Thank the Lord above, literally, thank the Lord above that we can put three square meals a day on our tables from the bounty of our country's own farmers.

This bill is not perfect. It doesn't contain all the reforms that the other side would want. But under their plan, which failed 117-309, most of the farms and ranches would not be able to survive the erosion in farm income. That's according to the Agriculture and Food Policy Center at Texas A&M.

Some people just can't take yes for an answer. 1,054 organizations, from MoveOn.Org to the USA Rice Federation, support this bill.

I know it's tough to do, but I urge my colleagues to vote to override the President's veto and provide this safety net. And I appreciate the gentleman for the time.

☐ 1730

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to a good friend of the Agricultural Committee, Ms. JACKSON-LEE of Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished chairman. Let me rise to indicate the broad opposition to the veto of the President on this agricultural bill, and I'm going to try to rush through some very vital issues that are of concern to many of us.

I just came back from Haiti and recognized the crisis that our very good friend and neighbor, the poorest country in the western hemisphere. The good news is that President Preval, who asked us to create an opportunity for jobs in a country that is hungry and lacks jobs, the Haiti trade provisions were in the bill, but unfortunately vetoed which causes us an urgent necessity to override this veto. The Caribbean Basin Initiative extension is a vital part.

But yet I look forward to us fixing the parts that included the trade title that left out the food aid, very important; McGovern-Dole, which is food for education; giving girls the incentives to come to school. And then the market access problems that are crucial.

We know there are 850 million hungry people in the world; 300 million of them are children; 40 percent of those in Haiti eat one meal a day. We are in a crisis.

This is a crucial legislative initiative.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PETERSON of Minnesota. Mr. Speaker, I would yield the gentlewoman 1 additional minute.

Ms. JACKSON-LEE of Texas. So what we are talking about here, I think there is something important to bipartisanship. Mr. Chairman and Ranking Member, thank you for this. I've lived around the edges of the agriculture bill ever since I came here from Texas. We know about specialty crops. We know about ranches and farms. I think you did a great job for these fruits and vegetable farmers because you give them an incentive to get to market.

And thank you for what you've done for the black farmers, especially on Pigford, where you allowed those late filers—I've always heard from them throughout the work on the Judiciary Committee to get back in the court by being able to file again. We are delighted that you also give them a greater access; you allow them to have transparency and accountability in the USDA, and I'm glad that what we do is try to preserve the black farmers.

This is an important bill. Let's fix the trade part of it, but let's join together and override a bill that promotes energy and food and understands you can't have a food fight when people are starving.

I urge our colleagues to vote to override the veto.

Mr. GOODLATTE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a lot has been said here today about the bipartisan nature of this legislation, but when it passed the House last week, a majority on both sides of the aisle voted for this farm bill, and three-quarters of all of the Members here did so. But we did so because there are provisions in this bill that are of interest to each side of the aisle, and sometimes there are very clear partisan differences.

But nonetheless, the Republican side of the aisle received a number of concessions in the final negotiations of this bill: a provision that would have prohibited all 50 State food stamp programs to be able to reach out to technology companies and others to modernize and improve their food stamp program, something they have done many times in the recent past. A prohibition on that was removed from the bill. A provision in the bill that would have rolled back the Welfare Reform Act of 1996 and provided increased food stamps for able-bodied adults without dependent children was removed from the bill. Provisions related to the Davis-Bacon legislation that many Members on my side of the aisle, including myself, were concerned about were removed from the bill.

So this is a bipartisan bill because it was compromise and give-and-take on both sides of the aisle.

I have also heard Members complain that this bill is not fiscally responsible. It's less than the last farm bill. It is less than either the House-passed version of the bill or the Senate-passed version of the bill: $4 billion less than the House, $5 billion less than the Senate version. I ask any Member here in the House, when was the last time they recall that a bill came back from a conference between the House and the Senate and spent less money than either the House or Senate spent?

And I would give you this overall picture. Americans spend about $1.2 trillion a year on food. The provisions in this bill related to the commodity title, the safety net for America's farmers and ranchers, is about $7 billion or slightly less than one-half of 1 percent of what Americans spend on food.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds.

Now for that one-half cent on every dollar, Americans get the stability and safety of their food supply and the assurance that they will not see in the United States what they're seeing in other countries around the world which do not have a good farm program for their farmers that assure their consumers that they will get an adequate, safe, and affordable supply of food. They do not see food riots in the United States.

They see, instead, those in the greatest need receiving appropriate food programs and the average American being able to spend less than 9 percent of their income on food. That is lower than any other country in the world today or any other country in the history of the world.

This farm bill helps to promote those good policies. I urge my colleagues to support the override.

Mr. KIND. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, under of the commodity title of the current bill, we still have loan deficiency programs in place, countercyclical programs, another $25 billion of direct payments that will go out over the next 5 years regardless of price or production. A new revenue-based countercyclical program has been added to it. And then the granddaddy of all earmarks, a disaster relief fund has been created, all of which have been reformed upwards rather than down, rather than restricting it.

I think the gentleman I talked to earlier is right. This can be described as the good, the bad, and the ugly farm bill. Unfortunately, the ugly outweighs the good here today. But, of course, whenever you go $10.5 billion above current baseline and put enough money around and enough groups with enough individuals, you're going to get a strong vote. We understand that.

But someone needs to stand up here today on behalf of the American taxpayer. Someone needs to stand here in the Chamber and say the emperor has no clothes. This farm bill will continue to distort the marketplace. It will continue to paint a bull's-eye on the back of our farmers through trade-distorting policies. And I would encourage my colleagues, if they took another look, a closer look at what's being proposed here today, they would understand that we can and should do a better job.

I would encourage my colleagues to sustain the President's veto and do the farm bill the right way, not the wrong way.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3½ minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, a lot of people make a lot of claims about this bill. Editorial writers, most of them get the information wrong. But as has been mentioned here before, 15 percent of the bill goes to farmers; 9 percent of that goes to traditional commodity type programs; the balance of it to crop insurance and the new disaster program; 73½ percent of this bill goes to nutrition programs, while 7 percent goes to conservation.

So you can talk all you want about the bull's-eye on the back of the farmers, but people need to understand that the European Union now is having discussion to get rid of their direct payments and increase their commodity price supports similar to what we have here in the United States. And there are people in this country that would like to do this as well. This ideology that's been pushed by the World Bank, the IMF, all of these other world organizations, is part of the reason we're in trouble in this country and in the world.

We have, not just us but countries all over the world, have sold food below the cost of our production. Some of our opponents want us to keep doing this. I understand if you're a livestock farmer you want to keep buying cheap corn. But we've addicted these folks in these developing countries to cheap food prices. Now that we're getting prices that are more realistic, all of a sudden it's a problem because they didn't develop their own agriculture. They got hooked on exports from the United States and from other countries.

What we're doing in this bill is recognizing all of the different aspects of this country, not just farm country, not just farmers, but people in the city, people in the suburbs, people that like to hunt and fish, people that are concerned about the environment, people that are concerned about getting nutritious food into our schools and having more fresh fruit and vegetables available for people around the country, and people that want to get independent from foreign oil. All of these things are covered in this bill.

Are they done to the magnitude that I would like in some areas? No. I would say everybody here would probably agree that they would like to have something a little bit stronger in one area or the other or maybe a little weaker in one area or the other.

But this is a compromise, a bipartisan compromise that I am proud of the way that we've been able to put together. Mr. GOODLATTE and I sat in that room for many days with our colleagues on the other side of the aisle. We operated on an equal basis, as Mr. GOODLATTE pointed out. There was give and take. This was a true bipartisan effort. We came up with a true bipartisan bill that we should be proud of that is good for America, that spends less than the last farm bill, that, as Mr. GOODLATTE says, spends less than both bills that passed the House and the Senate. I can't remember a time around here when we've done something like that.

So I encourage my colleagues to take a good look at this bill to understand that this is something that's good for the country. I urge my colleagues to override the veto of the President.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

I urge my colleagues to vote to override this veto, but I would like to close my remarks by commending the President of the United States and his administration for their involvement in this process. They have improved this farm bill considerably from the versions that were passed in the House and the Senate. In fact, I'm going to yield a portion of my time to the leader.

But I want to say that this includes more than 90 provisions that the President of the United States, the leaders in the Department of Agriculture and others, suggested to us to reform. And there are numerous reforms in this legislation that are very, very substantial, very, very significant. They would not have occurred without the President's active involvement and support for efforts to improve this farm bill.

This farm bill is dramatically reformed from previous farm bills, and as a result of his involvement, of involvement on both sides of the aisle, this farm bill is dramatically improved. As a result, the Republican Members on this side of the aisle went from 17 Members supporting the bill when it came out of the Agriculture Committee to 100 Members supporting it when we voted for it last week.

There is much to commend in this bill. The President has asked for additional reforms. I supported him in the efforts to obtain some of those reforms, but we could not achieve every single objective that he sought because this is a bipartisan bill that includes the considerations of a wide array of viewpoints.

But I will say that this side of the aisle was well represented in this process and thanks in part to the efforts of the administration.

Notwithstanding that, the bill is a good bill, and we would urge our colleagues to support it.

At this time, I yield the balance of my time to the Republican leader, the gentleman from Ohio.

Mr. BOEHNER. I appreciate my colleague for yielding, and I'm not going to talk about the farm bill.

I'm a little concerned and have serious doubts about the process that we're using to bring this bill considering that the bill that the President vetoed is not the bill that the Members are being asked to override.

Remember, there were 12 titles in the farm bill that we sent to the President. The bill that we have, that we're overriding, contains 11 titles. Title III of the bill is missing.

Now, the reason I rise is because I have got doubts about the process that we're engaged in, and I have doubts about the constitutionality of what it is that we're doing. And people were in such a hurry to bring this bill up here to the floor that no one would take the time to consider what is it that we're doing; is it constitutional, and should we proceed under the conditions we find ourselves.

We don't know why title III of the bill that we sent to the President is missing in the document that we're considering right now.

So it is not just me as a Member. I think there are other Members on both sides of the aisle that are wondering should we proceed with this and is what we're doing constitutional, is it breaking precedent with what we've done in the past. I would just ask my colleagues, and especially ask the majority, why we couldn't take some time to understand what happened in this process, why title III isn't included in the bill that we're moving to override.

And so until there are answers to this, I would suggest to the majority that we ought to consider suspending activity on this until such time as we know we have answers to the questions that Members on both sides are going to have.

□ 1745

I would be happy to yield to my friend.

Mr. PETERSON of Minnesota. I thank the gentleman.

As I understand it, it was just a glitch in the printing of the document that went to the White House. They vetoed the bill missing title III and didn't recognize it.

As I understand, the Constitution says that when we have a veto, we are bound to deal with it. So we don't see any other way to deal with this thing at this point other than to deal with the President's veto, have the override and then deal with title III later.

Mr. BOEHNER. Reclaiming my time, I don't know whether the President signed the bill that included title III or not. I don't know where title III fell from the bill. That's the point I'm making.

Until there are answers as to what did happen, how we proceed is critically important to the constitutionality of the process that we're engaged in here.

Mr. UDALL of Colorado. Mr. Speaker, today the President vetoed the Farm Bill conference report—a significant piece of legislation that is supported by the vast majority of the House of Representatives. While I am disappointed with the President's veto, I am proud to stand with so many of my colleagues from both sides of the aisle in making the Farm Bill law.

This bill, while not perfect, addresses some of the most pressing issues facing our nation today. Perhaps most importantly, this bill will provide millions of Americans with access to healthy food, especially those hit hardest by the President's failed economic policies. Nearly three-quarters of the bill's funding will promote nutrition initiatives such as increased access to food stamps, emergency food assistance programs, and a program to supply our schools with fresh fruits and vegetables as a healthy snack alternative to reduce our unacceptably high ratio of obese children.

This bill will help my home state of Colorado continue to lead the nation in developing renewable energy technologies, and will help our nation move closer to energy independence, while reducing overly generous tax credits for corn-based ethanol, and creating a better tax credit for the production of more efficient cellulosic biofuels, such as switch grass and wood chips.

The bill also ensures that farmers in Colorado and around the nation have some protections should a natural disaster befall them. This action may foster lower future grocery prices by speeding up disaster compensation for lost crops and allowing farmers to bring new crops to market faster. Meanwhile, conservation programs included in the bill will help further protect sensitive rural fields from urban sprawl and harmful over farming, while encouraging public access to private land.

Of particular interest to Colorado, this bill includes legislation I introduced that will protect the future of Colorado's unique collection of mutual ditch companies and the precious water rights that they share for the mutual benefit of all Coloradans.

To be sure, I would have preferred this bill include tighter reforms on farm subsidies, especially when many farmers are reporting surging profits. But no compromise can he all things to all people, and while this Farm Bill is not perfect, it is good for Colorado and for our nation. I urge my colleagues to join me in overriding the President's flawed national priorities when it comes to agriculture, energy independence and ensuring that American families have food on their tables.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, this 15-minute vote on passing H.R. 2419, the objections of the President to the contrary notwithstanding, will be followed by 5-minute votes on motions to suspend the rules on H.R. 3819, H.R. 5826, and H.R. 5856.

The vote was taken by electronic device, and there were—yeas 316, nays 108, not voting 11, as follows:

[Roll No. 346]

YEAS—316

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Gerlach
Giffords

Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—108

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Goode
Granger
Harman
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Inslee
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Sullivan
Tancredo
Terry
Tiberi
Wamp
Waxman
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Bishop (UT)
Brown, Corrine
Carter
Castor
Crenshaw
Fossella
Gillibrand
Kennedy
Rush
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1809

Mrs. GRANGER changed her vote from "yea" to "nay."

Ms. WOOLSEY and Mrs. CUBIN changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

VETERANS EMERGENCY CARE FAIRNESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3819, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3819, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 347]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Brown, Corrine
Carter
Castor
Crenshaw
DeLauro
Diaz-Balart, M.
English (PA)
Fortenberry
Fossella
Gillibrand
Herger
Kennedy
McHugh
Nadler
Reynolds
Ros-Lehtinen
Rush
Terry
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1816

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McHUGH. Mr. Speaker, on rollcall No. 347, unfortunately, during the vote I was unavoidably detained off the House floor. Had I been present, I would have voted "yea."

Mr. HERGER. Mr. Speaker, I inadvertently missed rollcall No. 347. Had I been present, I would have voted "aye."

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5826, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5826.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 348]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Brown, Corrine
Carter
Castor
Cramer
Crenshaw
Delahunt
Fossella
Frank (MA)
Gillibrand
Kagen
Kennedy
McDermott
Rush
Speier
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1823

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, we just finished a vote several minutes ago on the override of the farm bill, except that the override vote occurred on a bill that had never been considered by the House or the Senate, since the bill that we voted to override apparently is missing one title of the bill—or the conference report—that passed the House and the Senate. I am concerned about the procedures, the process, and the constitutionality of what we've just done.

I would like to ask the majority leader if he can help myself and the other Members understand just what are we dealing with here.

Mr. HOYER. Mr. Speaker, will my friend yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. Mr. Speaker, clearly, what we are dealing with is an unfortunate situation. The unfortunate situation is that apparently—and again I just learned about this about an hour and a half ago when Mr. PETERSON, the chairman of the committee, told me he and Mr. GOODLATTE were discussing this problem and how to proceed. Apparently what happened is title III, which I understand is not very controversial, but in any event, title III came up on the screen for the printing on the parchment that is sent to the President, but, unfortunately, for whatever reasons, it was not printed out and it was not caught in the proofing of that. Apparently, as well, the White House did not catch the fact that the bill was not inclusive of title III.

Frankly, I have not looked at the bill to see whether there's a title I, II, and then goes to IV, which would have been self-evident that there was a missing title.

In any event, without having researched it or talked to anybody about precedents, what has happened is that the House and the Senate passed in exactly the same form that which was vetoed by the President. Now, we passed more than that, but that which we have just voted on was passed in both Houses in exactly the form we just voted on.

The vote, therefore, superficially, off the top of my head, without having researched this, is that what we have done is we have passed that which we originally passed through the House and the Senate and sent to the President, notwithstanding the President's veto, and something that we did also pass, which was incorporated in that bill, was neither vetoed nor signed by the President because, unfortunately, as a result of a clerical error, it was not included in the bill.

I, in discussions with Mr. PETERSON, understand that he and Mr. GOODLATTE were in discussion on this issue when they first learned of it, and I don't know how long they knew about it before I found out about it; that, as I thought, their agreement would be that we would pass, subsequent to passing the initial bill, the title III either by unanimous consent or under the suspension calendar.

I don't know the conversations that occurred between Mr. PETERSON and Mr. GOODLATTE. Mr. PETERSON is on the floor, I know. I don't know exactly where he is. But it was his understanding that that would be an acceptable way to proceed. That was where I thought it to be.

Mr. BOEHNER. Reclaiming my time, we may have transported to the President a portion of the bill that passed the House and Senate, but we did not send to the President, apparently, the farm bill conference report as passed by the House and the Senate.

I think what's of grave concern to me is, yes, I understand that mistakes do happen in this process, but before the consideration of the override debate and vote, we were aware of the problem. And I just think that in deference to all Members, we could have waited before consideration of the override so that all the Members would understand just what we're dealing with and the problems that are contained therein. I just think that in the rush to move this override vote, we don't know what precedents of the House we may have stepped on and what constitutional problems that we may have. I would remind my colleague that there was a very small mistake made in the Deficit Reduction Act several years ago that's been the subject of a lawsuit and privileged resolutions and moral outrage from some of my friends on the other side of the aisle, which, frankly, the Deficit Reduction Act error pales in comparison to what we have here.

So I would ask my colleague, I think we need to get to the bottom of what happened.

□ 1830

I don't know that the override that we just cast—we voted to override a bill that had never been considered by the House or the Senate, and I don't know how that is constitutional.

I would be happy to yield to my friend.

Mr. HOYER. Well, as I said, everything that we voted on was passed by the House and the Senate in exactly the same form. Obviously, I agree with your premise that the bill as passed out of Congress was not the exact same bill because of the deletion of title III, apparently by error. Title III, as I understand, is not particularly controversial. I understand that from the discussion between Mr. GOODLATTE and Mr. PETERSON.

So a mistake was made. A deletion was made. The President and the White House did not catch it. We didn't catch it. The President vetoed a bill. The bill that he vetoed, he sent back here. We have now said notwithstanding the veto, we believe the provisions that we both passed should in fact become law.

Now the gentleman is correct, which is self-evident, and I can't disagree with your proposition that the bill was not in exactly the same form, and as I indicated at the beginning, because I only learned about this about an hour and a half ago, these are off-of-the-top-of-my-head opinions, and are probably worth that much.

Mr. BOEHNER. Reclaiming my time, in terms of how this problem gets fixed, is there some consideration for how we fix this error?

Mr. HOYER. Yes.

Will the gentlemen yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. We hope to have, again, as result of discussions between Mr. PETERSON and Mr. GOODLATTE, either by unanimous consent, which may not be possible, or under suspension because, again, I understand from Mr. PETERSON that title III is not a controversial title. Clearly, title I was controversial. Other titles were controversial. But if that is the case, then we can pass this by suspension tomorrow with suspension authority and send that to the Senate and hopefully they will then in turn send that to the President that title which has not yet been enacted or, frankly, acted on by the President, would either be signed by him or vetoed by him and we would consider it in that context.

Mr. DREIER. Will the gentleman yield?

Mr. BOEHNER. Let me yield to the gentleman from California.

Mr. DREIER. I thank the distinguished Republican leader for yielding. As the leader has said, this is a circumstance that does bring to mind the Deficit Reduction Act controversy which created a huge stir in this place and one with which we are still trying to contend.

I just heard that the Rules Committee was scheduled to reconvene at 6:30 this evening to report out the Duncan Hunter Defense Authorization bill, and I have been told that there's going to be some attempt made in the Rules Committee to deal with this issue in that rule. That's the word that we have been hearing over here.

I thank my friend for yielding. If he would yield to the distinguished majority leader, I would like to have us enlightened on the prospect of this.

Mr. HOYER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. The only thing, as I understand it, would be to make tomorrow a suspension day. It's not a suspension day. So we would have to make it a suspension day.

Mr. BOEHNER. If I could yield to my colleague from Missouri.

Mr. BLUNT. I appreciate the gentleman yielding.

I don't think, as I listen to this conversation and see it develop today, if we pass this section that the President hasn't seen, and the Senate passes the section that the President hasn't seen, and he either signs or vetoes it, that would be the only bill that the House actually passed that the President sees on this topic. It is clear if you look at the line-item veto case, it was clear in that case that the President can't selectively veto things in a part of a House bill.

Again, think through this with me, if you will. The only thing the President will have seen that the House and Senate both passed as it stands would be this last portion.

The concept that we can start sending bills over piecemeal because the House had passed this part of it is a flawed concept. Who knows what the House would pass if it didn't get a chance to pass the full bill each time. We would have passed the tax extenders today, unanimously, if it hadn't had the portion on it on new tax increases. We would have all voted for that part of the tax extenders bill. It wouldn't have changed that part of the bill. In fact, if we had only sent the President that part of the tax extenders bill, he would have signed it. But he probably won't sign it with this additional thing.

When we had the Deficit Reduction Act, which, believe me, I remember in vivid detail, vivid detail; we had a bill that we sent to the Senate, the Senate clerk made a change in it and sent it to the Senate floor. Nobody in the Senate who voted on the bill knew that it had been changed, so it had no impact on the Senate vote.

The Senate clerk got it back, realized that her change was inaccurate, sent it back to us just like we had sent it over to them. We voted on it again and sent it to the President, and didn't know until the signing ceremony that this had ever occurred. We didn't know until the signing ceremony that this had ever occurred. There was no action on the House at all with any knowledge any of this had ever occurred. In fact, none of it even occurred on the House side.

At that time, the minority leader stood up and said:

"Whereas, although the Senate Enrolling Clerk mistakenly changed critical numbers that had major financial significance, leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation."

Not true, by the way.

"Whereas, the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation.

"Resolved, that the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the accuracy of the process and enrollment."

The Speaker of the House, my friends, certified to the President that we were sending him a bill exactly as we had passed it. We now understand that clearly was not an accurate certification of what the House has done, and we are about to go down a path that might have the only action really taken by the House that the President sees in totality, this last segment of the bill. Why we would have moved forward, knowing all those facts before we moved forward, is a mystery to me.

Mr. BOEHNER. I would be happy to yield to the majority leader.

Mr. HOYER. I am looking for the exact date, but the farm bill expires tomorrow, and we have to extend the farm bill or go back to the 1949 extension.

Again, I would say to my friend I am operating with some concerns about the questions that are raised. But, again, I say, first of all, what happened in the Deficit Reduction Act is that the bill that was sent to the President, the provisions were never passed by the Senate.

Every provision that was sent to the President was sent to the President after overwhelming votes from the House, overwhelming votes from the Senate in exactly the same position. Title III was passed by the Senate and the House, and inadvertently left out.

In the Deficit Reduction Act, figures were changed in the bill subsequent to passing the Senate and never passed by the House. So I would suggest that the analogy between the two is not apt. In addition, there was no bipartisan discussion on that change.

In this case, Mr. PETERSON and Mr. GOODLATTE are both on the floor. I didn't participate in those conversations. But I was informed by Mr. PETERSON, because I said, have you talked to Mr. GOODLATTE about this. He said he had. There had been significant discussions about that. There was concern about getting the farm bill passed because of the expiration of the existing authorization.

As a result of those discussions, my personal thought was there was bipartisan agreement that we could proceed this way. We did proceed that way. I don't think I can amplify my response more than that.

Mr. BLUNT. Would the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. BLUNT. I thank the gentleman for his response. We may have a significant debate over whatever standards we were held to, that people are no longer held to. I will say that in that case, nobody in the House ever knew that any changes had been made, and it was alleged that somehow we were going to be subject to Ethics Committee investigations.

I would say in this case that my principal concern would be that the sections of the farm bill that have gone to the President, since they were not part of an entire bill, could be subject to all kinds of future litigation. I do know in the litigation that the minority initiated in February, 2006, 2 years and millions of taxpayer dollars later, we finally ended that litigation at the court of appeals level with the court of appeals deciding that if the Speaker and the President pro tempore certified that this is what both bodies passed, it was what both bodies passed.

Here, we're moving forward with both bodies admitting that what this President has seen is not what both bodies passed. This idea that just because a portion of the bill has passed in a bigger bill means that the House was for that portion of the bill, that the Senate was for that portion of the bill, I don't think would stand any reasonable test of a way for us to move forward, and I think this bill does become subject to all kind of challenges from outside this building as well as perhaps from inside.

Mr. BOEHNER. I would just add, what has happened here raises serious constitutional questions, very serious. I don't know how we can proceed with the override as it occurred, nor do I think we should proceed with some attempt to fix it until such time as we all understand what happened, what are the precedents of the House, and how do we move forward.

As a result, I really believe that there ought to be a motion, I may make the motion, to vacate the vote that has occurred until we all understand better about what it is that we are dealing with.

Mr. HOYER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. My suggestion will be that we have another vote. We are going to have some other business coming. We discussed this briefly in the hallway. My suggestion is before we make any motions, that we take the time, your leadership and our leadership, let's sit down and discuss this and then we can come back and do whatever each decides to do.

Mr. DREIER. Would the gentleman yield?

Mr. BOEHNER. I would be happy to yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I would just like to raise one other point that should be part of those discussions. If I could remind our colleagues, one of the items that was debated vigorously during consideration of the farm bill happened to be the issue of the baseline numbers that were used. We are poised at this moment to bring up a budget resolution which will raise a question as to exactly what baseline level is used and what pay-fors might be out there. So I think that we have some very serious questions that are raised.

My friend from Arizona (Mr. SHADEGG) just reminded us again that for us to conclude, as the distinguished Republican whip has said, that this bill somehow would have passed identically in the exact same form is a real stretch. For that reason, I think that we have lots of questions that need to be addressed before we do proceed.

I thank my friend for yielding.

□ 1845

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Ohio yield for that purpose?

Mr. BOEHNER. I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION AND LEASE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5856, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5856.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 349]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
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Brown-Waite, Ginny
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Frank (MA)
Franks (AZ)
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Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
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Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
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McCarthy (CA)
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Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
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Murphy (CT)
Murphy, Patrick
Murphy, Tim
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Neal (MA)
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Ros-Lehtinen
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Rothman
Roybal-Allard
Royce
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Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
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NOT VOTING—18

Bishop (UT)
Brown, Corrine
Carter
Castor
Crenshaw
Feeney
Fossella
Gillibrand
Green, Gene
Kennedy
LaTourette
Rangel
Rush
Tiahrt
Walden (OR)
Wexler
Wynn
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 1909

Mr. SIMPSON changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks on general debate concerning H.R. 5658.

The SPEAKER pro tempore (Mr. POMEROY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1213 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5658.

□ 1910

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 1 hour.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House begins consideration of H.R. 5658, which is the National Defense Authorization Act for Fiscal Year 2009.

This bill is a collective effort in the bipartisan tradition of the House Armed Services Committee which approved the bill in markup by a vote of 61–0. It is an excellent bill.

I want to thank the members of our Armed Services Committee, particularly the subcommittee chairmen, the ranking members, and actually every member of the committee.

Let me take this opportunity to also, Mr. Chairman, recognize the ranking member and former chairman, DUNCAN HUNTER, for once again being a great partner on this bill, and he is certainly to be commended and thanked for it. I am proud that DUNCAN and I have worked so well together through the years and always with the common goal of enhancing American national security.

It is only fitting, Mr. Chairman, that as DUNCAN HUNTER plans to retire at the end of this Congress, our committee colleagues unanimously voted to name this bill in his honor, recognizing DUNCAN HUNTER's many years of service on the Armed Services Committee, and also recognizing his unfailing support of our men and women in uniform. And we thank him publicly for that.

Mr. Chairman, let me discuss some significant provisions of the bill. It reflects our committee's view that restoring military readiness must be our number one priority. This is serious business. If, after more than 6 years of war, our effort is to restore military readiness, then it must be sustained in order to meet not just current military challenges, which are monumental, but prepare for the unexpected conflicts we may face in the future.

We don't know what is around the corner. I might point out, in the last 31 years American military forces have been engaged in no less than 12 military conflicts, four of which have been major in size.

The bill directs approximately $2 billion toward unfunded readiness initiatives requested by the services. It includes $932 million to deal with equipment shortages as well as for equipment maintenance. The bill also provides for some $800 million for National Guard and Reserve equipment, and $650 million to keep defense facilities in good working order and to address urgent issues such as dilapidated military barracks.

☐ 1915

To boost readiness and to reduce the strain on our forces, the bill increases the size of our military; 7,000 additional Army troops, 5,000 additional marines, and prevents further military to civilian conversions in the medical field by authorizing an additional 1,023 Navy sailors and 450 additional Air Force personnel.

The bill also maintains our efforts to support and honor the men and women who serve our Nation in uniform and their families, providing a much needed 3.9 percent pay raise increase, and again, prohibiting increases in health care fees, among a range of other initiatives.

I might point out, the administration recommended only a 3.4 percent pay raise, and we raised that, as we should have.

The authorization bill also keeps our focus on Afghanistan, which is the primary front in the war on terror. The bill requires the administration to submit separate budget requests to clearly lay out the requirements for the war in Afghanistan, and on the other hand, the war in Iraq. It requires a system be set up to measure the success of the U.S.-led Provincial Reconstruction Teams, and requires more robust congressional reporting on the training of the Afghan Security Force.

Finally, the bill requires the Department of Defense to address the issue of command and control for forces in Afghanistan operating under Operation Enduring Freedom, as well as the NATO International Security Assistance Force.

The bill authorizes a $70 billion bridge for the fights in Iraq and Afghanistan. But we remain convinced that it's well past time for the Iraqis to step up and contribute more substantially to their very own security, as well as their prosperity. With the Iraqis' overwhelming budget and capital account surpluses, the bill requires Iraqis to invest more in their own reconstruction, as well as their own security efforts.

The bill also includes steps toward contracting reform after the substantial improvements in the law which we enacted in our previous bill last year.

This bill underlines our commitment to preventing the proliferation of weapons of mass destruction. It adds $31 million for the Cooperative Threat Reduction programs of the Department of Defense, and some $215 million from the Department of Energy's nonproliferation programs. That's important.

Finally, I want to say a word about the need for reforms in the way our government coordinates and executes its national security policy. Many here in Congress as well as the executive branch are working to improve our interagency system. It's a massive effort that cannot be accomplished in any one single year.

I remember well the now famous Goldwater-Nichols Act. It was an effort over 4 years in the Congress of the United States which, of course, made jointness part of the military culture, and this may well be along the same line, although hopefully it will not take 4 years to accomplish. But it cannot be done in one single year.

At the appropriate time during the bill's consideration, I will offer an amendment along with Chairman HOWARD BERMAN of the Foreign Affairs Committee and Appropriations Subcommittee Chairwoman NITA LOWEY to establish a standing advisory board to work with the Secretaries of State and Defense on interagency matters and report to Congress their recommendations.

Before I reserve the balance of my time, let me pay tribute to those Members who plan to leave Congress at the end of this session and for whom this will be their final defense authorization bill. In addition to the retirement of our friend and ranking member, DUNCAN HUNTER, I want to express my appreciation to two other senior Members who plan to retire, Congressman JIM SAXTON and Congressman TERRY EVERETT. Both these gentlemen have made a very important contribution to our committee through the years and, consequently, have been wonderful partners, as well as outstanding Americans.

In addition, two of the most capable and committed members of our committee, ROB ANDREWS and MARK UDALL, plan to leave in order to seek other offices. The House and our committee are all the better for their service, and we wish all of these members who are not going to return to our committee next year all the best. They will be missed.

This is a critical time in our Nation. This defense bill is a very important one. I urge Members of this House to support this defense authorization bill. It does so much in the area of readiness, to support our men and women in uniform and their families, and to protect the American people.

With that, and additional thanks to my friend, DUNCAN HUNTER, on his final bill, we appreciate your work, your efforts, your friendship, Mr. HUNTER.

I reserve the balance of my time.

Mr. HUNTER. To my great friend, I don't deserve this honor that he has recommended here of naming the bill. I'm just an ordinary American, but I get to serve with lots of extraordinary Americans, and the gentleman from Missouri is one of those extraordinary Americans. He talked about the jointness that he's trying to bring over from his great work on the Goldwater-Nichols bill, of bringing our services together to act jointly, and extend that to the other agencies which are so crucial in this operation in Iraq and Afghanistan, and to bring them in also in a way that they act as a member of the team led, most of the time, by the Department of Defense, but nonetheless, one that requires cohesion and jointness and a culture of working together as a team.

I want to commend the gentleman for the fact that he has been the corporate historian, if you will, for the

House of Representatives and for the Armed Services Committee, who often brings us back in debate or in hearings to events that transpired in conflicts 100 years ago sometimes, or World War II or Korea or Vietnam, and reminds us that we shouldn't have to learn the lesson a second time. So I want to give my great thanks to this great American, IKE SKELTON, and to all of the members of the great Armed Services Committee and the chairmen and ranking members of the subcommittees who put together such a great bill. A couple of them are sitting here next to me. I know JIM SAXTON is leaving. He was the first chairman of the Special Operations Subcommittee, the Terrorism Subcommittee, and traveled the world and the country and every base where we had SOCOM people stationed, talking to the teams, talking, whether they were Green Berets or Rangers or SEALs or other operators, trying to understand what they needed from Congress in order to be effective. He worked to get them that equipment, and now, as the ranking member of Air, Land, he continues that mission.

And, of course, TERRY EVERETT, that guy who doesn't make long speeches but spends a lot of time in classified sessions working and understanding on the issues surrounding space, and how those issues relate to national security. Probably nobody else in the country knows as much as he does on those issues.

And, of course, we've got a couple of members, as the chairman said, moving on to other offices, ROB ANDREWS and MARK UDALL, and we wish them the very best.

Mr. Chairman, this is an excellent defense bill, and I concur with the gentleman from Missouri that we should have a unanimous vote in the House of Representatives, just as we had under his leadership in the Armed Services Committee.

It does a couple of things that are important for us. It works toward the warfighting theaters, which are very important, Iraq, Afghanistan and other places in the world where the global war on terror is taking place. But, at the same time, and in those, in that category, we put in extra money for MRAPs for these armored vehicles, for protection for our troops, for jammers, for all the things, for new surveillance capability, new anti-mortar capability, all the things that would go to force protection, and also make our troops more effective in those theaters.

But beyond that, we pay a lot of attention and put a great deal of focus on modernizing the military and looking over the horizon to challenges that may go far beyond the current theaters.

We continue to fund the F–22, which the reports now coming back from the operators are to the effect that the F–22 is doing extremely well, a high performance fighter aircraft with lots of capability, lots of legs, lots of firepower, but especially lots of sensor capability, which we're finding to be extremely valuable.

The V–22, which is this platform that the Marines wanted for years because it goes roughly twice as fast as the CH–46s that it's replacing, are working extremely well in theater. The Marines are getting from point A to point B in half the time. They're able to carry out their mission more efficiently and effectively. They like that particular platform. And across the board, we are replacing and modernizing our military equipment.

Now there are some things that we need to do in this bill, and I would hope we could do on the floor. We did cut some $300 million out of missile defense. Mr. Chairman, we live in an era of missiles. This is an era in which we will see, in the coming years, the Iranians continuing to improve on the Shahab missile classes, which already can reach parts of Europe, at some point will be able to reach all of Europe, and will be followed by missile classes that, at some point, will be able to reach the United States.

We also have seen North Korea throw a pod of missiles into the North China Sea, and the Sea of Japan; some of which have capability, if they put more sections on those missiles, ultimately, to reach American allies and the United States itself. So we're entering the middle of what I would call the era of missiles. And having defense against missiles is a key part of the American defense system.

We've had these wonderful successes where we've shot down missiles that are traveling, where the interceptor and the missile it shoots down 148 miles above the surface of the Earth are traveling roughly three times the speed of a 30–06 bullet, and we've had collisions in mid flight. We saw a great demonstration when we took down the rogue satellite that had to be destroyed to avoid possible collateral damage. We took that down with a sea-based missile system that worked very well.

We clearly are moving along in the right direction in trying to put up defenses as the offensive systems become more sophisticated. But I think we need to continue to move down that path.

We did cut money out of the European-based missile systems and other systems, and I would hope that we could restore some of the missile defense money in this particular bill. I know Mr. FRANKS will be offering that.

Similarly, the FCS program, I think, is an area we need to restore dollars. Mr. Chairman, we have a number of en bloc amendments and amendments that will be offered by members that I think will, in fact, make this bill even a little bit better than it is.

I want to finish by thanking the chairman for putting together a great bill in the Armed Services Committee, for moving it down the road very quickly, and getting it to the House floor.

This is the bill that provides our troops with the tools that they need to get the job done. And that's why it's important, that's why this committee acts in such a bipartisan fashion, and we follow the bipartisan model of the gentleman from Missouri, IKE SKELTON.

I would reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to my friend, my colleague, the gentlewoman from California (Mrs. TAUSCHER) who also is the chairman of the Subcommittee on Strategic Forces.

Mrs. TAUSCHER. Mr. Chairman, I rise in very strong support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

I want to commend Chairman SKELTON for his leadership on bringing such a strong bipartisan bill to the floor.

As chairman of the Strategic Forces Subcommittee, I have worked with my colleagues on both sides of the aisle to ensure that the bill achieves three broad objectives. It sustains and modernizes the stockpile stewardship program, which insures the safety, security and reliability of our nuclear deterrent. It invests in the development and deployment of ballistic missile defense systems that address near term threats to the United States, our deployed troops and our allies. And it supports significant military space programs in critical phases of development, including the space-based infrared system.

☐ 1930

With regard to the nuclear complex, it provides additional funding to address certification issues raised by the 2007 JASON review of the RRW proposal. It fully executes the National Ignition Campaign, and it explores next-generation stockpile stewardship tools. The bill fully funds the request for the defense environmental cleanup and urges DOE to increase the resources dedicated to cleanup in future budgets.

We also fully fund the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site in South Carolina, and we stress that the MOX project is a nonproliferation and a national security priority.

For the Missile Defense Agency, the bill authorizes $8.6 billion, a cut of $719 million below the administration's request. The bill reflects our committee's strong bipartisan support for addressing the short, medium, and intermediate missile threats that face our warfighters. It includes several important funding increases. It adds $75 million for Aegis Ballistic Missile Defense, $75 million for Terminal High Altitude Area Defense, $25 million for missile defense target development, and $10 million for the joint U.S.-Israel short-range missile defense program.

The bill authorizes $341 million for the proposed European missile defense site, an increase of more than $100 million over current-year funding but a reduction of $371 million below the administration's request.

The committee has extended conditions contained in the fiscal year 2008 National Defense Authorization Act to help ensure that the pace of any deployment of U.S. missile defense systems in Europe is synchronized with our diplomatic efforts and that the proposed system has been fully tested.

The bill strongly supports our cooperative programs with Israel authorizing $54.1 million for the joint U.S.-Israel short-range missile defense program, an increase of $10 million over the President's request.

It also authorizes $74.3 million for continued development of the Arrow Weapons System.

In military space programs, the bill pushes DOD to focus on near-term warfighter needs, space situational awareness, and space protection. The bill also directs the Secretary of Defense to submit a plan for the Department's bandwidth needs in the near and longer term.

Mr. Chairman, at this time I would like to honor my ranking member, Mr. EVERETT of Alabama, who is retiring this year. Mr. EVERETT was previously the chairman of this subcommittee. There is no finer gentleman in the House. He is a man of significant effort, he is a perfect Southern gentleman, and it was my pleasure to work with him over the last few years and this year to have him as my ranking member. I wish him and his wife Barbara and their family all the best in their retirement years.

Mr. Chairman, the bill supports our critical national security priorities, and I strongly urge my colleagues to support its adoption today.

Mr. HUNTER. Mr. Chairman, I would like to thank the gentlelady in putting this bill together and recognize the gentleman from New Jersey (Mr. SAXTON) who, every time I talked to him over the last 4 or 5 years, he was meeting with a different group of special operators trying to figure out what they needed and where they needed to go and tireless in pouring himself into an airplane to get to yet another base and meet with more troops.

He's done a wonderful job as the ranking member of the Air and Land Subcommittee. We're going to miss the gentleman from New Jersey.

I would like to yield him 5 minutes.

Mr. SAXTON. I want to thank Mr. HUNTER for yielding time.

Mr. Chairman, there has been a lot said here tonight about bipartisanship and working together, and it's absolutely been a fantastic experience for the last 2 years we've worked under the leadership of our good friend, IKE SKELTON. I might say that one of the reasons that this bipartisanship works so well is very simply because we're all friends. We're friends in the committee, we're friends in the hallway, we're friends in our offices, and we are friends here on the floor, and we're friends when we're not in session.

And so we appreciate the opportunity to be here tonight on the floor in that spirit.

I might also thank my good friend from California (Mr. HUNTER) for the kind remarks that he offered with regard to my service. But I want to say something, too, about Mr. HUNTER, because for the last several years before IKE SKELTON, Mr. HUNTER was our chairman, and now he's our ranking member. Following in the footsteps of Floyd Spence and Bob Stump, DUNCAN HUNTER picked up the job of being chairman and continued to set the tone for the bipartisanship that is a hallmark of the Armed Services Committee.

Perhaps as only Ronald Reagan could have said it years ago when I first came to Congress, he said, You know, a lot of things are important around here, but there is nothing that's more important, maybe there are some things that are as important, but nothing is more important than our national security.

And the bipartisanship with which the Armed Services Committee, under the leadership of both Mr. SKELTON and Mr. HUNTER and their predecessors, has approached this issue is very, very important. I would like to thank the gentleman for the great job that he's done, as well as my friend, IKE SKELTON.

Force protection is a very important element of this bill. We know that force protection has changed a great deal because of the threat that we face in Iraq and Afghanistan of an conventional nature.

In this bill we upgraded the funding available for the Mine-Resistant Ambush-Protected Vehicle, the MRAP. We have $947 million to upgrade the armor on Humvees, and $2.2 million for the Abrams tank upgrades, the Bradley fighting vehicle, as well as the Stryker. And so we once again put our soldiers first and are providing the protection for them that they need.

One of my pet projects in the years that I have been on the committee has been the moving forward of the C–17, and here again, we've got funding or we've got authorization here for 15 additional C–17s, and hopefully we will continue to move forward with that.

There is one area that I have a concern about in this bill, but it's a whole lot better than it could have been when it started. Our great friend, NEIL ABERCROMBIE, compromised with us on the Future Combat System.

While it's important to provide force protection for today's Army, it's also important to get ready for tomorrow's Army. And while the Air Force, as well as the Marine Corps, as Mr. HUNTER pointed out, adopted a revolutionary system known as the V–22, which is a fixed-wing aircraft. It can take off vertically and can fly twice as fast as a helicopter. That was revolutionary. In the Air Force, we have revolutionary systems, the F–22, the Joint Strike Fighter, which are revolutionary because they can do things that we never dreamed that we could do before.

The Army has been an evolutionary developer, and the FCS, the Future Combat System, is the first, in my time here, revolutionary system adopted by the Army. We cut the funding for the Future Combat System by $233 million. I think that's a mistake. This is a big year for the FCS, and in my view, we should have funded it altogether. $3.6 billion is a lot of money. That's the total authorization for the FCS this year. A 5 or 10 percent cut may not seem much, but this is the make-it-or-break-it year. This is the year we study the progress we've made with FCS and decide whether to go forward with it or not. A bad year to make a cut in my estimation.

Mr. Chairman, I appreciate very much the opportunity to be here tonight under these circumstances. This is a good bill. I am certainly going to support it, and as Mr. HUNTER suggested, this should be a unanimous vote, and I urge the House to make it so.

Mr. SKELTON. Mr. Chairman, at this time I yield 5 minutes to the chairwoman of the Subcommittee on Military Personnel, the gentlelady, our friend and colleague, Mrs. DAVIS.

Mrs. DAVIS of California. Mr. Chairman, as the chairwoman of the Military Personnel Subcommittee, I'm pleased to support H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

As my colleagues and the other subcommittee Chairs have noted and will note, I think, as they speak, this bill is a bipartisan effort. I want to recognize the committee chair, of course, Mr. IKE SKELTON, and the ranking member, Mr. DUNCAN HUNTER, for their exemplary leadership.

I would also like to recognize my ranking member on the subcommittee, Mr. MCHUGH, for his support. I also want to thank our dedicated staffs on both sides of the aisle for extraordinary work.

Each year has been extremely challenging to meet all of the wishes that we seek for those who are serving in harm's way. And this year was certainly no exception. However, the defense bill before us continues to enhance and improve the quality of life for our servicemembers and their families who are bearing the brunt of 6 years of war.

Let me highlight some of the important initiatives that we address. The committee supported the President's proposal to increase end strength for the Army and Marine Corps and restores the military to civilian conversions within the medical community that were prohibited in last year's bill.

The bill includes a 3.9 percent pay raise which is one-half of 1 percent above both the President's budget request and private sector raises as measured by the Employment Cost Index, the ECI. This is the 10th consecutive year of pay raises above ECI, and this raise will further reduce the gap between military and private sector raises from 3.4 percent to 2.9 percent from a high of 13.5 percent during fiscal year 1999.

The bill establishes a tuition-assistance program for eligible military spouses to develop careers that are portable as they move with their servicemember from base to base.

The bill also authorizes a career intermission pilot program that would allow those who are seeking a military career time-off from active duty for a period of several years in order to pursue other life achievements.

The reserve components have moved from a strategic force to an integral and vital part of the operational force, particularly in the Army. The bill would increase full-time manning for the Army National Guard to 30,450 and the Army Reserve to 17,070.

The bill prohibits TRICARE health and pharmacy fee increases proposed in the President's budget. I'm pleased that we were successful in finding the offsets necessary to prohibit the fee increases to protect our military beneficiaries.

However, the committee remains concerned that the department continues to put forward proposals that place the focus solely on our military retirees and fails to address other cost drivers within the system. So we must work together to find a fair and equitable solution that protects our beneficiaries and ensures the financial viability of the military health care system for the future. The bill begins efforts to improve the health care readiness of our force and their families by establishing preventive health care programs.

Mr. Chairman, the bill before the Members today is a good bill, and Members can be proud of what we are doing for the troops and their families.

I urge my colleagues to support the bill.

Mr. HUNTER. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Maryland who is the ranking member on the Seapower and Expeditionary Forces subcommittee, Mr. BARTLETT.

Mr. BARTLETT of Maryland. Mr. Chairman, I strongly encourage my colleagues to support the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. As ranking member of the Seapower and Expeditionary Forces Subcommittee, I applaud the efforts of Chairman TAYLOR and his staff who have done an excellent job of meeting the needs of our sailors, aviators and marines.

I also want to thank my staff who did a great job. They helped prepare this statement and so they modestly did not include themselves. Thank you, staff, very much.

The bill accelerates the planned refueling complex overhaul of the USS *Theodore Roosevelt*. It fully funds the next generation carrier, the fiscal year 2009 *Virginia* class submarine and provides procurement for a second Virginia class submarine in both fiscal years 2010 and 2011. The bill also authorizes two T-AKEs and two Littoral combat ships.

There are several areas where the committee disagreed with the President's budget requests. For example, the bill would not allow the Navy to terminate the LPD–17 production line. The bill would slow the pace of the DDG 1000 destroyer program while providing the Navy with the flexibility to reevaluate its options for service combatants and reduce risk for the next generation cruiser.

On the aviation side, the bill continues to support the alternative engine for the Joint Strike Fighter. It also provides additional funding to address emergent P–3 aircraft repair issues.

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With regard to Marine Corps programs, the chairman and I share concerns and the same goals about the Expeditionary Fighting Vehicle and its survivability. The Marine Corps has responded to our concerns by making design changes that will improve its survivability by 50 percent over the baseline. But I believe that more can be done. I have asked the chairman if we can continue to examine this bill's proposed $40 million cut to the EFV program to ensure we achieve this important goal.

The bill extends the committee's prior work to expand nuclear propulsion for shipbuilding. Last year, we required the Navy to include integrated nuclear propulsion for the next generation cruiser. This year, the bill would require that future amphibious assault vessels also include nuclear power.

The Navy's 2007 study on alternative energy for ship propulsion indicated that the break-even price for nuclear propulsion for amphibious ships was a market price of $178 per barrel of oil. We're creeping up to that number. Oil hit a new record of $133 a barrel today.

Finally, Mr. Chairman, I would like to note that several of our colleagues, all three of them sitting in the Chamber in front of me, are retiring at the end of this Congress. My very good friend, DUNCAN HUNTER; good friend, JIM SAXTON; and my classmate, TERRY EVERETT, thank you all very much for what you have done for your country, for our servicemen and -women. You have my deepest respect and gratitude.

Mr. Chairman, I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to my colleague, my friend, the gentleman from Washington, who is also the chairman of the Subcommittee on Terrorism and Conventional Threats and Capabilities, Mr. SMITH.

Mr. SMITH of Washington. Thank you, Mr. Chairman.

I want to start by thanking Chairman SKELTON and Ranking Member HUNTER for the work they have done, not just on this bill but during the 12 years that I've been in Congress and even before then.

Their leadership on this committee I think should be an inspiration to all of us in the way they approach these very important issues. To begin with, they set a tone of bipartisanship. We worked together in an open process that I think gives us the high quality product that we wind up with. And that's not to say that we don't disagree, occasionally along party lines, but we do so in a very open, very honest way, in a way that I think addresses the issues and the way that Congress should perform. I want to thank Chairman SKELTON and Ranking Member HUNTER for his time as ranking member and time as chairman as well for doing that.

I think this year's bill is a particularly good product and representative of that fine work. We have heard many different pieces of it already. I just want to highlight two in the general bill.

First of all, the $2 billion in additional money that we put in to deal with readiness, a major challenge right now for our Armed Forces, particularly the Army and the Marines. Our forces are really under a great deal of strain because of their deployments in Iraq and Afghanistan. Maintaining readiness has been a major challenge and concern, and this bill puts that concern up front and funds it in a way that will help us begin to deal with the problem.

Also, equally as importantly, it prioritizes our troops by giving them a 3.9 percent pay raise, to recognize the hard work and sacrifice that they perform for us and support them in every way that we possibly can.

With that, I want to highlight some of what we've done on our subcommittee, the Subcommittee on Terrorism, Unconventional Threats, and Capabilities. We have four main areas that we focus on.

The first of those is the Special Operations Command over which we have jurisdiction, and I want to pause at this moment in the general remarks and thank Representative SAXTON who, though he is not the ranking member on this committee now, serves on the committee and was the first Chair. As Representative HUNTER has pointed out, the special operations forces were a particular concern of Representative SAXTON. He has a done a great deal in our efforts to expand that force, meet their needs and expand their capabilities, and more than that, he has been a great Member, not just of this subcommittee but of this committee for his career in Congress. He will be missed, and I very much appreciated working with him.

What we have done primarily for special operations forces in the bill this year is fund as many of their unfunded requirements as we possibly can. They have been at an incredibly rapid tempo in Iraq and Afghanistan and elsewhere. Continuing to fund their needs is the top priority of our subcommittee.

The other area that we focus on is irregular warfare, and there are a number of different pieces to this. But I think it's a critical part of our defense bill because it is emerging as one of the most continuous pieces of the fight, counterinsurgency efforts, counterterrorism efforts, things that were not prior to 9/11 part of our lexicon to the degree that they are now.

We take steps to make that a higher priority by raising it to the Assistant Secretary level at the DOD and also by helping to fund human terrain teams. Our subcommittee received excellent testimony about what these human terrain teams are doing to go in and understand the culture in Afghanistan, in Iraq. We actually employ anthropologists and others who are experts in culture so that our forces can know who they're dealing with when they go in. This is a critical element of what we're working on.

We also, thirdly, focus on harnessing technological innovation. We fund it, to begin with, $1.69 billion worth of R&D for science and technology, and we also focus on harnessing new technologies as quickly as possible by developing a clearinghouse for that. The procurement process in the DOD can be a lengthy process at times. We want to get these technologies out in the field as quickly as possible when they are most useful.

We're also asking the Department to focus on the recruitment of IT professionals, the people with the brains to help us with cyber security and elsewhere. As you might guess, the DOD does not pay as much as these people might be able to earn in the private sector. So we have to aggressively go out there and recruit folks to make sure that we have the top IT professionals within the DOD. Our bill focuses on that as well.

Lastly, we focus on improving DOD's homeland defense capabilities, a role of our subcommittee, by funding the Defense Threat Reduction Agency and the chemical/biological defense programs and by increasing their funds and making sure that they have what is necessary to protect us here in the homeland, within the DOD, working in cooperation with the Department of Homeland Security.

Again, I want to thank Representative SAXTON for his work and also Representative THORNBERRY, who is the ranking member on this subcommittee. He has been great to work with, very smart, very talented, works in a bipartisan way. All of the issues that I have just listed have been made possible in large part because of his input. I appreciate working with him as well.

Again, I want to thank the chairman and Ranking Member HUNTER for the way they run this committee. It makes me proud to be in Congress every year I have the opportunity to serve with them.

Thank you very much.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman who just spoke for his great work on this bill, and I yield for 4 minutes to the gentleman from Alabama, who is the ranking member on the Strategic Subcommittee, formerly the chairman, and again a guy who has spent thousands of hours in closed-door sessions, with no press releases attached and no cameras present. He's a guy that's pretty easy to elbow out of the way at a press conference because he usually isn't there. But he has served countless hours in the service of this country, understanding some pretty complex things about space and national security, and he is the gentleman from Alabama, Mr. TERRY EVERETT, and the country needs more people like this gentleman.

Mr. EVERETT. I thank you, Mr. Chairman, and I'd like to thank my good friend, Mr. HUNTER, for yielding to me and thank him for his leadership and his friendship.

I was honored that when this subcommittee was originally formed, Mr. HUNTER asked me to be the first chairman of this subcommittee. It was a great pleasure and it's been a real love for me.

I would also say that Mr. HUNTER has served this Nation and his constituents in California with great distinction. He's served this Nation with great distinction.

Mr. Chairman, I rise today in support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

I would also like to congratulate Strategic Forces Subcommittee Chairman TAUSCHER. This subcommittee handles some very technical, complex and sometimes controversial issues. Missile defense, space, and nuclear weapons are difficult issues to work through. But together, with the understanding and leadership of Chairman TAUSCHER, we have developed legislation where we agree on far more than we disagree.

This year's bill contains many sound measures that provide key capabilities to the warfighter and strengthen our strategic forces.

I am particularly pleased with the support this bill provides to national security space. The bill addresses many important issues including: continued awareness of the growing threat to space and emphasis on mitigating vulnerabilities; the need to war-game and exercise the loss of space capabilities; full funding for key acquisition programs such as advanced extremely high frequency, WGS, SBIRS and GPS–3, that reflect a measured approach to space acquisition; and protection of the T–SAT budget request, while the Department reevaluates architecture options after their decision to reduce this program by $4 billion.

The mark makes positive strides in the area of atomic energy defense activities by: adding funding to research enhanced surety for existing weapons systems; and directing the Secretaries of Defense and Energy to report on steps they are taking to enhance inventory controls for nuclear weapons.

I am disappointed the Reliable Replacement Warhead study wasn't directly funded. Our nuclear deterrent is aging, while the rest of the world's nuclear powers are modernizing theirs. The commander of U.S. Strategic Command testified that we are accepting significant future risks with our legacy Cold War stockpile.

The American public may not realize this, but the current administration has implemented the largest nuclear stockpile reductions since the end of the Cold War and has an extensive nonproliferation program to reflect the evolving proliferation threat.

A reliable, modernized nuclear stockpile that includes RRW holds the promise of allowing us to further lower our nuclear weapons numbers, while continuing to provide a strong deterrent for the United States and our allies.

Our missile defense deliberations proved the most challenging. While we agreed on many provisions, such as full support for Patriot PAC–3, Aegis and THAAD, there are a few provisions that the minority could not concur with.

I am deeply concerned about the 50 percent cut to European missile defense contained in the bill. I believe this sends the wrong signal to our allies and emboldens Iran.

The CHAIRMAN. The gentleman's time has expired.

Mr. HUNTER. I yield the gentleman another minute.

Mr. EVERETT. While Congress puts the brakes on this effort to protect the American people, our forward-deployed forces, and our allies, Iran has stepped on the accelerator. Iran continues to: expand its arsenal of short- and longer-range ballistic missiles, install advanced centrifuges to enrich uranium, and evade questions on past nuclear weapons research.

Our NATO allies recognize this threat and, in April 2008, provided unanimous endorsement of the European missile defense proposal. In a few weeks, the Czech Republic plans to sign agreements with the U.S. to host the missile tracking radar.

This is a critical time for the U.S. to continue its leadership. In addition to NATO, we have key allies such as Israel and Japan who are relying on U.S. commitments to missile defense. I am, therefore, disappointed that the committee would not accept my amendment to restore funding to this effort, particularly after significant progress is being made to meet the conditions outlined in last year's legislation.

As the Secretary General of NATO said at a speech on May 5, "In tomorrow's uncertain world, we cannot wait for threats to mature before deciding how to counter them."

I also remain concerned about China's actions in space. According to the Pentagon's annual China military report, its undeclared and unexplained January 2007 anti-satellite test is only one part of a larger Chinese counterspace program to prevent the use of space. Thus, I was strongly disappointed and troubled that my amendment to direct an independent study to examine the feasibility of space-based defense concepts was not supported in our committee markup. Such a system might also provide another layer of defense against ballistic missile threats.

In the final analysis, there is far more in this bill that we agree on than disagree on.

The CHAIRMAN. The gentleman's time has again expired.

Mr. HUNTER. I yield the gentleman an additional minute.

Mr. EVERETT. I would, however, caution Members from further reducing funding for missile defense. These programs have already been cut by over $700 million. Any further reductions to these important programs would have very detrimental effects to our national defense.

I think the programs in our subcommittee's jurisdiction are some of the most exciting things our Nation does. It is important that we not lose sight of the vital role our space, missile defense, and nuclear deterrent capabilities play in our national security.

I would like to thank the other members of the subcommittee and the staff for their hard work in making this bill a quality product. I intend to support it, and I ask the Members to support it.

Again, I would like to congratulate Chairman TAUSCHER for the work that she's done on making this a very good mark, and also I'd like to congratulate my good friend IKE SKELTON for his leadership.

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Mr. SKELTON. At this time, I yield 5 minutes to my good friend and colleague, the gentleman from Mississippi (Mr. TAYLOR), who is also the chairman of the Subcommittee on Seapower and Expeditionary Forces.

Mr. TAYLOR. I want to thank the distinguished chairman, and quite possibly the best committee chairman we've had on the House Armed Services Committee in my 20 years, Chairman IKE SKELTON.

I rise today in strong support of H.R. 5658, the National Defense Authorization Act of 2009. The bill before the House today represents the strong bipartisan effort of the House Armed Services Committee under the leadership of our very capable chairman, IKE SKELTON.

For Navy and Marine Corps programs, this bill recommends several initiatives not in the administration's budget request that we believe will enhance the ability of the sea services to protect our Nation. These initiatives include:

Full funding for the eight ships in the President's request, with authorization to build an additional four.

The funds for $1.8 billion to fully fund a 10th LPD class amphibious assault ship, a vessel that is the number one priority of the Commandant of the Marine Corps.

We would pause the DDG 1000 program to allow the Chief of Naval Operations the flexibility to restore the production of the DDG–51 class destroyers, or continue the 1000 program.

Advanced procurement funding for long lead components to accelerate the production of *Virginia* class submarines to two per year beginning in fiscal year 2010 instead of fiscal year 2011.

Authorization for the final two vessels in the Lewis and Clark T–AKE dry cargo ammunition ship class.

$14.6 billion for the procurement of 206 aircraft, including eight Joint Strike Fighters, 45 F/A–18 series aircraft, 30 Marine Corps MV–22s, 49 MH–60 series helicopters, 44 T–6 JPATS training aircraft, and two KC 130J cargo aircraft.

We would include $247 million for the continued funding of the Joint Strike Fighter competitive engine program; $448 million for emergent aircraft wing repairs to the P–3C fleet of reconnaissance aircraft.

We also include important legislative proposals that would direct the Secretary of the Navy to design and construct the next class of amphibious warships with an integrated nuclear power system.

Mr. Chairman, today the price of oil went to approximately $130 a barrel. Less than half of the oil that our Nation uses is produced within the United States of America. It makes no sense at all, you have aircraft carriers that could go 30 years without refueling, if those ships that support our aircraft carriers have to refuel every 3 to 5 days.

We would authorize the commencement of the complex refueling overhaul of the USS *Roosevelt*. We would authorize economic inflation adjustments to the statutory cost cap of the Littoral combat ship based on the realities of cost escalations in the materials to build those ships.

We would require accountability of obligations in the National Defense Sealift Fund. I want to thank one of our new Members, Admiral Sestak, for helping to make that happen.

For the committee's oversight of the activities of the Maritime Administration of the Department of Transportation, we authorize the request for funding the Maritime Security Program, the Vessel Disposal Program, and the operations and maintenance included in the Merchant Marine Academy.

We would authorize $30 million for the Maritime Guaranteed Loan Program, commonly referred to as title XI loans. We would authorize the Secretary of Transportation to increase student initiative payments at the various State maritime academies.

And we would prohibit the transfer of government-owned vessels for the purpose of scrapping or dismantling in foreign shipyards.

Mr. Chairman, I would also like to thank my good friend and ranking member, the gentleman from Maryland, the Honorable ROSCOE BARTLETT. I have been honored to have him as my working business partner. He has been a great partner in helping to rebuild our Nation's fleet.

I urge my colleagues to vote "yes" in support of this bill.

I now recognize the gentleman from Maine for the purpose of a colloquy.

Mr. ALLEN. I thank the gentleman for yielding.

I appreciate the opportunity to discuss an important subject, the fine men and women of Bath Iron Works, one of two shipyards in my district.

These skilled men and women are a national asset and the reason for our proud slogan that "Bath built is best built." It is on their behalf I would like to ask the gentleman about the committee mark for the DDG 1000 program.

Mr. TAYLOR. I appreciate the gentleman's questions. I would remind the gentleman, and all Members of this body, that from the earlier days of our Republic we have had at least six major naval shipyards. In the early days, there was concern that maybe the British or the French may come back and reoccupy our country. In the case of the Washington Navy Yard, they did. It made sense then, it made sense now.

I am committed to the industrial base of those yards that build our surface combatants, both in Maine and on the gulf coast. The DDG–51 has been a phenomenal platform.

The Acting CHAIRMAN (Mr. ELLISON). The time of the gentleman has expired.

Mr. SKELTON. I yield 2 additional minutes to the gentleman from Mississippi.

Mr. TAYLOR. The 51 has been a proven platform; we've had over 50 of those ships constructed. It has turned out to be a bargain for the taxpayer.

I do have concerns about the DDG 1000 program and some possible cost overruns associated with it. That is why for the stability of the fleet and for the purposes of trying to get the fleet up to 313 ships, we are going to give the Chief of Naval Operations the option of either pursuing the third DDG 1000, or DDG–51s, keeping in mind that the Navy can buy two DDG–51s for the price of every 1000.

Mr. ALLEN. It is my understanding that the committee is on record for full funding of any vessels in fiscal year 2010 that the Navy decides to build using fiscal 2009 advanced procurement funding which is provided in this bill.

Mr. TAYLOR. Again, the gentleman is correct.

Mr. ALLEN. I thank the gentleman.

You said this, but it's also my understanding that the committee is giving the Navy the option of either shifting back to the DDG–51 program or continuing with the DDG 1000 program; is that right?

Mr. TAYLOR. That's correct. And I would also remind the gentleman that we are working with the Chief of Naval Operations. He has come to us with a proposal. To extend the life of one of our oldest carriers, he would have to spend approximately $2 billion to get an additional 6 months out of that carrier. We are working with the Chief of Naval Operations to give him the option of, instead of spending $2 billion to get an additional 6 months, of taking that $2 billion and applying that money towards an additional surface combatant. And that would certainly help the fleet, and I think it would certainly help Bath Shipyard.

Mr. ALLEN. I appreciate the explanation of the gentleman. And I look forward to working with him to ensure that our Navy gets the finest warship that our combined shipyards can provide.

Mr. TAYLOR. I want to thank the chairman. And I want to encourage all the Members of this body to support the House authorization.

Mr. HUNTER. I want to thank the gentleman who chairs the Seapower Subcommittee for the great work that he has done and turn to another gentleman, the gentleman from New York (Mr. MCHUGH), who has served for many years, first as chairman, and then ranking member of this very important Personnel Subcommittee which oversees the policies of those 2.5 million Americans who serve in uniform. The gentleman from New York has done a great job, and I would like to yield 4 minutes to Mr. MCHUGH.

Mr. MCHUGH. I thank the gentleman from California for his gracious comments.

Let me start off by returning the favor. This is a monumental bill if for no other reason than it bears the name of the gentleman from California, DUNCAN HUNTER. It also is a bill that represents the departure of two other very senior members of the Defense Committee, the great gentleman from New Jersey, JIM SAXTON, and my classmate, TERRY EVERETT, from the great State of Alabama. All three of these gentlemen have served this committee in the grade tradition in which it is steeped so deeply, and that is of bipartisanship, and of the focus that the important thing, the only thing is to field the finest military the world has ever seen. And through their collective service, they have, indeed, done that.

I want to thank the gentleman from Missouri, the distinguished chairman, for moving the resolution that ultimately named this bill after my dear friend, my great leader, DUNCAN HUNTER, but also, I think, forms the basis of what can only be described as a very, very good bill.

To Chairwoman DAVIS, the gentlelady with whom I have deeply enjoyed serving, I want to commend her for bringing to the floor tonight a Personnel piece, a mark that is predicated upon bipartisanship, predicated upon openness. And I thank her for allowing all of us, myself, of course, but equally, if not more importantly, the other members of the subcommittee and the full committee on both sides of the aisle, the opportunity to have meaningful input to its outcome.

You heard her talk very eloquently, very adequately, very reasonably and correctly about the very, very positive provisions of this Personnel mark. Increases end strength, something this subcommittee has been working on for a number of years to relieve the pressure on those men and women who step forward, who have paid the price of stop loss, who have paid the price of extended deployments. This will help them immeasurably.

The active role of the Army Guard and Reserve and their role in this, so important, the increases to that.

The pay increases that continue the efforts that we had begun some years ago, where the pay gap between the private and the military sectors was 13 percent and has now been taken below 3 percent, that we intend, I hope, collectively, to fully continue education and training opportunities for military spouses, recognizing they are part of this battle as well.

From impact aid to survivor indemnity allowances to TRICARE fees, and on and on and on, this is a bill that every Member of this House should, and I deeply hope will, support.

I said this is a very, very good bill. In all honesty, it could have been a great bill. It could have been a great bill except for a number of important, but I think insufficient, responses to the challenges we had.

A problem that I faced, when I had the honor of being the chairman of the Personnel Subcommittee, was predicated upon the administration's, I would maintain, ill-advised proposal to begin the necessary path toward reforming the cost of military health care on the backs of the recipients. They have proposed it again this year.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DUNCAN. I yield 2 additional minutes.

Mr. MCHUGH. It was a serious challenge that was resolved in a way that I can honestly say can only be described as a budgetary gimmick. Rather than using all the tools available to it, the Democratic leadership—not the leadership on this committee, but the Democrat leadership of this House—chose, instead, to take from the retirees, those who have already served, a hit of 1 percent of one month of their retiree pay. They had other options and tools available to them, and I honestly believe they took the easy way. I hope we can, from this point forward, use the opportunity of conference and discussion with the administration and, of course, with the Senate to find a better resolution.

Also, I think the fact that the House Budget Resolution that was supposed to be passed today, but I assume will be passed in the very near future, offered a hope, offered the opportunity for the Budget chairman to make decisions about reallocations to address such things as the widows tax, to address other kinds of problems, were not utilized. And we lost a very important opportunity that, whatever one may think about the Democrat Budget Resolution, provided for the first time hope, provided for the first time opportunity, and that has been squandered. Still, in the days ahead, I think we can take this very, very good bill and elevate it to a great bill.

For the purposes of tonight, however, for the purposes of those who worked hard on it, the gentleman from Missouri, the gentleman from California, all of our subcommittee chairmen and ranking members, this is a bill that reflects, in very fine form, the bipartisan approach of one of the grandest committees, one of the most important committees under the Constitution this House has ever created, the Armed Services Committee, and it deserves our support.

Mr. SKELTON. Mr. Chairman, I recognize, for purposes of a unanimous consent request, the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I rise today in opposition to H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

The United States military is unmatched. I therefore maintain that the defense-industrial complex follows a misguided strategy of buying weapons that provide Americans with no increased safety.

We need to provide for the traditional sense of security by first ensuring economic security, health security, and job security for all. The roots of terrorism begin not in hatred, but in desperation. All people, no matter their ethnicity, seek the basic necessities such as food, clothes, shelter, good health, and the ability to earn a decent living. If you can level this playing field, there is no desperation that may potentially evolve into radical hatred.

I will support a defense budget that matches real threats to our security with appropriate defensive measures. Our foreign policy should promote economic stability worldwide, thereby eliminating the roots of terrorism, which stem from desperation. This bill does the opposite by continuing policies of fear and aggression.

The advocates of advanced weapons systems fail to understand these new systems do not match up an effective defense capability with the terrorist threats. Only a new approach to foreign policy can effectively mitigate the terrorist threat.

The ever-rising cost of our military is not financially sustainable. Since 2001 this body has appropriated over $700 billion for all war-related expenses. This bill will provide an additional $70 billion in emergency funding for operations in Iraq and Afghanistan. But as we know, the Administration is asking for hundreds of billions of additional funds that this body is expected to consider in the near future.

Now more than ever it is clear that this Administration's occupation and reconstruction of Iraq has failed. The war, waged under false pretenses, has decimated Iraq. Destruction has permeated most of the country. War has taken a very heavy, very real toll. There is increasing concern that militias in Iraq are arising to meet the humanitarian needs of the Iraqi people. I have urged this body to stop this illegal war. We must honor our troops by bringing them home. I cannot support any measure that continues the illegal occupation of Iraq and continues to undercut our nation's credibility.

The greatest tragedy of this war is the 4,080 American soldiers that have been killed. Tens of thousands more have been injured. Estimates conclude that 1,000,000 innocent Iraqis have died as a result of the U.S. invasion.

Furthermore, the claimed ballistic missile threat is grossly exaggerated. Terrorists do not possess ballistic missiles and the few nation states that do have such missiles have no desire to face the retaliation of our ballistic missiles.

Accordingly, I thank the Committee for undercutting the President's request of $954 million for the European Ground-Based Mid-Course Defense (GMD) program. However, this bill still authorizes $582 million for the European GMD despite a lack of assurance that the system will work or make our national more safe. Funding for the European GMD should be removed entirely.

The Administration claims the system is necessary to defend the U.S. from a long-range ballistic missile attack from Iran. However, Iran is unlikely to pose such a threat to the United States in the foreseeable future due to the immense technical difficulties that Iran would have to overcome to create a long-range ballistic missile capable of reaching the U.S.

In fact, it is conceivable that the U.S. will have its own technical difficulties to overcome before such a system can be proven viable. The Test and Evaluation department of the Pentagon cautions that many more tests under realistic conditions would be needed before conceding our capability to shoot down an offensive missile.

The citizens of the Czech Republic and Poland clearly reject the proposed agreement. Public opinion polls in the Czech Republic and Poland reflect strong opposition to the placement of the radar and interceptors in their respective countries and strained their relations with Russia. The GMD proposal has by some accounts exacerbated U.S.-Russia relations. The U.S. has shared information but not meaningfully cooperated with Russia in these negotiations. Because the Czech Republic and Poland fall within the boundaries of former Russian influence, U.S. action with regard to the GMD have been perceived by Russia as an intrusion. There can be no doubt that U.S. efforts to impose the GMD are perceived as an obstruction to the diplomatic ties between our nations.

A total of $9.3 billion will go to the Department of Energy for nuclear weapons activities, $1.455 billion of these funds will wisely go to Nonproliferation programs and I thank my colleagues for their work to increase these programs by $208 million above the President's request. However, this still leaves roughly $7.9 billion that supports and maintains nuclear stockpiles.

The U.S. Administration has established a record of unilateralism and that undercuts our nation's credibility in the eyes of other nations. In just under eight years the U.S. Administration had backtracked on international treaties and conventions. The U.S. has rejected the Comprehensive Test Ban Treaty, refused to sign the Land Mine Treaty, withdrawn from the Anti Ballistic Missile Treaty, unsigned the Kyoto Protocol, and blocked a verification protocol for the Biological Weapons Convention. It is time for the U.S. to uphold international law. It is time for the U.S. to stand for dialogue and diplomacy. It is time for the United States to rethink our policies and set upon a new strategy of strength through peace.

Mr. SKELTON. Mr. Chairman, before I recognize the gentlelady from California, I yield 30 seconds to the gentleman from Mississippi.

Mr. TAYLOR. I thank the chairman. I was very much in the wrong for failing to mention the great work of your committee staff, headed by Ms. Conaton, and in particular Captain Will Ebbs of the Seapower Subcommittee. Thank you for the opportunity for correcting my mistake. I do want to very much compliment the men and women of the House Armed Services Committee staff who have helped put this package together.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentlelady from California (Ms. LORETTA SANCHEZ), who is also a senior member of the Armed Services Committee.

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Ms. LORETTA SANCHEZ of California. I wish to thank Chairman SKELTON for his hard work and leadership in developing this important piece of legislation.

And, Mr. Chairman, I would also like to say to the gentlemen who are retiring this year, I think just on the top row of our committee, we are probably losing collectively about 65 years of experience on this committee, and it has been my pleasure over the last 12 years to serve on this committee with you all, and you will sorely be missed and the institutional knowledge that you carry will be missed also. So we have a lot of good colleagues who are leaving the Congress this year.

This legislation provides critical support to our Armed Forces through many important initiatives. I'm proud that the legislation, for example, provides a 3.9 percent across-the-board pay raise for the members of our services. And in addition, H.R. 5658 prohibits the implementation of the President's proposals to increase health care co-pays and cost sharing for beneficiaries of the TRICARE health care and pharmacy services.

This bill also takes a step in providing for the first time ever the military preventative health care programs, which will improve the lives of our servicemembers, of our retirees, and family members. Preventative health care has been proven to improve individuals' long-term health and to provide substantial cost savings since healthier people require less medical service. And I'm very pleased that Chairwoman DAVIS proposed this innovative health care program and that it is also paid for.

This bill also includes several proposals that I sought to have included. And as the ranking woman on the Armed Services Committee, I am proud that one of these provisions establishes a centralized case-level database of information about sexual assaults that involve our servicemembers. The database will be consistent with all privacy guidelines and restrictions while tracking information about the nature of assaults and the outcome of any legal proceedings in connection with the assault.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. SKELTON. Mr. Chairman, I yield the gentlewoman 30 seconds.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, this is a very important step towards ensuring accountability for sexual assaults involving our servicemembers.

I'm also very proud that per my request this bill requires the Department of Defense to conduct a study of its bandwidth needs for the near and long term. This study will help us ensure that the department has the capability to operate the advanced information technology systems that our military relies on.

I urge my colleagues to support this bill. It really is a great bill. And thank you to all of our Chair people and ranking members for having made it such a great bill.

Mr. SKELTON. Mr. Chairman, at this time I yield 5 minutes to my colleague and friend the gentleman from Texas (Mr. ORTIZ), the chairman of the Subcommittee on Readiness.

Mr. ORTIZ. Mr. Chairman, I rise in support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. The bill before us today reflects our concern about the continuing decline in the readiness posture of our Armed Forces.

And I would like to thank the ranking member of my subcommittee, Mr. FORBES from Virginia, for his help in bringing together this excellent bill. He played a very key role and was very instrumental in putting the readiness and military construction bill together. I would like to say thank you for a great job.

Also, Chairman SKELTON.

And my good friend who is going to be retiring soon. DUNCAN, you and I have gone through a lot. Thank you for all the work that you've done, and we hope to continue on.

More than 6 years of continuous combat operations have strained readiness. This strain is manifesting itself in more aspects of our military forces. The bill authorizes $143 million for operation and maintenance. To address the readiness shortfalls in equipment, training, and maintenance, we have added $932 million to the Army, Navy, Air Force, Marine Corps, National Guard, and Reserve operations and maintenance accounts.

In addition, we have added funds for Army training, pre-positioned stocks, and aircraft maintenance in our authorization of the fiscal year 2009 supplemental.

In response to the Defense Department's increasing reliance on contractor services, this bill requires a comprehensive analysis of what constitutes an "inherently governmental function." It requires the Office of Management and Budget to develop a single definition that may be used consistently by all Federal agencies.

The bill includes provisions to address civilians deployed in combat zones. It gives DOD authority to extend the waiver of limitations on premium pay. It also asks for a thorough review of the medical policies and treatment procedures for civilians deployed to support military operations.

To address depot workloads following equipment reset, the bill requires the Department of Defense to contract for an independent assessment of the depot capability that will be needed in the future.

The bill takes several actions related to energy and environmental policy. It authorizes $80 million for energy conservation projects and updates installation energy reporting requirements.

For military construction, base realignment, and closure and family housing in fiscal year 2009, the bill authorizes more than $24 billion.

The bill includes several provisions related to BRAC. In the time since the 2005 BRAC Commission reported its recommendations, we have seen costs increase almost 50 percent and the savings have declined. If a future administration were to request a new round of closures, the BRAC process will need to be dramatically different. As such, this year's bill repeals the BRAC Commission and the process that arrived at the 2005 decisions. At the same time, we remain steadfast to completing the 2005 BRAC round on time, by September, 2011, and have fully funded the administration's request.

To address our alarm at finding our troops in run-drown and broken barracks, the bill directs that $500 million in the fiscal year 2009 supplemental be used to arrest the declining state of military facilities.

The bill also does many good things for South Texas, which I represent. I am pleased that the replacement of the main production facility at Corpus Christi Army Depot was authorized. Corpus Christi Army Depot is the cornerstone of aviation readiness for the Department of Defense. It is vital that the current outdated facility be replaced so that dedicated employees of Corpus Christi Army Depot can continue to deliver products to the military in the most efficient and timely manner.

I support H.R. 5658, and I am proud of what this bill does to restore strength to our military. This is a very responsible bill. However, I'm disappointed that our committee adopted an amendment to provide the Department of Defense funding for the southwest border wall. I hope that in the future, defense funding will not be used to build walls.

That said, this is a good bill. The chairman of the full committee and the ranking member have done an outstanding job.

RANDY FORBES, thank you for your dedication and your input.

Mr. HUNTER. Mr. Chairman, I want to add my thanks to the great gentleman from Texas for his hard work.

Mr. Chairman, I yield 3 minutes to another gentleman from Texas (Mr. THORNBERRY), who has done a great job in working through the very difficult issues of the Terrorism Subcommittee.

Mr. THORNBERRY. Mr. Chairman, first let me express my gratitude and my admiration for those senior members of the committee who are leaving Congress, the gentleman from Alabama (Mr. EVERETT); the gentleman from New Jersey (Mr. SAXTON); and the gentleman from California, our former Chair (Mr. HUNTER), for whom this bill is appropriately named. It has certainly been an honor for me to work with and to learn from each of them over the years as they worked to protect the country's security.

Mr. Chairman, the portion of this bill produced by the Terrorism and Unconventional Threats and Capabilities Subcommittee, which has been very ably led by Chairman SMITH, I think is worthy of all Members' support. It enables the Special Operations command forces to remain on the cutting edge of our fight against terrorists with the equipment and the resources and the authorities that they need. This portion of the bill supports the research activities at DARPA and at the individual services, which are the foundation of our future military and therefore the foundation of our future security. This portion of the bill makes decisions in a host of other areas from information technology to chem-bio defense and force protection, and I think it makes good decisions.

I want to say I also appreciate particularly the comments of Chairman SKELTON regarding the importance of the inter-agency process and the efforts of him and Chairman SMITH on strategic communications. Both of those things are absolutely essential for the fight against terrorists as well as for the country's broader security.

Mr. Chairman, I think this is a good bill, and as others have said, it deserves full support in this House. I don't think you can bring a bill to the floor, however, that looks after the country's national security and particularly a portion that talks about terrorists without acknowledging that this Congress is about to go on recess without doing two of the most important things that it could do in the fight against terrorists and to protect our country's security.

It seems this week we have had time to debate a bill to pay foreigners to take care of potentially rare dogs and cats. We have had time to debate and vote on a bill to commemorate Frank Sinatra. But we have not had time this week to debate and vote on a clean supplemental that can become law that will fund the troops who are actually on the front lines of this fight. We have not had time, we have not been able to vote, on the Senate FISA modernization bill, which is absolutely essential both for the troops and for protecting us here at home.

So this is a good bill. This committee has done good work. But I think it challenges all of us in this broader fight against terrorists to do all of our work and to do all that is our responsibility to defend the country, and I hope we do.

Mr. SKELTON. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, at this point I would like to yield 3 minutes to the gentleman from Missouri (Mr. AKIN), ranking member of Oversight.

Mr. AKIN. Thank you, Congressman HUNTER, for yielding. Let me just take a moment to thank you also for your great leadership on this committee through the many years. What a fantastic teacher you've been to some of the newer members. I'm so thankful for your leadership, your patience.

And also the gentleman from Mr. EVERETT's district, Mr. SAXTON, great leadership.

Then I would also like to say, Chairman SKELTON, thank you very much. You make the people from Missouri proud for the way that you've continued the good tone of the committee. I think it was really a classy thing to name this bill after Congressman HUNTER, and it just shows the quality of leadership that you've provided, and so I want to thank you, Mr. Chairman, as well.

As the Subcommittee on Oversight and Investigations, Dr. SNYDER has been doing a great job. We've had a chance to look into a number of different subjects, particularly progress in the reconstruction efforts in Afghanistan and Iraq. This bill contains some of the things that we discovered particularly in the importance of Provincial Reconstruction Teams and the important work that's been done on that subcommittee.

I would just like to say that there's a lot of criticism of Congress. In fact, I think our popularity rating publicly is maybe not too good. But on the other hand, I think what the public would really like to see is they'd like to see us stop bickering and just plain solve some programs. I think this committee and the subcommittees have been largely a good example of that, and that's because of the tone of the leadership that we've seen.

As others have before, I have my opinions about how this bill could be improved, and there are several areas that I am concerned with. The first are the significant cuts to missile defense and particularly the missile defense that needs to be built in Poland and the Czech Republic. I believe that that missile defense is critical for the defense of our country from Iran and also some Western European nations from Iran.

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I think it's the wrong time to be cutting missile defense. We have just had a very successful demonstration of this technology, as we shot down a rogue satellite that had a lot of hydrazine in the fuel tank, and we were able to get rid of that threat very effectively.

So aside from missile defense, there's one other area that I am distressed about, and that is the only comprehensive major Army modernization program in the last 30 or 40 years, which we now know as Future Combat System. That has also had a number of hundred million dollars removed from it. It's something we have discussed in committee. I think it's a wrong decision. Next year, we are going to make a go or no-go on this overall program, and to be continuing to slash and cut away at that budget, I think, is counterproductive.

This said, my only other complaint is there's just not enough money in this budget to fund defense the way I wish we could. But if there are constituents who would like to see people who are just rolling up their sleeves and solving problems, all they need to do is come to the authorizing committee of the Armed Services.

Mr. SKELTON. I yield 5 minutes to my friend, the gentleman from Hawaii (Mr. ABERCROMBIE), who's also the chairman of the Subcommittee on Air and Land Forces.

Mr. ABERCROMBIE. Mr. Chairman, I have the honor to serve as the chairman of the Air and Land Forces Subcommittee of our Armed Services Committee. I would like first to thank my own personal archbishop, Doug Roach, and all the acolytes on the Air and Land subcommittee, the subcommittee staff. They do a terrific job working with IKE SKELTON's overall staff, led by Erin. I cannot tell you what a pleasure it is every day to be working with them in the manner in which they conduct themselves; professional, disciplined, focused, something I wish I could say about myself more often than I do.

Again, on the personal comment side, I want to thank my good friend, DUNCAN HUNTER. Always, without fail, in all these years, attentive, polite, always welcoming commentary and seeking advice. We may say farewell to you, DUNCAN, but we will not be saying goodbye.

Finally, Mr. JIM SAXTON, whom I don't see on the floor today. JIM SAXTON may have his position taken, but no one is going to replace him in this Congress. He has been my friend. He has been my mentor. I have served as a ranking member on various committees, not just here, but on other committees, as well as having the opportunity to chair. I never considered myself a ranking member or a chairman where JIM SAXTON was concerned. We were colleagues.

This bill is about balancing the capabilities and readiness of our current military forces with future required military capabilities. Our military personnel is at risk each and every day. The first priority is to make sure the men and women in uniform are properly supported by ensuring our military programs adequately support current military requirements.

We cannot short-change our personnel in Iraq and Afghanistan in their need for adequate equipment and the needs of our National Guard units here at home for what they may require to respond to potential national disasters. Promised future capabilities that have already been delayed because of overly optimistic and unmet schedules cannot subsume meeting today's demonstrated needs.

The Air and Land Forces Subcommittee's jurisdiction includes $90 billion in Army and Air Force programs. Our objective, Mr. Chairman, is clear, to ensure that our military personnel get the best available equipment as soon as it has been properly tested, equipment like armored vehicles, body armor, improvised explosive device jammers, unmanned aerial vehicles, small arms, and night vision devices.

We address key requirements: An increase in Army procurement and research of $557 million over the budget request, procurement and research where it's needed now, demonstrating the commitment of the Armed Services Committee to meeting these many needs. The Army in particular is carrying the heaviest burden of all the services in the war in which we are now engaged. This bill shifts funding to critical Army priorities now; $2.6 billion to fund sustainments costs for the tactical vehicle referred to as the MRAP, Mine Resistant Ambush Protected Vehicle, to better protect our personnel against mines and improvised explosive devices; $2.7 billion for counterimprovised explosive device programs, $949 million for Humvees, $783 million for body armor; $800 million for funding for much-needed National Guard and Reserve equipment.

Yes, we have reallocated funds in this budget where we have to meet the needs of the serving Army and Air Force today.

Fifteen C–17 strategic airlift aircraft added, at a cost of $3.9 billion dollars. It maintains the C–17 production line and sustains the strategic airlift fleet. Joint Strike Fighter competitive engine program has been funded for $526 million to provide necessary competition of two producers of engines for that program; $246 million added for systems to counter rocket and mortar attacks on our forces.

To fund these priorities, we had to make reallocation choices to fund the highest priorities. Some programs will have to make adjustments. No program is adversely compromised. On the contrary, increased accountability and increased oversight are the result.

In closing, I want to thank the distinguished chairman, all the ranking members of the full committee and the subcommittees, and may I say, Mr. SKELTON, as I close, that it is a particular pleasure and an honor to serve with you. As I stand here today, I am thinking of Suzie Skelton. I know how proud she is of you.

Mr. HUNTER. Mr. Chairman, I want to add my thanks to the gentleman from Hawaii for his excellent work, and I want to yield 3 minutes to the gentleman from Virginia (Mr. FORBES), who is the ranking member of the Readiness Subcommittee.

Mr. FORBES. It's my pleasure to rise in strong support of this bill tonight. I also want to express my feelings about what a rare moment this is in Congress when you can have a committee like this where the members on both sides of the aisle have such friendships, where they are able to work together in a bipartisan solution to defend this country, and where they can pass a bill of this magnitude unanimously, and that is due in large measure to the leadership of our chairman, Chairman SKELTON, also to the leadership of our ranking member, DUNCAN HUNTER, and to the chairman of our Readiness subcommittee, the gentleman from Texas (Mr. ORTIZ).

We've heard a lot of people today talk about the great leadership of DUNCAN HUNTER. The truth is that we could stand here all night and we wouldn't say enough because there is and has been no greater champion for the men and women that we have in uniform and for the national defense of this country than DUNCAN HUNTER. DUNCAN, we appreciate your great work.

This is a good bill. This bill provides more than $550 million in funding above the President's request to address much-needed equipment, repairs, and maintenance that will particularly help the National Guard and the Reserves. When you add that to the additional depot maintenance provided in the bill, it's a great step towards restoring readiness.

Additionally, the bill provide $650 million to increase funding to repair aging barracks for the Army and Marine Corps. We also send a clear message that this committee and this Congress is going to fully fund and implement the 2005 Base Realignment and Closure round by the September, 2011 deadline, and we are not going to forget the communities that are impacted by BRAC, especially those that will have large increases of students because we are going to provide the new Federal education funds immediately rather than making them wait for the next year.

While so many of the provisions make this a good bill, there are two points where I think we can do better, and I hope we do so in the conference with the Senate. In the first case, this bill explicitly prohibits public-private competition for 3 years, competitions that could have saved the military billions of dollars and avoided costs which they could use for additional weapons, additional personnel, additional benefits. The government does not have a monopoly on good ideas. If a company can prove in a fair and open competition that it can do the government's work for less, that company should have the opportunity.

In the second case, there is a very well-intended provision to ensure we have world class facilities at the new Naval Medical Center in Bethesda, Maryland, and at Fort Belvoir, Virginia. Unfortunately, the more we have learned about the impact of this provision, the more I am concerned that it would result in broken construction contracts and delays that would cost the taxpayers millions of dollars in redesign and construction costs, with no tangible benefit to our servicemen and women.

With those exceptions, I am extremely proud of this bill, and I urge all my colleagues to vote "yes" on the bill, as it will do much to restore the readiness of our military.

Mr. SKELTON. I yield 5 minutes to my good friend, the gentleman from Arkansas (Mr. SNYDER), who's also the chairman of the Subcommittee on Oversight and Investigations.

Mr. SNYDER. Power, Mr. Chairman, is the goal of a good defense bill for this country. Every nation wants to be powerful enough to keep safe. Not every dispute, however, is resolved by military power, not every hope for the future is achieved by military power. Power is more than just military power. It's economic, diplomatic, the moral authority that a nation has.

Secretary Robert Gates, our Secretary of Defense, has done, I think, two very admirable things as Secretary of Defense. One, he has restored the confidence in the decision-making process in the Pentagon. Second, he has pointed to the broad aspects of power for this country. We are all very familiar with his speech to Kansas State back in November of last year, in which he called for dramatic increases, not in the Defense Department, but dramatic increases in the State Department, dramatic increases in budget, dramatic increases in staff.

He called for the staff and funding for the USAID, the Agency for International Development. Mr. SKELTON arranged for Secretary Gates and Secretary Rice to testify before our full Armed Services Committee on the importance of interagency communication and collaboration, not just within the Pentagon, but between the State Department and the Defense and USAID and the other agencies in the government because it is important to our national defense, to our overall concept of power, not just military power.

Well, this bill contains some provisions that deal with some of these issues. First of all, some time ago this body, the House, passed H.R. 1084, Representative SAM FARR's bill, that came out of the Foreign Affairs Committee. It deals with the whole issue of establishing a Civilian Reserve Board to deal with the fact that we sometimes need civilian employees to go into areas of instability and even of war. But we haven't been able to have the kind of personnel we wanted and the numbers in the time that we need.

So we passed this bill, but it's been hung up in the Senate by one Senator. So just by unanimous agreement of the Democrats and Republicans on the Armed Services Committee and with the consent and advocacy of Mr. BERMAN, that was included as part of this bill, unchanged from how it was passed before, and so it will now have a second chance to go to the Senate and be passed.

I am also looking forward to the fact that tomorrow, Mr. SKELTON, along with Mr. BERMAN and Ms. LOWEY, will be introducing an amendment that will establish a standing advisory panel on improving integration between the Department of Defense, Department of State, and the United States Agency for International Development on matters of national security.

I will always remember one of my constituents, a veterinarian from Arkansas, who served in both Afghanistan and then a year in Iraq. She sent me an e-mail about halfway through her year in Iraq, in which she said, and we were talking about this issue of interagency cooperation, she said, I sometimes think and feel that the differences in divisions between the agencies of the United States Government are greater than the differences between us and the Iraqis. That is saying something in terms of inhibiting our ability to have the kind of national defense we want. So I applaud Mr. BERMAN and Mr. SKELTON and Ms. LOWEY for doing this amendment.

This bill is about military families, it's about our men and women in uniform. We do a lot of things in this bill for military families in great detail. But it's also time for this country, and I hope it will occur in our Presidential debate that will be going on over the next several months, but it certainly needs to occur in this Congress and in our committee. It's time to step back and look at the big picture. What should the grand national security strategy involving all components of our power, and all the threats out there, what should the grand strategy be for this country to face and achieve over the next 5 years and 10 years and 15 and 20 years. Chairman SKELTON and I and Subcommittee Chairman AKIN and I have been talking about these issues and hope to start some efforts to look at these big pictures.

Finally, I want to commend both Chairman SKELTON, but the three Republican Members that are leaving us. DUNCAN HUNTER, who, when former Chairman Floyd Spence was ill, stepped in as the acting chairman with a great generous spirit and in a very graceful manner to take over for our beloved and ailing Floyd Spence, and then also serve with distinction as chairman, and perhaps partly because of his fine military service as a young man. Mr. EVERETT, we will be missing his contributions.

I finally want to say a word about JIM SAXTON of New Jersey because I was his ranking member when I think it was Speaker Hastert established a panel on terrorism.

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Before there was ever a September 11, 2001, JIM SAXTON was leading a series of classified briefings and hearings on the threat of terrorism and the threat of al Qaeda, long before any of us learned to pronounce the phrase "al Qaeda," and I commend him for the work that he has done. I would just say that I think this is a great bill and applaud the work.

Mr. SKELTON. Let me add, if I may, an additional 30 seconds, Mr. Chairman. The gentleman spoke about the need to study strategy. After we passed the Goldwater-Nichols Act in 1986, I chaired a panel on professional military education that did a great deal in upgrading the Senior and Immediate War Colleges. The Senior War Colleges really are the bosom of where strategic thought, both military as well as diplomatic, is taught and is learned. Sometimes the lessons that are so plain to those in the War Colleges do not seem to be learned by others in responsible positions. That is why I think the thought of working on strategic thought itself is an excellent one, and I commend the gentleman.

Mr. HUNTER. Mr. Chairman, the last gentleman who spoke, I want to thank him for his kind words. But I am reminded that the chairman has been the guardian of professional military education and his work has been to try to make sure that our officers have a context in which they can place the activities in this very real war that many of them are engaged in in our history and to see situations that have gone before and to gain insights from that history, and I want to applaud the chairman for that.

I want to yield 3 minutes to another gentleman who has been a great worker on this committee and a leader, a guy who has moved over from the Rules Committee, finally traded up and got back to the Armed Services Committee, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. I want to thank Chairman SKELTON, Ranking Member HUNTER, and my subcommittee chairman, NEIL ABERCROMBIE, and Ranking Member JIM SAXTON, for their tireless efforts on behalf of our soldiers, sailors, airmen and marines who continue to bravely defend us at both home and abroad.

While it is not a perfect bill, this legislation covers a wide scope of issues that are of vital importance to the armed services, both the active and reserve component, and it clearly addresses the most pressing needs of our troops in the most trying times that we face in America.

Mr. Chairman, I am pleased that the Armed Services Committee voted unanimously and on a bipartisan basis to support another program critical to our national security. Section 943 of this bill states that the Western Hemisphere Institute for Security Cooperation, WHINSEC, is one of the most effective mechanisms that the United States has to build relationships with future leaders throughout our hemisphere and influence the human rights and democracy trajectory of countries in Latin America and the Caribbean and mitigate the growing influence of non-hemispheric powers.

It is especially important to remember that WHINSEC may be the only medium we ever have to engage the future military and political leaders of Latin American countries, who are, by the way, America's closest neighbors and can serve as our closest allies. If we were not to engage with these nations, the void would be filled by countries with starkly different values than our own regarding democracy, and, yes, human rights, and I am talking about countries like Venezuela and China, whose influence in the region, as we know, is growing.

The WHINSEC school in Columbus, Georgia, at Fort Benning, the home of the infantry, was formerly part of my congressional district. I am very proud to continue to serve on the Board of Visitors of the school.

Mr. Chairman, I also want to further mention how pleased I am of the work of the committee this year to authorize funding for 20 F–22 Raptors in line with the current multiyear contract, and also to authorize the advanced procurement funds needed for a follow-on lot in 2010. The F–22 is the world's most capable fighter, and these funds go a long way towards providing stability for our forces and ensuring that America maintains air dominance for the foreseeable future.

There is so much to be proud of in this bill, and I again commend Chairman SKELTON and Ranking Member HUNTER for their efforts to keep this bill focused on the needs of the warfighter. I would also like to take this opportunity, Mr. Chairman, to recognize Ranking Member HUNTER, Air and Land Forces Subcommittee Ranking Member SAXTON, and the ranking member of the Strategic Forces Subcommittee, TERRY EVERETT of Alabama, for all their contributions, both to the Armed Services Committee and to the Congress over the years.

The Acting CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HUNTER. I yield the gentleman an additional 30 seconds.

Mr. GINGREY. All of these Members have been a source of wisdom and guidance to me, my colleagues on the committee and to the Nation, and they will be sorely missed.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 2 minutes to my friend and colleague, the gentleman from Connecticut (Mr. COURTNEY), a member of the House Armed Services Committee.

Mr. COURTNEY. Mr. Chairman, I rise in strong support of the Hunter defense authorization bill, whose primary mission under the leadership of Chairman SKELTON is to restore military readiness to America's Armed Forces. As has been stated earlier this evening, the bill focuses on investing in short-term readiness, with increased commitment and investment to reset the ground troops of this country as well as the National Guard. But as Mr. HUNTER indicated in his opening remarks, it also looks over the horizon to deal with military readiness issues that are not being addressed and have been neglected for far too long.

One of those is the size of the American Navy. When the Bush administration took office in 2002, the size of America's Navy was 315 ships and submarines. It has declined to 276, and, shockingly, that number is going to in fact accelerate, because we are basically living off a legacy fleet that was built during the Reagan area.

Last year, I was proud to be part of an effort that turned around this decline. We invested $588 million in advance procurement to the Virginia class submarine program, the most successful shipbuilding program according to both the Navy and outside experts, and this year we continue that effort with Mr. HUNTER's leadership on a motion at the committee to add to the Seapower Subcommittee's $300 million advance procurement. His motion, the Hunter-Courtney amendment, added $422 million, and we are now moving the Navy's shipbuilding schedule to two submarines a year starting in 2010 with this legislation.

The industrial base is ready for this challenge. We know that from again the testimony from both Virginia and Connecticut. My district is the home of the Electric Boat, which is, again, one of the most successful shipbuilders in the country in terms of the *Virginia* class program. The last submarine, the USS *New Hampshire*, was delivered with 1 million fewer man-hours in terms of production compared to the prior submarine that they built.

This investment which this legislation represents will allow this country to again be ready for long-term challenges. The world is changing, there are new maritime forces that are growing in different parts of the world, and I strongly urge support and passage of the Hunter defense authorization bill.

Mr. HUNTER. Mr. Chairman, I thank the gentleman who just spoke for his kind remarks.

I want to yield 2 minutes to another gentleman who has come back from the Rules Committee, traded up to come back to the Armed Services Committee, the gentleman who has such a large set of military facilities in his district and pays so much attention to those facilities and to the national issue of security, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Chairman, I thank the gentleman for yielding. Let me say to the gentleman that coming back to the Armed Services Committee from Rules is as close to a resurrection experience that I expect to have on this side of the veil.

I am particularly pleased to rise in support of this legislation, H.R. 5658, the National Defense Authorization Act, and I am particularly pleased that it is named for my good friend and our distinguished colleague, Mr. HUNTER, who served our country in so many ways, in uniform, in Congress, and certainly with great distinction and great fairness on both sides with both sides of the aisle as former chairman of our committee.

I particularly want to thank our current chairman, Mr. SKELTON, who presides so professionally with such personal integrity and so thoughtfully over this important committee, and our staff, which does great work on a bipartisan basis.

This committee really does work the way that I think most Americans wish Congress worked, and I think it sets an outstanding example that I wish others would follow.

There is very much in this bill, Mr. Chairman, that is excellent. I am particularly pleased with the increase in family support, the focus on additional barracks, the additional money in the research, development, testing, evaluation and procurement accounts, the $70 billion set aside for continuing operations in Iraq and Afghanistan, and a commitment to address the rest of the needs that our men and women in the field have. When we have forces deployed, whether we agree with the purpose or not, they should never, ever doubt our commitment to seeing that they have everything they need, fully and in a timely fashion, and this committee does its best to do that.

But there are some disappointments in this bill as well, Mr. Chairman. I am particularly disappointed, like my friend Mr. AKIN, in the cut in the Future Combat System funding of $233 billion from the request that the President sent forward. We are going to regret that on some battlefield in some dangerous place at some point in the future. I am particularly disappointed that we did not in a serious fashion deal with Mr. SAXTON's amendment that was offered.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. HUNTER. I yield the gentleman 1 additional minute.

Mr. COLE of Oklahoma. I thank the gentleman.

Mr. Chairman, I am particularly disappointed that we did not deal in a serious fashion in my opinion with Mr. SAXTON's amendment, which would have set a baseline of 4 percent of our GNP for future military funding. That is something we know we need to do. We know in this committee on a bipartisan basis that we spend too little. That is a mistake we have made on both sides of the aisle. It is a bipartisan mistake.

We cut far too much during the 1990s. History teaches us and our chairman often appropriately lectures us that contingencies will come that we do not understand and do not anticipate, and we know from the bitter lessons of history that if we have not prepared through sustained investment in our military, we can never make up lost ground with hasty and ill-thought out appropriations in the short-term. I wish we had done that. I hope we will do that in the amendment process.

But, Mr. Chairman, the perfect cannot be the enemy of the good, and this bill is very, very good and is a product of genuine bipartisan cooperation. So I am very proud to support it and very proud to urge other Members of the Congress to vote for it.

Mrs. TAUSCHER. Mr. Chairman, at this time I yield 1 minute to my friend and colleague, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I want to take this minute to highlight one particular provision of this bill that is very important to me.

Like many Americans last year, I was outraged to learn that the Pentagon was denying combat wounded veterans their enlistment bonuses, apparently in the belief that they had not fulfilled their obligations to the military because they had been wounded in service to this country. Well, like most people in this House, I think that if you have been injured in service to this country, you have done more than we ever could have asked you to do. You have borne every burden and you have fulfilled your obligation.

So I introduced the Veterans Guaranteed Bonus Act to ensure that every combat wounded veteran gets the enlistment bonus that they deserve. That legislation has been included in its entirety in this legislation that we are passing today. I thank Chairman SKELTON for including it in the bill, and I encourage my colleagues to support it to remedy this grave injustice.

Mr. HUNTER. Mr. Chairman, I would like to yield 3 minutes to the distinguished gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Thank you, Mr. HUNTER.

You know, Mr. Chairman, there has been a lot said tonight about DUNCAN HUNTER. I guess the only thing I can add is simply to repeat that this man served his country in Vietnam as an Army Ranger. He served 26 years in this House, part of the time in the majority, served as chairman of the Armed Services Committee, and has now served a total of 28 years in this Congress. His entire life has been about service to this country and the cause of human freedom, and I truly believe that future generations will have a greater hope to live in freedom because this man lived, and I salute him with all of my heart.

Mr. Chairman, I also support this bill. I only rise to associate some of my feelings with those expressed by TERRY EVERETT, the ranking member of the Strategic Forces Subcommittee, when he was concerned that the amendments that he offered to raise and restore some of the missile defense cuts in the mark had not taken place.

He was especially concerned about the European site, the money that was cut there, that it sends a message to Poland and other places like that that are already in a very, very dangerous position politically and in such a delicate situation that they may in fact lose the project because of the message that we send to them.

□ 2100

I believe it is very important that we realize that the missile defense site in Poland is not just about missile defense, it is about devaluing an entire nuclear missile program in the hands of an Iranian nation.

Mr. Chairman, the very first purpose of this government is to defend its citizens in peace, and I believe one of the greatest threats to human peace in the world is a nuclear Iran.

In spite of what we have heard in the media, Iran continues to enrich uranium which could give them an atomic bomb in less than 3 years. The IAEA has reported that in the 9-month period between February and November of 2007, the number of centrifuges enriching uranium operating at its Natanz enrichment facility tripled from 1,000 to now approximately 3,000 centrifuges.

The Director of National Intelligence, Mike McConnell, earlier this year said to the Senate Intelligence Committee that he concurred with the Israeli intelligence report stating that this many centrifuges operating continuously would produce enough fissile material for a nuclear weapon in less than 2 years. We now know that Iran is increasing its number of operational centrifuges from 3,000 to 9,000. Moreover, Mr. Chairman, Iran is now beginning to manufacture its own centrifuge, the IR2, which improves on the advanced P2 centrifuge that was used in Pakistan to build its existing nuclear arsenal. It is capable of producing enriched uranium two to three times faster than the older models.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. HUNTER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FRANKS of Arizona. Mr. Chairman, some of the most dangerous and lethal weapons our soldiers are facing in Iraq right now are there because Iran gave it to them. Osama bin Laden said: It is our religious duty to gain nuclear weapons.

If Iran is allowed to proliferate nuclear weapons into the hands of terrorists, any sense or concept of peace that we have experienced in this country so far could be gone in a blinding flash in the center of one of our major cities, maybe even in Washington, DC. And yet this majority has prevented us from voting on a military contingency plan to prevent Iran from gaining this deadly capability.

Mr. Chairman, very simply, the highway of history is littered with the dangers of strategic ambiguity, and I believe our best hope of preventing a nuclear Iran is to help them understand that we are prepared to do whatever is necessary, including a military contingency, if they continue to pursue their nuclear capability.

I hope that our children are not faced with the consequences of that strategic ambiguity. We need to be very, very clear. We need to vote on the amendment to improve this bill tomorrow.

Mrs. TAUSCHER. Mr. Chairman, at this time I am happy to yield 2 minutes to my friend and colleague from Massachusetts (Ms. TSONGAS), a new member of the Armed Services Committee.

Ms. TSONGAS. Mr. Chairman, I rise today in strong support of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. I want to thank Chairman SKELTON and Ranking Member HUNTER for their leadership on this legislation. As a new member of the House and of the committee, it has been a pleasure participating in the bipartisan and respectful process that both of you have created.

H.R. 5658 addresses our immediate readiness challenges while maintaining our commitment to modernization that will keep our country safe and deter threats in the future.

We are all in agreement that operations in Iraq and Afghanistan are having a severe impact on our readiness. This legislation puts us on track to restore our readiness and our capability to respond to emerging threats around the world. It also increases our capabilities in Afghanistan by providing performance standards for Provincial Reconstruction Teams, training and equipping the Afghan National Security Forces, and increasing the Commanders Emergency Response Fund. And this bill takes significant strides to improve the quality of life for our men and women in uniform and their families. H.R. 5658 includes a 3.9 percent pay increase. It rejects on a bipartisan basis the proposed increases in TRICARE fees and copays.

Finally, I appreciate that the committee included a provision that I have advocated for that would give flexibility to the Department of Defense to increase the loan repayment amount for medical personnel in the National Guard and Reserve.

Mr. Chairman, as my colleagues on the Armed Services Committee have stated, this is a good bill. It addresses the readiness needs of our military, keeps us on track for modernization to meet future threats, and takes care of our military personnel and their families. I urge my colleagues to support this bill.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I also want to add my congratulations and words of appreciation to our chairman and ranking member for the terrific job they did on this year's defense authorization act.

The members of our Armed Forces, whether during times of war or peace, deserve the wholehearted support and moral and financial commitment and support from its citizens and its government. I believe this support from this committee of our men and women in uniform is undeniable. This bill does support the national defense mission, the individual servicemember, and the military family. However, it is not complete. We are continually increasing the demands of this voluntary force, but our budget does not provide the needed resources for the military with a growing responsibility and mission.

Some of these shortcomings includes cuts to future combat systems, cuts to anti-missile defense systems, and the Marines are getting cuts in the Expeditionary Fighting Vehicle. This vehicle would replace the aging 38-year-old Amphibious Assault Vehicle that they currently rely on in getting from their ships to the shore and exposes our Navy to unnecessary risks, and I am concerned about these cuts.

But there are a lot of things to be in favor of in this bill. With respect to SOCOM, these warfighters, as you know, operate throughout the globe conducting missions that most of us will never hear about· but are absolutely essential and critical to defend against the unconventional threats and preventing additional threats and crises around the globe.

We support these warfighters, these magnificent warfighters by fully funding their requirements. In addition, we added some $186 million to provide for their unfunded requirements that they have on those lists for surveillance capabilities and personnel protection gear. We also authorized 26 human terrain teams that they have requested, and supports our National Guard with some $800 million in additional money for equipment.

With respect to our troops and their family welfare, we are in complete agreement that the individual marine, sailor, soldier, and airman is our most valuable national security asset. They stand between this Nation and those who wish to do us harm and, along with their families, sacrifice daily in defense of this Nation and our freedoms. This bill reflects our commitment and responsibility to ensure that they are taken care of. We are giving them a 3.9 percent pay raise, some $650 million to improve barracks, and the elimination of all temporary barracks between now and 2015.

We are going to add to their force, to their numbers so that they can spread their responsibilities across a greater number of soldiers and marines. We are re-equipping and resetting these forces with additional funding provided for unfunded readiness initiatives, for training shortfalls within the Army and Marine Corps. In addition we are providing gear in the field to be used immediately with MRAPs, additional body armor, and up-armored Humvees.

Mr. Chairman, while we may disagree with how these assets, tools, and, most importantly, this personnel are used, there should be no disagreement that we should provide this Nation with the personnel, assets, and tools to protect this country with overwhelming force to counter any and all threats. This bill moves us toward that goal, and I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentlelady from New Hampshire (Ms. SHEA-PORTER), who is also a member of our Armed Services Committee.

Ms. SHEA-PORTER. I rise today in support of this bill, and I thank Chairman SKELTON and Ranking Member HUNTER for bringing it to the floor and for their great work. I want to also thank Chairman ORTIZ and Chairwoman DAVIS for their work during the subcommittee markup and the committee staff for their hard work throughout the process.

Mr. Chairman, this is an excellent bill that will have a tremendous impact on our servicemembers and their families, and I am proud to support it. As a former military spouse, I know how much our troops and their families depend on the strong support from Congress.

In this year's bill, we grow the military, adding 7,000 soldiers, 5,000 marines, 1,000 sailors, and 450 airmen to take the pressure off the current military. We add a 3.9 percent pay increase and increase existing bonuses. We provide nearly $25 billion for the defense health program without increasing TRICARE fees. We increase benefits for Guardsmen and Reservists as well. These actions are the way that we show that we do support the troops and their families, and this is the way we thank them for their service.

We designate money to keep F–22 fighters and C–17s rolling off the production line. These two programs are vital to our Air Force. We add a second Virginia class sub and the resources in our shipyard system to maintain them. We include more than $12 million for cold weather clothing systems that keep our men and women warm in the mountains of Afghanistan. In this year's bill we provide our Army aviation assets with advanced self-protection systems that keep our soldiers safe in harm's way.

We also fund programs at home, like the Swimmer Detection Network that protects our Los Angeles and Virginia class submarines at Portsmouth Naval Shipyard in my district. We fund military construction projects at our shipyards and depots that are vital to our Nation's defenses, and we add billions for housing at our bases that ensure our servicemembers and their families are safe and comfortable.

I am proud that we worked together in a truly bipartisan manner to produce this bill that cares for our soldiers, sailors, airmen, and marines and their families. I urge the House to pass this bill.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN of Virginia. Mr. Chairman, I rise in strong support of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and I would like to thank Chairman SKELTON and Ranking Member HUNTER for their extraordinary leadership and their bipartisan manner in which this bill was crafted, and also would like to recognize Ranking Member HUNTER's extraordinary legacy of leadership as he leaves us as his duty on this committee expires.

I would like to take a moment to highlight some of the important aspects of this bill. Nothing is more vital to our Nation's forward presence and security than the aircraft carrier, and it remains unacceptable to allow the total number of aircraft carriers to diminish.

Maintaining the statutory requirement of 11 aircraft carriers is essential to maintaining our superiority on the high seas, and we must continue to develop the industrial base and promote shipbuilding to establish a floor, not a ceiling, of 313 ships in our Navy. I urge support for this important aspect of this bill.

I would also like to take a moment to discuss the importance of directed energy and electromagnetic weapons systems, a top priority of the Chief of Naval Operations' unfunded priority list. Increased funding for this research, development, testing, and evaluation will accelerate the installation and deployment of critical ship self-defense improvements. The weapons systems we are developing through this directed energy program will counter rockets, artillery, mortar, and unmanned aerial vehicles for ship and expeditionary base defense, and will ensure the safety of our fighting men and women. Such funding promotes Navy objectives, and the development of directed energy weapons will provide unique capability against emerging asymmetric threats, thereby increasing our Nation's effectiveness on the global war on terror.

Lastly, I would like to discuss the importance of basing our defense budget on 4 percent of GDP, and I hope that we are able to address this in the future as that is one important part of this bill that is lacking.

I would also like to talk about the importance of submarines in our national defense. Assessing the feasibility and cost of actions to maximize the service life and number of *Los Angeles* class submarines and assessing the attack submarine force structure requirement in the 2009 Quadrennial Defense Review and basing such an assessment on combatant commander requirements are important aspects of this bill. Submarines have been a central component of our naval forces for over a century, and today the submarine helps our Navy conduct numerous operations around the world. Our national defense demands that we have a strong and capable naval fleet, and we must maximize the use of the very capable *Los Angeles* class submarine and base our force structure on what commanders in the field and on the seas need to accomplish their diverse joint missions. We must keep our number of submarines high, and this aspect of the bill would be a positive step in strengthening our Nation's fighting forces.

I am honored to do my role in supporting the men, women, and equipment of our Nation's military.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. FRANKS of Arizona. I yield the gentleman 1 additional minute.

Mr. WITTMAN of Virginia. Our military should be able to meet its operational requirements at all priority levels, and I request your support on these important aspects of this bill.

Mr. SKELTON. I yield 2 minutes to my good friend, the gentlelady from California (Mrs. CAPPS) for the purposes of a colloquy.

Mrs. CAPPS. I thank the gentleman.

Mr. Chairman, I rise to ask for your assistance to help alleviate the shortage of qualified and experienced nurse instructors in the United States, including in the military. Right now, we are told that the limiting factor in increasing the number of nurses to try to head off the looming nurse shortage is the number of faculty available in our nursing schools.

Mr. SKELTON. I thank the gentlelady for raising this very important issue, and assure the gentlelady that I certainly share her concerns. The Department of Defense is facing the same shortage of nurses as we are across the Nation. However, the need for the Department is more directly felt as we are at war, and our military nurses are caring for our wounded and injured in addition to all their other duties.

☐ 2115

Let me say to the gentlelady that we have taken serious, substantive steps to increase the number of nurses, both in the military and in the civilian community. In this bill we have mandated the establishment of a Department of Defense School of Nursing, following the successful models of the Uniformed Services University of Health Sciences to produce medical doctors, the Interservice Physician Assistant Program to produce physician assistants for the military, and the Army's new School of Social Work, which will enroll its first class this summer.

Although the graduates of the Department of Defense School of Nursing will initially provide much needed care for our troops, I'm confident that following their military service they will continue to serve our Nation as nurses in civilian communities.

Finally, we've included a demonstration project to encourage retired military nurses to become faculty members at civilian schools of nursing to help alleviate the nurse instructor shortage of which you speak.

Mrs. CAPPS. I want to thank the chairman for his excellent leadership in improving health care for our servicemen and women, and especially appreciate his inclusion of a demonstration project in the National Defense Authorization Act.

The Acting CHAIRMAN. The time of the gentlewoman from California has expired.

Mr. SKELTON. I yield the gentlewoman an additional 30 seconds.

Mrs. CAPPS. Like you, I feel that military nurses are especially equipped to take on the leadership role required of a nurse instructor. We need to ensure that we meet our mutual goal of increasing the capacity of colleges of nursing in order to graduate more nurses who can fill current vacancies that are widespread, both in the military and civilian sectors. I believe that this type of program can be a model for other programs to alleviate shortage of nurse faculty, and would ask the chairman to keep an open mind to other approaches to alleviating the nursing shortage. And I appreciate the urgency created during a time of war.

Mr. SKELTON. Let me assure the gentlelady that we look forward to the results of the demonstration project, and I'm always open of course to practical approaches to address the military nursing shortage.

Mrs. CAPPS. I thank the esteemed chairman for his efforts.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from North Carolina (Mr. ETHERIDGE) for the purposes of a colloquy.

Mr. ETHERIDGE. Chairman SKELTON, let me thank you for your friendship and for your extraordinary leadership on the Committee on Armed Services. I appreciate your willingness to engage me in the important topic of suicide prevention in our military forces.

As you know, earlier this year, my constituent, Master Sergeant (retired) Christopher Scheuerman, testified before the Subcommittee on Military Personnel about the tragic circumstances surrounding the suicide of his son, Private First Class Jason Drew Scheuerman. Jason was deployed with the 3rd Infantry Division at Forward Operating Base Normandy in Iraq, and died from a self-inflicted gunshot wound from his M16 rifle. Jason showed clear signs of mental distress, but the system failed Jason.

Recent reports indicate the Army suicide rate is the highest in 26 years of record keeping. While there are many outstanding mental health professionals in the Army system, the command structure creates an inherent conflict of interest and a lack of independent objectivity.

Servicemembers are currently allowed a second civilian opinion, but often find it nearly impossible to access an outside mental health provider. I appreciate the fact that this bill addresses the issue of suicide prevention by directing the Secretary to consider how the military can make a second opinion more accessible, including the possibility of providing a second medical evaluation in combat theater by telephonic evaluation. I know that that is a somewhat controversial suggestion, but we must find a way to stop preventable suicides like Jason Scheuerman. We owe our servicemen and women no less.

Mr. Chairman, I would like to continue to work with you, Chairwoman DAVIS and Ranking Member MCHUGH on this important issue, and I hope that the Secretary will undertake this study immediately so that it is possible for our troubled servicemembers to obtain a second civilian health opinion.

Mr. SKELTON. I thank the gentleman for raising this very important issue. The Department of Defense has made many improvements to its suicide prevention programs, but more can be done. I look forward to working with the gentleman.

Mr. ETHERIDGE. I thank the gentleman for his time and help.

Mr. HUNTER. Mr. Chairman, we have, I believe, no more speakers left, so at this time let me just say that our ranking members and our chairmen have covered the waterfront of what this bill does. They've taken it from personnel, the pay raise that the chairman started off talking about, the 3.9 percent pay raise, the end strength increases in the Army and Marine Corps, the quality of life increases that we've delivered to our people in uniform, to the equipment side, to the force protection that we are sending additional to Afghanistan and to Iraq, MRAPs, extra armor capability, extra technical capability to be able to defend our forces and help them accomplish the mission, to the modernization side, the platforms that we are building with the modernization part of this budget, to the readiness part of this budget, which is so critical to ongoing operations, and to some of the technical aspects of the budget that I think the Strategic Subcommittee spoke to so effectively, including the programs that involve space, involve missile defense. And so, Mr. Chairman, I think we've described the bill fairly effectively.

And I think also we've described the people. At least I want to make sure we understand how wonderful the people are who put this bill together, not only the ranking members and the chairmen of the subcommittee and our great chairman of the full committee, Ike Skelton, the man from Missouri, but also the wonderful staff that we have that's worked long hours to put together what is a very large bill, in many cases, very technical, and yet they did it with great precision, and we owe them a debt of gratitude.

Let me just say in my closing seconds here, Mr. Chairman, that I talked about the horizon that I think we face in terms of military challenges. I think that part of that horizon must require a focus on China. The fact that China is now outbuilding the U.S. in submarines by more than 3–1, with their acquisitions from the Russians, it's much more. They're acquiring great technical capability, and they are building an industrial base that, in many areas, such as building warships, could outstrip the United States very quickly in production.

And just as our great chairman mentioned, that it takes more than just a military to win wars and to carry out foreign policy, it's going to take some changes in policy to maintain the United States as a premier military force in the world. Some of those changes are going to require changes in our tax law, in our tariff law that will allow our industrial base to stay in the United States, that will stop these companies that are key to national security who are being advised right now by their financial advisors to move their production offshore, changes in our law that will cause them to stay in the United States, because the environment, the business environment in the United States and the tax environment will be such that they will not be induced to move offshore.

Also, with respect to the hemorrhage of technical information which is going on with the acquisition of American companies on a very selected basis by companies and by nations that are targeting American military technology. This committee has moved toward stopping that hemorrhage by adopting several important provisions with respect to security, site security at companies that do classified information. But there's much more work to be done there, and I know that the committee is moving in that direction and undertaking a great strides in that direction. But that's a direction that's going to require the participation of the entire body, Mr. Chairman, in fact, the entire government. So we have a big challenge ahead of us.

Again, I want to thank the chairman for putting together a bill that passed unanimously out of the Armed Services Committee, and should pass unanimously off the House floor. So once again, a job well done to the gentleman from Missouri.

I would yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from Missouri is advised that he has 1 minute remaining.

Mr. SKELTON. I thank the gentleman from California. And I must add that this is properly named for DUNCAN HUNTER in honor of the hard work that you've done through the years. Thank you.

When you put a bill together like this that's $531 billion of taxpayer money for national security, there are unseen hands that have helped glue this together bit by bit and part by part. And that's the unsung but very valuable and absolutely terrific staff of the Armed Services Committee under the direction of Erin Conaton, and I particularly wish to complement her on her hard work. Everyone on this staff is outstanding and an expert in his or her field, and I want them to know that they are appreciated, and that we're very grateful for their work.

This will close out the general debate on this bill. It's an excellent bill, and I think that in truth and fact it has made a great stride toward increasing the readiness of our troops. People in the country should take a great deal of comfort in knowing that there's such bipartisanship on this committee. So I thank the gentleman from California.

I am very, very proud of the members of this committee, the Armed Services Committee.

Mr. ETHERIDGE. Mr. Chairman, I rise today in support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009. This legislation authorizes $601.4 billion for defense programs in FY 2009, including $70 billion in emergency funds authorized specifically to support operations in Iraq and Afghanistan. This is funding that is critical to our nation's defense, as well as to the troops serving so valiantly in the wars being waged on two fronts.

Thanks in a large part to the leadership of Chairman SKELTON, this legislation provides greater funding than had been requested by the President for equipment depleted by the war in Iraq, including new combat vehicles, new battle gear for the Army National Guard and reserves, military pay raises, and shipbuilding.

H.R. 5658 authorizes $25.4 billion for defense health-care programs, and blocks the president's plan to raise user fees for programs such as Tricare and deductibles for service members and military retirees. This legislation will also authorize an increase of 7,000 active-duty Army personnel, and provide for 5,000 more Marine Corps personnel than current levels.

This legislation also provides for a 3.5 percent pay raise for active duty military, rolls back proposed benefit reductions to spousal benefits, and increases funding for military housing upgraded for bases like Fort Bragg, North Carolina, located in my district.

Mr. Chairman this is a good bill for our troops. It is our duty, our charge as members of this body, to ensure that those who protect and defend our nation in this all-volunteer army receive the best health care, pay, and living conditions that we can provide for them. We owe this to them.

I support this legislation and I would urge my colleagues to do the same.

Mr. MANZULLO. Mr. Chairman, I would like to thank my colleagues on the House Armed Services Committee, specifically my good friend, Representative DUNCAN HUNTER of California, for including a provision in the Fiscal Year 2009 Defense Authorization bill that finally provides for consideration of our Nation's defense industrial base when contracting officials evaluate major Federal defense contract proposals.

Few people are aware that the Pentagon is prevented by law from including defense industrial base considerations when deciding to award a major defense contract. A contract award determination is made primarily by examining which party has the "best value" in terms of price, quality, quantity, and delivery. However, how many jobs a particular contract would produce or retain in America or how many suppliers would be able to stay in business in America because of a particular contract is currently not part of the "best value" evaluation by the Pentagon. Most believe that the Buy American Act protects the interests of American workers. However, because of a series of Memorandums of Understanding, MOUs, signed years ago between the Pentagon and other foreign defense agencies, a product can be made completely in Europe and be considered as if made in America and thus compliant with the Buy American Act. In return, U.S. defense articles are supposed to be considered by European procurement officials on the same grounds as European products. However, Europe protected its economic interests in these agreements by including European defense industrial base protections as one criterion in their source selection process. This didn't used to be a problem in the past. However, with the consolidation of major prime defense contractors in the United States and the relatively recent creation of the European Aeronautic Defense and Space Company, EADS, there has been more and more conflict in major U.S. defense procurements.

Section 805 of H.R. 5658 seeks to copy Europe's example. It simply allows the Pentagon to consider impacts on the U.S. industrial base during source selection for major defense acquisition programs. This section also authorizes defense acquisition officials to impose penalties on a contractor who misleads the Government regarding potential domestic industrial base impacts.

The bill also asks the Secretary of Defense to notify congressional defense committees at least 30 days before requesting a proposal for any major defense acquisition program that will not use a domestic industrial base evaluation factor during the source selection process. It also includes second and third level suppliers as part of the defense industrial base because the health of this sector of the economy cannot be measured solely by looking at the stock price of the large prime defense contractors.

As someone who voted for every free trade agreement since being elected to Congress in 1992, this section is not protectionism. Back in 1776, Adam Smith argued in his celebrated "Wealth of Nations"; that "(i)t is of importance that the kingdom should depend as little as possible upon its neighbors for the manufactures necessary for its defense." He supported a bounty—or a tax—on the export of British sailcloth and gunpowder to prevent other nations and potential enemies from benefiting from Great Britain's advantage in these products. If the founder of modern-day capitalism and free trade supported an exception to the free flow of trade in defense goods, then domestic sourcing preferences to protect our national security and defense industrial base must be considered consistent with the very foundation of free trade and capitalism.

Congress has a duty to be concerned with our nation's ability to build the weapons and equipment necessary to defend itself. Any argument founded merely on shopping for the best value without considering the larger defense industrial base will leave our great nation exposed and vulnerable. A nation that cannot produce the materials necessary for its defense will eventually become a second-rate power.

Now, some analysts have argued that we should not press for more domestic sourcing of defense articles because Europe and other nations buy more U.S. defense technology that we buy from them. These statistics, however, fail to account for the offsets in defense sales required by other governments, including our friends in Europe.

According to a 2007 report entitled Offsets in Defense Trade prepared by the Bureau of Industry and Security of the Department of Commerce, over 98 percent of all U.S. defense sales to Europe were "offset" from 1993 to 2006. In other words, for every dollar a European government spent on U.S. defense equipment, the U.S. prime defense contractors had to provide 98 cents in industrial compensation arrangements to that government. These compensation arrangements range from requiring re-locating a share of the production of that defense item to that country to marketing that country's goods in the United States. However, the United States is prohibited by law to require of a foreign defense contractor to "offset" part of the cost of the proposed acquisition. thus, our two-way defense trade with Europe is already heavily weighted in their favor.

Finally, Section 805 of H.R. 5658 will not launch a trade war because there have been several occasions in the past when European governments refused to buy from American companies because of their own defense industrial base concerns. In 2003, Pratt & Whitney lost a bid to EuroProp International (EPI) to supply the engine for the A400M European military troop transport plane despite the fact that their initial bid was 20 percent lower, they had a higher quality engine, and they committed to build a new assembly line in Europe and include 75 percent European content in the engine. According to the Financial Times on June 13, 2003, Airbus effectively declared Pratt & Whitney the winner until European governments intervened and promised financial support to EPI so it could drop its price and clinch the deal with a redesigned engine in order to keep all the work in Europe.

Similarly, in 2003, when Italy wanted to build a new fleet of search and rescue helicopters, Skirosky and MD Helicopters were interested in bidding on the contract but were not even given the opportunity. The Italian government decided instead to award the contract without any competition to their national helicopter company—Augusta/Westland—on the grounds of "homeland security."

Mr. Chairman, encouraging the Pentagon to consider the defense industrial base as one factor in their contract decision-making process will help us safeguard over the long-term the knowledge and innovation that make our defense industry the best in the world. I urge my colleagues to support H.R. 5658 and, in particular, Section 805, throughout the legislative process.

Mr. BACA. Mr. Chairman, I stand here in support of H.R. 5658, the Duncan Hunter Defense Authorization Act of FY 2009.

Just a few months ago, we reflected on the 5-year anniversary of this war. Today we send a message to our troops that we are with them.

This bill authorizes additional funds for the needs of our troops overseas, and more importantly will authorize a pay raise larger than that requested by the President.

During these hard economic times of recession, foreclosures, and high gas prices, our military families need all our help and support. This bill prohibits fee increases in TRICARE and expands available health care services.

This bill is a step in the right direction, with directives for the Afghanistan conflict, and more accountability of the Iraqi government and contractors.

Today we make our commitment to the Americans we represent, and their sons, daughters, husbands, wives, sisters and brothers serving as part of the Armed Forces. They are fighting a war that is not their fight.

In my district alone, 13 families will sit at their dinner table without a loved one. To these families in my district and those throughout the Nation, I thank you for your service, your sacrifice and your love for this Nation. You are the back bone of the Armed Forces.

I urge my colleagues to keep our commitment to our troops, redirect this war in the right direction and vote for H.R. 5658.

Mr. PORTER. Mr. Chairman, Chairman SKELTON and Ranking Republican HUNTER, I rise in support of my Amendment to H.R. 5658, the Duncan Hunter National Defense Authorization Act of 2009 which has been included as part of an en bloc amendment. My Amendment requires the Secretary of Defense to conduct a study to identify the mental health risks associated with the performance of individual military duties. This assessment will recognize cases of suicide by military occupation, and identify military occupations with a high incidence of suicide. More importantly the study shall suggest additional suicide prevention programs specific to military occupations with higher risk.

To my knowledge, the issue of differing suicide risks amongst military occupations has not been studied in any great depth. Colonel Michael Bartley of Nellis Air Force Base and Colonel Chris Chambliss of Creech Air Force Base have highlighted for me the unique mental health challenges that members of our military face who are on the front lines of the Global War on Terror, but located here in the States. The State of Nevada is home to Creech Air Force Base which serves as the premier host for MQ–1 Predators and MQ–9 Reapers Unmanned Aerial Vehicles (UAVs).

The operator of a UAV fleet is truly at the forefront of the Global War on Terror. I am greatly concerned that some military occupations, such as UAV operators, may suffer from chronic mental health disorders such as Post Traumatic Stress Disorder (PTSD) due to stress and fatigue. I feel these soldiers may not receive the same level of emotional support from their peers that they would receive if they were located overseas. Rather, they return to their families and civilian society without the appropriate outlet for dealing with the emotional tolls of their duties.

It is my hope that the Secretary of Defense will continue to address the pressing matter of the mental health strains inflicted upon our active duty service men and women. This study will help us begin to understand how the new technologies that allow us to wage wars more effectively, bring about unforeseen complications for the service men and women who volunteer to serve our Nation. I encourage my colleagues to support this common sense amendment that will provide the mental health services needed by the 21st Century war fighter.

Ms. MOORE of Wisconsin. Mr. Chairman, I want to talk about an important topic relevant to this legislation.

It's distressing that a rising number of our brave service men and women are coming back from the conflicts in Afghanistan and Iraq suffering from the "signature injuries of these conflicts"—Post Traumatic Stress Disorder and Traumatic Brain Injury.

I believe that PTSD is a critically important issue and as a Congress we need to continue to do all we can to get our military leaders, commanders, and medical professionals to focus on this problem for our newest generation of veterans.

In the past few years and even weeks, a number of studies have pointed out the gaps in our military health care system into which may be falling a growing number of our servicemembers who may be suffering from PTSD.

I am sure that my colleagues are very aware of the recent RAND report that up to 300,000 Iraq and Afghanistan veterans may be suffering from PTSD and/or depression.

This issue was brought to my attention most vividly by a constituent who served 10 months in Iraq. After he came home, he began to self-medicate—as a number of soldiers who may be suffering from this deadly disease do—using alcohol and engaging in misconduct that ultimately got him discharged from the service.

Unfortunately, this discharge not only prevented him from continuing to receive needed mental health care from the DOD but also from going to the VA to get treated for PTSD.

My constituent ultimately took his life and left many, including his family, to wonder if he had been able to get needed help after his return from Iraq, or if he could have accessed the number of mental health services that are available from the VA, whether the outcome could have been different.

What is clear from the DoD's mental health task force and other reports is that the outcome can be different for the thousands of our soldiers who may be suffering.

I am pleased by the hard work and focus on this issue that the Armed Services Committee has taken in the past few years. I commend the Chairman, the Ranking Member, and others who have worked and continue to do so to ensure that the "signature injuries" of our ongoing conflicts receive the highest level of attention from this Congress.

I also want to commend the Services on the changes and improvements they've made thus far.

However, let's be clear: more can be done. I offered three amendments to this bill to highlight the need to continue to try and make those improvements.

The amendment made in order today would ensure that recommendations that have been put forward to close identified gaps are actually implemented and that our servicemembers see actual improvements in terms of their ability to receive help when they need it.

That is the purpose of the amendment which the Chairman has graciously included in this En Bloc package that would require the GAO to assess the DoD's progress in implementing the June 2007 recommendations of the Congressionally created DoD Mental Health Task Force.

It is my expectation that the GAO will examine and assess the implementation of all the recommendations with a focus on those related to:

Developing a comprehensive public education campaign to reduce the stigma associated with mental health problems;

Changing Department of Defense policies to "Guarantee a Thorough Assessment of Behavioral Symptoms When Evaluating Combat Veterans for Administrative/Legal Dismissal from the Military" including "carefully assessing a soldier's history of exposure to conditions that could cause PTSD, or traumatic brain injury, or related diagnoses for those facing administrative or medical discharge";

Appointment of a psychological director of health in each military department, military treatment facility, the National Guard, and the Reserves;

Enhancing TRICARE benefits and care for mental health problems;

Implementing an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and reserve components;

Developing a model for allocating resources to military mental health facilities, and services embedded in line units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services;

Maintaining adequate family support programs for families of deployed members of the Armed Forces.

It is my desire that GAO report on the dates on which recommendations are expected to be fully implemented and progress on implementing the recommendations throughout the year covered by the report, including barriers.

We must never lose sight of the fact that the goal is not just for DoD to have a plan, although that is helpful, but to actually make these changes and do it in a timely way.

I thank the Chairman for his support of this simple amendment and look forward to working with him in the future to ascertain what additional steps, if any, that are needed and which can be taken to help our servicemembers who may be suffering from PTSD.

Again, I thank you for your efforts.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURPHY of Connecticut) having assumed the chair, Mr. ELLISON, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, had come to no resolution thereon.

NATIONAL PUBLIC WORKS WEEK

The SPEAKER pro tempore (Mr. ELLISON). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1137.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1137.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 309.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 309.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 2130

MOTORCYCLE SAFETY AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 339, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 339, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF BICYCLING IN TRANSPORTATION AND RECREATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 305.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 305.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LET OUR VETERANS REST IN PEACE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3480, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3480, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.".

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS TO PROVISION GRANTING SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2829.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the Senate bill, S. 2829.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING PROGRAM RELATING TO WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5571, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5571, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.".

A motion to reconsider was laid on the table.

NATIONAL AUTISM AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1106.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the resolution, H. Res. 1106.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–666) on the resolution (H. Res. 1218) providing for further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SENSE OF HOUSE REGARDING ESTABLISHMENT OF A NATIONAL BRAIN TUMOR AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1124, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 1124, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REDUCING MATERNAL MORTALITY BOTH AT HOME AND ABROAD

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1022, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 1022, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING ESTABLISHMENT OF A BEBE MOORE CAMPBELL NATIONAL MINORITY MENTAL HEALTH AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 134, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 134, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 369, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 369, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

VETERANS PAIN CARE ACT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, today I rise because I am introducing the Veterans Pain Care Act of 2008. This bill will require the Secretary of the VA to develop and implement a comprehensive policy on pain management for veterans enrolled in the VA health care system and to carry out a program of research, training and education on acute and chronic pain.

Modern warfare leads to serious, but survivable, injuries. While advances in medical technology have saved lives, many of our wounded soldiers have been afflicted by acute and chronic pain. Pain is a leading cause of disability among veterans. As a result, providing adequate pain management is a crucial component to improving veterans' welfare.

The Department of Veteran Affairs has pain care programs, but a comprehensive plan isn't consistently enforced across the system. My legislation will give the VA the necessary tools to serve the needs of our veterans.

This bill has the support of a wide range of organizations. I would like to enter into the RECORD a letter of support from 50 organizations in the Pain Care Coalition.

The Senate companion to this bill has the support of both the chairman and the ranking member of the Senate Veterans' Affairs Committee. I am hopeful that this will garner bipartisan support for this legislation in the House and be passed to support our veterans.

PAIN CARE COALITION,
Washington, DC, May 15, 2008.

Re Veterans Pain Care Act of 2008

Hon. TIM WALZ,
House of Representatives, Longworth House Office building, Washington, DC.

DEAR CONGRESSMAN WALZ: The Pain Care Coalition applauds your leadership in championing the Veterans Pain Care Act. We enthusiastically support the measure, and pledge the assistance of our organizations as you move the bill forward in the House. As your bill mirrors bi-partisan legislation under consideration in the Senate, and complements a DoD pain care initiative included in the House FY 2009 Defense Authorization bill, we are optimistic that it will receive wide support.

Pain is a huge public health problem for veterans. Virtually every service member injured in current and past conflicts experienced acute pain at the time of injury. Many others suffered acute pain in connection with non-combat related injury or disease. For too many, the acute pain progresses to a chronic pain condition that threatens the veteran's basic quality of life. These same chronic pain conditions can be cost "drivers" in VA health and disability systems. With prompt and aggressive treatment, much acute pain can be alleviated, and much chronic pain avoided or managed.

The Department of Veterans Affairs is doing much to provide good pain care and advance important pain research, but much, much more remains to be done. Your bill will make pain care a national priority within the VA health care programs. Millions of veterans who have served our country deserve no less.

Respectfully submitted,
RICHARD ROSENQUIST,
Chair.

CONSENSUS STATEMENT SUPPORTING THE CONGRESSIONAL MILITARY PAIN BILL AND THE VETERANS PAIN BILL

Acute and chronic pain afflicts both military personnel and veterans in proportions far exceeding the general population. Pain is the leading cause of disability among veterans. Characteristics of modern warfare produce serious, but survivable, injuries to the central and peripheral nervous systems that inflict terrible acute pain and lead to chronic pain in many cases. Providing adequate pain management is a crucial component to improving military and veteran health care. A growing number of wounded veterans are experiencing long-term problems with chronic pain; left untreated, pain can have life-long consequences.

As members of organizations dedicated to improving the lives of veterans and military personnel and organizations dedicated to improving the quality of pain management, the undersigned organizations support and urge passage of legislation to improve pain care for active duty military and veterans. In particular we support legislation which:

Requires Uniformed Service Secretaries to implement a comprehensive pain care initiative to require prompt assessment and reassessment of pain in all health setting; emphasizes assessment, diagnosis, treatment & management of pain as an integral part of military health care; and deploys acute pain services to all combat support hospitals and, where feasible, on the battlefield.

Requires Tricare plans to provide pain care services that ensure appropriate assessment, diagnosis, treatment and management of acute and chronic pain and provide comprehensive interdisciplinary services for hard to treat chronic pain patients.

Requires the Department of Veterans Affairs to implement in VA health facilities and programs a pain care initiative comparable to that required for DOD programs.

Requires the VA to increase its research effort in the areas of acute and chronic pain, including identifying priority research areas most relevant to veterans.

Requires the VA to emphasize education and training of VA personnel in pain management.

Establishes cooperative research center for acute and chronic pain, including one with a special focus on central and peripheral nervous system damage.

Directs the GAO to evaluate the consistency of military and veteran pain care services across different programs, facilities, demographic groups and geographic areas; and

Assesses the adequacy and appropriateness of pain care services based on performance measures previously adopted by the VA.

Signed:

Air Compassion for Veterans.
Alliance of State Pain Initiatives.
Alpharma Pharmaceuticals LLC.
American Academy of Pain Medicine.
American Association of Diabetes Educators.
American Cancer Society.
American RSDHope.
Ava Mina Pain Clinic.
The American Chronic Pain Association.
American Headache Society.
American Pain Foundation.
American Pain Society.

American Pharmacists Association.
American Society of Anesthesiologists.
American Society for Pain Management Nursing.
Amputee Coalition of America.
AVANCEN LLC.
Boston Scientific.
Brave New Foundation.
Cause.
Cephalon, Inc.
Comfort Care Unlimited.
Coming Home Project.
Endo Pharmaceuticals.
Florida Pain Initiative.
HealthSouth Valley of the Sun Rehabilitation Hospital.
Homes for Our Troops.
Jacob's Light Foundation, Inc.
Indiana Hospice and Palliative Care Organization.
Indiana Pain Initiative.
Iraq and Afghanistan Veterans of America.
Medtronic, Inc.
Michigan Cancer Pain Initiative.
Missouri Pain Initiative.
Montana Cancer Control Coalition.
National Fibromyalgia Research Association.
National Pain Foundation.
National Veterans Legal Services Program.
National Vulvodynia Association.
One Freedom, Inc.
Operation Helmet.
Operation Home Front.
Pain Care Coalition.
Pain Connection.
Pain Treatment Topics.
P.A.N.D.O.R.A.
Project Return to Work, Inc.
Purdue Pharma L.P.
Reflex Sympathetic Dystrophy Syndrome Association.
South Dakota Injured Workers Coalition.
St. Jude Medical's Neuromodulation Division Advanced Neuromodulation Systems.
Swords to Plowshares.
The Pathway Home (Veterans Home of California).
There is Hope . . . for Chronic Pain.
Veterans for America.
Washington—Alaska Pain Initiative.

MONEY WOULD BE BETTER SPENT TO FIND CURES AND TREATMENT FOR DISEASES, NOT FOR MORE WEAPONS OF MASS DESTRUCTION

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, in the next day or two, this House will consider funding the war in Iraq and also we will be thinking and have been thinking about our colleague in the Senate and the father of one of our Members, Senator TED KENNEDY. We will think about Hamilton Jordan, who passed away also.

Senator KENNEDY suffers from a brain tumor. Hamilton Jordan suffered from cancer. When you think about how many dollars we have spent on that war effort and what those dollars could do to cure diseases of people here on Earth, I would submit, Mr. Speaker, we need to put more money into curing disease, finding treatments and cures, rather than funding weapons of mass destruction.

The Bible says something about beating your swords into plowshares. I would submit that if we have the ability to seek finite spots on the Earth from the air to find targets for our weapons, we should turn those scientists' efforts toward finding ways to look inside our bodies and find cures for diseases.

Mr. Speaker, I am submitting a letter to the Speaker and to the chairman of the Finance Committee to do just that.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC May 15, 2008.

Speaker NANCY PELOSI,
U.S. Capitol, Washington, DC.
Chairman DAVID OBEY,
Committee on Appropriations, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND CHAIRMAN OBEY: I am writing to request that NIH funding in the President's FY09 budget for the research of cancer, diabetes, heart disease, AIDS, Parkinson's disease and Alzheimer's disease be doubled in the final FY09 budget set forth by Congress.

The following are the estimates included in the President's FY09 Budget request for research at the National Institutes of Health (NIH):

Cancer: $5.654B.
Diabetes: $1.033B.
Heart Disease: $2.111B.
Global Fund to fight HIV/AIDS, Malaria, and Tuberculosis under National Institute of Allergy and Infectious Diseases: $300M.
Alzheimer's Disease: $644M.
Parkinson's Disease: $186M.

These debilitating diseases affect millions of people each year across the globe. Families are torn apart, emotionally and financially, by the effects of their contraction. Congress has a serious responsibility to provide adequate funding for research that could not only find promising treatments, but permanent cures.

I cannot imagine a more pressing issue than ensuring the healthy future of those we are here to represent. The disparity between the amounts of funding requested for the war in Iraq and that requested to treat deadly diseases is incomprehensible. The successful findings of research programs made possible through increased funding will not only aid people in the United States, but the rest of the world, as well. It is my hope that, by taking full advantage of the scientific resources we have here at home, we can better our relationships with research teams across the globe to reach our common goals: finding a cure and establishing peace.

As always, I remain,
Most Sincerely,
STEVE COHEN,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AN AMERICAN GI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, standing on the beaches of Normandy, he found himself silent. Like a scene ripped from the movie Saving Private Ryan, this American GI was overwhelmed with memories. Memories so vivid, so real that in an instant he was a soldier again in the 7th Army, surviving the Battle of the Bulge, fighting through the Cities of Aachen, Stuttgart, Cologne, and Bonn. The graves before him transcended time, taking him back in history to a time when freedom was on the line.

He was born in the 1920s. He grew up in the Depression of the thirties, and he grew up poor like most rural American children. Fresh vegetables were grown in the family garden behind the small frame house. His mother made sandwiches for school out of homemade bread. Store-bought bread was for the rich. He grew up belonging to the Boy Scouts, playing the trumpet in the high school band and going to church almost every Sunday.

In 1944, this 18-year-old country boy that had never been more than 50 miles from home finally found himself going through basic training in the United States Army at Camp Walters in Texas. After that, he rode the train with hundreds of other young teenagers to New York City for the hazardous ocean trip on a cramped liberty ship to fight in the great World War II.

No amount of training could have prepared him for what he was about to experience. As a teenager, he and thousands like him put life on the line for freedom. He saw the concentration camps at Dachau and the victims of the Nazis. This horror gave him a clear understanding of why America was at war. He saw incredible numbers of other teenage Americans buried in graves throughout France, but like so many of his generation, he really never discussed the details, only saying that the real heroes were the ones that never came home from Europe.

Some 64 years after the war, my hero stood before the monument at Normandy with the thousands of white crosses and Stars of David and paid tribute to his heroes. The price of freedom was enormous, the memories of the sacrifices made were overwhelming. Amidst the whirlwind of imagery flashing before his eyes, my dad began to recall life before the war and what victory in Europe meant for Americans—and what freedom means today.

After Germany surrendered, he went back to Fort Hood, Texas, expecting to be re-equipped for the land invasion of Japan. It was there he met Mom at a Wednesday night prayer meeting church service, but before he could be shipped out to Japan, the Japanese surrendered and the war was over. Not too long after that, he opened a DX service station where he pumped gas, sold tires, fixed cars, and began a family.

Deciding that he needed to go to college, he moved to West Texas and enrolled in a small Christian college called Abilene Christian College. He and his wife and two small children lived in an old converted Army barracks with other such families. He supported us by working nights at KRBC radio and climbing telephone poles for "Ma Bell."

He finished college, became an engineer, and worked 40-plus years for Southwestern Bell Telephone Company in Houston, Texas. He turned down a promotion and a transfer to New York City because it wasn't Texas, and as he said it was "no place to raise a family." Mom and Dad still live in Houston not far from where I grew up.

After his recent trip to Normandy, he opened up a little more about the war, still humble about his contributions, but looking back on the significance of victory through the eyes of an 82-year-old man. Don't get me wrong, Mr. Speaker, he hasn't mellowed at all in these years. He still rants and raves about the east coast media, and he has a strong opinion on politics and today's fight for freedom in Iraq and Afghanistan. He gives plenty of advice to everybody, including me.

He has two computers in his home office and e-mails with his buddies all around the world. He still flies the flag on holidays. He mows his own grass, and he can fix anything. He goes to church on Sunday, and he takes Mom out to eat almost every Friday night.

On Memorial Day, we honor those who fought and died in America's wars. We don't have to look far for courage or stories of inspiration. They are all around us from the men and women who proudly wear the uniform of a U.S. warrior.

Across the Potomac River in Arlington National Cemetery are the graves of the silent warriors who, in their youth, gave their lives for our future. Down the street from the Capitol are the World War I, the World War II, the Korean, and Vietnam Memorials. Standing in front of the World War II Memorial are the pillars from each of our States and Territories. On the back wall, there appears to be a large bronze plate. Mr. Speaker, it is not a bronze plate at all but it's 4,000 bronze stars. Each star represents 100 Americans, mostly teenagers, killed in the great World War II. Four hundred thousand Americans, many still buried in the fields of Europe where they gave their lives for the rest of us.

Without the sacrifices of the Greatest Generation, America would not be the amazing country of liberty it is today. My hero, my dad, is one of the charter members of the Greatest Generation.

This Memorial Day, he and his fellow veterans at the local American Legion hall will be marching in a parade somewhere in Texas. He's the best man I ever met. Virgil Poe: good man, good father, good soldier. That's plenty for one life.

And that's just the way it is.

REAFFIRMING SUPPORT OF THE HOUSE FOR LEBANON UNDER PRIME MINISTER FOUAD SINIORA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, as the representative of thousands of proud Lebanese Americans in Connecticut's Fifth Congressional District, I rise tonight in strong support of the democratically elected government of Lebanon and to condemn the recent violence perpetrated against the people of Lebanon by the terrorist group Hezbollah.

Lebanon is a vital ally in a region where we need all the allies that we can get. It is a vibrant society composed and defined by its diversity of religious and ethnic backgrounds. A culturally rich Nation renowned for its tolerance and democratic values, Lebanon stands at the crossroads of Arab tradition and Western culture.

Yes, Lebanon has struggled with the proxy wars fought inside its borders by powerful neighboring nations, but with the strong support of the United States, the strong independence and vibrant democratic tradition of Lebanon can and will continue.

Yesterday, this House considered H.R. 1149, which reaffirmed the support of this House for the democratically elected government of Lebanon, led by the governing March 14 coalition. This resolution was necessary because that government has recently come under vicious attack by Hezbollah-led opposition fighters, an outbreak of violence that has brought that country to the brink of civil war.

In response to legitimate actions by the government to protect the security of its own citizens, Hezbollah instigated riots, blocked roads, forcibly shut down media stations, and attacked the residences of prominent members of the ruling coalition. During the course of this violence, Mr. Speaker, more than 69 Lebanese citizens were killed and more than 250 were wounded.

These actions blatantly violated the commitments made by Hezbollah leader Hassan Nasrallah, who has always maintained that Hezbollah exists solely to defend Lebanon against Israel, and that its members would never take arms up against other Lebanese. That pretense is now clearly shown to the entire world to be false, as we have known it was for a very long time. Indeed, Hezbollah's primary purpose seems to be to act as the agent of Iran and Syria, which continue arming the terrorist group in order to maintain a presence in Lebanon and a military front on Israel's northern border.

This brief, but bloody, period of fighting was the worst violence Lebanon has seen since the civil war that engulfed that Nation from 1975 to 1990. It demonstrated the military strength of Hezbollah's militias, and it threatened the free media, religious tolerance, and cultural diversity that make Lebanon such an important ally of the United States. The streets of Beirut are now relatively calm, but Lebanon will remain under threat until that government becomes truly independent from foreign influence.

It has been more than 3 years since the Cedar Revolution, when the people of Lebanon took to the streets and demanded an end to Syria's occupation of that country. Unfortunately, while Syrian troops have withdrawn, its government has continued to undermine Lebanon's vibrant but fragile democracy. They do this by allowing weapons shipments to pass over their territory into Lebanon and by continuing to disrupt internal Lebanese politics.

The boiling over of tensions that have been building for months has brought the world's attention to the challenges facing Lebanon, and we must capitalize on that focus.

Last night, the government and opposition leaders concluded talks in Doha, Qatar, finally reaching an agreement that will allow for the formation of a government and the election of Michel Suleiman as President, probably as soon as this Sunday. This is a welcome development and one that bodes well for the future of Lebanon.

But a number of issues still remain unaddressed. These include the status of Hezbollah's weapons, the future of Lebanon's electoral law, and the long overdue investigation into the murder of former Prime Minister Hariri.

The Lebanese people have found a way to live side by side with all of their differences for years and years, and I for one believe that it is in the United States' best interest to do all that we can to use yesterday's political breakthrough to press for the total elimination of undue outside influence on the Lebanese government and Lebanese society.

As political negotiations move forward in Lebanon, the United States, its Arab allies, and the European Union must provide the Lebanese government with the economic, military and political support it needs. We have seen the difficulty of promoting new democracies in the Middle East; however, in Lebanon, we have the opportunity to preserve one. A window of opportunity has opened, Mr. Speaker. The United States must now work diligently and quickly with Lebanon and her allies to assure that the moment is seized.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 21, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,903 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,903 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 21, 2008, 12,903 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

ENERGY PRICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, let the record show that on Wednesday, May 21, oil hit $137 a barrel and closed at about $134. Natural gas has pushed by $11.50 per thousand and is approaching $12.

Yes, this chart I have shows the growth in energy costs. Price of oil continues to skyrocket. I guess the part that's surprising is, as a 12-year Member of this body, that it's not a crisis here. This Congress is not treating energy prices as if it was a crisis.

I was looking at my notes before I came down from an October time when I came down to the floor, and we talked then, as we were kind of climbing through the eighties, and that day we had hit $94 a barrel. And we all shuddered that we might be approaching $100, and here we are a few months later, not only past $100, but at $134 and actually hit $137 today.

Do we have a bipartisan task force by the House and Senate that would look at how we deal with this energy crisis and how we deal with these high prices that American consumers are struggling with? The answer is no. Do we have a special House committee looking for solutions? The answer is no.

Yesterday, the House had a bill. It was defined and named to cut costs, cut gas costs. Will it? Well, the first part of the bill dealt with trying to figure out a legal way that we can sue the OPEC countries for not producing enough oil. Now, Saudi Arabia alone produces 12 million barrels a day, and many of the other countries, 10, 9, 7, but we think they should produce more.

It's interesting, on this floor a few months ago, when we had some energy bills pass that didn't have any energy in them, we claimed that it was a new era. The era of oil was over. We were moving into the fields, the new fields, and energy dependence on foreign countries would disappear.

I've been in Congress 12 years. We've increased dependency almost 2 percent a year every year I've been here, and we're on a pattern that by 2015, if we don't change, we'll be 85 percent dependent on foreign, mostly dictatorship, unstable countries, not always friendly to us.

I think that's a serious crisis for the American people. It's a serious crisis for American businesses to compete. It's a serious crisis to our defense of this country.

I wish our governmental leaders, White House and legislative included, were half as interested in energy prices as our military was. Because when I talk to the leaders of the Air Force specifically, who use a huge amount of our energy flying our planes, they want 60 percent of their energy to be nonforeign, and they're working judiciously to do other fuels from coal and fuels from gas and trying to have other non-oil fuels because in oil we're just becoming majorly foreign dependent.

Today, the Senate determined that when they return after the May recess, they're going to deal in the week or two period with climate change. They're going to deal with carbon taxes because they think that a one-and-a-half percentage degree in temperature increase in this country, in this world, is a greater threat to our future than energy prices that most Americans can't afford, and most businesses can't compete in the global economy if they continue.

But the Senate is not talking about energy. They're talking about a climate bill and a carbon tax which will increase energy prices 25 to 30 percent. Much of America today hit $4 in gasoline. That means if the Senate acts as they say they're going to, a carbon tax could easily, everybody agrees, could increase energy prices 20 to 30 percent. So 25 percent of $4 is another dollar so we would go to $5 gasoline. And only God knows what oil prices will be by the time they accomplish that.

Does America need to be in an energy crisis? I think not. We made a decision several decades ago, in fact 27 years ago, a very foolish decision. We locked up offshore production of energy on both coasts and in much of the gulf. Every country in the world, Ireland, Norway, Sweden, Great Britain, New Zealand, Australia, all green countries, all environmentally sensitive countries, they all produce offshore. They have different set-asides, some 20 miles, some 30 miles, some 15 miles. Eleven miles is the sight line. Once it's past 11 miles, nobody can see it. All those countries, every country produces.

Canada, thank God for Canada. We import more energy from Canada than anybody else, our friend to the north. They produce both oil and gas right off the coast of Maine, just above it, and right above the coast of Washington. And since 1913, they've been producing natural gas only in the Great Lakes, and today they're selling it to us. We get 15 percent of our natural gas from Canada, 2 percent from LNG, and the rest we produce ourselves. We could be totally self-sufficient in natural gas.

Now, a young lady said to me recently, she said, Mr. PETERSON, I make $320 a week. I lost my other job so I have to travel a fair distance now to work. I'm now paying $130 a week to drive to work. She says, I don't know how I can continue to raise my two children and make ends meet.

What she didn't know was that the small house she has, her current natural gas bill, on a monthly basis, $175—she pays balanced billing—what she doesn't know is that the $12 gas or $11.70 today we're putting in the ground now compares to $6.50 gas we were putting in the ground—and you may say, what do you mean putting in the ground? Well, we have great storage caverns, much of them in my district in Pennsylvania, where we store natural gas in old salt caverns, and then we use it in the wintertime because we can't produce, we can't pump enough out of the ground in the heating season when we use tremendous amounts of natural gas. So we're putting it in the ground in storage today.

Now, one of the major storage companies told me last week at a luncheon, they're very concerned; they have not had their storage this low in a long time, and they're very concerned because they've been unable to buy as much LNG as they want.

□ 2200

And they're very concerned. I said, why are you putting $11.50 gas in the ground? Why don't you wait until the price comes down? They said, we're afraid the price isn't going to come down. Because usually in the spring of the season, when we're not heating our homes and we're not running a lot of air conditioning, we use the least natural gas of any other time of the year. So that's when we have ample supply, the price comes down, it gets reasonable, and that's when we put it in storage for next winter.

Later year at this time, it was $6.50, later in the summer it was $5 something. And last year we had a moderate increase in natural gas prices, about 7, 8, 9, 10 percent, depending on what part of the country you were in. That was moderate. Well, those who heated with home heating oil and propane had huge increases last year. And the sad story for Americans is those who heat with propane and home heating fuel are going to have enormous increases this year on top of last year's increases. And those who heat with natural gas are going to have a major increase. We don't know how much yet.

For the first time in 2 years we have not had a storm in the Gulf, the last two summers. That's historic. We always have storms in the Gulf, hurricanes, that disrupt oil and gas supply. And when it disrupts that supply, we never replace it, so it just takes it out of the system. And whenever we have a major storm in the Gulf—when Katrina hit, gas went from, like, $4 or $5 to $14. And that year we had a huge increase in natural gas prices because that's what we had to pay.

Now, the LNG issue I mentioned, you know, I had a debate with the White House some time ago, and they felt that LNG was our answer to natural gas. I argued then, 3 years ago, and I argue now, it's not the answer. It's a little piece of the solution. Now, what is LNG? That's liquefied natural gas, we buy it from foreign countries a long ways from here. Gas is cheaper in those countries. They liquefy it. They fill these huge tankers and they come here, and then we build controversial unloading stations. They're really not unsafe, but people perceive them to be. And we were in a flurry to build more receiving stations. We found out we really haven't needed them, we're hardly using half of the capacity we have today. Why? Because we can't buy it.

When a tanker with LNG gets loaded in one of these foreign countries, countries like Japan, who don't have any gas of their own, little countries like Spain, and on and on the list goes, they outbid us. Sometimes a tanker load of gas will be coming to the States, and they will get a higher price offered and they actually turn around and go to that country. In fact, in the heating season, when we need it, we can't buy it on a bet.

So LNG has not been the silver bullet that many thought. And the Secretary of Energy went around the world trying to entice LNG for this country. And I argued that LNG is helpful, but it's not a silver bullet, it shouldn't be our solution because, folks, between major gas areas in the Midwest and in the Pennsylvania Appalachian region, recent find, offshore we have an abundant volume of natural gas.

And natural gas is the clean, green fuel. And if it was more affordable, we could be using it in our auto fleets because autos can run on natural gas with a couple thousand dollar exchange of carbonation and storage tanks and so forth, maybe $2,000 or $3,000 a vehicle. We could run all of our school buses, short haul, all of our city buses, the Washington City. Many of them are on natural gas. State College in my district has been an all natural gas district for a number of years now. All of their bus system—it's the third largest bus system in Pennsylvania—they're all on clean, green natural gas.

Natural gas should be our bridge fuel. But at $12 now, and if we have a storm in the Gulf, it would be 15 or more, those prices, it's not our solution. But it could be our solution if we would open up the OCS, if we would open up Alaska, if we would open up much of the Midwest and start producing our own clean natural gas.

I have found it astounding that there is resistance to producing energy in America. What's really happened in America, and I'll just go a little bit more on natural gas here. Here is the natural gas prices. The blue line is what commercial pays—they pay a little less than households because they use high volume—and the red line is where residents are. And folks, this is today's price at the retail. In the fall, it's going to be off of this chart. There is going to be a huge increase, I predict, and everybody agrees. We will have to make a new chart because this chart won't work. Natural gas prices.

Now, is that problematic? Yeah, it's problematic, because not only do we use natural gas to heat our homes and to run our businesses, we use it as an ingredient. Fertilizer, about 70 to 90 percent of the cost of making it is natural gas because that's what we make it out of. The corn we're growing for ethanol uses natural gas to make the fertilizer to grow the corn. If we go to a hydrogen vehicle, we will use a natural gas.

The ethanol we use in vehicles today, the biofuels, biodiesel, those plants consume huge amounts of natural gas. One was just proposed in a southern State, and their projected natural gas costs for the first year was $3.5 million and they were looking for a cheaper fuel. Natural gas is the major ingredient in petrochemicals, polymers, plastics. We use it to bend steel, melt steel. We use it to treat all kinds of products. We use it to cook. We use it to bake. We use it in many, many commercial ways.

And natural gas prices are making American businesses noncompetitive. Dow Chemical, in 2002, a petrochemical company, the biggest in the world, American company, a good company, they used $8 billion of natural gas in 2002. Then we had the big spike in gas prices. In 2006, their gas bill went to $22 billion. And I don't know what it is today, certainly much higher. They started building their plants. These are the best blue-collar jobs left in America, petrochemical plants, fertilizer plants, polymer and plastic plants, plants that heat, treat steel and bend metal and shape things. They all use natural gas as their fuel.

And they are being endangered because natural gas is not a world price.

Nobody in the world pays this price but us. It's cheaper in Canada, a little bit. They're high because of us, because they're kind of hooked at the hip. It's cheaper in Mexico. At the wholesale side, it's $1 something in Trinidad, South America. In Russia, it's just barely over one dollar.

Many parts of the world—all parts of the world, in those countries, China and India, our competitors, their natural gas prices are probably a third of ours. That puts our companies at a huge disadvantage, not just labor disadvantage, not just because of other high costs in this country, energy costs have driven more jobs out of America than any other issue, not that they wanted to leave, they just can't afford to stay.

Now, with energy prices today, I talked about the young lady and her job, driving to work and her home, we're going to have seniors—you know, just the other day I had a gentleman tell me he put a new furnace in his mother's home. But when he went to visit her last winter, she had her temperature at 58 because she felt that was all she could afford. And he said, John, what do I do? I don't want my mother living at 58 degrees, I want her to be warm. So he's looking at some sort of heater in the one room where she sits in the evening so she can be toasty warm, maybe a pellet stove or a gas stove or something that keeps that room warm but the furnace down, not heating the whole house.

I went into a hardware store 2 weeks ago and they had their coats on. It was chilly in there. It was a frosty morning, we had frost that morning. And I said, it's kind of chilly in here. And he said, well, with energy prices today, in the spring and the fall I shut my furnaces off. We're a lumber yard, we're a hardware store, people come in here dressed for the outside temperature, and so we just dress for the outside temperature in our work. It saves me $800 a month in the spring and the fall, that's 4 months, so that's $3,200 that I don't have a gas bill—that I would pay in a gas bill, $800. Now, in the winter I pay a lot more than that, but it's cold then and you have to have heat, pipes will freeze, people won't come in your store if they can see their breath.

Folks, I don't think we have any idea what we're doing to the economic future of America, what we're doing to the quality of life of the average hardworking poor American. Now, those who are middle class will complain and groan and they'll pay because they have the money.

But below the middle class and the working class and the poor in this country, when they pay their driving bill—and rural people, I represent rural, we don't have mass transit; we drive to school, we drive to work, we drive to church, we drive to the doctor, we drive to the mall, we drive everywhere. And in rural areas, when the economy shifts and you lose your job at a plant, you don't move away, you go 50 miles down the road and you get a job and then you drive to work every day. I had a lady tell me today, my gas bill per week now is $180 a week. And now when she gets her heating bill next winter, will she have enough money to raise her family, heat her home, and drive her car? Many won't.

The current energy prices have the potential of stalling this economy. I had a person who has been dealing with energy all his life. He is a government official. He told me about 9 months ago that he thought $75 oil would put us in a recession and stall the economy of this country, and in time, the world. Now he said we bounced through that. We were just by that, and we were in the $80s then. He said, my people and I may have been wrong, but there is a price that our economy cannot absorb these energy prices. And folks, $134 oil? I mean, it's almost like we're talking fantasy.

How did we get here? How did we get to this situation? Well, here's some of the things—back to natural gas for a minute. In all of these products, natural gas is used in making them—steam, power, and all of these blocks. Huge amounts of natural gas. Even the skin creams that you ladies like to keep your skin soft, that's a direct ingredient of natural gas. The feedstock for making skin softeners is natural gas.

Well, here's where we are in energy use. Let's try to figure out how we got here. You can see the big part of our energy is oil. And now, 66.5 percent of our oil comes from foreign countries. Natural gas is the next largest, and coal—well, I guess coal would be the next, but let's go to natural gas. We're 83 percent self-sufficient. We get 2 percent in fraction from LNG and about 15 percent from Canada, our good friend in the north who drills offshore where we won't.

Now, coal basically is used in this country to make electricity, and about 50 percent of our electricity in this country is made from coal. Now, nuclear has been 20 percent of the energy in our electric system, not our energy overall, but our electric system. And of course the beige line here is hydro, and that's getting smaller because we're taking dams out. The environmentalists don't want dams. All the environmental community, they don't want dams in our rivers, and a lot of them have been tore out. And we're not adding hydro anywhere, so it's a declining factor.

Now, as you look at renewables, this is scary. Renewables are wind and solar and geothermal and woody biomass. And the only one of those that actually had real measurable growth in volume is woody biomass. A little growth in wind and a little growth in solar, but the big one that has really grown measurably is woody biomass. How did that happen? Well, we have between 800,000 and 1 million Americans heating their homes with pellet stoves. That's a fuel made out of waste sawdust, a good use of biomass. We use it to heat factories. Most of the dry kilns, where you dry your lumber, that used to be heated with fuel oil and natural gas are now heated with wood waste. Many factories that are in the wood business are all heated with wood waste boilers.

I have a company in my district now that builds very efficient wood waste boilers that actually burn wood waste cleaner than natural gas; it's an amazing ceramic-lined boiler. We recently placed those in a hospital in my district, that boiler, and that hospital is going to save 70 percent on their energy bill. And they're going to be using waste sawdust and wood chips. They can even burn green wood chips, like if a tree trimmer comes through and trims the trees and grinds it up—and they usually find places to dump that—they can now blow that into a tractor trailer and use it for fuel, cardboard waste, paper waste. This hospital is going to burn all its cardboard, all its paper, all its clean fuel, and buy sawdust and wood chips. They are going to save 70 percent on their energy bill.

Woody biomass is finding a market of its own. Now, there have been a lot of windmills added, and they are going to be a lot more added. But the numbers are still, you know—I keep reading articles. I read one recently that in just a few years 100 percent of electricity could be from wind. Folks, that's just not accurate. I read an article last week that in a few years we'll have 20 percent of our electricity. Now, one of the problems, you know, the grid failed in Texas recently because they have some successful windmills. But there are two times of the day when we need a lot of energy, that's in the morning and evening, peak power. That's when we're running our homes and our factories simultaneously. We're running washers and dryers and we're running hot water and we're cooking and we're doing things, so we're using a lot of energy in the factory and at home. Those are called peaks.

□ 2215

Well, from 4 to 6 o'clock, if you just watch the weather, and I've watched it, you can have a very windy day, and between 4 and 6, for some reason, the wind calms down. There's not much breeze. So wind farms don't produce a lot of energy sometimes on a nonwindy afternoon from 4 to 6 when you need it. So what happens when it doesn't blow and it doesn't turn? You have to turn on a gas generator. For every wind and solar generator, we have to have a gas backup. Now, gas is 23 percent. Gas is now 23 percent of our electric generation. Just a decade ago, it was less than 7. We only allowed it to be peak power. We didn't allow electricity to be made from natural gas. We thought it was too clean and perfect to fuel and there were too many other uses for it, but we've changed. Now we are at 23 percent. And on a hot summer day when you have 100 degree temperatures across America and air conditioning is just sucking up all the electricity we can produce and our grid is struggling to stay up, every power plant that only comes on when it's peak is running 24/7 when we have hot summer weather. Now, that's changed things. We have never taken gas out of storage in the summertime until last year. Last year we had 2 weeks, 2 different weeks, when it was hot enough that we were producing enough electricity with natural gas that we fully had a negative flow of gas out of our storage areas for winter instead of in.

Folks, if we were to have a terrible storm in the this year, and everybody says we're going to, and we went 2 years without it, and we would have a very hot summer where we would use a lot of peak power and a lot of natural gas for electric generation, we could be looking at unbelievable natural gas prices this fall.

Now, I know the news I'm giving you is all bad news. But, folks, it's because this Congress and three Presidents have chosen not to produce fossil fuels.

Now, I'm for every renewable source there is. I'm for hydrogen. I have been pushing hydrogen my whole time in Congress. We hope it becomes a fuel of the future. I'm for wind and solar. I'm for cellulosic ethanol because it's vital because I don't think we can get to where they want to be with biofuels with soybeans and corn. I don't think we can grow enough of it. I've been stunned that we haven't opened up a lot more farmland, but we haven't. Last year we grew 20 million more acres of corn, and corn prices went from 3 something a bushel to $6.40 and $6.50 at one point. It's just under $6 now. We doubled and tripled grain prices. Food prices are skyrocketing because we used 20 percent of our corn last year to make biofuels, and this year we're projecting to use a third of our corn, and this year we are not growing 20 million acres more; I think we are only growing 8 million acres more or we're growing 8 million acres less. Somewhere in there that number is correct. But we're not going to grow as much corn, and they're concerned now with the wet weather in the West that we are not going to get all the corn we need planted.

Now, when you use grain long term and food long term for energy source, what happens when you have a bad crop year? You're not going to have food to eat and you're not going to have warmth. That's why cellulosic ethanol is so important.

Now, cellulosic ethanol can be made out of switchgrass, it can be made out of garbage, and it can be made out of wood waste. Where I come from, we have lots of wood waste, and I think that will be of use. But I think the one that has the most potential if in the laboratory—and these are all "ifs." But yet we have a mandate by 2030 that we have to have 36.5 billion gallons per year of ethanol, the first 15 made from corn and the next 20 made from cellulosic. This is a mandate, by law. This is a process where we have not yet proven we can make it cost effectively.

Folks, we are in a crisis in this country because we have chosen not to drill for gas, not to drill for oil, no new fields. We have people come up here and talk about all the unused permits, all the land that's been leased and not drilled. Folks, if it's drillable and there's money there to be made, it will be drilled. And they all talk about big oil, but 80 percent of our energy is produced by small companies, people that are in our own States. Big oil are the named marketers, but energy is basically produced by independents. But we keep talking about these terrible oil companies and they're the problem.

I think Exxon answered the question well. They were talking about their profits the other day, and they said, Folks, we would reinvest in America if offshore was open, if Alaska was open, if the Midwest was open, but you forced us to go to foreign countries. Now we have foreign countries nationalizing their oil patches and their oil refineries and their oil production systems, and big oil is being gradually pushed out, and oftentimes their investments have been captured. Sometimes they have been paid for, sometimes not. And big oil is prepared to produce here if we open up.

Folks, we need to open up oil and gas reserves in this country. We need to have six or eight coal-to-liquid plants so we're not dependent on oil forever because we are the Saudi Arabia of coal. We need to figure out how to have more nuclear plants. The 2005 bill streamlined the process, and there are about 50 nuclear plants in the permit process, and there are 3 or 4 about ready to be built. We need all 50 of them by 2030 to maintain 20 percent of the electric grid. Not an increase. Hydro will continue to decrease.

This is a chart put out by EIA of the Energy Department. I disagree with them. We have had 60 coal plants turned down, clean coal, not dirty coal, clean coal, turned down by States because of the fear of the carbon issue. All of those will be built in gas plants, and when they are all built in gas plants, you will see this blue narrow and you will see the greens widen. Natural gas is where we will be going. It's the only place we can go. It's the clean, green fuel. But, folks, for it to be affordable, we need to produce a whole lot more of it.

It's never polluted a beach. It's never caused pollution in this country. It's the cleanest fuel, no NO_X, no SO_X, a third of the CO_2. It's almost the perfect fuel. It's cleaner than biofuels. But for some reason, three Presidents and Congress for 27 years have locked up not only our shorelines but much of the middle of this country and the part of Alaska that was set aside for energy production, 2,000 acres on a 70 million acre plot to produce energy. With modern drilling they drill multiple wells on the same site, and they go many directions. You don't have nearly as many sites.

Folks, America needs energy. We need energy we can afford to pay. The working people of this country not only are not going to be able to afford to heat their homes and drive their cars, but many of them will lose their jobs because these energy prices, as I showed you earlier, $14 gas, America is the only place that someone pays $14 for gas. Every other part of the world is cheaper. Oil prices are the same everywhere. It's a world price. But for 8 years the Dow Chemicals, the manufacturers, the fertilizer companies have paid the highest prices in the world for natural gas and have been asked to compete with the rest of the world.

Energy is a crisis in America, but Congress treats it like it's not a crisis. We do goofy things like trying to sue OPEC, and we know we don't have standing to sue other countries. They don't come under our court system. We're trying to wiggle our laws around so we can sue them. That's a waste of time. We need to produce energy.

Also, I have a natural gas bill, the Outer Continental Shelf. In my bill it's natural gas only, offshore. We use the royalties for renewable research. We use royalties to clean up the Chesapeake Bay. We use royalties to clean up the Great Lakes, San Francisco Bay, the Everglades. Folks, if we would produce energy offshore, we can allocate the royalties to fund the renewables.

Today we were arguing over and fighting over the extensions for the tax incentives for wind and solar and geothermal and all the renewables. We extended them for 1 year. Our investment companies are going to spend a billion dollars on wind and solar when in a year from now, there may not be that incentive there that makes it work.

Folks, this Congress has failed us. This Congress continues to fail us. This Congress needs an energy policy. This White House needs an energy policy. And the people running for President of this United States need to prove to the Americans before they elect them that they have an energy policy that they're going to bring to this country to provide us with the gas and the oil and the renewables and clean energies and it's going to be affordable for Americans to live their lives, run their farms, run their businesses.

Folks, I've listened to hours and hours of presidential debates. Energy was seldom mentioned, and it's certainly not been a platform of the current candidates. We need a person running for President, Americans need to demand of those running for President, "How are you going to produce?"

We have those who talk about green collar jobs. I'm for green collar jobs. But let me tell you, if we don't bring affordable energy to America, the blue collar jobs won't be here. They'll be gone, and we don't know how many of the green collar jobs. We need them both.

I'm for plants to build windmills. I'm for plants to build solar. And when we learn how to store wind and solar so that we can make it during the night when we don't need it and use it in the daytime when we need it, then it will work. But until we do that, it's on the margins. If we double wind and solar in 5 years, it will be less than 1 percent of our energy. I hope we can do that, but that's still not very much energy.

But the American public have been led to believe that we are holding renewables back, that we're not for these energy-efficient cars. There are incentives, folks, of thousands of dollars to buy energy-efficient cars. There are incentives to do wind and solar. Unfortunately, they're not long term. Those who are investing are gambling because we just renewed them a little bit at a time. We just renewed them for a year. Folks, we need to renew them for 5 to 10 years. We need to have it out there, and then if it isn't working, we stop doing that.

But, folks, there are those who say we need to conserve, and we do, and we will at these prices. But let me tell you that in a later speech sometime I'm going to show you the American people are using far less energy in America per capita today than we did a few years ago. We've done more than people give us credit for. We have more efficient appliances and more efficient engines and things than we had many years ago. We have done better than any other country in overall energy conservation. Folks, we haven't done enough, but I want to tell you $4 gasoline or $5 gasoline and $14 gas to heat our homes are going to force us to do a lot of things.

But America doesn't have to be in this situation. Yes, we need the new kind of fuels, renewable fuels. But until they are ready, we can't decide, as a Congress and a White House, that we're not going to produce.

Let me just tell you who some of the perpetrators are. The environmental groups of America own this Congress. Sierra Club rails against shale oil production. Over a trillion barrels of shale oil in the West. We can't do that.

Green Peace says we must phase out fossil fuels. Folks, how do we do that? Ninety-six percent of our energy is fossil fuels. How do we stop that? That's what we're doing. We're phasing them out before we have the replacement.

The Environmental Defense Fund: "Power plants and smokestacks are our public health enemy number one, and we must do away with them." That's our jobs, our factories, folks.

□ 2230

League of Conservation Voters; coal to liquids, wrong direction. Well, should we do coal to liquids or should we do more foreign dependence on the Mid East? That is our choice.

Defenders of Wilderness; every coastal State is in harm's way when an oil rig goes up. Folks, that is not true. We haven't had an oil spill since 1969. We have never had a gas spill. When a gas well lets gas out, it goes in the air. Dissipates. Natural Resource Defense Council; coal mining destroys land. Coal plant emissions cripple and kill. We have clean coal technologies with much cleaner emissions than we have ever had, but we are turning them down and not building them. We are using old dirty coal plants because they can't build the new ones. That's our environmental policy.

Center for Biological Diversity; oil and gas drilling on public land has a devastating impact. Does it have to? It can be done right. Friends of the Earth; liquid coal is dirty and costly. Liquid coal doesn't have to be dirty and costly. We have ways of doing it.

North Africa, or South Africa, I guess, is leading the way with liquid coal. That is making gasoline and diesel out of coal. And we have lots of it. We need to be working at it and learning how to do it cleanly so we are not dependent. Folks, we are 66 percent dependent on foreign unstable countries. We have no control over prices. A storm in the gulf and we have another major spurt in energy prices.

One of our sending countries, and here's who we get our energy from. We produce 33.7 percent of our own oil, we import 66.3 percent of our oil. Canada provides 12 percent of our oil; Mexico, 9.3; non-OPEC nations, 8.9; Ecuador, 1.3; Saudi Arabia, 9.6 percent; Venezuela, 7.5. Our friend, Venezuela, 7.5 percent of our oil comes from there. Nigeria, a stable country, questionable, 7.2; Angola 3.3 percent; Iraq 3.2; Algeria, 3.1; Kuwait, 1.2; other OPEC is .06. That is our oil. That's where we get our oil from.

Folks, we don't have to be dependent on it. America is rich in resources. Natural gas should be our bridge. Clean vehicles on natural gas. Natural gas should be the fuel of the future, and our industries shouldn't have to pay the highest price in the world for natural gas so they are forced to leave here. Americans shouldn't be forced to live in homes that are cold in the wintertime because they can't afford to heat them. People should be able to afford to drive to work.

Folks, it's a crisis in America. It should be a crisis in this Congress. Today, the White House again spoke about we need to produce more energy. Tomorrow I am going to write the President a letter. You know, if he means that, he needs to lift the Outer Continental Shelf moratorium, because we don't have one moratorium, we have a legislative one by Congress for 27 years and we have had a Presidential one for 27 years, and he can lift it in a moment. That is how it was put there.

Bush I put it there for 5 years until we assessed the Outer Continental Shelf, what was there. We have never assessed that. We have never allowed seismographic out there. Then Clinton came in and extended it to 2012, and also vetoed the Alaskan bill, ANWR, which would be producing major oil for us today. He vetoed that. Bush II has ignored it and refused to talk about the OCS.

Folks, we have three Presidents and a Congress with a 27-year history of not producing affordable available energy in America, and we are the only country in the world to lock up the Outer Continental Shelf, we are the only country in the world that has locked up most of our internal resources.

Congress and Presidents have been our problem. Congress needs to get the message that it's time to stop being our problem, and we need to have a President that leads us to energy, affordable available energy for America.

PROGRESS IN PASSING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you, Mr. Speaker. It's an honor to be before the House once again, and I think it's important that we get a chance to come to the floor and not only share with the Members the 30–Something Working Group, some of the issues that we have worked on in the past, but those issues that we will continue to focus on in the future.

With this being the "political season" for those Presidential candidates, there's still a lot of work to be done here in the Nation's Capital on policy issues that are facing real consideration before this House and before the Senate. One may focus on what is happening in the campaign trail. But I want to share with the Members tonight, Mr. Speaker, on what has taken place here in the Democratic House of Representatives, majority, and also how this House has worked with a number of our Republican colleagues on the other side in passing major legislation that has made it to the floor that would allow Republicans and all Members of the House to work together on issues that the American people are hoping that we can come together on.

This House has made progress in passing some 177 pieces of key legislation, more than 70 percent with a significant bipartisan vote. As it relates to the recent past of the last three terms that I have been here, we have never seen those kind of numbers before. It's important that Members on both sides of the aisle are able to come together on legislation that all of our constituents can agree on and that we can illustrate to those that are out there that are saying, Well, you know, can Democrats and Republicans work together, can Democrats put forth legislation that Republicans can vote for, can Republicans vote for measures that Democrats bring to the floor, and I think through the leadership of the Speaker and the majority leader and also the majority whip and Democratic caucus and the vice chair and the rest of our leadership, the proof is in the pudding.

I want to say that the 177 measures that have gone through this House and the 70 percent that have passed with a significant bipartisan vote is what the American people called for, what they wanted. So many Members of the House ran on, I am going to Washington, DC to represent you, I am going to Washington, DC to make sure that you pass sensible legislation, and I am not necessarily running to be a part of the Democratic caucus or to be a part of the Republican caucus or carry a special-interest interest.

I think that when we looked at the new direction that the American people were looking for back in the 2006 elections in November, they got it. Measures that would have never made it to the House floor have made it to the House floor.

I have to speak of a number of my colleagues that were on the floor prior to our new Democratic majority back in the Republican-led Congress that said, If you give us the opportunity to lead, we will lead in a way that you will be proud and that you would feel good about the leadership that you have in the House of Representatives. We were not only—I mean we weren't speaking to just independents, we weren't even speaking to just Democrats. We were speaking to all Americans, including Republicans and those that could not even vote yet, that they would have a voice on this floor, that they would have an opportunity to see a majority that would allow legislation to come to the floor that would change their lives.

I also would like to say out of the 177 key measures that were passed, 125 of those measures had the support of more than 50 Republicans in this House.

Now, Mr. Speaker, you're a part of our new majority makers that are here. I think that it's important that we reflect on the past so we can see what the future is going to be about. I see a bright future in this House, you see a bright future in this Congress, and I think if the American people engage themselves as Americans and not as Democrats or Republicans or independents or Green party, or what have you, saying that they are looking for a House that would provide the kind of opportunities that they deserve for a Congress, for a government, provide the opportunity that they deserve, and they can find faith in what the 30-Something Working Group will share with you tonight.

These bipartisan votes that have been signed by the President include the Economic Stimulus Act, College Cost Reduction and Access Act, the 9/11 Commission Recommendations. For instance, let me put a pin right there. The 9/11 Commission recommendations was supported and was a bipartisan commission that brought about these recommendations under a Republican President, a Republican Congress, that the Republican Congress would not endorse and would not pass and the President did not support. But once this Democratic Congress allowed that legislation to come to the floor as part of our Six in 06 measure, we were able to get bipartisan support for that measure, and the President signed. So it goes to show that being in the majority does help.

Also, the Innovation Agenda bill, the Lobbying and Ethics Reform, minimum wage, a bill for improving and expanding Head Start, and historic energy independence and security bill that reduced dependency on foreign oil, I think it's very, very important that we focus on those issues.

Now, Mr. Speaker, I think it's important that we look at the future because we have so many issues that are before us even before we finish this 110th Congress. We have to start to focus not only on how we are going to find ourselves bringing our men and women home, and there was a vote last week that was very historic. Never before since I have been here in this House that the House has voted in the majority to not continue to fund the failed policies of the Bush administration as relates to the war in Iraq.

I also think that it's important that as we continue to consider how we are going to approach on an emergency supplemental, approach the emergency supplemental that the President has asked for to continue to fund the war in Iraq, that if I could put it this way on Navy terms, If we shoot a shot over the bow of those individuals that are in Iraq, what I may call the Iraqi parliament, and let them know that the United States of America will not continue to give a blank check to the fact that they have not made the political reforms that they need to make so that the U.S. taxpayer dollar will be spent in an appropriate way to enable the Iraqi government to stand up on their own feet so that we are able to provide the necessary resources to our constituents here in our country and here in our districts.

I also think that it's important, Mr. Speaker, as we start to look at these issues, we look at the largest increase in veteran funding in the history of the Veterans Affairs Department, preparing for our men and women to come back so they can receive the kind of assistance that they deserve because they allow us to salute one flag.

I think it's also important, Mr. Speaker, and also for the Members who realize that even though we may disagree on a number of issues, and they are a number of issues that we disagree on, we can, if you ever heard this, agree to disagree.

□ 2245

But when it comes down to the votes here on this House floor for our folks back home, I think it is important that we hold their hopes and their dreams paramount in that debate. And because of the kind of leadership that we have within our caucus, some 177 key votes, 125 of those votes receiving over 50 percent Republican support, it goes to show you or show the American people and also Members of Congress how we can come together on behalf of the greater good.

I know that Mr. MURPHY has joined us, and I want to yield some time to him so that he can share as not only a new Majority Maker, but also as a member of the majority, as we look at the future, as we look at bipartisanship that we speak so highly of, that we should reflect on what Mr. RYAN and I said when we first started working on 30-Something some 6 years ago, that bipartisanship can only happen when the majority allows it to happen.

I think the evidence, the evidence of not only the CONGRESSIONAL RECORD, but the evidence of our words that we have laid on the CONGRESSIONAL RECORD over the years, is that we hold paramount bipartisanship, that we hold opportunity, that we hold inclusion. So if it is someone, an American somewhere in a super-Republican district saying do I have a voice in Congress, will the Democratic majority allow my voice to be heard, will the values of my community be heard in Congress and will it be allowed to pass the House of Representatives and the Senate, I think the proof is in the pudding.

I am hoping on the 30-Something website we can have this information placed on that website, so that Americans can go and check the record for themselves.

One thing I take great pride in personally, Members, is that the 30-Something Working Group, we go through a lot of research and the members of our group believe in fact versus fiction. We bring fact to the House floor. We do not bring fiction. That is what the American people are calling for.

Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Mr. MEEK. The honor is also to be part of the 30-Something Working Group and to get to spend the precious moments on the floor with you and Mr. RYAN, Ms. WASSERMAN SCHULTZ and Mr. ALTMIRE and others who can't be here this evening.

As you noted, I am a new Member of Congress. I came from the Connecticut State legislature. I came here with some degree of trepidation, because coming from the Connecticut State legislature, a place in which partisanship has its day, but certainly is not the rule, the reputation of this place, at least under the last 12 years of Republican rule, struck fear into the hearts of a lot of new Members, because we came from experiences, at least those of us who came from experiences in the State legislature, where the rule was that we reached out and worked across the aisle. The rule was that to get anything done, you needed to have Republican and Democratic support.

The reason that in Connecticut the State legislature enjoys a level of support and approval that the United States Congress has not traditionally had is in part because on the most important stuff, in Connecticut we found a way to do that.

I was the chair of the Public Health Committee for several years in the Connecticut legislature and we passed the Nation's first stem cell investment law. We did it with a Republican Governor. We did it on a bill that was introduced by a Republican senator and a Republican member of the House, even though Democrats had near veto-proof majorities in both chambers. We did it with Republicans and Democrats. Frankly, it didn't matter what the letter was after your name, R or D. It was the right thing to do. So I came down here as a member of the new Democratic majority wondering whether there was going to be a chance for that same type of cooperation.

As you pointed out, Mr. MEEK, we saw it immediately in those first 100 hours. In the agenda we put forth on energy, on the minimum wage, on student loans, on ethics, we had Republicans and Democrats standing together.

Now, that hasn't happened every day here on the House floor, and the times it doesn't are the moments in which CNN and MSNBC and the talk show pundits jump on it. But, really, when you talk about the big things that have passed here, you have seen this House coming together. You saw it on the farm bill most recently, and you saw it today.

For anyone that was lucky enough to be here on the House floor, Mr. MEEK, maybe you mentioned it, to see the debate on the defense authorization bill, it was a pretty remarkable bipartisan affair. In fact, the bill is named after the Republican ranking member of the Armed Services Committee, Mr. HUNTER, probably something that average voters out there who hear about the conflict that happens in this House every day wouldn't have expected. But there is, I hope, a growing spirit here on the House floor that we can cross the aisle that literally exists here on the House floor in order to pass important things.

But we need more of it. We need more of it because the most important issues for our constituents can't happen unless we have the votes here all too often to overcome the President's veto. We did that today with an incredibly important farm bill that begins the process of transferring unjustifiable subsidies for American farmers and turns them around to funding for conservation programs and nutrition programs. We are going to stand up to the President when it comes to sensible farm policy. But we need more of that.

When it comes to the GI Bill, which is this Congress' landmark effort to once again recommit ourselves to a notion that this Nation stood upon in the wake of World War II, that every returning GI from the field of battle should have access to a quality education in a school of their choosing in their State, we have withdrawn from that commitment since World War II, and this House and our compatriots in the Senate are attempting to make that commitment once again.

The funding for returning GIs has withered to the point that that commitment no longer exists. If you want to come back and you can go to school, maybe you will get a little bit of help, but you are still going to have to pay a significant amount of money, and you are probably going to have to do it part-time, because there has been historically not enough money for living expenses for those GIs.

We think if we are going to ask you to be a full-time warrior for this country in Iraq or Afghanistan, we should allow you to be a full-time student when you come back to the United States. We should be able to pay your way to the most expensive State college in your State, but we should also give you a stipend in order to make that journey through college education full time. If we are asking men and women to fight and die for us, to sustain injuries that change their lives on the field of battle, we should support them when they come home by providing them with educational benefits.

But we don't have the votes here on the House floor today to override that presidential veto, Mr. MEEK. So we need more of that bipartisan cooperation that we have seen. Democrats are willing to stand up for returning veterans to give them a new GI Bill. We stood in lockstep as the majority party here last week to do that. We had 30 or 40-some odd of our Republican colleagues join us in that effort, but that is not enough to get past the threatened presidential veto.

I can't explain to you why the President doesn't think it is the right thing to do, to stand up for our GIs when they come back home. He has stretched our militarily to the breaking point, and he is not willing to sustain them when they come back to the United States.

We clearly believe that one of the most important things that we can do in this Congress between now and the adjournment is pass that GI Bill and recruit enough of our colleagues on the Republican side so that we can overturn that veto. We have shown that we can do it. We did it on the farm bill. We have done it before.

We have also shown that we can go out and make our case to the American public so that the President changes his mind. The President, if you remember, Mr. Speaker, first threatened he was going to veto the college affordability bill, which transferred subsidies for banks into subsidies for students, lowering the student loan interest rate in half from 6.8 percent to 3.4 percent. The President said he was going to veto that. But when we went out there and made the case to the American public and asked them to make the case to the President that this was the right thing to do in a tough economy for millions of students and families out there that needed a little help, he changed his mind and signed that bill.

Just recently, after making a lot of noise in opposition to our efforts to suspend deposits into the Strategic Petroleum Reserve and put that oil instead out on to the market to lower gas prices by anywhere, who knows, from 5 cents to 20 cents, a small but meaningful decrease through the suspension of deposits into the SPR, after making a lot of noise that the President was going to oppose or veto that legislation, he ended up signing it.

So when it comes to the GI Bill, we have got two tasks ahead of us. Let's try to build the bipartisan consensus that we have had here on many days in the House of Representatives. Let's try to push beyond the 30 or 40 Republican Members that have supported the bill so far so that we don't have to worry about a presidential veto. But let's go out and talk to veterans organizations, to talk to military families, to talk to our educational institutions.

Let's grow a coalition over the coming weeks and months so that the President has the opportunity to change his mind, so the President has the opportunity to stand with us on the side of returning service men and women for the educational benefits that they deserve. Just like our grandparents, our parents, got that benefit when they came back from World War II, let's do it again for the thousands upon thousands of GIs returning every month from the field of battle in Iraq and Afghanistan.

Mr. MEEK, you led off on the right note. There is an amazing amount of bipartisan cooperation happening here, but we have got to extend it to some of the most important measures that we can pass between now and the end of this historic legislative session.

Mr. MEEK of Florida. You know, Mr. MURPHY, I think it is important, and I think we can do a little back and forth here in the spirit of bipartisanship. I see one of our Republican colleagues who would like to share a few things a little later on, and we don't want to take all of the time, because we definitely want to hear from the Republican side this evening in the spirit of what we are doing here.

But I think it is important, Mr. Speaker and Mr. MURPHY, I think that as we look at what is happening now, we know that we have an historic Presidential election that is taking place. And we are still in the primary mode, but it has a general election spirit that is there. There are slogans out there, "yes, we can," and "yes, we will," and "change that you deserve."

It is interesting, because the President is still trying to play a major role. We know that he will be commander-in-chief until January, but I think it is important, especially for some of our friends on the Republican side, that they pay very close attention to the past to understand the future.

There was a day and time when the American people were not really paying close attention to what is going on here in Washington, DC There was a time that young people who are concerned about tomorrow more than anyone else in this country were not paying attention to the likes of many of the individuals that are paying attention to politics now.

I remember one of the general demographics was 50-plus in the country. You have to make sure that you meet the needs of those individuals. But now that goes from 50-plus all the way down to 17½, where Americans can register, and then at 18 they will get their voter registration card. So we have a full kind of age range there of folks that are paying attention to what is happening here.

I remember in the early days with Mr. RYAN and I, and then when Ms. WASSERMAN SCHULTZ got here, Mr. RYAN and Ms. WASSERMAN SCHULTZ and myself, and now the Majority Makers such as yourself and others are now coming to the floor. But back in the early days we used to share with our friends on the Republican side, you have a choice to make. Either are you are going to be on the New Direction agenda and give the American people what they deserve versus the special interests, or, Mr. Speaker, those Members will be watching the Congress on C–SPAN and other television outlets that would allow them to view what we are doing here on the floor at home while we are here voting.

We are in the majority now. We have won three special elections in quote-unquote "Republican" districts that were seen as Republican districts. But what I believe in and what I have subscribed to is the American spirit over politics. I believe people are now looking at their families and looking at their children and looking at their grandparents and looking at themselves in the mirror and saying, am I using the power that I possess with my voter registration card towards the benefit of my family, my community, my State, my country? Am I using that to the full advantage that I have as an American citizen? Or am I voting a party, or a personality, or what is politically quote-unquote "correct"?

□ 2300

And I think that question has come back in many of these districts and throughout the country of saying, I have to vote what is best for my children, for my parents, for my grandparents, for myself, for the fact that the economic situation is bad, for the fact that I don't have health care for so many Americans.

I have traveled this country, Mr. Speaker, on Presidential election and I have paid attention to what is going on. And every time the question is asked: How many people without health care? A super majority of the people put their hands up. Of course, I don't put my hands up because I am a Member of Congress and I have health care. But my constituents didn't say, hey, you know, KENDRICK, we are going to vote for you to be in Congress so that you can have a health care plan for you and your family. We love you that much. Don't worry about us. And they didn't vote for any of us for that reason. I don't think any Member of Congress ran for office saying, I am running to make sure that I can have health care, and then maybe you will have health care.

But for some reason, some of our friends on the other side of the aisle didn't get that message or they have forgotten the message. But I am hoping, as we start looking at these issues, that, Mr. MURPHY and Mr. Speaker and members, that more Republicans start understanding that this is not the Republican or executive committee back in their county or in their parish or whatever the case may be; that this is the U.S. Congress, and they may have been Federalized by the people in their district, Democrats, Republicans, and Independents, in a general election to come here, provide the kind of representation that they woke up early one Tuesday morning looking for.

I say all of that to say this: That if it was about politics, Mr. MURPHY, members, we would be home now. We would say nothing. We would allow the Republican minority to continue to get further and further and further in the minority. But the American spirit within our Democratic majority allows the 177 bipartisan votes, that we celebrate the 125 bipartisan votes, over 50 Republican members voting for Democratic measures that would never have made it to the floor on the Republican Congress.

The record speaks for itself. I am so happy and so glad that we have the kind of leadership, we have the kind of caucus that says, you know something? We are going to move in a new direction that the American people have called for, Mr. MURPHY. Some people call it change now. Change is the big word of this election, because people have had a taste of change already in this House and in the Senate. They want that change in the White House.

Now, I want us to kind of go back and forth here, but I just want to share a little bit of the record because some work has been done here. I think it is important that we look at the kind of fight that—and I am going to call some of the things out that you have identified.

We have the new GI bill that extends benefits to veterans, and it provides and restores the full 4-year college scholarships for Iraq and Afghanistan veterans, and the President has threatened that he is going to veto that.

My question is, to the Republican minority, are you going to follow the President with this whole veto issue? If he does, will you leader up and override his veto?

Because I can tell you, Mr. Speaker, if we have an override once a week, maybe, just maybe—because the President is not running for election again. I just want to let my Republican colleagues know, they are. Some of them are, those that are not retiring. That they may want to pay attention to what the American people are saying versus what may be coming from the White House, because it hasn't worked, because they are in the minority right now.

I think it is also important for the responsible timeline for redeployment that requires Iraqis to pay their fair share of the restoration and other Iraqi policy restrictions that was in H.R. 2642, which is the 2008 supplemental that the President has threatened to veto again. Will our Republican colleagues write the Republican and say, listen, we are already in bad shape as a Republican minority in the Congress, we can't follow you on this. We will join Democrats and override your veto.

That is the American spirit. That is not saying, well, I am going to be a good Republican. Because it is important that we understand that folks didn't elect us to be good Republicans or good Democrats saying, well, I am going to follow the President because the President says that it should happen. The first version of the 2007 supplemental, the President vetoed the bill on May 1. I think it is important that folks understand this and the opportunities that we have to continue to build on the bipartisanship.

The responsible timeline for redeployment of troops, another bill that passed, H.R. 4156, the President has threatened that he is going to veto that. Also, H.R. 2956, that carries some of the same language. I mean, we are putting these bills out there. That bill passed 223–201. The President is threatening he is going to veto that.

Mr. MURPHY of Connecticut. Let's just step back. There is no question when you are talking about where do American people stand on the redeployment of the troops out of Iraq. None of these bills suggest to do it tomorrow or the week after. This is the responsible redeployment of troops out of Iraq. Do it in a planful way that maintains the safety of those troops as they leave, and tries to do our best to try to maintain a stable government that we leave behind. There is no question where the American people stand on that. That is not just you and me listening to people when we go back home; that is also every poll that we have seen of the American public over the last 2 years.

There is no question, Mr. MEEK, where people stand on the GI bill. The numbers are off the charts when you ask folks if they think that this country should guarantee a college education to every returning warrior from Iraq and Afghanistan. There is no guesswork involved here.

Now, I don't know where the President gets his direction from on his veto threats. But for all of us that are sitting here deciding whether we vote for these things in the first place or override the President's veto when they come back, there is no research that has to be done in the public opinion. There are no guesses that have to be made. This is all just common sense, whether you are listening to it when you go back to the district or you are reading the public opinion polls, Mr. MEEK.

Mr. MEEK of Florida. Public opinion polls and what the American people want are pretty much the same thing, but also common sense kicks in at some point. I mean, if I was very—hypothetically speaking, Mr. Speaker, and I do mean very hypothetically. If I was a Republican Member of Congress at this point, I would kind of think, hmm, let's see, am I willing to follow the President that is going to retire and have a pension and have all of the things being a past two-term President in this country? Or am I going to stand up on what is right and what is sound as it relates to policy?

Mr. MURPHY, again, another bill, and I am making sure that the Members understand, because I think here in the 30-Something Working Group, you know, in Congress there is always some mystery about, well, you know, I didn't quite know what was in that bill.

I am sorry, let me go back. We are about to celebrate Memorial Day for those and pay tribute to those that serve this country, those that have died to allow us to salute one flag, those that allow us to be here under the illumination of the lights here, to be in a free country, to be in a country that one can stand on the floor and speak freely, Republican or Democrat, what have you; for any American or any resident of this country to speak in opposition of its government and say, I disagree; or, this is the way I feel.

Many of us Members of Congress have traveled to countries where folks don't have that privilege or that opportunity, and we try to share that kind of democracy and that freedom of those that have fallen.

I tell a story, Mr. Speaker, of my kids and I, we rode our bikes on the mall here in Washington, DC, where we leave this building and pass the Washington monument and pass the World War II memorial, and all of those States are recognized on those pillars that are around that monument and that great fountain that they have there illuminated at night. And we go on and ride on and we go to the Lincoln memorial where so many Americans go to reflect on this great President who served our country. And we run into the Last Outpost, where our veterans from Vietnam are there selling patches and keeping that last outpost open for those that are missing in action. And then we take the opportunity to go by the Korean War memorial that is there and the Vietnam wall of those that lost their lives. And so many Americans will travel to the capital city to celebrate that and to be able to recognize those individuals and celebrate their lives and their commitment to our country and on and on and on, and the number of monuments and great heroes and sheroes that are there, even women that have fought in conflicts.

I say all of that to say this: That with all of that history and all of that greatness and all of the spirit of this great country, that we have to take a step back sometimes and say, am I voting in the right direction? Am I doing the right thing? Am I listening to quote/unquote leaders that may be in our caucus or whatever the case may be? And especially on the Republican side, I think it is important because I think it is a very unique time in history and I think they need to be on the right side of history, because history has played a role in Members of Congress' reelection to Congress.

And so when I start looking at legislation that the President has decided that he is going to veto, Mr. MURPHY, I think it is important.

And I want to also on the record call out on 3159, it is again a responsible troop redeployment cycle that is based on Senator JIM WEBB's bill that enhances national security and supports our troops and families. And increasing troops are better at home in between deployment. The President has threatened that he is going to veto that.

Will our Republican colleagues, those that are not voting in a bipartisan way, will they follow the President in that veto, or will they write a letter to the President and say no way, will they write President Bush and say, on House Bill 1684, the fiscal year 2008 Homeland Security Authorization Act that the President has threatened that he is going to veto that will provide some $139.8 billion to the Department of Homeland Security to be able to protect the homeland? Will they write a letter or will they send a message to the White House that they are willing to override that veto?

At the same time, again, time after time again the Coast Guard Authorization that passed the House, H.R. 2830, which is the Coast Guard Authorization, the President, this also passed—now, this is very interesting, Mr. MURPHY. This authorization has passed the House. I am smiling because it is almost laughable if it wasn't a serious moment.

The Coast Guard plays such an important role to homeland security, especially from a State like mine in Florida, and especially as we look at the East Coast and the West Coast. They play such a very important role, and they have been asked to play a role that they have never played before in protecting the homeland. This bill, this piece of legislation passed 395–7, with 165 Republicans voting "yea," or yes, the President has threatened he is going to veto that.

So Mr. MURPHY, I think you get the picture. I don't mean to go on and on and on. On every page of pages to go on and on and on, two or three times the President has said we are going to veto that piece of legislation.

We have 170 major pieces of legislation that Republicans have voted for in a bipartisan way. We have 125 pieces of legislation that over 50 Republicans have vote in the affirmative. I think that some of our friends on the other side have to get the picture. And I can tell you, and I am going to yield to you and then I am going to say one more thing and then we are going to yield back, because I want our friend to be able to have an opportunity before 12:00 midnight so he can get in his points. I think I know why that we don't have more Republicans voting in a new direction or voting for change in Washington, DC on behalf of not only their very own constituents, but also on behalf of the American people.

Mr. MURPHY of Connecticut. Mr. MEEK, the President is not running again. The President doesn't have anybody to answer to, so the President is free now to act on his own instincts, to act on his own set of advice. And that means, to the extent that this President was ever listening to the American public, he is not doing it now. He doesn't need to do it. And, as you said before, he is not up for reelection. But every Member of this House, with the exception of those people who are retiring, are.

□ 2315

And so people in the Republican Caucus, our friends on the other side of the aisle, have got to think about what's the motivations behind the President's threats here. Is it because of a political calculation where he wants to be on the right side of where the American people are, or is it because he has no one to answer to any longer?

And sometimes, you know, we get a little bit of frustration when we go back home, Mr. MEEK. People say, well, why hasn't more happened on the war coming to a close? Why haven't you done more to solve our health care problems?

Well, the answer is what happens just up Pennsylvania Avenue. We've put legislation on the President's desk to planfully exit Iraq. He vetoed it. We've put legislation on his desk twice to ensure 4 million more kids. Both times he vetoed it.

Over and over again, with the Republicans and Democrats standing together, we've put legislation on his desk, even under that threat of veto, and he has continued to stand against the American public, Mr. MEEK.

I think we can still have some victories from here to the end of the year. I still think we can have moments where this House comes together and overrides presidential veto.

I can't think of a better bill to exercise the will of the American people as expressed through this House than on the GI Bill, giving educational benefits to troops. I have no idea why the President has decided to exercise his veto threat against that legislation. If there's anything that we should be able to come together on, it's on supporting our troops when they come back home.

I think we should have done it for those 4 million kids that should have gotten health care insurance. I think that we should have done it when it comes to the withdrawal of our troops from Iraq. But let's at least do it as one final salvo with this Democratic Congress and a Republican President when it comes to standing up for our GIs, Mr. MEEK. It would seem to be the one place, amidst a lot of the times that we disagree here. You named all the moments on which we have agreed. But the culmination of a remarkable amount of agreement, amidst a reputation of disagreement in this House, would be to pass that GI Bill with a veto-proof majority, put it on the President's desk, dare him to veto it, knowing that we're going to have the votes to override when it comes back.

Mr. MEEK of Florida. You know, Mr. MURPHY, it's very interesting. As I speak to fact versus fiction, I can't help but think of our colleague who already, quote-unquote, has the Republican nomination, one of our friends over in the Senate. And he coined something, I think, earlier this week or last week as the slogan for the forward campaign on the Republican side. Change that you Deserve.

Okay. Well, I would say to my Republican colleagues that have decided to follow the leadership, the elected leadership that they have now on the Republican side that are saying stay the course, follow the President, object, what have you. Change that you deserve, I think, is something that one should think about.

Case in point. I'm not a lawyer. I don't play one on television.

Mr. MURPHY of Connecticut. I'm a lawyer, Mr. MEEK, so if you need some help I'll walk you through it.

Mr. MEEK of Florida. That's fine. My wife's a lawyer too, so I'm kind to lawyers. But let me just say, you remember the letter that the Republican leadership wrote to the Speaker?

I don't want you to pay attention over here, I just want you to pay attention over here. The Republican leadership wrote a letter saying, you said you were going to do something about gas prices. We're waiting you to do something about gas prices in America. And we're concerned about all of this, and you have not fulfilled your promise.

And I think that it's important. If we can, I want to put something here because I don't want to have that on the chart there.

Well, let me just for the case of keeping the 30-something piece together, because I don't want to get into names, I'm just going to do this because I don't like to like point out anything as it relates to an individual Member of Congress, even if they're leadership.

But I just want to say, as it relates to doing something about gas prices, these are all the measures that we've passed here in this House that the Republican leadership decided not to vote for. But they want to criticize, and they want to encourage their leaders, I mean, their caucus to vote against change and a new direction.

Now, even the Republican nominee on the Republican side has said change that you deserve. If things were going so well and the policy was so great, why do we have to talk about change that you deserve?

Why can't we say we'll keep doing the things that we've continued to do, and we'll continue to have the problems that we have now?

I'm just saying this to my Republican colleagues, because, not that, you know, many of them are friends of mine. But I'm saying, as it relates to the policy that we have to pass, that the American people need now—we're not here for political purposes. We're here because we want to move an agenda forward.

I think it's important when we look at OPEC price fixing. These are the Republican leaders, or down the leadership line, that voted against that. And when you look at the top individual, as it relates to influence within the caucus, voted no on every last measure that Democrats have put forth, price gouging, renewable energy, energy security.

Second person in charge voted for three of the four that we have put forth before this Congress. Signed the letter.

The third person in charge voted against price gouging and also renewable energy. Those are two votes of the four that have taken place.

The fourth person in charge voted for two measures, voted against it, renewable energy and also energy security, but I said it correctly, voted for two of the measures that we put forward.

The fifth person in charge voted no on every last measure. Signed the letter.

The sixth person in charge voted against every measure that we put forth to be able to give the American people a fighting chance in this whole issue of price gouging, this whole issue of no OPEC. And we call OPEC, these are oil producing companies for price fixing, countries for price fixing, renewable energy, energy security, voted against every last one of them.

On down to the bottom, voted three times against those measures and voted two times.

I said all of that to say that I think that some of these individuals that are influencing the minds of, or the vote of those individuals within the Republican caucus that don't want to be a part of the 177 bipartisan major votes, or don't want to be a part of the 125 votes that we've taken, plus 50 Republicans that have voted for it, I think that the argument, especially when we look at the individual that is, quote-unquote, running on the Republican side for President of the United States, of saying change that you deserve, we speak fact in the 30-Something Working Group and we do not speak fiction.

If it was political, Mr. MURPHY, and I say this in closing, if it was political, we would be home right now, you know, relaxing past 11 o'clock at night.

Mr. MURPHY of Connecticut. Will the gentleman yield for 1 minute?

Mr. MEEK of Florida. Absolutely. You have the last word.

Mr. MURPHY of Connecticut. Your point is this, is that we've seen in the last 2 or 3 weeks, both the Republican minority and our Republican Presidential candidate all of a sudden start to use the word "change." Well, to them it's just a word. To them it's just a part of their slogan.

To the Democratic majority in the House and the Senate, it's what we live by, it's why we're here, it's why we get up in the morning, it's why I gave up my entire life to run for the United States Congress; it's why you have given up 18 hours a day to do this job, because we're here to change the place. It happens to be in everything that we talk about because it's the definition of why we're Members of Congress.

For the Republicans here in the House and the Republican Presidential candidate, it's just a word. And that's what I think the American people are beginning to understand. That's why the American people are turning out in record numbers for our Presidential candidates on the Democratic side, and that's why we have won the last three competitive seats for special elections here in the House, because the voters out there, the American public, are figuring out that change is nothing if it's just a word coming out of your mouth. You've got to live it. You've got to breathe it, which is what we're doing here, Mr. MEEK.

Mr. MEEK of Florida. Mr. MURPHY, I want to thank you for your comments. I couldn't say it better.

Mr. Speaker, in the spirit of bipartisanship, we're going to yield back our hour earlier so my good friend from Texas will be able to share with the Members of the House what he would like to share.

So with that, Mr. Speaker, we yield back the balance of our time.

FOOD FOR FUEL

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized from this moment until midnight.

Mr. BURGESS. I thank the Speaker, and I thank the Members on the Democratic side for yielding back their time early.

Mr. Speaker, I'm going to do something a little different tonight. Normally I come down here to the floor of the House to talk about health care. But we've heard a lot recently about where this country is in regards to its energy policy. We've heard a lot recently about the high cost of food and foodstuffs, and whether or not that has been related to this country's energy policy.

You can call it what you want. Call it Murphy's Law, Newton's Third Law, or just the plain old law of unintended consequences, but when a government as large as ours is, and I assure you, after being here for 5 years, it is an extremely large Federal Government; but when a government as large as ours mandates the use of anything, there will be downstream effects, downrange effects that sometimes you can't predict and certainly are beyond your control.

A case in point is the growing crisis of food versus fuel and the debate that rages in Congress.

Now, the early part of this month, the 5th of May, I hosted an event billed as Food vs. Fuel: Understanding the Unintended Consequences of United States Policy. I invited representatives from the farming community, food companies, consumers, domestic charities and the press in an attempt to get a 360-degree view of this issue.

Now, just for the record, I want to mention the names of the people who were kind enough to spend the morning with me earlier this month and whose opinions were represented at the round table. And it was a diversity of opinions. This was certainly not a one-sided debate.

We had Jon Doggett from the National Corn Growers Association, their Vice President of Public Policy. We had Scott Faber of the Grocery Manufacturers Association, the Vice President for Federal affairs of that group; Bob Young of the American Farm Bureau, their chief economist. Bob Young is a Ph.D economist. Candy Hill of Catholic Charities, who is a Senior Vice President for Social Policy and Government Affairs, primarily working in the domestic realm. And last but not least, Bob Davis, a reporter for the Wall Street Journal who's reported on a number of international economic issues over the years. And it was really Mr. Davis' reports in the Wall Street Journal that prompted my interest in this subject.

When we had assembled this panel of experts, I asked the experts, with the policy now of so much of our corn being turned into fuel, and with food shortages an inevitable result, are America's biofuel programs the cause or the effect?

Now this is kind of ironic because we just voted again on the farm bill today. But here's a poster that shows perhaps some of the consequences or the unintended consequences of putting corn in the gas tank and ignoring other needs, other uses that that ear of corn might go to.

Has Congress been fooled into a bad fuel policy at the expense of our national food supply?

I went into this round table with an open mind. We had a panel that was really evenly distributed. Certainly there was no stacked deck against anyone or in favor of any one particular policy. And perhaps it's unique for a Member of Congress to not arrive at a conclusion until looking at the data.

So this food versus fuel matchup, is, in my opinion, another example of the law of unintended or unforeseen consequences. And, of course, the symptoms are all around us. They're impossible to deny. You turn on the TV, you click on your Internet, you read about the ever escalating cost of food prices, both domestically and across the globe, and the news is frequently paired with stories of shortages, heart rending stories of shortages, and the resulting unrest that food shortages cause abroad.

On April 14, the Wall Street Journal reported "surging commodity prices have pushed global food prices 83 percent upward in the last 3 years."

My hometown paper, the Fort Worth Star Telegram, the newspaper of the largest city in my district, on May 2 of this year, they had an opinion piece in the Star Telegram that discussed how the indirect cost of ethanol hurt Texans at the grocery store.

□ 2330

Mr. Speaker, just recently, according to the Bureau of Logic Or Statistics, between the beginning of March and the beginning of May when I held this hearing, a dozen eggs, the price was up 35 percent; a gallon of milk, the price was up 23 percent; a loaf of bread, the price was up 16 percent.

Now, we still need to eat and so Americans are getting creative in which groceries they purchase, and they're using grocery store coupons in record rates. In 2007 alone, consumers redeemed 1.8 billion coupons, an increase of over 100 billion coupons from the previous year. Now overall, the Department of Agriculture estimates that food prices will jump 4 to 5 percent this year.

Now, those price increases may seem modest, but for the poorest Americans who spend a greater portion of their family budgets on food, it is, in fact, becoming a tremendous burden.

Cherries across the country are being challenged by the rising food prices. It's more expensive to buy food. Donations are going down, and more people are then turning to charities for assistance.

So they've got a rising population that is coming in and asking for help, and their prices that they have to pay in order to provide that help is going up. And clearly those two are on unsustainable paths.

Catholic Charities USA, one of the largest social networks in helping almost 8 million people a year, has seen a 60-percent increase in people seeking food and nutrition services across the country since 2002. In 2006 alone, Catholic charities saw a 12-percent increase in the number of individuals seeking help in order to provide food for themselves and their families.

Rising food prices are not merely a domestic issue. They have international implications as well.

Let me share this poster, and this is from a recent Washington Post series called, The Global Food Crisis, which depicts the haves versus the have-nots in the industrial world versus developing countries. And this graphic reads, "North America helps feed the world supplying about half of the growable grain exports. People in developing countries spend up to 80 percent of their money on food. So when food prices rise sharply, partially as a result of supply changes in North America and other producing countries, the world's poor feel it the most right in the gut."

The results of tighter supplies are reverberating literally across the globe, and they do have dire consequences. In Haiti, the capital city of Port-au-Prince, rioters have taken to the streets to protest higher food prices. The violence has gotten so significant that in fact it resulted in a governmental change in that country. Similar unrest has erupted in Egypt, Cameroon, the Ivory Coast, Senegal, and Ethiopia.

May 5 was prior to the devastating events, the cyclone in Burma and the earthquake in China. I submit that all of these problems that were of significant proportion on May 5 of this year have now gotten that much larger because of the results of those twin catastrophes, and we're only just now about to enter into hurricane season in this country.

Robert Zoellick, the president of the World Bank, estimates that 33 countries are in danger of experiencing similar unrest as a result of food prices and food shortages. While food shortages hurt people the most, they also harm American policy. One of our greatest diplomatic strengths is through foreign aid. Last week, President Bush requested an additional $770 million in emergency food assistance for poor countries responding to rising food prices that have caused social unrest in several nations.

So what is the conventional wisdom on higher grocery bills here at home and lower food stores at an international level?

In my previous life of as a physician, I was given to making diagnoses. My diagnosis in this situation, as a result of many experts saying that the United States' biofuel policy is to blame for increase in food prices and a decrease in food supplies; the argument then is that Federal mandates to produce more biofuels have, number one, diverted more crops from food to fuel, and two, increased the demand for crop building blocks like fertilizer, water, and transportation. And those inputs have increased the cost of biofuel costs like corn and soybeans and other nonbiofuel crops like rice and wheat as well.

The International Food Policy Research Institute suggests that biofuel production accounts for a quarter to a third of the recent increases in global commodity prices. Within the United Nations, the Food and Agricultural Organization has predicted that biofuel production, assuming current mandates continue, will increase food costs by 10 to 15 percent. That's an important point: assuming current mandates continue an additional 10 to 15 percent, in addition to the 5 percent rise that we've already seen this year.

Well, let's talk a minute because there is some confusion on what is a biofuel.

If you Google "biofuel" on the Internet, you will find out the following: A biofuel is defined as a solid, liquid, or gas fuel containing or consisting of or derived from recently dead biological material, most commonly plants. This distinguishes it from fossil fuel which is derived from biological material that has long been dead—been dead a long time. And what are the building blocks of biofuel? Commodities like corn, soybeans, sugarcanes, vegetable oil that can be used either as food or to make biofuels.

And probably the best or most well-known biofuel is, of course, ethanol. In the United States, the primary source of ethanol is from corn currently, 95 percent. Ethanol is a type of alcohol made by fermenting and distilling simple sugars. It's the same compound that's found in our alcoholic beverages, and its primary use in the United States, as a fuel, is as an additive to gasoline.

Now, the ethanol policy in this country goes back to the Arab oil embargoes of 1973 and 1979. Since that time, the production of fuel ethanol has been encouraged through the Federal tax incentives of ethanol-blended gasoline.

In 2005 when the Republicans were in control of Congress, the Energy Policy Act established a renewable fuel standard which mandated the use of ethanol. 7.5 billion gallons of renewable fuel must be blended with the Nation's gasoline by 2012.

But then last year right at the end of the year, Congress passed the Energy Independence and Security Act which increased this renewable fuel standard to require 36 billion gallons of biofuel additives for transportation fuels by 2022.

Now, according to the United States Department of Agriculture, 3.2 billion bushels of corn will be used to produce roughly 6 billion gallons of fuel ethanol during the current corn marketing year, September 2007 through the end of August of 2008.

Well, let's talk a little bit about corn because it is important.

This poster tells a little bit about two different types of corn: field corn and sweet corn. Field corn is the most—is what is mostly grown in America. It's primarily used to feed livestock and to produce ethanol. So field corn is used for fuel, and sweet corn is used for human consumption.

This graphic also explains to some degree how the field corn is used. The pie chart there at the bottom shows a little less than half, about 47 percent of field corn, the type of corn used to produce ethanol, was used for animal feed; about a quarter, 24 percent, was used for ethanol; 19 percent was exported, and 10 percent was used for direct human consumption in various forms.

Now, those who believe biofuels are to blame for rising food prices argue that its fundamentally wrong to divert food meant for tables into gas tanks when there are those going hungry both here at home and abroad. Additionally, they argue that ethanol production is fighting off a potential environmental crisis and a potential dependence on foreign oil, but we face an actual crisis in food production in the United States.

Ethanol opponents also point to significant scientific research regarding the environmental impacts of ethanol production. And what are they? It's important to look at those environmental impacts.

Scientific research shows that the use of crop lands for biofuels actually increases greenhouse gasses through emissions from land-use change. Work by Tim Searchinger of the Georgetown Environmental Law and Policy Institute, which recently appeared in Science magazine, argues that the land-use change from forest to grassland to new cropland nearly doubles greenhouse grass emissions over 30 years and increases those greenhouse gasses for over 150 years.

The important innovation in this research is that prior studies would show a 20-percent savings in emissions neglect the impact of land-use change, and clearly the doctor's work shows that that is significant.

Now, as farmers respond to the rising demand for corn, they create new cropland, and they create that what? Out of grassland and forest. Plowing up more forest or grassland releases more of the carbon dioxide previously stored or more of carbon previously stored in plants and soils through decomposition and that which is burned when fields are cleared by burning.

Also, the loss of forests and grasslands prevents the plants from performing their own form of carbon sequestration in the stocks and leaves and roots of the plant.

Significant critiques have risen from this research. For example, Searchinger's work supposes that there's a constant yield per acre of corn, but if an acre of corn yield has increased over 300 percent since 1944, then new technologies have contributed to a 30 percent increase in the last decade. Research conducted by the National Academy of Sciences shows the biofuel mandates are contributing to air pollution, water pollution, and they do compound water shortages.

Now, on the other side, and we heard from the other side during this hearing, those who support the use of corn for ethanol. In terms of economic security, ethanol supporters argue that the production of biofuels goes a long way in helping end our dependence on foreign oil. We can grow our own fuel here at home thus supporting our domestic economy. At the same time, we don't have to rely on rogue regimes in unstable parts of the world for the vast majority of our fuel needs which enhances our national security.

The rising prices of food aren't caused by biofuel mandates, per se. Growing demand in global markets, especially China and India, drive up the price. Additionally, they point out that shortages caused by bad weather in places like Australia, and in fact they point out that—people who support the use of biofuels point out that climate change may be to blame since certain areas of the world where grain was once grown no longer have the weather to support those types of crops.

Another issue that is often brought up is meat consumption in China has risen from 25 kilograms per person in 1995 to over 50 kilograms per person in 2007. On average, it takes 5 kilograms of grain to produce 1 kilogram of meat, while the demand for meat has grown 28 kilograms per person. The resulting demand for grain has increased by 7.8 billion bushels.

So with these two conflicting and opposing viewpoints, what do you think? Is it biofuels that are causing the high grocery prices, or is it just a result of natural forces within the world? And if the issue is that increased biofuels production is contributing to the high cost of food, what would be the answer? What would be the prescription for curing that ailment?

So certainly we're going to continue to provide hunger relief both here and at home. But we could look at freezing the renewable fuel standards and rolling back some biofuel mandates, certainly providing increased incentives to make breakthroughs on cellulosic ethanol so we won't be using our food to fuel our cars.

And that may be what is at the central part of this argument. As well intentioned as the policy was in 2005 when the Republican House of Representatives dictated renewable fuel standard, and as forward-thinking as it was in December of this past year when the Democratic House increased that renewable fuel standard, it all depended upon the advancement in technology.

☐ 2345

We can't continue to turn this much foodstuff into fuel for our automobiles and trucks. We depend upon this policy, depend upon the advancement, the breakdown of the cellulose in the plant wall to make ethanol and not distilling of ethanol from the starch and sugars that are contained in the grain component.

Until we achieve that breakthrough of cellulosic ethanol, and I believe it will occur one day, but until that time occurs, it is almost not reasonable to assume that we will be able to meet the country's growing transportation fuel demands through production of ethanol, certainly by diverting our foodstuff into that product.

Another thing that we could do, and this was a point that was so eloquently stated by Mr. Davis in the Wall Street Journal, we can change the way the United States handles its delivery of foreign aid, the commodity versus cash approach. The current approach is to buy excess United States production of grain and then deliver that product to the country where the crisis exists, but if we were to shift that approach and begin supporting local agriculture in developing Nations, it could break the cycle of dependence on foreign aid and break the cycle of hunger and famine.

I don't think there's any question at this point that we have to be looking at other sources. Now, we had a pretty interesting debate on the floor of this House this past week, and we heard the Democrats talk about that in their last hour. This was the debate about the temporary stoppage of filling what's known as the Strategic Petroleum Reserve. Now it's a small amount that would actually be put back in to increase supply in this country, but for the first time, for the first time, there appeared to be genuine, bilateral, bipartisan agreement that increasing supply was a way to positively affect fuel prices here in this country.

Every other debate that we've had, certainly since I've been in Congress, when it comes down to an issue of increasing supply, generally 90 percent of the people on my side of the aisle are in favor of it, and 90 percent of the people on the other side of the aisle are opposed. ANWR is perhaps the poster child for this, and we heard a great deal about that in the hour previous to the last hour when Mr. PETERSON from Pennsylvania talked about where we would be today had then-President Clinton not vetoed the provision that would have allowed drilling in ANWR in 1996, some 12 years ago.

We're told it would take 7 to 8 to 10 years to actually deliver finished product out of ANWR into the marketplace in this country. Well, guess what, if we had started that in 1996, we'd be using that oil today, and we wouldn't be feeling the repercussions in the price at the pump that we see today. There wouldn't be the pressure on diverting food into fuel if only we'd paid attention to supply.

But maybe that day is at hand. Again, we had broad bilateral commitment, broad bipartisan commitment, both sides of the aisle in this House that said temporarily we're going to stop filling the Strategic Petroleum Reserve because, my opinion at least, there was broad bipartisan agreement that increasing supply even just a little bit would be a positive effect on prices at the pump.

So how much more good could we do if we moved off that minuscule amount and looked at some of the other ways to increase the supply? Now there's not a person in this Congress, I don't think, that feels that someday we're going to get a lot of our fuels from different sources than we see today, but right now, it's coal, it's natural gas, it's oil. That's what's available to drive our economy, and sure, we may want to pivot to a day where that energy production comes from somewhere else, but until we get there—and we are not there yet on cellulosic ethanol by a long shot, and if we turn all this stuff into ethanol for our cars, we have unintended consequences and unintended repercussions downrange and downstream that are quite severe.

So this Congress really needs to take a serious look at ways that we can increase supply because, again, apparently all agree that increasing supply is going to be a good thing as far as its effect on fuel prices in this country.

So maybe ANWR's too emotional. Maybe we can't do it. Maybe we just have to leave that one in the too-hard box for a little while, and I would say, okay, but bring us your ideas from the other side of the aisle. Let's not make it all about turning this stuff into something we can put in our automobiles. Let's make it about how do we deliver more usable energy for the American people, how do we maintain the American economy.

Is it going to be nuclear? We can talk about that. I'd love it if we talked about that. Is it going to be drilling on the Outer Continental Shelf as Mr. PETERSON outlined or in the Intermountain West, to the oil shales in Canada? The fact is, we've got reliable supplies of energy here at home, but we've put an embargo on American energy and that, quite frankly, just simply does not make any sense.

But it was a new day here in Congress this week when both sides, in a bipartisan fashion, said, by golly, increasing supply is going to be a good thing for the American energy consumer, and we're going to do that. And we only did a little bit by temporarily stopping filling the Strategic Petroleum Reserve, but maybe that new day has dawned and we're now going to have a meaningful discussion on where the common ground is, where we can meet in the middle and work on increasing that supply for the American people.

Because, quite honestly, until we get to the day of the promise of cellulosic ethanol, this is not going to be a formula for success, and in fact, unintended consequences of this behavior may have absolutely devastating and dire consequences around the world.

You know, the law of unintended consequences used to be that it took almost a generation for those unintended consequences to come home and to come back around and work their effect. But we're in a time now where the effect of unintended consequences can be felt very, very quickly.

We heard in the last hour the discussion about the reauthorization of higher education and student loans. Well, remember, we did something to student loans in September of last year. Then we had to turn around and undo it in April or May of this year because of the unintended consequences and the fact that we were driving up interest rates at the same time that availability of credit was coming down. And we were worried that no student loans were going to be available when this summer's crop of students went to apply for those loans in June, July and August.

Unintended consequences have a way of coming around extremely quickly, and the unintended consequences of increasing the renewable fuel standard that this Congress undertook in December of 2007 has very quickly come home and the repercussions and reverberations are being felt around the world, and it's leading to instability in governments in this hemisphere.

Is that something we want? We always talk about the world that we want to leave for our children. Is that the type of world we want to leave for our children where worldwide hunger and worldwide deprivation lead to instability in developing countries? I don't think so.

I think it is time that this Congress needs to take action. After all, part of this crisis is of our doing. We should understand, this Congress should understand, the leadership of this Congress should understand about unintended consequences.

Now a lot of people who serve in this House are politicians, and that's not a great surprise. And politicians have the urge to respond to public opinion and try to mold their policies to reflect public opinion. But we need to be careful when we respond like that. As policymakers, we have an obligation to enact, well, responsible policy. That's what we're sent here to do. We're sent here to find sensible solutions.

Now Congress can't control foreign demand. Congress, I don't think, can control the weather. There may be some in this body who feel that they can, but we can address the effect of unintended consequences of our biofuel policy which diverts a quarter of our national corn supply to ethanol production, a quarter, a quarter of our annual national corn supply to ethanol.

Congress and our President have nothing but good intentions—we care so deeply about people—nothing but good intentions in promoting the expansion of renewable fuels, but ethanol is not the energy security silver bullet that many people believe it to be.

Last year, we burned 24 percent of our national corn supply as fuel, and we reduced our oil consumption by almost 1 percent. Unintended consequences are almost always unenvisioned consequences as well. If you lack the vision to look over the horizon and see what's coming next, unintended consequences are likely right around the corner.

Obviously it was not the intent to cause distress both at home and abroad, but good intentions are not sufficient cause for Congress to plant its head in the sand and ignore what is becoming increasingly obvious.

Our renewable standard is creating problems with food prices here at home and food shortages abroad. It's leading to destabilization of world governments because of the effect of hunger and deprivation in developing countries. It is time for this Congress to get it right. It's time for this Congress to reexamine those renewable fuel standards, back off for a while until the price situation stabilizes in the world market. And we have to get serious about increasing energy supply to run this economy, to run what Ronald Reagan described as the last best hope on Earth for democracy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTER (at the request of Mr. BOEHNER) for today after 3 p.m. on account of a family medical emergency.

Mr. COBLE (at the request of Mr. BOEHNER) for today until 4:30 p.m. on account of attending the graduation ceremony at the United Stated Coast Guard Academy.

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today until 4:30 p.m. on account of a doctor's appointment.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of a funeral in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MURPHY of Connecticut) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BARRETT of South Carolina, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. CALVERT, for 5 minutes, today and May 22.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 79. Concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on Oversight and Government Reform.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 20, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 2419. To provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, May 22, 2008, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Michael Burgess	2/20	2/24	Kuwait		[3] 328.00						328.00
			Iraq								
			Pakistan								
			Afghanistan								
Commercial Air Fare							8,022.00				8,022.00
Hon. Barbara Cubin	2/15	2/21	Brazil		1,616.00		(5)				1,616.00
Hon. Barbara Cubin	3/24	3/25	Egypt		278.00		(5)				278.00
	3/25	3/26	Afghanistan		75.00		(5)				75.00
	3/26	3/29	Pakistan		998.31		(5)				998.31
	3/29	3/30	Czech Republic		431.12		(5)				431.12
Hon. John Shimkus	1/16	1/19	Lithuania		255.00						255.00
Commercial Air Fare							8,057.39				8,057.39
Hon. Vito Fossella			England		(4)						
			France		(4)						
Commercial Air Fare							8,429.01				8,429.01
Round trip rail fare: London/Paris							434.00				434.00
Committee total					3,981.43		24,942.40				28,923.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Per diem used in Kuwait only.
[4] Per diem to be provided on amended report.
[5] Military air transportation.

HON. JOHN D. DINGELL, Chairman, May 8, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Tanner	12/31	1/2	New Zealand		300.00						300.00
	1/2	1/4	Antarctica								
	1/4	1/5	New Zealand		156.00						156.00
	1/5	1/7	Australia		350.00						350.00
Hon. John Larson	1/7	1/8	Canada		288.00			485.14			773.14
	1/8	1/12	United Kingdom		650.00			1,877.34			2,527.34
Hon. Jon Porter	1/7	1/9	France		376.00		8,545.21				8,921.21
	1/10	1/11	Azerbaijan		188.00						188.00
	1/11	1/15	Turkey		342.00						342.00
Hon. Phil English	1/5	1/9	France		376.00		8,545.21				8,921.21
	1/10	1/11	Azerbaijan		188.00						188.00
	1/11	1/15	Turkey		432.00						432.00
Hon. Phil English	1/18	1/19	Belgium		433.53						433.53
	1/20	1/21	Afghanistan								
	1/21	1/22	Germany		49.00						49.00
Hon. Allyson Schwartz	1/24	1/25	Kuwait		228.00		8,036.76				8,264.76
	1/25	1/25	Iraq		228.00						228.00
	1/25	1/26	Kuwait		228.00						228.00
Hon. Jerry Weller	2/16	2/18	Ecuador		590.00						590.00
	2/19	2/20	Bolivia		318.00						318.00
	2/21	2/23	Argentina		313.00						313.00
Hon. Devin Nunes	3/24	3/24	Cape Verde		242.58						242.58
	3/25	3/28	South Africa		1,468.94						1,468.94
	3/28	3/30	Ghana		528.00						528.00
	3/30	3/31	Cape Verde		295.70						295.70
Committee total					8,568.75		25,127.18	2,362.48			36,058.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, May 14, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6741. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-06, pursuant to 31 U.S.C. 1517(a); to the Committee on Appropriations.

6742. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Authority to Carry Out Certain Prototype Projects [DFARS Case 2008-D008] (RIN: 0750-AF93) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6743. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of Obsolete Restriction on Acquisition of Vessel Propellers [DFARS Case 2007-D027] (RIN: 0750-AF91) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6744. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges [DFARS Case 2006-D057] (RIN: 0750-AF67) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6745. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the 38th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

6746. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Defense Priority and Allocations System (RIN: 1991-AB69) received March 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6747. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Notice of Final Priority, Definitions, Requirements, and Selection Criteria — received May 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6748. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] (RIN: 0910-AF47) received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6749. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Meeteetse, Wyoming, Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming) [MB Docket No. 05-243 RM-11363 RM-11364 RM-11365] Received April to the Committee on Energy and Commerce.

6750. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television [MB Docket No. 07-91] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6751. A letter from the Deputy Chief, Wireline Comp. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets [WT Docket No. 99-217] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6752. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of DTV Consumer Education Initiative [MB Docket No. 07-148] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6753. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues [CS Docket No. 00-96 CSR-5978-M] received May 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6754. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6755. A letter from the General Counsel, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6756. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6757. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6758. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6759. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6760. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6761. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6762. A letter from the Director, Office of Standards and Variances, Department of Labor, transmitting the Department's final rule — Sealing of Abandoned Areas (RIN: 1219-AB52) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6763. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "the National Park System Uniform Penalty Amendment Act"; to the Committee on Natural Resources.

6764. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "To designate as wilderness certain lands within the Pictured Rocks National Lakeshore in the State of Michigan"; to the Committee on Natural Resources.

6765. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "To modify the boundary of the Voyageurs National Park in the State of Minnesota"; to the Committee on Natural Resources.

6766. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "To adjust the wilderness boundary at Lava Beds National Monument in the State of California, and for other purposes"; to the Committee on Natural Resources.

6767. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "the Cape Cod National Seashore Advisory Commission Reauthorization Act"; to the Committee on Natural Resources.

6768. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "To rename Martin Luther King, Junior, National Historic Site in the State of Georgia, as 'Martin Luther King, Junior, National Historic Park'"; to the Committee on Natural Resources.

6769. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "the Rio Grande Wild and Scenic River Boundary Adjustment Act of 2008"; to the Committee on Natural Resources.

6770. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "To authorize the Secretary of the Interior to administer the Juan Bautista de Anza National Historic Trail in coordination with appropriate entities in Mexico, and for other purposes"; to the Committee on Natural Resources.

6771. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "Abraham Lincoln Birthplace National Historic Park Act of 2008"; to the Committee on Natural Resources.

6772. A letter from the Director, National Park Service, Department of the Interior, transmitting the Department's annual report on the accomplishments of the cultural resources programs of the National Park Service during Fiscal Year 2006; to the Committee on Natural Resources.

6773. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Seals and Insignia (RIN: 3245-AF68) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6774. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Adoption of 2007 North American Industry Classification System for Size Standards (RIN: 3245-AF66) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6775. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Graves Marked with a Private Headstone or Marker (RIN: 2900-AM93) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6776. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Certification Requirements for Imported Natural Wine (2005R-002P) [Docket No. TTB-2007-0006; T.D. TTB-70; Re: T.D. TTB-31 and Notice No. 51] (RIN: 1513-AB00) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6777. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Relief for Recipients of Certain Direct Deposits of 2008 Economic Stimulus Payments [Announcement 2008-44] received May 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6778. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the 2007 Annual Report on United Nations voting practices, pursuant to Public Law 101-246, section 406; jointly to the Committees on Foreign Affairs and Appropriations.

6779. A letter from the Chairman, National Transportation Safety Board, transmitting a legislative proposal and justification to amend the Independent Safety Board Act of 1974 to provide authorization for the National Transportation Safety Board; jointly to the Committees on Transportation and Infrastructure, Oversight and Government Reform, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4106. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; with an amendment (Rept. 110–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4791. A bill to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; with an amendment (Rept. 110–664). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 5959. A bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 110–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. H. Res. 1218. A resolution providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–666). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HONDA (for himself, Mr. Boswell, Mr. Cohen, Mr. Cleaver, Mr. Davis of Illinois, Mr. Ehlers, Mr. Gallegly, Mr. Grijalva, Mr. Hinojosa, Mr. Holt, Ms. Eddie Bernice Johnson of Texas, Mr. Langevin, Ms. Lee, Mr. Lipinski, Mr. Loebsack, Ms. Zoe Lofgren of California, Mr. Markey, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McNerney, Mr. Meeks of New York, Mr. George Miller of California, Mr. Payne, Mr. Rothman, Ms. Sutton, Mr. Towns, Mr. Udall of Colorado, Mr. Van Hollen, Ms. Watson, Mr. Wexler, Mrs. Davis of California, Mrs. Capps, Mrs. Napolitano, Mr. Hare, Mr. Courtney, Mr. Sarbanes, Ms. Clarke, and Ms. Linda T. Sánchez of California):

H.R. 6104. A bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives; to the Committee on Education and Labor, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOTTER (for himself, Mr. Jones of North Carolina, and Mr. Carter):

H.R. 6105. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require that concurrent resolutions on the budget limit the growth of Federal spending to the mean of annual percentage growth of wages and gross domestic product (GDP) in the United States, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK:

H.R. 6106. A bill to amend the Internal Revenue Code of 1986 to temporarily reduce the excise tax on diesel fuel and kerosene to the rate applicable to gasoline; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. Bartlett of Maryland):

H.R. 6107. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK (for herself, Mr. Culberson, Mrs. Emerson, Mr. Cantor, Mr. Regula, Mr. Terry, Mr. Souder, Mr. Bishop of Utah, Mr. Kingston, Mr. Linder, and Mrs. Drake):

H.R. 6108. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science and Technology, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. Mica, Ms. Norton, and Mr. Graves):

H.R. 6109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Wisconsin:

H.R. 6110. A bill to provide for the reform of health care, the Social Security system, the tax code for individuals and business, and the budget process; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Ms. Woolsey, Mr. Michaud, Mr. George Miller of California, Ms. Shea-Porter, Mr. Davis of Illinois, Mr. McDermott, Mr. Holt, Mr. Kildee, Mr. Hare, Mr. Payne, Mr. Grijalva, Mr. Wu, Ms. Clarke, Mr. Tierney, Ms. Linda T. Sánchez of California, Mr. Sarbanes, Mrs. McCarthy of New York, Mr. Bishop of New York, Mr. Loebsack, Mr. Scott of Virginia, Mr. Kucinich, Ms. Hirono, and Mr. Hinojosa):

H.R. 6111. A bill to amend the Fair Labor Standards Act to require employers to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for employers who misclassify employees as non-employees, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 6112. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and for the treatment of such firefighters; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BOYDA of Kansas:

H.R. 6113. A bill to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information; to the Committee on Oversight and Government Reform.

By Mr. DOYLE (for himself and Mr. Dent):

H.R. 6114. A bill to amend the Veterans' Benefits and Services Act of 1988 relating to testing for infection with the human immunodeficiency virus; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts:

H.R. 6115. A bill to amend title 1, United States Code, to eliminate any Federal policy on the definition of marriage; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 6116. A bill to allow homeowners of moderate-value homes who are subject to mortgage foreclosure proceedings to remain in their homes as renters; to the Committee on Financial Services.

By Mr. HILL:

H.R. 6117. A bill to require the Comptroller General of the United States to analyze the impacts of Federal regulations on small businesses; to the Committee on Small Business.

By Mr. MORAN of Virginia:

H.R. 6118. A bill to amend the charter of the Gold Star Wives of America to remove the restriction on the federally chartered corporation, and directors and officers of the corporation, attempting to influence legislation; to the Committee on the Judiciary.

By Mr. ROSS (for himself and Mr. Van Hollen):

H.R. 6119. A bill to amend part B of title XVIII of the Social Security Act to make a technical correction to ensure that all physicians, as defined for purposes of the Medicare Program, are permitted to perform required face-to-face examinations and prescribe Medicare covered durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BERKLEY, Ms. BORDALLO, Mr. CASTLE, Mr. CHABOT, Mr. ELLSWORTH, Mr. LANGEVIN, Mrs. MCCARTHY of New York, and Mr. KENNEDY):

H.R. 6120. A bill to direct the Attorney General to provide grants for Internet crime prevention education; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mr. UDALL of Colorado, and Mr. PERLMUTTER):

H.R. 6121. A bill to provide for health care benefits for certain nuclear facility workers; to the Committee on Energy and Commerce.

By Mr. WALZ of Minnesota (for himself, Mr. FILNER, Mr. LOEBSACK, Mr. HALL of New York, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Mr. BRADY of Pennsylvania, Mrs. BOYDA of Kansas, Mrs. CAPPS, Mr. HINCHEY, Mr. MICHAUD, Mr. KAGEN, Mr. JOHNSON of Georgia, Mr. ANDREWS, Mr. HARE, Mr. OBERSTAR, and Mr. RAMSTAD):

H.R. 6122. A bill to direct the Secretary of Veterans Affairs to develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for health care services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPACE (for himself, Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mr. WILSON of Ohio, Ms. KAPTUR, Mr. RYAN of Ohio, Ms. SUTTON, Mr. REGULA, Mr. TIBERI, Mrs. JONES of Ohio, Mr. TURNER, and Mr. HOBSON):

H.J. Res. 86. A joint resolution recognizing the efforts of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.J. Res. 87. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. COHEN):

H. Con. Res. 360. Concurrent resolution recognizing the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs; to the Committee on Oversight and Government Reform.

By Ms. BALDWIN (for herself and Mrs. BONO MACK):

H. Res. 1217. A resolution expressing the sense of the House of Representatives that the prevention of mental disorders and substance abuse among children, youth, and young adults, and the promotion of mental health and wellness among these populations, should be a public health priority; to the Committee on Energy and Commerce.

By Mr. LATTA:

H. Res. 1219. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. LOBIONDO, Ms. DELAURO, Mr. CALVERT, Mr. VAN HOLLEN, and Mr. DOOLITTLE.

H.R. 245: Mr. RAMSTAD and Mr. CULBERSON.

H.R. 346: Mr. CARSON.

H.R. 369: Mr. CARSON.

H.R. 418: Mrs. BACHMANN and Mr. CARSON.

H.R. 423: Mr. DINGELL.

H.R. 463: Mr. TIM MURPHY of Pennsylvania.

H.R. 506: Mr. BISHOP of Georgia.

H.R. 552: Mr. KING of Iowa and Mr. CUMMINGS.

H.R. 583: Ms. MATSUI.

H.R. 594: Mr. HILL.

H.R. 642: Mr. LANGEVIN.

H.R. 661: Mr. MICHAUD.

H.R. 715: Mrs. NAPOLITANO.

H.R. 726: Mr. CUMMINGS.

H.R. 871: Mr. SHAYS.

H.R. 971: Mr. SCOTT of Virginia.

H.R. 1032: Mr. UDALL of Colorado and Mr. ORTIZ.

H.R. 1043: Mr. PAYNE.

H.R. 1064: Mr. MARKEY.

H.R. 1069: Mr. CARSON.

H.R. 1148: Mr. ROTHMAN.

H.R. 1157: Mr. TIBERI and Mr. Cohen.

H.R. 1185: Mr. GONZALEZ.

H.R. 1193: Mr. KUHL of New York, Mr. LOEBSACK, and Mr. KAGEN.

H.R. 1283: Mr. GARRETT of New Jersey and Ms. HARMAN.

H.R. 1343: Mr. FORTENBERRY.

H.R. 1363: Mr. DELAHUNT, Mr. MURTHA, and Mr. KILDEE.

H.R. 1366: Mr. TERRY.

H.R. 1405: Mr. CROWLEY.

H.R. 1524: Mr. BISHOP of New York.

H.R. 1606: Mr. HONDA.

H.R. 1621: Mr. SALAZAR, Mr. SERRANO, and Mr. MCHUGH.

H.R. 1641: Mr. MANZULLO.

H.R. 1644: Mr. MARKEY.

H.R. 1738: Mrs. JONES of Ohio.

H.R. 1761: Mr. CHABOT.

H.R. 1881: Mr. BACHUS and Ms. MCCOLLUM of Minnesota.

H.R. 1889: Mr. CUMMINGS.

H.R. 1940: Mr. FRANKS of Arizona and Mr. LAMBORN.

H.R. 2032: Mr. VAN HOLLEN.

H.R. 2045: Mrs. JONES of Ohio and Ms. SUTTON.

H.R. 2067: Mr. PENCE.

H.R. 2073: Ms. BALDWIN.

H.R. 2183: Mr. MCCOTTER.

H.R. 2244: Mr. BOUCHER.

H.R. 2266: Mr. GONZALEZ.

H.R. 2370: Mr. WAMP, Mr. AL GREEN of Texas, and Mrs. MUSGRAVE.

H.R. 2493: Mr. WALBERG and Mr. NEUGEBAUER.

H.R. 2508: Mr. TANCREDO.

H.R. 2550: Mr. LATTA and Mr. PEARCE.

H.R. 2652: Mr. MANZULLO.

H.R. 2686: Mr. CHILDERS.

H.R. 2880: Mr. KNOLLENBERG, Mr. TIBERI, and Mr. BRADY of Pennsylvania.

H.R. 2885: Mr. HINOJOSA.

H.R. 2897: Mr. CAPUANO.

H.R. 2914: Mr. PITTS.

H.R. 2933: Mr. TIAHRT.

H.R. 2943: Mr. TIERNEY.

H.R. 2991: Mr. MICHAUD.

H.R. 3008: Mr. WALZ of Minnesota.

H.R. 3016: Mr. SESSIONS.

H.R. 3089: Mr. SAM JOHNSON of Texas.

H.R. 3132: Ms. SUTTON, and Ms. BALDWIN.

H.R. 3140: Ms. MATSUI and Mr. SHULER.

H.R. 3202: Ms. LEE.

H.R. 3232: Ms. SOLIS.

H.R. 3245: Mr. Latta.

H.R. 3334: Mr. PICKERING.

H.R. 3404: Mr. VAN HOLLEN.

H.R. 3438: Mr. MCGOVERN and Ms. HIRONO.

H.R. 3457: Mr. MARCHANT and Mr. HOEKSTRA.

H.R. 3543: Mrs. NAPOLITANO, Mr. BARROW, Mr. VAN HOLLEN, Ms. HARMAN, and Mr. HODES.

H.R. 3544: Ms. JACKSON-LEE of Texas, Mr. WU, and Mr. FURTUÑO.

H.R. 3622: Mr. PATRICK MURPHY of Pennsylvania and Mr. SALI.

H.R. 3654: Ms. JACKSON-LEE of Texas.

H.R. 3700: Mr. WEINER.

H.R. 3800: Mr. WALBERG.

H.R. 3834: Mr. CHANDLER.

H.R. 3870: Mr. WU.

H.R. 3934: Mr. GONZALEZ.

H.R. 3944: Mrs. NAPOLITANO and Ms. ZOE LOFGREN of California.

H.R. 3995: Mr. ROSKAM.

H.R. 4044: Mr. BISHOP of New York.

H.R. 4052: Mr. WALSH of New York.

H.R. 4063: Ms. CLARKE.

H.R. 4139: Mr. WILSON of Ohio.

H.R. 4206: Mr. GONZALEZ.

H.R. 4273: Mrs. MILLER of Michigan.

H.R. 4344: Mr. KANJORSKI.

H.R. 4449: Mr. ROTHMAN.

H.R. 4461: Mr. STARK.

H.R. 4464: Mr. BILIRAKIS and Mr. PENCE.

H.R. 4544: Ms. BEAN, Mr. BOYD of Florida, Mr. CHILDERS, Mr. CAZAYOUX, Mr. CRAMER, and Mr. TANNER.

H.R. 4651: Mr. BERMAN.

H.R. 4836: Mr. WU, Mr. FORTUÑO, and Mr. MARKEY.

H.R. 4900: Mr. SALAZAR.

H.R. 4926: Mr. DAVID DAVIS of Tennessee, Mr. HINCHEY, Mr. WALSH of New York, Mr. DAVIS of Illinois, Mr. LOEBSACK, and Mr. BUTTERFIELD.

H.R. 5229: Mr. DREIER.

H.R. 5265: Mr. DUNCAN and Mr. BOYD of Florida.

H.R. 5315: Mr. FALEOMAVAEGA and Mr. MATHESON.

H.R. 5352: Mr. KING of New York.

H.R. 5437: Mr. PEARCE.

H.R. 5445: Mr. YOUNG of Alaska.

H.R. 5447: Mr. HOLT.

H.R. 5454: Mr. PLATTS, Mr. LOBIONDO, Mr. ETHERIDGE, Mr. BILIRAKIS, and Mr. JONES of North Carolina.

H.R. 5469: Mr. CONYERS.

H.R. 5515: Mr. SESSIONS and Mrs. MUSGRAVE.

H.R. 5542: Mr. MCINTYRE.

H.R. 5564: Mr. MARSHALL.

H.R. 5573: Mr. MCHUGH, Mr. MITCHELL, and Mr. HOLDEN.

H.R. 5580: Mr. CARNAHAN.

H.R. 5603: Mr. HOLDEN.

H.R. 5626: Mr. WU.

H.R. 5627: Mr. HILL and Mr. CAMPBELL of California.

H.R. 5632: Mr. CARSON.

H.R. 5635: Mr. HILL.

H.R. 5646: Mr. WITTMAN of Virginia.

H.R. 5656: Mr. MILLER of Florida.

H.R. 5662: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5673: Mr. MCCOTTER.

H.R. 5674: Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Ms. GIFFORDS, Mr. Rogers of Kentucky, and Mr. DAVIS of Alabama.

H.R. 5677: Mr. TURNER.

H.R. 5700: Mr. MCHUGH.

H.R. 5704: Mr. MILLER of North Carolina and Mr. PAUL.

H.R. 5721: Mr. BOOZMAN and Mr. BISHOP of Utah.

H.R. 5722: Mr. BOOZMAN.

H.R. 5731: Mrs. MUSGRAVE and Mr. LATTA.

H.R. 5734: Mrs. TAUSCHER, Mr. HINCHEY, Mr. LATHAM, Mr. MCNULTY, and Mr. BOSWELL.

H.R. 5737: Mr. REHBERG.

H.R. 5761: Mr. BILBRAY.

H.R. 5766: Mr. MCHUGH.

H.R. 5774: Mr. CARSON, Ms. WASSERMAN SCHULTZ, Ms. ESHOO, Mrs. TAUSCHER, and Mr. MCDERMOTT.

H.R. 5793: Mr. STUPAK, Mrs. CUBIN, Mr. HILL, Mr. DOYLE, and Mr. WEXLER.

H.R. 5815: Mrs. MILLER of Michigan.

H.R. 5854: Mr. KAGEN and Mr. MORAN of Virginia.

H.R. 5868: Mr. LATTA, Mr. BROWN of South Carolina, and Mr. YOUNG of Florida.

H.R. 5874: Mr. VAN HOLLEN.

H.R. 5878: Mr. RANGEL.

H.R. 5892: Mr. CARNAHAN, Mrs. NAPOLITANO, and Mr. COURTNEY.

H.R. 5895: Mr. ABERCROMBIE.

H.R. 5907: Mr. TIM MURPHY of Pennsylvania.

H.R. 5918: Mr. YOUNG of Florida.

H.R. 5925: Ms. LEE.

H.R. 5935: Mr. HOLDEN, Mrs. MYRICK, and Mr. SALAZAR.

H.R. 5944: Mr. TERRY and Mr. KINGSTON.

H.R. 5954: Mr. SALAZAR.

H.R. 5955: Mrs. MCMORRIS RODGERS and Mrs. MUSGRAVE.

H.R. 5960: Mr. SOUDER, Ms. KAPTUR, Mr. HOLDEN, and Mr. KILDEE.

H.R. 5971: Mr. PRICE of Georgia.

H.R. 5973: Mr. HALL of New York.

H.R. 5974: Mr. KLINE of Minnesota.

H.R. 5984: Mr. DREIER, Mr. MCCAUL of Texas, Mr. PLATTS, Mr. CANTOR, Mr. FRANKS of Arizona, Mr. ENGLISH of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. KINGSTON, Mr. YOUNG of Alaska, Mr. REGULA, Mr. CAMP of Michigan, and Mr. HAYES.

H.R. 6008: Mrs. MUSGRAVE.

H.R. 6023: Mr. NEUGEBAUER and Mr. GALLEGLY.

H.R. 6025: Mr. HERGER, Mr. JORDAN, Mr. CONAWAY, and Mr. SOUDER.

H.R. 6026: Mr. EVERETT, Mr. MCHUGH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLINE of Minnesota, Mr. MCCAUL of Texas, Mr. MILLER of Florida, Mr. KELLER, Mr. BRADY of Texas, Mr. SULLIVAN, Mr. NEUGEBAUER, Mr. MANZULLO, Ms. FALLIN, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. MCKEON, Mr. MACK, Mr. CHABOT, Mr. SESSIONS, Mr. BISHOP of Utah, Mrs. MUSGRAVE, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. PLATTS, Mr. GINGREY, Mr. HALL of Texas, Mr. WILSON of South Carolina, Mr. SMITH of Texas, Mr. WALDEN of Oregon, Mrs. WILSON of New Mexico, Mr. BACHUS, Mr. REYNOLDS, Mr. BARTON of Texas, Mr. GALLEGLY, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. FEENEY, and Mr. CAMP of Michigan.

H.R. 6030: Mr. CALVERT.

H.R. 6045: Mr. MATHESON and Mr. LATOURETTE.

H.R. 6047: Ms. JACKSON-LEE of Texas.

H.R. 6062: Mr. CARSON.

H.R. 6068: Mr. TOWNS and Mr. COHEN.

H.R. 6075: Mr. KAGEN and Mrs. NAPOLITANO.

H.R. 6092: Mr. MILLER of Florida, Mrs. GILLIBRAND, Mr. SESTAK, Mr. ORTIZ, Mr. CONAWAY, Mr. AKIN, Mr. COLE of Oklahoma, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. PRICE of Georgia, Mrs. MUSGRAVE, Mr. SAM JOHNSON of Texas, Mr. EVERETT, Mr. LINDER, Mr. ABERCROMBIE, Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. MCKEON, Mr. TURNER, Mr. LEWIS of Georgia, Mr. HAYES, Mr. BISHOP of Utah, Mr. BARROW, Mr. BROUN of Georgia, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. MARSHALL, Mrs. MYRICK, and Mr. ROGERS of Alabama.

H.R. 6098: Mr. KING of New York.

H.J. Res. 22: Mr. BROUN of Georgia.

H.J. Res. 79: Mr. GRIJALVA.

H. Con. Res. 108: Mr. CARSON.

H. Con. Res. 163: Mrs. CUBIN.

H. Con. Res. 294: Mr. SALI.

H. Con. Res. 336: Mrs. NAPOLITANO, Mrs. MILLER of Michigan, and Mr. MARSHALL.

H. Con. Res. 338: Mr. PAYNE, Mr. GUTIERREZ, and Mr. CONYERS.

H. Con. Res. 341: Mr. BOUSTANY, Mr. WALBERG, Mr. FEENEY, Mr. CARNAHAN, Mr. HILL, Ms. GIFFORDS, Mr. SPACE, and Mrs. MILLER of Michigan.

H. Res. 111: Mr. CARSON.

H. Res. 881: Mr. MCHENRY, Mr. BARROW, Mr. COSTA, Mr. GORDON, Mr. PATRICK MURPHY of Pennsylvania, and Mr. MELANCON.

H. Res. 888: Mr. BRADY of Texas.

H. Res. 1008: Mr. PITTS, Mr. DOOLITTLE, and Mr. BILBRAY.

H. Res. 1056: Mr. PAYNE and Mrs. CHRISTENSEN.

H. Res. 1067: Mr. TAYLOR.

H. Res. 1106: Mr. FEENEY.

H. Res. 1139: Mr. FALEOMAVAEGA and Mr. NEAL of Massachusetts.

H. Res. 1177: Mr. HARE, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, and Mr. HONDA.

H. Res. 1179: Mr. RAMSTAD, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. BACA, and Mr. BARTLETT of Maryland.

H. Res. 1183: Mr. GONZALEZ.

H. Res. 1192: Ms. MATSUI, Mrs. NAPOLITANO, and Ms. ZOE LOFGREN of California.

H. Res. 1200: Mr. COHEN, Mr. GRIJALVA, and Mr. MCGOVERN.

H. Res. 1205: Mr. GENE GREEN of Texas and Ms. SUTTON.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. SAM JOHNSON of Texas.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING ELOSIE HAGAN FOR HER SERVICE WITH THE AMERICAN RED CROSS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, Mayo 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Elosie Hagan began volunteering with the Red Cross in 1957; and

Wheras, Elosie Hagan is 99 years young; and

Whereas, she was recognized for her more than 50 years of volunteer services during the American Red Cross of Knox County's 2008 Volunteer Awards program; and

Whereas, Elosie Hagan continues to exemplify a special dedication to service and community; now, therefore, be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I commend and thank Elosie Hagan for her contributions to her community and country.

RECOGNIZING MAYOR BOB PHELPS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations and thanks to Mayor Bob Phelps for all the years of service he dedicated to the city of Farmers Branch, Texas.

Mr. Bob Phelps was born in Oklahoma, but got to Texas as soon as possible. He married his high school sweetheart, Dee, in 1955 and they started their journey together in Dallas. They have a son, Rob, and a daughter, Kim, and three grandchildren, Shane, Shealee and Dusty.

At the age of 19 they bought their first home in Farmers Branch in 1957. Bob started his career with State Farm in 1963 and has won many trips and awards. Some of his accomplishments are: member of the Presidents Club, which is the top 50 agents in the company, select agent, Millionaire Club numerous times, Legion of Honor Club, and the Bronze Tablet Club.

After being involved in several elections in Oklahoma helping his Dad run for county sheriff, Bob became interested in serving the great city of Farmers Branch and was appointed to the Zoning Board of Adjustment and Building Code Board of Appeals in 1984. Bob was first elected to the City Council in 1986 and served 9 years on the Council. Bob was elected mayor of Farmers Branch in May of 1996 and was unopposed in 1999 and 2002 and 2005.

Bob served on numerous boards where he showed the same dedication and determination expressed as the mayor of Farmers Branch. Again, I would like to thank Mayor Bob Phelps for his service to the community.

IN MEMORY OF AMIT ZUTSHI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Amit Zutshi, whose untimely death at age 30 on March 19, 2008 saddened the entire community.

Amit was a resident of Fremont, California and shall be remembered fondly for the difference he made in the lives of others. Amit comes from an active family committed to community service. He followed his family's dedication to activism and the promotion of unity.

Amit was born at Cedars Sinai Hospital in Los Angeles and graduated from Mission San Jose High School in 1995. He attended graduate school and was working toward an MBA from University of Phoenix after receiving degrees in information technology and business. He was employed by Microsoft and also worked for an eCommerce company in Santa Clara, California.

On May 30, 2008, Amit's younger brother Rahul will introduce the Amit Zutshi Foundation. The Foundation's focus will be on children in need of social and community based services to help them thrive. May 30 also marks the 7th annual meeting of the Indo American Community Federation, a group Amit's father Jeevan founded to celebrate diversity.

It is fitting that Amit's memory be honored by the formation of the Amit Zutshi Foundation. Amit leaves a legacy of hard work and caring for others. The Foundation will honor his legacy.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mrs. MYRICK. Madam Speaker, due to illness, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

May 13, 2008: Rollcall vote 306, on motion to suspend the rules and agree—H. Res. 1181, Expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis—I would have voted "aye."

Rollcall vote 307, on motion to suspend the rules and pass—H.R. 6022, Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act—I would have voted "aye."

Rollcall vote 308, on motion to suspend the rules and pass—H.R. 4008, Credit and Debit Card Receipt Clarification Act of 2007—I would have voted "aye."

May 14, 2008: Rollcall vote 309, question of consideration on the role—H. Res. 1189, providing for consideration of the conference report to accompany H.R. 2419, the Farm, Nutrition, and Bioenergy Act—I would have voted "nay."

Rollcall vote 310, on ordering the previous question on the rule—H. Res. 1189, providing for consideration of the conference report to accompany H.R. 2419, the Farm, Nutrition, and Bioenergy Act—I would have voted "nay."

Rollcall vote 311, on agreeing to the resolution—H. Res. 1189, providing for consideration of the conference report to accompany H.R. 2419, the Farm, Nutrition, and Bioenergy Act—I would have voted "nay."

Rollcall vote 312, on motion to suspend the rules and agree—H. Res. 1134, Supporting the goals and ideals of Mental Health Month—I would have voted "aye."

Rollcall vote 313, on motion to suspend the rules and agree—H. Res. 1176, Supporting the goals and ideals of National Train Day—I would have voted "aye."

Rollcall vote 314, on motion to recommit conference report with instructions—H.R. 2410, the Farm, Nutrition, and Bioenergy Act—I would have voted "aye."

Rollcall vote 315, on agreeing to the conference report—H.R. 2410, the Farm, Nutrition, and Bioenergy Act—I would have voted "nay."

Rollcall vote 316, on motion to suspend the rules and agree to, as amended—H. Res. 1133, Congratulating Winona State University on winning the 2008 Division II men's basketball championships—I would have voted "aye."

Rollcall vote 317, on ordering the previous question—H. Res. 1190, Providing for the adoption of the concurrent resolution, S. Con. Res. 70, the Congressional Budget Act—I would have voted "nay."

Rollcall vote 318, on agreeing to the resolution—H. Res. 1190, Providing for the adoption of the concurrent resolution, S. Con. Res. 70, the Congressional Budget Act—I would have voted "nay."

Rollcall vote 319, on motion to suspend the rules and agree to—H. Res. 1173, Recognizing AmeriCorps Week—I would have voted "nay."

Rollcall vote 320, on motion to instruct the conferees on—H.R. 4040, Consumer Product Safety Commission Reform Act—I would have voted "aye."

Rollcall vote 321, on motion to instruct the conferees on—S. Con. Res. 70, the Congressional Budget Resolution—I would have voted "aye."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rollcall vote 322, on motion to suspend the rules and agree to, as amended—H. Res. 789, Honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children—I would have voted "aye."

May 15, 2008: Rollcall vote 323, on ordering the previous question—H. Res. 1197, Providing for consideration of the Senate amendment to H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted "nay."

Rollcall vote 324, on agreeing to the resolution—H. Res. 1197, Providing for consideration of the Senate amendment to H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted "nay."

Rollcall vote 325, on motion to suspend the rules and pass, as amended—H.R. 5614, Original Saint-Gaudens Double Eagle Ultra-High Relief Palladium Bullion Coin Act—I would have voted "aye."

Rollcall vote 326, on motion to suspend the rules and pass, as amended—H.R. 406, Alice Paul Women's Suffrage Congressional Gold Medal Act—I would have voted "aye."

Rollcall vote 327, on motion to suspend the rules and pass, as amended—H.R. 5872, Boy Scouts of America Centennial Commemorative Coin Act—I would have voted "aye."

Rollcall vote 328, on agreeing to the Senate amendment with amendment No. 1—H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted "present."

Rollcall vote 329, on agreeing to the Senate amendment with amendment No. 2—H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted "nay."

Rollcall vote 330, on agreeing to the Senate amendment with amendment No. 3—H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted "nay."

A PROCLAMATION HONORING RANKIN & RANKIN INSURANCE AGENCY FOR ITS 80 YEARS OF SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Rankin & Rankin Insurance Agency has served the Zanesville, Ohio community for 80 years; and

Whereas, Rankin & Rankin Insurance Agency has grown through hard work and determination since April 9, 1928; and

Whereas, Rankin & Rankin continue to provide professional advice and direction for all of their customers; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend and thank Rankin & Rankin Insurance Agency for its contributions to its community and country.

HONORING BENJAMIN B. DUTTON, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. WOLF. Madam Speaker, I rise today to share with our colleagues the news about an outstanding recognition recently given to one of our House employees, who I am proud to say is a member of my staff. I pay tribute today to Benjamin B. Dutton, Jr., a man who is called "Mr. Winchester." I am fortunate to have Ben representing my office in Winchester, Virginia, one of the best small cities in America.

Along with diligently serving constituents not only for my office since 1990, when Winchester became part of the 10th Congressional District, but also for my predecessors George Allen and the late French Slaughter, Ben has played an active and key role in the Shenandoah Apple Blossom Festival since it began in 1927.

The Apple Blossom Festival is a special event in Winchester each spring and I look forward to participating in the Grand Feature Parade every year. Ben was recognized this year in the Festival program as the "Keeper of the Flame" for the Festival. He served as the president of the festival from 1970–1972 and currently serves on the Board. Even as Ben approaches his 83rd birthday this June, he is still actively involved in making sure the Apple Blossom Festival is a success every year.

Ben is very deserving of all the honors and accolades coming his way and is truly committed in his service to his community. I am proud that he is a member of my staff and I am proud to call him my friend. The Festival program recognition of Ben as "Keeper of the Flame" follows:

BEN DUTTON: KEEPER OF THE FLAME

The Shenandoah Apple Blossom Festival® is constantly in a state of flux; constantly reinventing itself. At the same time, the Festival works very hard to maintain its balance; to maintain its place in history; and, to never lose contact with its roots and its purpose. We know all too well how the Greatest Generation is being taken from us at an alarming rate these days; but, one of the "Keepers of Flame" for the Festival; one of the guardians of our roots, Mr. Ben Dutton, is still carrying on an active role in the Festival world even as he approaches his 83rd birthday.

When asked recently when he reckoned that his involvement with the Festival started, Ben replied, "From the beginning!" Shortly after the Festival was founded, the Washington Post ran a pictorial article in 1927 called "The Little Blossoms of Winchester"; and, Ben, aged two, was one of the local children featured in the article. Ben is quick to credit his Mother's very close friendship with Tom Baldridge, the original "Mr. Apple Blossom", for instilling in him early in life a great love and devotion for the Festival. Mrs. B. B. Dutton, Sr., was the Chairman of the Queen and Court Department those many years ago; and, Tom Baldridge had started his incredible run as Director General of the Festival in 1937 when Ben was just a child. Growing up around Mr. Tom's boundless enthusiasm, seemingly inexhaustible energy and undying love for the Pink and Green lit a Festival fire in young Ben that has never been quenched.

Following graduation from Handley High School, Ben served three years in the U.S. Army during World War II; graduated from the University of Virginia in 1950; and, married his lovely wife, Jean Whipple Dutton, in 1952. They began their family of three beautiful daughters shortly thereafter; and, Ben began working in the insurance business in Atlanta, Louisiana and Southwest Virginia. In 1963, Ben returned to Winchester for good; joining the firm of J. V. Arthur as a Vice President and partner; and, immediately returning to the Apple Blossom World. He served as President of the Festival in 1970, 1971, and 1972. He served as the Festival's volunteer Executive Director in 1971; and, professionally in that capacity from 1995 to 1997.

Ben remembers fondly from the early 70s, the establishment of the ties between the Festival and the then-new Disney World in Orlando; and, the beginning of the visits of Disney's World Ambassador (always a pretty girl); and, of Mickey Mouse. He also enjoyed helping to establish an adults' beer, peanuts and dance party at the National Guard Armory called "Your Father's Mustache". Another memory from the past: the balls that used to be held in old, dry, wooden packing sheds, filled with wooden apple crates and bulk bins; and, decorated with cascades of crepe paper and lanterns. While the memory sounds quaint and charming, it is obvious that the insurance agent in Ben winces at the through of the old-fashioned barn-dance-type fire hazards involved.

When asked to describe his favorite Festival guests from the early 1970s, Ben had no problem zeroing in on two very special people; people who are not only very special in their places in the history of the world; but, who are obviously very special people in Ben Dutton's life. In 1972, Ben sought out and received the services of the Reverend Billy Graham as Grand Marshal of the Festival. It is not at all hard to imagine the electric effect Graham had on the Festival crowds that year. It is also obvious, listening to Ben tell the story, that his time spent with Dr. Graham is something that he will never forget. Ben says that the met him at Dulles Airport and that Billy told him that "he had always wanted to cross the Blue Ridge and descend into the Shenandoah Valley in the springtime." Ben's other favorite was the Festival appearance in 1971 of Admiral Alan Shepard, who was in town to crown his daughter, Juliana, as Queen. Shepard had recently returned from an Apollo Mission to the Moon. Ben is still fascinated by the fact that the raucous crowd at the Stag Luncheon was instantly hushed to silence when Admiral Shepard stepped to the microphone to describe his trip to the Moon.

When asked how he feels after all these years when he sees the lead units of the Grand Feature Parade coming up Washington Street Hill, Ben said that "He still had; and, always would have a tender spot in his heart for that scene." He continued, "What would springtime be like without it?" Ben, admittedly, had a rough winter of 2007–2008. Health problems kept him away from one Festival Board Meeting after another; and, this was tough for a man who has remained active enough in the Festival to have played a key role in the establishment of a new event, the Men's Commonwealth Luncheon, just two years ago. The February 2008 Board Meeting had already started when, unexpected and unannounced, in the door walked Ben Dutton. The immediate burst of applause was instantaneous, genuine, affectionate and relieved. Festival people do know who the Keepers of the Flame are; and, they are cherished!

IN TRIBUTE TO CHARLES M. HAIR, M.D.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. GALLEGLY. Madam Speaker, last week the Livingston Memorial Visiting Nurse Association celebrated its 60th anniversary and, in doing so, paid tribute to Charles M. Hair, M.D., for his enduring devotion to the organization.

I, too, rise in tribute to Dr. Hair, Chairman of the Board of Livingston Memorial Visiting Nurse Association.

Dr. Hair was raised in the farming community of Santa Paula, California. He joined the U.S. Army after earning his M.D., at the USC School of Medicine, and served two years in an Army field hospital in post-World War II Salzburg, Austria.

He returned to his home in Ventura County, California, in 1948, and embarked on a career as a family doctor. He and his wife, Gerry, whom he met when he was a student at Ventura College and she a student at Ventura High School, raised five children here.

Dr. Hair retired from family practice in the mid-1980s, but his dedication to his profession and the ill continues undaunted. Throughout his tenure with the Visiting Nurse Association, Dr. Hair has overseen the direction and growth of the agency to meet the complex and ever-changing home health needs of Ventura County.

In doing so, Dr. Hair brings a rural family doctor's perspective and philosophy to Livingston Memorial Visiting Nurse Association. The Association was founded to provide home care services as an alternative to institutionalizing the frail, elderly, sick and disabled, an idea dear to the heart of a family physician. In 1965, Medicare certified the Association as a home health agency. In 1987, it developed a Medicare-certified Hospice program.

Today, Livingston Memorial Visiting Nurse Association is Ventura County's only not-for-profit home health agency with a Medicare-certified home hospice program. Livingston services are provided for every individual in need, regardless of ability to pay.

Livingston Memorial Visiting Nurse Association's continued ability to provide professional, licensed, compassionate home care that is high quality and cost effective is in no small measure due to Dr. Hair's vision and direction.

Madam Speaker, I know my colleagues will join me in tribute to Dr. Hair and his vast contributions to comforting and treating the ill and thank him for a lifetime of healing.

H.R. 5720—THE HOUSING ASSISTANCE ACT OF 2008

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. FOSTER. Madam Speaker, I am submitting this statement to record my strong and enthusiastic support for H.R. 5720, the Housing Assistance Act of 2008.

As everyone knows we are facing a foreclosure crisis the likes of which have not been witnessed since the Great Depression. According to RealtyTrac, a site that tracks foreclosure data, there were a total of a little over 2.2 million foreclosure filings—default notices, auction sale notices and bank repossessions last year, up an astronomical 75 percent from the previous year. In addition, more than 1 percent of all U.S. households were in some stage of foreclosure last year.

My home State of Illinois has not been immune to the crisis. Again, according to the latest statistics from RealtyTrac, there were almost 91,000 foreclosure filings last year, an increase of over 25 percent from 2006 and an increase of over 94 percent from 2005.

This common-sense legislation has many provisions designed to spur the sagging real estate market. First and foremost, this bill would provide first-time home buyers with assistance in making a down payment on a home by providing these individuals with a refundable tax credit that is equivalent to an interest-free loan equal to 10 percent of the purchase price of their home, up to $7,500.

Moreover, the bill helps struggling taxpayers. Specifically, the bill would provide home owners who claim the standard deduction with an additional standard deduction for State and local real property taxes. The maximum amount that may be claimed under this provision is $350, $700 for joint filers.

I have introduced a similar proposal H.R. 5790, the Universal Homeowner Tax Cut Act of 2008. This bill would allow taxpayers who do not itemize a deduction for State and local real property taxes. I fully support providing these hard-working Americans tax relief and I hope some version of real property tax relief is enacted this year.

In addition to these core provisions, the bill contains other provisions regarding mortgage revenue bonds and tax simplification designed to spur homeownership.

This bill, in conjunction with a slew of bills that the House passed last week designed to stem the foreclosure crisis and restore the housing markets, will help us weather these turbulent economic times.

I support this bill and hope Congress will expeditiously send it to the President for his signature.

A PROCLAMATION HONORING COMMANDER SERGEANT LAWRENCE SKAGGS FOR HIS MILITARY SERVICE AND INDUCTION INTO THE OHIO MILITARY HALL OF FAME OF VALOR

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Sergeant Lawrence Skaggs served in the United States Army; and

Whereas, he was inducted into the Ohio Military Hall of Fame of Valor; and

Whereas, the local Army Reserve Center in Chillicothe, Ohio bears his name in commemoration of his hard work and dedication; and

Whereas, Sergeant Lawrence Skaggs earned the Silver Star, a Purple Heart, Good Conduct, World War II Victory, and Asiatic Pacific Campaign medals for his service; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Sergeant Lawrence Skaggs for his contributions to his community and country.

IN MEMORY OF GOPAL RAJU

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. WILSON of South Carolina. Madam Speaker, on April 10, Mr. Gopal Raju, a pioneer of Indian American Journalism, leader in his community, and founder of the publication India Abroad, News India-Times, and the Indian American Center for Political Awareness (IACPA), passed away at the age of 80.

Mr. Raju spent a lifetime supporting the Indian American community and promoting a stronger relationship between India and the United States. In particular, the Washington Leadership Program that was formed under the IACPA has allowed nearly two hundred Indian Americans to participate as interns on Capitol Hill—some of whom have even served in the office of the Second Congressional District of South Carolina.

Additional achievements include launching the Indian American Foundation (IAF)—which raised millions of dollars for causes in India—and the India Abroad News Service that for over 20 years has been a vital channel for information sharing between the United States and India. Most recently, Mr. Raju was the editor and publisher of News India-Times, Gujarat Times, and Desi Talk.

A man of passion and committed to the needs of his community and his people, Mr. Raju received the Ellis Island Medal of Honor which is given to immigrants for their contributions to the United States, the 2000 Asia Society's Leadership Award, the 2006 Taraknath Das Foundation award, and in 2007 he was recognized by India with the Pravasi Bharatiya Samman award.

A memorial service for Mr. Gopal Raju was held on May 17th at the Maharaja Hall in Royal Albert's Palace in Fords, New Jersey. It was organized by India Abroad and the South Asian Journalists Association.

I was honored to have met this incredible individual. I know his humility and selfless contribution to the lives of the millions his programs and publications touched will be missed. My thoughts and prayers are with Mr. Raju's family and the entire Indian American community.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 5658.

Account: Department of Defense, Army RDTE (R–1 Line #133).

Legal Name of Requesting Entity: Applied Physical Electronics, LLC.

Address of Requesting Entity: 5208 Electric Avenue, Spicewood, Texas 78669.

Description of Request: The requested funds will be used to produce technology to support efforts against terrorist activities, to fund two endowed professors from the University of Texas for antenna design support and for signal and image processing, to acquire key capital laboratory equipment, and to hire 12 highly skilled professional engineers, as well as supporting staff. The UT professors will be funded to continue in their efforts to help design compact antenna structures, as well as the development of algorithms necessary for detecting and identifying explosives and controlling electronics used with Improvised Explosive Devices (IEDs). The necessary equipment and additional staff will further the development of APELC's technology into systems deployed for defense against IEDs and Rocket Propelled Grenades (RPGs), with the ultimate objective being the utilization of APELC's technology as integral components of future applicable DoD systems, including MDA, Army, Air Force, DARPA and the Navy.

Description of Matching Funds: APELC is close to securing matching funds from a U.S. prime contractor in the form of a 3 year teaming agreement. The amount is expected to be approximately 1:3 match to the dollars requested. The matching funding will be used to move APELC's technology into deployable systems for field use. Furthermore, the principals of APELC continue investing in the company, and in the form of facility improvement to better facilitate technology development.

CONGRATULATIONS TO CENTRAL HIGH SCHOOL CLASS OF 1958

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. PAUL. Madam Speaker, I am pleased to extend my congratulations and best wishes to the Central High School Class of 1958 as they prepare to celebrate their 50th class reunion on May 30, 2008. Central High is located in Galveston, Texas, which is in my Congressional district. Constructed in 1895 to ensure that the segregation laws then in effect did not deny Galveston's African-American children the opportunity to obtain an education, Central High is the oldest high school in Texas built to serve African-Americans.

Laws dictating what schools a child can and cannot attend, based solely on that child's race, are a shameful aspect of America's history. We should take every opportunity possible to salute those, like the students of Central High, who refused to allow the "Jim Crow" laws stop them from obtaining an education.

The class of 1958 holds particular significance, as they were the first class to complete all 4 years in the new Central High that opened in 1954. Madam Speaker, I once again extend my congratulations to the members of the Central High Class of 1958 as they prepare to celebrate their 50th class reunion.

H.R. 5613, THE PROTECTING THE MEDICAID SAFETY NET ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for H.R. 5613, the Protecting the Medicaid Safety Net Act. This important bipartisan bill extends a moratorium until April 1, 2009 on seven Administration-imposed Medicaid regulations that if implemented, would severely reduce federal Medicaid funding.

Without the moratorium, Medicaid funding to states for vital programs and services would be cut by $18 billion over the next 5 years. These cuts include restrictions on Medicaid payments for graduate medical education, GME, rehabilitation services, and outpatient hospital services, among other services.

It would be irresponsible to think about cutting funding to academic medical centers and residency training programs when we currently face a shortage of physicians. If these cuts were allowed to go into effect, we would be unable to provide necessary medical services to many people who depend upon Medicaid.

Constantly cutting funds to the very services which keep our fragmented, nonsystem of health care afloat is inhumane and nonsensical.

The tactic of underfunding federal programs in an attempt to undermine their effectiveness demonstrates the Administration's lack of commitment to the programs that faithfully and effectively serve the American people.

Madam Speaker, passage of H.R. 5613 is simply a necessity. We must halt the underfunding of important Medicaid programs. I wholeheartedly support the passage of H.R. 5613, the Protecting the Medicaid Safety Net Act.

HONORING DIANE B. GARRO OF THE SOCIAL SECURITY ADMINISTRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. RANGEL. Madam Speaker, I rise today on behalf of myself and Ways and Means Ranking Member JIM MCCRERY to recognize Diane B. Garro, an exemplary public servant. Ms. Garro is retiring after 36 years of distinguished service at the Social Security Administration.

Ms. Garro has devoted her professional life to serving Social Security's current and future beneficiaries. Like many other dedicated SSA employees, Ms. Garro began her career on the front lines, directly serving beneficiaries. Through her talent and hard work, she rose to become a key senior executive.

Ms. Garro started her career with SSA while she was still a college student, and later took a full-time job as a claims authorizer for disability benefits. Her skill and commitment were recognized as she was promoted to a variety of management positions throughout the agency, and she eventually was named as Assistant Deputy Commissioner—the top civil service position—in SSA's Office of Legislation and Congressional Affairs, OLCA. She has served with distinction for over 12 years in that position or as Acting Deputy Commissioner. She has helped to establish a high standard for knowledge, cooperation and professionalism in representing SSA with Members of Congress and their staff.

Ms. Garro is recognized as an expert on SSA's disability policies, with a particular expertise in the complex challenge of determining childhood disability. With her early experience as a disability claims authorizer as a base, and additional experience gained in organizational management, she was named Director of SSA's Division of Medical and Vocational Policy, which is responsible for developing the regulations and policies used to determine whether an applicant meets the test of disability in the law. She was chosen to represent SSA on a White House workgroup on children with disabilities, and she addressed the National Commission on Childhood Disability on behalf of SSA.

Ms. Garro also led the development of SSA's medical listing for HIV, creating a streamlined process that allowed individuals with HIV to qualify for presumptive disability payments based on a doctor's certification. As a result, payments for individuals suffering from HIV could begin in a matter of days rather than months. She also played a pivotal role in developing and implementing the procedures the Agency continues to use to expedite benefits to terminally ill applicants.

At the Committee on Ways and Means, we are grateful for Ms. Garro's vast expertise covering Social Security programs and agency operations, and her skill in communicating vital information to Congress. She has led the Congressional affairs team with a high degree of integrity, knowledge, and compassion. The Subcommittee on Social Security particularly appreciates her unfailing responsiveness, and her timely, accurate, and insightful analysis on issues ranging from disability determination to disclosure of information to the impact of immigration reform on SSA. The technical assistance she and her staff have provided over the years has been invaluable in perfecting the laws Congress has enacted.

Ms. Garro's tenure in OLCA spanned six SSA Commissioners. She led SSA's preparation of witnesses for many hearings, and the Committee learned to expect those witnesses to be ready to handle any question we would ask. Ms. Garro also participated in innumerable Congressional briefings. Her hallmark was a thoughtful, practical, well-reasoned approach to any issue, leavened by a sense of humor that ensured balance and perspective.

Diane Garro's career exemplifies her commitment to providing effective, compassionate, and knowledgeable service to the Agency and to the American public. She can retire knowing she has the respect and admiration of those who have worked with her, and she can be very proud of her accomplishments.

We wish Ms. Garro all the best in her retirement from the Social Security Administration. We thank her for her many years of dedicated Federal service, and we will certainly miss her.

H.R. 3221—FORECLOSURE PREVENTION ACT OF 2008

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. TIAHRT. Madam Speaker, owning a home is an essential component of the American dream, and an accomplishment that millions of Americans aspire to and take pride in. In recent months, however, the housing market has entered a slump. The effort to provide a way for all Americans to own their own homes brought a sharp increase in the usage of subprime and exotic mortgages, which proved to be more than the market could handle. We now find ourselves grappling with decisions on how best to "fix" the problems that have arisen in the housing market and in our economy.

However, a broad government handout, such as what has been proposed in recent legislation, is not the answer.

While the housing slump must be addressed, I am concerned by the precedent of using taxpayer dollars to bail out fraudulent lenders and, in some instances, irresponsible borrowers. H.R. 5818 and H.R. 3221, the so-called "Neighborhood Stabilization Act of 2008" and "Foreclosure Prevention Act of 2008," propose such a bailout at the cost of responsible, hardworking American families.

These bills do contain important provisions such as the modernization of the Federal Housing Authority (FHA) and reform of Government-Sponsored Entities (GSEs). These bills, however, also include a $300 billion taxpayer-funded government subsidizing of irresponsible lending behavior. I fully support the FHA and GSE reform measures that have passed the House of Representatives, yet I cannot support a massive bailout to irresponsible lending practices and market speculators. For these reasons, I voted against H.R. 5818 and H.R. 3221.

While I cannot support legislation that rewards bad behavior at the expense of taxpayers, I remain strongly committed to supporting measures that provide the necessary relief to families who have been victimized without burdening taxpayers for the irresponsibility of others. Therefore, I am supporting two alternative bills introduced before the House of Representatives that precisely address the needs of homeowners in a responsible and fair way.

First, H.R. 5974, The Housing Opportunity for All Americans Act of 2008, addresses the housing slump in a responsible way. Instead of providing a massive bailout to irresponsible lenders and borrowers, this legislation creates a market incentive approach to the housing slump. The market approach includes a one-time tax credit for homebuyers of 10 percent of the home's purchase price (up to $10,000) for 1 year after the enactment of the bill. Also, under this legislation, taxpayers who are non-resident aliens, flip a home within the 1 year period, or sell a house to a relative simply for the credit, would not be eligible. Furthermore, mortgages which exceed the maximum original principal obligation of a mortgage Freddie Mac will purchase would not qualify.

Second, H.R. 5857, the Homeownership Protection and Housing Market Stabilization Act of 2008, is also a more responsible approach to addressing the current problems facing the housing market. The bill includes provisions to directly protect home buyers and owners, such as housing counseling, improved disclosure practices, fraud combating and prevention measures, and encouragement to rework loans instead of foreclosing. It also aims to help prevent lenders from falling into the same habits that have recently developed in the industry by providing liability protection for helping troubled borrowers, requiring escrow accounts for subprime borrowers, and reforming appraisal practices for prospective homebuyers. In addition, this legislation contains provisions similar to those that have passed this House with my support: FHA modernization and improved regulation of GSEs, including Fannie Mae, Freddie Mac, and the Federal Home Loan Banks.

These alternative bills provide the integrity of the appraisal process and strengthen mortgage fraud prevention efforts that will help bring stability to the current housing market. These bills together represent a viable alternative, offering an appropriate response to a serious problem without burdening taxpayers for the irresponsibility of others.

I am hopeful that a bipartisan compromise can be achieved in Conference that can be supported by a majority of the Members of the House and Senate, as well as the President. An effectual and responsible solution to the current situation must be reached for the sake of our economy and our citizens, and I hope to be able to vote on legislation that provides sensible but effective relief for American homeowners.

IN RECOGNITION OF THE ACHIEVEMENTS AND LIFE OF JOSÉ "CHEGÜI" TORRES

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. VELÁZQUEZ. Madam Speaker, I rise today to recognize the remarkable life achievements of a beloved Puerto Rican sports icon and long-time distinguished New Yorker. José "Chegüi" Torres is an example to us all, both for his accomplishments as an athlete and his dedication to his community and Nation.

Chegüi was born on May 3, 1936 in Ponce, Puerto Rico. By his late teens, he had shown such prowess in the ring, that he was invited to join the U.S. Olympic Boxing Team. As an Olympian, he won a silver medal in the junior middleweight division at the 1956 Melbourne Summer Games.

Subsequently—still as an amateur boxer—he won the 1958 Inter-City Golden Gloves Championship. Later that year, Chegüi chose to join the ranks of boxing professionals. He débuted with a first round knockout of George Hamilton in New York, and followed that impressive professional victory with 12 wins—10 of them by knockout. On March 30, 1965, the Brooklyn resident became world light-heavyweight boxing champion before thousands of adoring fans at Madison Square Garden. He is one of the first three Puerto Ricans to earn a world title, and the first Hispanic ever to win the world's light heavyweight championship.

The notoriety that came from his 1965 triumph brought him considerable national attention. It even led to such highlights as an appearance—and singing performance—on the Ed Sullivan Show. Not one to rest on his laurels, however, Chegüi successfully defended his championship belt three times. In fact he did not retire from the sport until 1969, doing so with an impressive 41–3–1 record.

In more recent years, Chegüi has distinguished himself as a leader of New York's Puerto Rican community. He is a familiar face to city residents, and a tireless advocate of the less fortunate among us. From 1984 to 1988, he also served as New York State Athletic Commissioner. And, from 1990 to 1995, he was named President of the World Boxing Organization.

Having traded his boxing gloves for the might of the written word, Chegüi is now also an accomplished author. He has written several books, among them: Sting Like a Bee, about Muhammad Ali and Fire and Fear, about Mike Tyson. He is also a highly regarded sports columnist for ESPNdeportes.com and a commentator for ESPN Deportes and ESPN International.

José "Chegüi" Torres has lived a remarkable life. He has accomplished tremendous victories inside the ring, and—on behalf of Puerto Ricans everywhere—outside of it. He has shown himself to be a leader, a fierce representative of his Nation, and a tireless supporter of his community. After four decades of living in New York, "Chegüi" returned with his wife of more than 46 years, Ramona Ortiz Rodriguez, to his beloved Puerto Rico. He takes with him a lifetime of memories, our best wishes, and the respect of a people who will forever see him as their champion.

TRIBUTE TO DR. SALTER JOSIAH COCHRAN JR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. BUTTERFIELD. Madam Speaker, it is with great admiration and respect that I recognize a dear friend and one of this nation's most distinguished citizens, Dr. Salter Josiah Cochran Jr. Dr. Cochran was born on February 28, 1922 here in Washington, DC. He attended the public schools for the District of Columbia and graduated from historic Dunbar High School. Thereafter, he attended and graduated from Howard University receiving both a Bachelor's of Science degree and a medical degree from the School of Medicine. I applaud and commend Dr. Cochran and his classmates upon recently celebrating their 60th medical school class reunion.

Dr. Cochran served our country as a Captain in the United States Army Medical Corps. He served as Chief of the Outpatient Clinic and attending physician while stationed at Fort Belvoir, Virginia and Walter Reed Military Hospital. Upon his discharge he was awarded the Combat Medical Badge and two Bronze Stars for his service to our country.

After his military service, Dr. Cochran moved to North Carolina and embarked upon a very successful career as a community physician. He practiced medicine in Weldon, North Carolina for 51 years and retired from the practice in 2001 with thousands of patients who truly appreciate his service. Dr. Cochran also served as physician for the 632nd Air Force Radar Base in Roanoke Rapids, North Carolina. Both of these communities are in my Congressional District.

Even though Dr. Cochran committed many hours of providing dedicated service to his patients, he remained true to his commitment to be active, productive and dedicated to every facet of the community. Dr. Cochran served as the President of the Old North State Medical Society; President of Halifax-Northampton County Medical Society; Member of the School Board in Weldon, North Carolina; Physician for Caledonia Prison System in Halifax County; Chief Medical Examiner in Halifax and Northampton Counties; Weldon High School Sports Physician; Chairman of the Board of Elections in Halifax County; and a life member of Kappa Alpha Psi Fraternity, Inc.

In December of 2001, Dr. & Mrs. Cochran retired to Suffolk, Virginia and now live in retirement in Smithfield, Virginia.

Madam Speaker, Dr. Cochran is a devoted husband and father. He is married to the former Doris Hill of Denver, Colorado. The Cochran's are the proud parents of four children: Leslie G. Bobbin, Anthony P. Cochran, Christine A. McLarty, and Robin C. Quarles. They also have 7 grandchildren: Amanda M. Bobbitt, Lydia M. Bobbin, Zachary J. Quarles, Jeremiah K. Quarles, Ryan A. Cochran, Lindsey K. Cochran, and Daniel F. McLarty.

I urge my Colleagues to join me in recognizing Dr. Salter Josiah Cochran, Jr.

HONORING HAMILTON COLLEGE WOMEN'S LACROSSE TEAM

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. ARCURI. Madam Speaker, I rise today to proudly congratulate the Hamilton College women's lacrosse team on winning this year's NCAA Division III Championship.

I commend the Hamilton Continentals on their remarkable 21–1 performance this season and on setting a NCAA program record for the year. The Continentals achieved a stunning 19-game straight victory leading into the playoffs, and this year marks the first time that the team has advanced to the national semi-finals in its playoff history. This team has proven that a strong will and never looking back will take you far, as it encountered and beat both the number-one ranked team and the defending champions en route to their 13–6 victory in the final.

The Hamilton Continentals are a shining example of what hard work and commitment can produce, and I am delighted to represent such an inspirational group of young athletes in Congress. The sacrifices and contributions of the entire team and their head coach merit true recognition. The Continentals have brought pride and honor to our community as well as their loved ones and the students and alumni of Hamilton College.

Madam Speaker, I deeply congratulate the Hamilton College women's lacrosse team on this great accomplishment, and I wish them luck and success in their future endeavors.

HONORING COUNCILMAN GENE BELMARES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Councilman Gene Belmares, who will be presented with the Liberty Bell Award by the Laredo-Webb County Bar Association on May 9, 2008.

Gene Belmares is the son of a decorated World War II veteran, Ignacio Belmares, and Elvira Belmares. He grew up in Laredo, Texas, and attended United High School and Laredo Junior College. Gene utilized his marketing skills to great effect in his work with some of South Texas's most prestigious companies such as Thomas Petroleum, Arguindegui Oil, and WestWind Homes. Gene is now enjoying his work with the marketing and sales team at the famous La Posada Hotel, one of the oldest hotels in South Texas that is leading the revitalization of downtown Laredo.

Councilman Belmares was elected to the Laredo City Council in 2002, and is seated on the Metropolitan Planning Organization, Water Issues, Sports Venue, and Legislative Committees. He is currently serving as Mayor Pro Tempore, and is responsible for the unprecedented fiscal growth of the City of Laredo for the last six years through his work on landmark ordinances and legacy projects. Councilman Belmares also has admirably served the community of Laredo, Texas, through his civic work with the March of Dimes, Muscular Dystrophy, and the American Cancer Society. He enjoys coaching the Gateway Girls Softball League, and the Boys and Girls Club flag football.

Councilman Belmares is a truly deserving recipient of the Liberty Bell Award, which is given out annually by the Laredo-Webb County Bar Association to those who have demonstrated exemplary community service, and contributed to good governance in the community.

Madam Speaker, I am honored to have had this time to recognize the dedication of Councilman Belmares to the City of Laredo, and I thank you for this time.

INTRODUCTION OF THE RESOLUTION TO REPLACE THE ASHCROFT FBI GUIDELINES WITH THE LEVI FBI GUIDELINES

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SCOTT of Virginia. Madam Speaker, May 30th, 2002 Attorney General John Ashcroft changed the guidelines established by Attorney General Edward Levi in 1976 to curb abuses by the Federal Bureau of Investigations (FBI), following revelations of an FBI "enemies list" in the wake of the Watergate scandal.

The Levi Guidelines were adopted after the Church Committee found that the FBI had developed over 500,000 domestic intelligence files on Americans and domestic groups and had clearly targeted investigations to disrupt the efforts of dissenters. This famed Committee detailed the disturbing extent to which the FBI had spied on Americans such as Dr. Martin Luther King, Jr., former Navy officer Father Roy Bourgeois, and Holocaust survivor and grandmother Edith Bell, all of whom were peaceful protestors and advocates for their beliefs.

While the Levi guidelines ensured there was a justifiable criminal investigation and supervision of such investigations, the Ashcroft Guidelines have enabled the FBI to investigate groups and individuals whether or not there was evidence of criminal activity. The Levi Guidelines required that limited FBI investigations be instigated by facts or circumstances that reasonably indicate a federal crime has been, is being or will be committed. Under the Ashcroft Guidelines, we have even seen college students endure taxpayer funded FBI interrogations and investigations for simply placing irreverent posters up in their college communities. In one case, the FBI resorted to grilling a North Carolina college student about "un-American materials" in her apartment, such as a poster of George W. Bush holding a noose. It read, "We hang on your every word." While some may argue this is not in good taste, it is far from a potential act of terrorism.

The Ashcroft Guidelines have allowed the FBI to attend and begin to track those present in every public meeting, at every demonstration and visiting all internet chat rooms. Americans need to be able to meet and debate without fear that their associations and dissent will end up in an FBI database at every turn. By severing the tie between evidence of crime and initial FBI surveillance, the Ashcroft Guidelines fundamentally alter the role of the FBI in our society and ignore the very basis for adoption of the original Levi Guidelines.

My Resolution is simple. It calls on Congress to reinstate the Levi guidelines which provide better protections for ordinary Americans from unwarranted, domestic FBI spying, on this, the 6-year anniversary of the eradication of such critical guidelines. This will end domestic spying such as that documented by the Church Committee report, where there is no evidence of criminal activity, while ensuring that the FBI can investigate anyone as long as there is a rational basis for doing so.

For these reasons, I urge my colleagues to support this resolution urging that the Ashcroft Guidelines be replaced with a return to the Levi Guidelines.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 5658.

Account: Department of Defense, Army RDT&E (R–1 Line #30).

Legal Name of Requesting Entity: The University of Texas Health Science Center at San Antonio.

Address of Requesting Entity: 7703 Floyd Curl Drive, San Antonio, TX 78229–3900.

Description of Request: The requested funds will be used to: Establish the National Center for Trauma Research, which will be the primary site for trauma research in the US; this will be accomplished through federal and non-federal funding; expand clinical research that benefits the nation's civilian and military trauma patient population, focusing on survival rates, pre-hospital interventions and surgical techniques; potential studies include wound healing, hemorrhage control with dressing, traumatic brain injury; establish telecommunications technology that connects the three trauma centers and Burn Center, necessary to coordinate disaster/bioterrorism response and also useful on a daily basis so that medical education opportunities at any facility are available across our system; develop a regional ICU Registry to parallel the current Regional Trauma Registry; coupling the data available in both allows researchers to study the entire patient episode, from pre-hospital to discharge and outcome; and support the infrastructure needed to accomplish these goals, given that during the same period new revenue streams from physician fee-for-service billing will partially replace the need for federal funding. NTI is directly leading to better care for combat casualties. Today military surgeons and nurses are continuing to be trained at NTI facilities prior to their deployment in Iraq and Afghanistan. Over 550 critically burned soldiers have been treated in San Antonio. The NTI is playing a critical role in our nation's battlefield medical response effort and helping to improve outcomes for these brave men and women.

SLAIN LAW ENFORCEMENT OFFICER STAMP ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. FILNER. Madam Speaker, my colleagues, and I rise today to speak about a concurrent resolution that I have just introduced that recognizes the service and sacrifice of our law enforcement officers killed in the line of duty.

My legislation would express the sense of Congress that a stamp. called the Law Enforcement Officers Memorial Stamp, should be issued to honor law enforcement officers killed in the line of duty.

On average, a law enforcement officer is killed in America every other day. Since 1794, when recordkeeping started, more than 17,900 officers have lost their lives in service to their communities. In 2007, 186 officers were killed in the line of duty, an increase of more than 28 percent from the year prior.

Too many police officers are killed or injured in the line of duty every day and this legislation is a way to thank those who put their lives in danger every time they put on their uniforms. I am proud to sponsor such worthy legislation.

I invite my colleagues to join with me in commending our law enforcement officers. It is extremely important that we honor these everyday heroes! Please join me in supporting H. Con. Res. 356.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. TIAHRT. Madam Speaker, I submit the following: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009, contains $7,412,000 for MXG Consolidation and Forward Logistic Center, Phase 2 in the Air Force, Military Construction account. This project is for McConnell Air Force Base located 57837 Coffeyville St., Kansas, 67221. The funds will help complete phase two of the Maintenance Group (MXG) Consolidation and Forward Logistics Center that will streamline many different facilities into one maintenance facility, resulting in improved military operations and saving taxpayer dollars by reducing operations and maintenance spending. No matching funds are required for this military construction project.

EARMARK DECLARATION

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. HOBSON. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following:

Requesting Member: Congressman DAVID L. HOBSON.

Bill Number: H.R. 5658.

Provision: Division B, Title XXVI, Section 2604.

Legal Name of Requesting Entity: Ohio National Guard.

Address of Requesting Entity: 2825 West Dublin-Granville Road, Columbus, Ohio 43235–2789.

Description of Request: Provide an earmark of $12,793.00 to authorize acceleration of construction of a facility to relocate the Ohio Air National Guard's 269th Combat Communications Squadron and 251st Combat Communications Group to another part of the Springfield, Ohio, Air National Guard Base. The current 25-year-old facility is obsolete and places severe restrictions on the ability to perform equipment maintenance and conduct training operations. It does not comply with existing codes and has excessive operations and maintenance costs. The current building can be reused for other functions but cannot be made functionally adequate for the communications mission.

EARMARK DECLARATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. DOOLITTLE. Madam Speaker, I submit the following:

Requesting Member: Representative JOHN T. DOOLITTLE.

Bill Number: H.R. 5658.

Account: Air Force—RDT&E, AEROSPACE PROPULSION.

Legal Name of Requesting Entity: Aerojet-General Corp.

Address of Requesting Entity: Highway 50 & Aerojet Rd., Rancho Cordova, CA 95742.

Description of Request: An increase of $3,000,000 for Air Force RDTE Line Aerospace Propulsion for Hydrocarbon Boost Technology Demonstrator. The Air Force Research Laboratory (AFRL, Edwards AFB) has initiated a Hydrocarbon Boost Technology Demonstrator program to provide the United States with a liquid hydrocarbon rocket engine to power the next generation of launch vehicles for assured access of critical national security payloads. Instead of a hydrocarbon fuel, most American liquid engines in large thrust classes use liquid oxygen and hydrogen propellants. Cryogenic hydrogen is costly to produce. It is also difficult to work with compared to hydrocarbon fuels due to its extremely low storage temperature requirement and launch operations safety concerns. Furthermore, the propellant properties and very cold temperatures reduce the life of the materials involved and make low cost, rapid turnaround reusable applications nearly impossible. Hydrocarbon liquid rocket engines ultimately derived from the advanced technology developed and demonstrated in the Hydrocarbon Booster Technology Demonstrator program will not only provide the highest performing hydrocarbon engines ever developed in the United States, but also will provide higher operability, lower costs and greater safety with higher reliability than any liquid booster engine ever made in the U.S. and perhaps the world. The funding would be used for Ox Rich Preburner and Turbopump concept designs.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MCKEON. Madam Speaker, I submit the following:

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Operations and Maintenance, Air Force.

Legal Name of Requesting Entity: Edwards Air Force Base.

Address of Requesting Entity: Edwards AFB, CA 93524.

Description of Request: At my request, a project authorization for $700,000 is included in the National Defense Authorization bill for FY 2009 to make several sites managed by Edwards Air Force Base safe. Several isolated range tracking sites located near Edwards Air Force Base (EAFB), including Site T–6, A–11, and A–12 as well as the Ely, NV, Radar Site, have become attractive nuisances provoking unauthorized civilian entry onto the sites. Foundations and shelters at the site have been the target of graffiti. Shell & shotgun casings are found lying on the ground in large numbers. The extent to which hazardous materials, such as Asbestos Containing Materials (ACM) and lead-based paint may have been used in the construction of these facilities is not known. EAFB requires the continued use of T–6, A–11, and A–12 sites. This portion of the project will construct approximately 8,500 LF of chain link fence, 6-feet high with 3-strand barb wire outriggers, with lockable gates to prevent unauthorized entries into each of the sites. Additionally, an EAFB-owned radar site near Ely, Nevada (known as Ely Radio Annex), is no longer used and this project will demolish 5 buildings totaling approximately 7,500 SF, including their foundation slabs, an antenna tower, several concrete pads and fixtures, including transformers, guard rails, vaults, tank supports, power poles, stairs, fencing, and antenna pads.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Advatech Pacific, Inc.

Address of Requesting Entity: 950 E. Palmdale Blvd., Suite C, Palmdale, CA 93550.

Description of Request: At my request, a project authorization for $3,000,000 is included in the National Defense Authorization bill for FY 2009. The funds will be used for the continued operation of the Advanced Vehicle Propulsion Center (AVPC), which provides the Air Force with a unique, world-class engineering modeling and simulation environment for analysis and engineering of current and future space vehicles, missiles, and advanced weapon concepts. The AVPC leverages and integrates the best engineering, analysis, and cost tools from government, industry, and academia. The AVPC directly supports analyses of alternatives, the fundamental first step in the formal DOD weapon systems acquisition process and plays a key role directly supporting the following Air Force Research Laboratory programs at Edwards Air Force Base: Prompt Global Strike, Common Aero Vehicle, Operationally Responsive Space for strategic and tactical commanders, and Conventional Ballistic Missile. AVPCs detailed technical engineering analysis also provides cost versus risk trade-off analysis across missions, systems, operations, and infrastructures.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Northrop Grumman Corporation.

Address of Requesting Entity: 1840 Century Park East, Los Angeles, CA 90067.

Description of Request: At my request, a project authorization for $10,300,000 is included in the National Defense Authorization bill or FY2009 for Moving Target Kill/Small Diameter Bomb (MTK/SDB II) integration on the B–2 to enhance the B–2's ability to dynamically and precisely engage mobile targets deep in hostile territory. The current Air Force Integrated Capability Requirements and Risk Assessment (I–CRRA) identified the need to improve joint, collaborative operations capabilities to effectively engage a wide range of high-threat targets: Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) targets, moving and relocatable targets, underground targets, and air defense targets. This additional funding will address many of these critical needs. Approximately $2,000,000 is intended for UAI Design Architecture; $2,000,000 for MDU–R CDR; $4,300,000M for MDU–R Prototype #2; and $2,000,000 for Displays System Requirements.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813–6000, USA.

Description of Request: At my request, a project authorization for $3,000,000 is included in the National Defense Authorization bill for FY2009 to return the Hydrocarbon Boost Technology Demonstrator program to its initial programmed funding level. This critical, next-generation liquid rocket engine development effort run by the Air Force Research Laboratory at Edwards AFB will not only provide the highest performing hydrocarbon engines ever developed in the United States, but also will provide higher operability, lower costs and greater safety with higher reliability than any liquid booster engine ever made in the U.S. and perhaps the world. Since the federal government is the primary end-user, it is logical that federal funding support the initiative. While a match is not required, during the past eight years, Aerojet has invested approximately $30 million in internal research and development funding on this technology and intends continued support in FY09.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Army.

Legal Name of Requesting Entity: Pacific Scientific Energetic Materials Company.

Address of Requesting Entity: 24908 Avenue Kearney, Valencia, CA 91355, USA.

Description of Request: At my request, a project authorization for $2,500,000 is included in the National Defense Authorization bill for FY2009 to develop a MIL–STD–1901A–compliant Micro Arm Fire Device for DoD Rocket Systems, which will significantly improve the safety, reliability and performance of rocket, missile, and pyrotechnic arming and fuzing systems for the Department of Defense. Approximately $800,000 is intended for design and engineering; $400,000 for materials; $700,000 for manufacturing and assembly and $600,000 for qualification and environmental testing. The Army has determined that there is a federal interest in micro arm fire devices to increase the safety of DoD rockets, missiles, munitions and pyrotechnics. This request is consistent with the intended and authorized purpose of the Army Research, Development, Testing and Evaluation account. This is the first year funding will be needed to advance the technology. Pacific Scientific Energetic Materials Company has provided $500,000 of internal R&D funds for this technology.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Army.

Legal Name of Requesting Entity: Curtiss-Wright Controls Embedded Computing.

Address of Requesting Entity: 28965 Avenue Penn, Santa Clarita, CA, 91355 USA.

Description of Request: At my request, a project authorization for $4,800,000 is included in the National Defense Authorization bill for FY2009 to develop a Common Ground Combat System electronic architecture prototype which will include replacement of legacy military standard based data-bus components with modern commercial standards based network centric capable components, the consolidation of obsolete electronic subsystems into common electronic modules and assemblies providing greatly reduced space, weight, and power consumption and the implementation of a two-level maintenance approach using newly standardized commercial electronic module technology. Approximately $100,000 is intended to be spent on program management, $300,000 is for an electronics obsolescence study, $350,000 is for an electronics commonality study, $1,000,000 is for a design concept development, $2,600,000 is for design concept demonstrators, and $450,000 is for a heavy brigade combat team Modular Open Systems Approach (MOSA) application report. The advantage of this approach to the Department of the Army is an evolutionary capability migration allowing the Future Force to operate with the current force. This project can be completed in FY09.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Navy.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813–6000.

Description of Request: At my request, a project authorization for $2,500,000 is included in the National Defense Authorization bill for FY2009 to fund the risk reduction necessary following a successful test flight of the High Speed Anti-Radiation Demonstration (HSAD). Specifically, approximately $1,000.000 will be spent for Navy program management, $800,000 for tactical missile component design development and analysis, $2,450,000 for lightweight ramjet engine component testing, $750,000 for ramjet engine safety engineering and analysis, $600,000 for the guidance system conceptual design, and $400,000 for operational analysis. The basic HSAD program focuses on demonstrating the feasibility and viability of using variable flow ducted rocket propulsion technology for the propulsion portion of planned advanced weapon systems. This request is consistent with the intended and authorized purpose of the account and the project is under the direction of the Naval Air Warfare Center.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Military Construction.

Legal Name of Requesting Entity: Edwards Air Force Base.

Address of Requesting Entity: Edwards AFB, CA 93524.

Description of Request: At my request, a project authorization for $6,000,000 is included in the National Defense Authorization bill for FY09 to fund the replacement of the main base runway at Edwards Air Force Base. The runway, which supports almost every flight operation at Edwards is over 50 years old and is rapidly degrading as a result of Alkali-Silica Reaction (ASR), a reaction between the cement and the aggregate that creates map cracking, scaling and spalling of the concrete. Increased sweeper operations and Foreign Object Damage (FOD) walks are necessary to eliminate concrete chunks several inches across that are routinely discovered. Emergency FOD repairs have forced runway closures affecting 10 to 15 flights for each closure. Pavement Condition Index (PCI) numbers are dropping rapidly, which is indicative of pavements nearing the end of their useful life. The runway will soon fail functionally and will no longer be safe for aircraft operations. In early FY03 the runway was evaluated by a tri-service team of experts who rated the pavement condition along the centerline as marginal, with portions predicted to be unsatisfactory within the next year. Functional failure of the runway is expected in 2008. No other runways at Edwards AFB can safely support the current and projected test operations without significant test mission delays. Temporary relocation of these missions is not feasible. However, many of the current and planned test missions can be supported by a temporary runway.

This project was programmed in 2003 for FY06, and was incrementally funded over 3 years (FY06, FY07 and FY08). After the project was programmed, the cost of construction materials escalated dramatically, eliminating all management reserve, and resulted in a reduction in the planned scope of the project. In FY08 Congress increased the funding for the project by $8,500,000; however, this was not enough to account for a completely unforeseeable increase in number and extent of site conditions. In particular, over 730 drums containing a "tar-like" substance had to be disposed of as hazardous waste and over 41,000 cubic yards of both unsuitable and unstable soil had to be stabilized. A final project phase has been created to complete the remaining work, and this phase has a programmed cost of $6,000,000. Funding for this phase in FY09 will avoid contractor demobilization and remobilization, and will avoid reconstitution of the temporary runway to support this work. This alone saves the government over $4,000,000 in cost avoidance.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise today to share with the House of Representatives two high priority projects included at my request in H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Requesting Member: Congressman MIKE ROGERS (MI–08).

Bill Number: H.R. 5685.

Account: Other Procurement—Navy, Line: Aviation Support Equipment—Aviation Support Equipment Equipment—Aviation Life Support (P–1 Line 97).

Legal Name of Requesting Entity: Peckham Industries.

Address of Requesting Entity: 2822 N. Martin Luther King Blvd., Lansing, MI 48906.

Description of Request: Provide $8,000,000 to fund procurement of approximately 8,000 sets of the Multi Climate Protection System (MCPS) for U.S. Navy Aircrews. Approximately $3.4 million will be spent on garment production, $4.2 million on materials, and $0.4 million on quality control/fielding. The total requirement for the U.S. Navy for MCPS is 25,000 systems. Between FY 2004 and FY 2007, the Navy and Congress have provided enough funding for fielding of only 25% of the required systems. In FY 2008, Congress allocated $2 million for the program. In FY 2007 the House and Senate Armed Services Committees addressed the need for MCPS in their authorization bills. The House authorization text reads, "The committee strongly encourages the Department of the Navy to include the necessary funds for the MCPS in its future budget requests to meet MCPS requirements."

Requesting Member: Congressman MIKE ROGERS (MI–08).

Bill Number: H.R. 5658.

Account: Operations and Maintenance, (BA 01: Operating Forces).

Legal Name of Requesting Entity: Peckham Industries.

Address of Requesting Entity: 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide $4,000,000 to fund procurement of approximately 35,000 sets of Cold Weather Layering System (CWLS) for the U.S. Marines. Approximately $2 million will be spent on garment production, $1.6 million on materials, $0.4 million on quality control/fielding. In direct response to the U.S. Marine Corps' unique combat needs, a Polartec Power Dry Silkweight and Polartec Power Dry Grid with flame resistant properties for use in the CWLS is currently in development. Roadside bombs kill or wound more troops than any other weapon in Iraq, having killed more than 1,200 U.S. service members to date. The heat and flame produced by roadside bombs presents a significant burn threat, and the USMC has called for the use of flame resistant textiles to maintain safety in harsh combat conditions.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. YOUNG of Florida. Madam Speaker, I submit the following:

Requesting Member: Congressman C.W. BILL YOUNG.

Bill Number: H.R. 5658.

Account: Military Construction, Army National Guard.

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 400 S. Monroe Street, Tallahassee, Florida 32399.

Description of Request: Provide an earmark of $20,907,000 for construction of Phase IV of the Regional Training Institute (RTI), Project Number 120191, located at Camp Blanding, Starke, Florida 32091. It is my understanding that the Florida Army National Guard (FLARNG) and Army National Guard readiness will be affected if the school cannot adequately accomplish its mission to educate and train soldiers. This final phase will finish construction of the remaining 65,000 square feet of billeting, all remaining infrastructure, supporting facilities, and all necessary work not completed in the prior phases to support and house students attending the courses at the training institute.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. KINGSTON. Madam Speaker, I submit the following:

Requesting Member: Congressman JACK KINGSTON (1–GA)

Bill Number: H.R. 5658

Account: MILCON, Navy

Legal Name of Requesting Entity: Naval Submarine Base Kings Bay

Address of Requesting Entity: NSB Kings Bay, Kings Bay, GA, USA

Description of Request: Provide $6.37 million to construct a 5,000 square feet Communication Addition to the Limited Area Reaction Force Facility in support of the National Weapons Security Program. This high security facility will serve as a command and control center, exercise and recreation spaces, and extended housing for United States Marines and Navy personnel while on duty. This project will provide required ballistic protection for security forces and vehicles as well as the monitoring of perimeter sensors.

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. EHLERS. Madam Speaker, I submit the following:

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 5658

Account: Ap,A Aircraft Procurement, Army; 020 Utility Helicopter Mods

Legal Name of Requesting Entity: Army National Guard Readiness Center

Address of Requesting Entity: 111 S. George Mason Drive, Arlington, VA, 22204

Description of Request: Provide an earmark of $5 million for helicopter modernization. The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every State with a multi-mission aircraft for search & rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or State missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1,200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1,000 lbs. of additional lift than the UH–60A. The desired rate of UH–60A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as FY09 "Essential 10—Top 25" unfunded priorities.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 5658.

Account: Department of Defense, Air Force RDT&E (R–1 Line #8), 0602102F Materials.

Legal Name of Requesting Entity: The University of Texas at Austin.

Address of Requesting Entity: 1 University Station C2200, Austin, TX 78712.

Description of Request: The requested funds will be used to establish a research and educational program for enhancing U.S. competitiveness in Intelligent Manufacturing. Intelligent Manufacturing requires the integration of physics based models, state-of-the-art analysis and control, and advanced materials to develop the next generation of manufacturing processes and systems. The initial thrust will be on small lot and rapid response intelligent manufacturing that is critical to national defense, infrastructure, energy, medical products and other key areas of the U.S. manufacturing base. This project will increase the manpower, manufacturing technology, and know-how available to support quick response, high-technology precision manufacturing and will provide an important competitive advantage for U.S. producers using Intelligent Manufacturing. Texas and Ohio rank 2nd and 3rd in terms of manufacturing jobs in the U.S., with the three states employing 23 percent of the total U.S. manufacturing workforce. Many key defense industries are located in these states and all three campuses have strong ties to the defense laboratories, defense manufacturing, and critical commercial manufacturing entities (aerospace, electronics, energy, and others).

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. AKIN. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member requests for the RECORD regarding H.R. 5658, the National Defense Authorization Act of 2009.

Project: C–17A Globernaster aircraft

Account: Aircraft Procurement, Air Force

Legal Name of Requesting Entity: The Boeing Company

Address of Requesting Entity: 1200 Wilson Blvd, Arlington, VA 22209

Description of Request: Per Air Force Unfunded Priority List (UPL) #6, C–17 (+15 aircraft), $3.9B. procures 15 C–17s, keeping only active strategic airlift production line open. The C–17 is the world's most effective and flexible strategic/tactical airlifter. The C–17 has revolutionized the movement of troops and equipment into battle by allowing their delivery to parts of the world that was previously not accessible by conventional airlifters. Additional C–l7s are essential to the warfighter.

Project: Hyperspectral Imaging for Improved Force Protection (HYPER-IFP)

Account: Army RDT&E, (CERDEC, NVESD, Special Projects)

Legal Name of Requesting Entity: Clean Earth Technologies, LLC.

Address of Requesting Entity: 13378 Lakefront Drive, Earth City, MO, USA

Description of Request: Provide $5,400,000 to complete the design, assembly, integration, test and evaluation of the Hyperspectral Integrated Force Protection sensor system (Hyper-IFP). Approximately 40% will be used for engineering development modeling and simulation; 30% will be used for subsystems assembly and testing; 15% will be used for system integration and ground testing; 15% will be used for a deployed full system field test and evaluation. The request is consistent with the Army NVESD Special Projects office mission to develop advanced sensor systems that provide an operational advantage or that increase survivability of the warfighter. Taxpayer value is substantially enhanced by dual/multi use capacity to serve a number of Homeland Security (DHS) missions in addition to military force protection.

Project: Short Range Ballistic Missile Defense

Account: Defensewide RDT&E

Legal Name of Requesting Entity: LaBarge Corporation

Address of Requesting Entity: 9900 Clayton Road, St. Louis, Missouri 63124

Description of Request: $10M over the President's request of $44.9M to allow the program to get back on track for its planned 2010 IOC which will ensure US troops are protected as quickly as possible against the short range ballistic missile threat. This funding will allow the development team to accelerate design. development and testing that was lost due to past funding cuts; and will initiate concept development and risk reduction efforts to integrate the weapon into existing Army anti-missile systems. This request is consistent with the intended and authorized purpose of the Defensewide RDT&E account.

Project: Heuristic Internet Protocol Packet Inspection Engine

Account: Army, RDT&E.

Legal Name of Requesting Entity: TechGuard Security, LLC.

Address of Requesting Entity: 743 Spirit 40 Park Drive, Chesterfield, MO 63005.

Description of Request: $3.5 million solely for the research, development and test of Heuristic Internet Protocol Packet Inspection Engine (HIPPIE). The advanced concept HIPPIE technology can be rapidly prototyped and deployed in a filtering appliance that sits in front of an existing firewall or router, and uses unique filtering algorithms to quickly classify large numbers of packets—i.e., the country of origin for an IP address—without using slow and CPU intensive rule sets. The objective of the program is to miniaturize the HIPPIE through the use of nanotechnology to the point where it can be placed on a chip and placed directly on a computer for offensive or defensive cyber warfare use.

Project: Mission Execution Technology Implementation.

Account: Army, RDT&E.

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc.

Address of Requesting Entity: 36 Research Park Court, St. Charles MO 63304, U.S.A.

Description of Request: Provide $10,000,000 for technology improvements urgently needed by combat units in Operation Enduring Freedom and Operation Iraqi Freedom. This program will result in significant increases in mission effectiveness and safety for our war-fighters. Funding is required to continue development of enterprise-enabled, integrated Aviation tools and provide this ability to all Army Aviation systems to include UH–60 series, OH–58D, AH–64D, Fixed Wing and UAS systems. The complete integrated aviation solution includes implementing the automated maintenance test flight tool, automated weight and balance software, and integration with current logistics and Aviation Mission Planning systems. The Aviation community has consistently requested an enhanced, fully Automated Maintenance Test Flight Tool for in-cockpit use, eliminating manual and repetitive Maintenance Test Pilot tasks and significantly reducing the labor required to return aircraft to full service. This solution would also fulfill the Army directive for a paperless system, storing the maintenance test flight checksheets into the Common Logistics Operating Environment, eliminating the paper form. Improved integration of automated weight and balance tools with the CLOE and the Aviation System of System infrastructure is critical, eliminating error-prone manual entries and expanding aircraft flight envelopes by eliminating manual lookup and interpolation of paper performance charts. The amount of time in calculating and recalculating loads during OPTEMPO will be greatly reduced from hours to mere minutes. This effort will include the application of commercial Aviation best-practices to data and data processes in support of air worthiness, and the development of processes to support air worthiness assessments of unmanned aircraft systems (UAS). Air-worthiness of UAS will improve safety in training and combat operations as well as permit the routine use of these critical capabilities within national airspace during natural disasters and homeland defense operations.

Project: Ultra-Wideband Reactive Waveform Modulator.

Account: Army RDT&E.

Legal Name of Requesting Entity: X–COM Systems, LLC.

Address of Requesting Entity: 106 North College Avenue, Warrensburg, MO 64093.

Description of Request: $1.5M to support the development and testing of an ultra-wideband reactive waveform modulator (UWB–RWM) for IED countermeasures at the Intelligence & Information Warfare Directorate (12WD), Fort Monmouth, NJ. The UWB–RWM will be a COTS solution designed to support and transition into current Joint Counter Radio Controlled Improvised Explosive Device Electronic Warfare (JCREW) efforts. By providing a significant performance improvement over currently available technology, the UWB–RWM's adaptability and scalahility will facilitate a future-proof capability for transmitting ever-evolving IED defeat waveforms of increasing complexity.

HONORING THE LIFE OF BRUCE H.T. DALLAS

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. GOODE. Madam Speaker, I rise today to honor the memory of Bruce H.T. Dallas of Martinsville, Virginia. Bruce passed away on August 26, 2007, and is survived by his wife Shirley K. Dallas, 6 children, 3 brothers, 11 grandchildren, and 6 great-grandchildren.

Bruce was born on November 4, 1938, in Martinsville. He attended Albert Harris High School and then began his career of active participation in a number of civic and community-building ventures. He served as a member of the Martinsville City Council, Virginia Municipal League, 5th District of Virginia Democratic Party Committee, and State Central Democratic Committee. He was president of the 5th District Black Caucus and former Chairman of the Martinsville Democratic Committee.

Bruce was a member of the Board of Directors of the Virginia State Conference of the NAACP and the Martinsville/Henry County Voters League.

Bruce was an active member of the Mt. Zion African Methodist Episcopal Church, serving as trustee and steward. In 1997, he was named "Man of the Year" by the Virginia Annual Conference of the AME.

The impact of Bruce Dallas' legacy will forever live in the Martinsville community. He will be remembered as a fearless leader who was unafraid to challenge the status quo. Bruce was a "man of the people" and held a deep belief that a man's success could and should be measured by his service to the people. He will long be remembered as a loving husband, father, grandfather, great-grandfather and father-in-law.

I am grateful for the opportunity to rise today to salute Bruce's legacy of service and commitment to improving the quality of life for citizens of Martinsville and Southside Virginia.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MILLER of Florida. Madam Speaker, consistent with Republican earmark standards, the following are detailed finance plans for each of my requested projects in the Duncan Hunter National Defense Authorization Act of Fiscal Year 2009, H.R.5658.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 5658

Project name: FPS–16 Radar Mobilization upgrade

Account: USAF, RDT&E

Legal Name of Entity Receiving Earmark: BAE Systems

Address of Entity: 557 Mary Esther Cut-Off, Fort Walton Beach, Florida, 32548

Description: Provide an earmark of $6,000,000 to The Air Armament Center (AAC) at Eglin Air Force Base, Florida for enhanced range instrumentation coverage. Due to the ever evolving performance characteristics of the systems under test it has become increasingly necessary to extend the instrumentation infrastructure of the test range by providing flexibility and increased coverage in test support. Funding for upgrading FPS–16 radars to BAE Systems RIR–980 configuration, will consist of a set of digital radar electronics based upon an expandable open system VME-based architecture housed in a skid-mounted shelter that can be transported by a flat-bed trailer. The electronics shelter will interconnect to the antenna and tracking pedestal that may also be transported by trailer.

Finance plan: The total package will provide a precision long range tracking radar that may be relocated to prepared sites for optimum test coverage and support on a project-to-project basis. 25 percent of the funding is required for engineering efforts, 40 percent of the cost is for material and manufacturing, 15 percent for mobility and 20 percent for locating the system, training and test.

Justification for use of taxpayer dollars: This enhanced, mobile radar tracking capability will provide AAC the flexibility required to support testing of current and emerging weapon systems and platforms. This new capability will attract test programs to the AAC test range that cannot presently be supported, provide expanded instrumentation coverage for the range, reduce encroachment concerns, and provide more comprehensive coverage and support to all test programs. This added instrumentation asset will result in more cost effective and timely test support for the U.S. Air Force and ultimately in fielding systems for the war fighter in a more timely manner.

Requesting Member: Congressman JEFF MILLER

Project name: Moving Target Strike

Account: RDT&E, Air Force

Legal Name of Entity Receiving Earmark: Alpha Data Corporation/General Atomics

Address of entity: Alpha Data Corp 1326 Lewis Turner Blvd Fort Walton Beach, FL 32547 General Atomics 3350 General Atomics Court San Diego, CA 92121

Description: Moving Target Strike works to demonstrate a low cost GPS guided weapons system with improved accuracy (less than three meters) and the ability to strike moving targets.

Finance Plan: If the request is fully funded in FY09, the obligation breakdown ($M) of labor and materials per quarter:

Modification of small weapon—$1.2M

Interface development of weapon to sensor—$1.0M

Simulation and con-ops development—$0.5M

Datalink procurement and integration—$1.0 M

Manned aircraft integration of datalink and sensor—$0.2 M

Manned flight test/demo. (static weapon, no live drop)—$0.4 M

Predator integration engineering—$0.6 M

Program managemenVsystem engineering—$1.1 M

Total—$6.0M

Justification for use of taxpayer dollars: The ability to extend the capability of GPS guided weapons to moving targets will significantly enhance the effectiveness of weapons platforms that use GPS guided systems. The enemy knows that currently if he keeps moving he is safe from many of our current weapon systems. The ability to strike movers from a variety of platforms with GPS guided weapons will greatly reduce the enemy's ability to avoid our weapons.

Requesting Member: Congressman JEFF MILLER

Project Name: Joint Gulf Range Complex Upgrade

Account: RDT&E, Defense Wide

Legal name of entity receiving earmark: The Boeing Company

Address of entity: 634 Anchors St, Fort Walton Beach, FL 32548

Description: The services lack infrastructure to collaboratively address operational issues associated with the Global War on Terror. The 46 Test Wing at Eglin AFB, in concert with Air Force Special Operations Command and United States Special Operations Command use the range to conduct mission readiness qualification and weapons testing. This program will develop a prototype live virtual and constructive (LVC) range that will enable testing of new net centric weapons and support realistic joint special operations training. This LVC range will facilitate the fielding of weapon systems that possess a net centric capability enabling conventional systems to directly communicate with special operations via data link for the time sensitive targeting of "terrorist type" targets including car bomb factories and training sites.

Justification for use of taxpayer dollars: The upgrade will result in improved training and mission readiness.

Requesting Member: Congressman JEFF MILLER

Project Name: Gulf Range Mobile Instrumentation Capability (GR-MIC)

Account: Defense Wide OSD/Central Test and Evaluation Investment Development (CTEIP)

Legal name of entity receiving earmark: Prologic

Address of entity: 9400 Innovation Dr. Manassas, VA 20110

Description: The 46th Range Group (46 RANG) has a need for a Gulf Range Mobile Instrumentation Capability (GR-MIC) that can provide a platform for remote test, collection, storage and relay of various data types. This capability is needed to support test events which require extreme sized land and water mission operating spaces to accomplish their goals such as distributed Live Virtual Constructive (LVC) test events, large footprint weapons testing, Directed Energy (DE) testing and hypersonic weapons testing.

Justification for use of taxpayer dollars: By developing a GR-MIC we will be able to integrate the simultaneous employment of many advanced weapons/platforms into a single test or exercise/training events. This effort connects test and evaluation ranges that use many communication and data requirements to interact between geographically separated ranges, making valuable information available to everyone who requires it. The result is ranges becoming interconnected and consequently creating a greater training experience.

Requesting Member: Congressman JEFF MILLER

Project name: Eglin Air Force Base Range Operations Control Center (ROCC) Initiative

Account: RDT&E, AIR FORCE

Legal name of entity receiving earmark: Cubic Applications, Inc.

Address of entity: 6 Eleventh Avenue, Suite H–3, Shalimar, FL 32579

Description: The 46th Test Wing has an Improvement Modernization initiative, termed "super ROCC". It provides for more effective control which will better optimize range scheduling and increase flexibility in meeting test and training missions.

Justification for use of taxpayer dollars: Considering the effects of BRAC, emerging Joint Test and Training missions, and increased operations tempo, this initiative will address the current Eglin AFB shortfalls in infrastructure to provide safe, efficient, effective control of range resources. Eglin AFB initiated a phased approach (Super ROCC) to address these shortfalls, and this project will initiate the action by addressing movement and control of people and equipment and relevant security issues. This Initiative will help the Air Force increase the operations tempo at the Eglin Range by addressing the movement and control of people and equipment as well as relevant security issues. Through this initiative, the Air Force will greatly improve its ability to track all players on the Eglin Range thereby significantly increase its efficiency in an increased ops tempo environment. Driven by BRAC and safety imperatives, this further provides for more effective control which will better optimize range scheduling and increase flexibility in meeting test and training missions. Simply by knowing the locations of all entities on the range, more flexibility in reassigning missions to ground and air space previously under utilized will be achieved.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. GRANGER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I offer the following justification for the projects that I requested that were included in the FY2009 National Defense Authorization bill.

For the project titled "Security Forces Building, 136th Airlift Wing, Fort Worth" in H.R. 5658, the MILCON Air National Guard Account, the legal name and address of the requesting entity is Texas Air National Guard, 136th Airlift Wing, NAS JRB Fort Worth, Fort Worth, TX. A new facility is needed at JRB NAS Fort Worth for the Security Forces Squadron and for Combat Arms Training Simulator/Combat Arms Training Maintenance. This requirement is a result of the Air Force's increased need for Security Forces personnel and the resulting increase of Security Forces personnel at the 136th Airlift Wing. Current space and facilities are inadequate; they are less than half the authorized size for the current number of personnel assigned and current training/deployment requirements. This facility needs to be constructed as soon as possible because the number of security personnel for the 136th Airlift Wing is growing quickly. Funds will be used toward the construction of this facility.

For the project titled "F–22A Raptor" in H.R. 5686, the Aircraft Procurement—Air Force Account, the legal name and address of the requesting entity is United Technologies, 1401 Eye Street, NW, Suite 600, Washington, D.C. 20005–6523 (Subcontractor to Lockheed Martin—Fort Worth, Texas). The F–22A Raptor is the only fighter that can provide air dominance necessary to ensure freedom of action for U.S. allied ground, air, and naval forces in contingency and combat forces. The F–22A Raptor provides 5th generation stealth, supercruise, vectoring thrust agility and integrated weapons capability to provide air dominance. Growing threats from modern surface to air missiles; new 5th generation fighters in development by potential adversaries; and loss of significant numbers of the current air superiority fighter (the F–15 Eagle) demand continued F–22 production beyond the current F–22 multi-year procurement. Funds would be used for advance procurement of F–22A Raptors.

For the project titled "C–I7A Globemaster III" in H.R. 5658, Aircraft Procurement, Air Force account, the legal name and address of the requesting entity is The Boeing Company, 3855 N Lakewood Blvd, Long Beach, CA

90846 (As prime contractor to Vought Aircraft Industries). The C–17 is the primary U.S. heavy airlift aircraft that can also operate intratheater on unimproved airfields. C–17 has flown approximately 80 percent of the strategic airlift missions for military operations in Afghanistan and Iraq, as well as serving as the workhorse for disaster relief in Asia and the United States' Gulf Coast. The program will provide improved military capability to fulfill needs as identified by the Department of Defense. Funds will be used for procurement of C–17s.

For the project titled "Podded Reconnaissance System, SCATHE VIEW (C–130H)" in H.R. 5686, the Aircraft Procurement—Air Force account, the legal name and address of the requesting entity is ATK Integrated Systems, 236 Citation Drive, Fort Worth, TX, 76106. SCATHE VIEW provides the war fighter with significant improvements in identifying time-critical targets, and in saving lives. The SCATHE VIEW program currently operates eight C–130H airframes, modified to carry a sensor suite pallet. All assets—including five sensor pallets—are stationed with the Air National Guard's 152nd Intelligence Squadron (IS) in Reno, Nevada. Recent deployments to U.S. Central Command (CENTCOM) have been very successful in finding improvised explosive devices (IEDs), and in locating and destroying high value targets. SCATHE VIEW has also provided critical situational awareness by providing day and night imagery during domestic forest fires, and in search and rescue efforts. The program will provide improved military capability to meet an unmet need identified by the Department of Defense. Approximately 10 percent of funds will be used for the Blue Force Tracker, 40 percent for 3rd Aircrew Position, and 50 percent for Tactical Information Broadcast Service.

For the project titled "UH–60A to UH–60L Upgrades" in H.R. 5686, the Aircraft Procurement—Army Account, the legal name and address of the requesting entity is United Technologies, 1401 Eye Street, NW, Suite 600, Washington, D.C. 20005–6523, and Sikorsky Aircraft Corporation, A United Technologies Company, 4800 Overton Plaza, Ft Worth, TX 76109–4428. The Army has begun procuring new "M" series Black Hawks for utility, special operations, and MEDEVAC missions to replace the older "A" series models. The project also continues modernizing UH–60A helicopters through a UH–60A re-capitalization program. The current re-capitalization program includes an airframe life extension, fleet-wide product improvements and the replacement of components with the latest UH–60L configuration. While performing this recapitalization, the addition of the UH–60L transmission, UH–60L 701D engines and other enhancements complete the upgrade at a cost of an additional $1.5M per aircraft. Funds will be used for these costs.

For the project titled "RC–26B Modernization" in H.R. 5686, the Aircraft Procurement—Air Force Account, the legal name and address of the requesting entity is ATK Integrated Systems, 236 Citation Drive, Fort Worth, TX, 76106. The RC–26B performs critical intelligence, surveillance and reconnaissance (ISR) missions in support of national disaster response by the Department of Homeland Security (DHS), Customs and Border Protection (CBP), Air National Guard, and in direct support of Special Operations Forces in the GWOT. The Air National Guard (ANG) operates a fleet of eleven RC–26B aircraft that provide support to individual states for disaster relief and counter-drug missions. As the demands for the RC–26Bs proven utility increased, non-availability of the platform due to use in GWOT operations have prevented ANG crews from performing their domestic assigned missions. Special Operations Command funded the modification of five RC–26B aircraft—to provide ISR missions in support of deployed operations. With five RC–26B aircraft deployed in support of missions outside of the continental United States, an availability vacuum at the state level has occurred. The remaining six RC–26B aircraft (from Mississippi, Arizona, Florida, Texas, West Virginia and New York) are not sufficient to support the disaster relief and counter-narcotics missions of both the ANG and DHS/CBP. Funds will be used for concept development, design, integration and flight verification for one aircraft of the following technologies that would enhance the current Block 20 RC–26B performance and effectiveness.

For the project titled "Enhanced Holographic Imager (EHI)" in H.R. 5686, the RDT&E—Army account, the legal name and address of the requesting entity is Zebra Imaging, Inc., 9801 Metric Blvd., Suite 200, Austin, TX 78758. This is the final phase of a three-year development program to reduce the size and enhance efficiency of the holographic imager system currently used to produce 3D imagery for the Army's Tactical Battlefield Visualization program. The requested FY09 funds will be administered by the U.S. Army Engineering Research and Development Center (USAERDC) and will complete the EHI development program, with the delivery of a fully-tested prototype of the field-deployable Enhanced Holographic Imager. The Enhanced Holographic Imager (EHI) system is needed by DOD to reduce the time now required to provide 3D imagery to Coalition Forces in Iraq for intelligence and operation planning. Approximately 55 percent of funds will be used to complete design of a system and lab test prototype, 20 percent for the development of a prototype post-processor, and 25 percent to construct and test an in-field beta prototype.

For the project titled "Center for Geospatial Intelligence & Investigation (GII)" in H.R. 5658, RDT&E—Navy account, the legal name and address of the requesting entity is Texas State University San Marcos, Center for Geospatial Intelligence & Investigation, 601 University Drive, San Marcos, TX 78666. The Center for Geospatial Intelligence & Investigation is conducting research of interest to the US military. Recognizing the need for better tools to track down insurgents responsible for kidnapping, maiming, and killing US Forces, allies, and civilians in operations in OIF and OEF, the Army sanctioned the initial stage of this project through the Army Topographic Engineering Center in FY06. This project is designed to assist in counter-IED (improvised explosive devices) efforts having a direct impact on increased safety levels and reduced risk of injury and/or death for U.S. military forces deployed to OIF and OEF. Funds will be used for the next phase of the project supported by the US Marines Systems Command. Employing a cross-disciplinary approach, GII seeks to help military and military intelligence officials build more powerful investigative and analytic tools. This project will continue to develop computer modeling based on insurgent behavioral theories to help extract knowledge from information and data, assisting military officials in predicting insurgent activity areas and bases of operation. Components of the project will focus on suicide attacks, attacks along main supply routes/roads, and the use of specialized technology to depict the "Behavioral Decision-Making Template" of insurgents. Approximately 30 percent of funds will be used for personnel, 10 percent for equipment, and 60 percent for other incidental costs such as travel.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. BUYER. Madam Speaker, the attached financial plans are provided in support of projects listed in H.R. 5658.

DETAILED FINANCE PLAN FOR NATIONAL TEST FACILITY FOR AEROSPACE FUELS AND PROPULSION

Budget: Equipment & Supplies—$2,130,000; Salary—$850,000; Travel—$20,000.

Source of Match Funding: Purdue University.

Sustainability: Potential sources of funding along with associated sustainability possibilities include: Office of Energy and Defense Center for Coal Technology Research (CCTR)—Test and development support for Fischer-Tropsch (FT) fuels; DoD Clean Fuels Initiative—this facility will have the capabilities for long-term test operations and data collection; DARPA BAA—this facility will have the capabilities to conduct development work for Biofuels, a strategic initiative under DARPA; Rolls Royce—through the Purdue University Technology Center (UTC); Caterpillar—long term test operations data; The Boeing Company—support and development of alternative fuels initiatives underway.

Justification for Use of Tax Dollars: In an executive act, President Bush has committed U.S. military installations to use green fuels. The Department of Defense is committed to approval of all aircraft for flight on synthetic fuel blends by the end of 2008. Furthermore, Boeing and Virgin intend to fly a green aircraft using bio-fuel. The Civil Aviation Alternative Fuel Initiative developed a roadmap for the integration of new fuel technologies into the aerospace industry. This project will maintain a multi-faceted National Testing Facility to support development and testing of alternative energy sources for aerospace equipment, assisting the federal government and the private aerospace sector in meeting their green fuel objectives.

DETAILED FINANCE PLAN FOR NATIONAL RADIO FREQUENCY—R&D AND TECHNOLOGY TRANSFER CENTER

The requested funds will be the only source of funding. Funds will be used as follows:

Establish the Center and Participant Coordination—900K—Staffing and training; management and project oversight; identify and technology to needs; select projects.

Start First Project—2,100K—Trial of process; develop needed maturity for transition to production; details of project spending: Salaries—1,400K; material—300K; test equipment and facility use—400K.

Start Second Project—2,000K—Proof process with lessons learned; develop needed maturity for transition to production; details of project spending: Salaries—1,300K; material—300K; test equipment and facility use 400K.

Total—5,000K.

Percent and Source of Matching Funds: None.

Justification for Use of Federal taxpayer dollars: Our Government spends billions of dollars each year on science and technology and research and development. Many groundbreaking technologies never make it to the intended uses simply because it is difficult and time consuming to bridge the funding gaps and acquisition administration requirements. National Radio Frequency (RF) R&D and Technology Transfer Center is intended to facilitate technology transfer to production, to promote small business initiatives, and to gain higher returns on research dollars.

HONORING ELIZABETH FOSTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mrs. Elizabeth Foster, who will be inaugurated as President of the Republic of the Rio Grande during the Webb County Heritage Foundation's annual Founders' Day Celebration at Texas A&M International University on May 10, 2008. Each year, the Heritage Foundation selects an individual who embodies outstanding commitment to historic preservation, and this year, that deserving individual is Mrs. Elizabeth Foster.

Elizabeth was born on December 5, 1920, in Mission, Texas, to her parents, Louis J. Kowalski, and Dorothy Newhall Kowalski. She spent her early childhood in Monterrey, Nuevo Leon, Mexico, where her father was involved in the tobacco business. In 1931, Elizabeth's family moved to Laredo, Texas, when she was 10 years old. Elizabeth attended Heights Elementary School, L.J. Christen Middle School, and graduated from Laredo High School in 1937. She portrayed Princess Pocahontas in the Washington's Birthday Celebrations of 1939 and 1941, and was presented by the Society of Martha Washington in 1940. She married John E. Foster on May 1, 1941. She had 8 children: John, Elizabeth, Dorothy, Alice, Mary, Edward, Sarah, and Stephen, and is a proud grandparent to 10 grandchildren. Mrs. Foster has admirably served the community of Laredo, Texas, through her civic work with the Daughters of the American Revolution, Ladies' Luncheon Club, and the Cotillion Club. She is also an active member of St. Patrick's Catholic Church.

Madam Speaker, I am honored to have had this time to recognize the dedication of Mrs. Elizabeth Foster to preserving the history of the City of Laredo, and for her inauguration as President of the Republic of the Rio Grande.

EARMARK DECLARATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. DOOLITTLE. Madam Speaker, I submit the following:

Requesting Member: Representative JOHN T. DOOLITTLE.

Bill Number: H.R. 5658.

Account: Report Language.

Legal Name of Requesting Entity: Herlong Public Utilities District, Lassen County Board of Supervisors, Ft. Sage Unified School District, Susanville Indian Rancheria.

Address of Requesting Entity: P.O. Box 515, Herlong, CA 96113–0515.

Description of Request: Request that the Army promptly review the Herlong Public Utilities District (HPUD) proposal to privatize the water utility at Sierra Army Depot (Depot) and to convey the utility and offset the costs of the project if it is in the government's best interests. Currently, the Depot provides drinking water to the community of Herlong, and is not in compliance with State of California drinking water standards. Conveying the water utility to HPUD would save approximately $4.5 million of the $12 million currently estimated to bring the Depot into compliance with California State water standards. As HPUD is a local governmental entity, the matching requirement is not applicable.

EARMARK DECLARATION

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. McCAUL of Texas. Madam Speaker, I wish to have my name disassociated with the following project. After this request was submitted to the House Armed Services Committee I instituted a personal earmark moratorium and do not want any earmarks in my name for Fiscal Year 2009.

I urge the Chairmen and Ranking Members of the House and Senate Armed Services Committees, as well as any conferees, to not put forward this earmark in my name or at my request in final Conference or Committee Reports.

Requesting Member: Congressman MICHAEL MCCAUL.

Bill Number: H.R. 5856.

Account: Army RDTE (R–1 Line #133) PE 0605502A.

Legal Name of Requesting Entity: Applied Physical Electronics, LP.

Address of Requesting Entity: 5208 Electric Ave., Spicewood, Texas 78669.

Description of Request: The requested funding will be used for research to produce technology to support efforts against terrorist activities, to fund two endowed professors from the University of Texas for antenna design support and for signal and image processing, to acquire key capital laboratory equipment, and to hire 12 highly skilled professional engineers, as well as supporting staff. The UT professors will be funded to continue in their efforts to help design compact antenna structures, as well as the development of algorithms necessary for detecting and identifying explosives and controlling electronics used with Improvised Explosive Devices (IEDs). The necessary equipment and additional staff will further the development of APELC's technology into systems deployed for defense against IEDs and Rocket Propelled Grenades (RPGs), with the ultimate objective being the utilization of APELC's technology as integral components of future applicable DoD systems, including MDA, Army, Air Force, DARPA and the Navy.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. GINGREY. Madam Speaker, in accordance with House Republican Conference standards and Clause 9 of Rule XXI, I submit the following member requests for the RECORD. Funding for these requests was authorized in the National Defense Authorization Act for Fiscal Year 2009.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Army RDT&E, PE62786A, Line 27, Warfighter Technology.

Legal Name of Requesting Entity: Printpack Inc.

Address of Requesting Entity: 2800 Overlook Parkway, NE Atlanta GA 30339.

Description of Request: The budget request includes $21.9M in PE62786A for Applied Research of new warfighter technologies of which $5.3M is allocated for Joint Service Combat Feeding Technology. The $2,100,000 added to this account will be used to develop new and innovative packaging and processing technologies for the Warfighter's combat rations. These funds will result in the ability to provide greater variety and more nutritional rations with longer shelf-life and reduced production costs. The objective of this effort is to develop advanced thermal processing techniques based on the utilization of non-foil materials for military ration packaging. The importance of developing non-foil packaging materials will serve as a precursor to the next stage of the R&D effort which will investigate new and enhanced thermal processing techniques; specifically, Enhanced High Pressure Processing, EHPP, and Microwave Sterilization, MW, technologies. The EHPP and MW processing technologies have numerous advantages over conventional thermal processing; however, these processes cannot be used on current foil packaging because they cause blistering and flex cracking of the foil packaging material. Therefore, to achieve the advantages of advanced EHPP and MW processing, it is essential to use state-of-the-art, non-foil packaging materials. The development of advanced, non-foil packaging materials and utilization of innovative EHPP and MW processing techniques will result in the provision of rations with the following beneficial and enhanced qualities: greater variety, better taste, more nutrition, longer shelf-life, lower overall production costs, environmentally friendly, less volume and waste. The FY09 effort will consist of three stages and is budgeted as follows: Stage 1: Blistering, $0.14M, Stage 2: Flex Crack Resistance, $0.26M, Stage 3: EHPP & MW Trials, $1.7M.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Defense-wide RDT&E.

Legal Name of Requesting Entity: Scientific Research Corporation.

Address of Requesting Entity: 2300 Windy Ridge Parkway, Suite 400 South, Atlanta, GA 30339.

Description of request: This program will utilize recently developed Wavelet Packet Modulation, WPM. The $4,000,000 authorized will be used to implement design modifications for limited rate initial production, including form factor packaging changes for ruggedization and for integration with signal intelligence systems. Additionally, production readiness for integration with existing communications systems will occur. Finally, module testing will be subjected to continued assessment and utility testing on multiple platforms. The enhanced modules will then undergo a final government Production Readiness Review, paving the way for subsequent deployment. Covert WPM Communications Modules as communications links for multiple platforms, including unmanned aerial systems, provide a critical solution to special operations warfighters that require the ability to communicate covertly without detection. Funding is required for hardware and software engineering, integration, and test, 64 percent; specialized equipment 21 percent; specialized software 13 percent; and travel to U.S. Special Operations Command and to military test sites 2 percent. This request is consistent with the intended and authorized purpose of the U.S. Special Operations Command Special Operations Tactical Systems Development program.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Other Procurement, Army (Training Devices, Non-system).

Legal Name of Requesting Entity: Meggitt Training Systems.

Address of Requesting Entity: 296 Brogdon Road, Suwanee, Georgia 30024

Description of Request: The $3 million authorized will continue the multi-year upgrade and modernization of existing firearms simulation systems in the Army National Guard necessary to meet the validated system standard. The modernization includes the conversion to digital systems and acquiring tetherless simulated weapons that allow better freedom of movement and enhanced realism than the tethered version. The Army National Guard views modernization as critical to resolving an immediate mandatory small-arms training need in support of the Guard's role in the global war on terrorism and homeland security. Of the 266 systems in the Guard inventory, 169 have not been upgraded. These funds will allow for the upgrade of approximately 45 of those systems.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Defense-wide, RDTE.

Legal Name of Requesting Entity: Georgia Institute of Technology.

Address of Requesting Entity: GTRI Cobb County Research Facility, 7220 Richardson Road Smyrna, GA 30080.

Description of Request: The $6,000,000 authorized for Advanced Surface-to-Air-Missile (SAM) Hardware Simulator Development will reinvigorate the simulator development process and provide a simulator that can be used for electronic warfare, EW, development and testing while the simulator community revives its ability to develop and field SAM simulators. The funding will be used for research and charged to the Department of Defense at pre-negotiated rates.

One of the by-products of the collapse of the Soviet Union is that Russian SAM systems became available for purchase through FME/FMA programs. This has been a boon for the EW and test communities, DTE & OTE, in that they have been able to use actual SAM systems, as opposed to SAM simulators, to develop and test EW equipment and tactics against Russian SAM systems. While providing the aforementioned benefit, the availability of actual Russian SAM systems has had the negative effect of curtailing development of SAM simulators. At the same time, the Russians have continued to develop advanced SAM systems. Further, the Chinese have continued their development of advanced SAM systems, and other, third-world countries have been purchasing and modifying Russian SAM systems. Intelligence estimates are that these advanced and modified SAM systems will not be available for purchase by the U.S. in the foreseeable future.

The result of the above is that the U.S. EW and test communities are hampered in their development of EW equipment and tactics against advanced Russian and Chinese SAM systems, or against modified, third-world, SAM systems. This is particularly troubling because these threats are critical requirements drivers for many U.S. acquisition and upgrade programs including the JSF, AWACS, EF–18G, AARGM, J–UCAS, F–22, and JASSM. While it is believed that the simulator development community will recover its ability to field simulators of advanced SAM systems, such recovery will take a long time. Also, unless action is taken soon, the recovery will be hampered by the fact that the corporate knowledge needed to develop threat-representative simulator designs is being lost through retirement and personnel shifts.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: RDTE N, PE#0603513N, Line 35, Shipboard System Component Development.

Legal Name of Requesting Entity: Global Technology Connection, Inc.

Address of Requesting Entity: 2839 Paces Ferry Road, #1160, Atlanta, GA 30339.

Description of Request: The $2,000,000 authorized will be used to begin development of a Two-Screw Magnetic Drive pump system, 2–SMDPS, with diagnostic/prognostic capabilities in response to a Navy requirement. Approximately $1,000,000, 50 percent, is for the engineering and design of the controls/microprocessor; the development of test protocols and collaboration on the algorithms/softwear; and $1,000,000, 50 percent, on engineering addressing the pump design. The system will provide a diagnosis of pump components and provide a prognosis of the time-to-failure while identifying the affected components giving their current state and estimating remaining useful lifetime. This advanced pump system for naval ships that will not only increase safety for the ships' crews but also ensures there are no catastrophic failures during critical missions. In addition, it will provide savings on inventory and reduce the need for redundant systems, thereby reducing weight and freeing up space on naval ships.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Army, RDTE.

Legal Name of Requesting Entity: Georgia Institute of Technology.

Address of Requesting Entity: Institute of Bioengineering and Bioscience, 315 Ferst Drive, NW Atlanta, Georgia 30332–0363.

Description of Request: The $3,000,000 authorized for the Center for Advanced Bioengineering and Solider Survivability, CABSS, will be used for critical needs in trauma treatment and post-trauma wound care and reconstruction. The funding will be used for research and paid out at pre-negotiated rates in accordance with Department of Defense policy. Specifically, funds will be used to: establish a seed grant program to identify novel technologies for treatment of musculoskeletal defects following trauma, develop oriented nano-fiber meshes for treatment of neurologic defects following injury to the extremities, develop biodegradable shape memory polymers for treatment of large bone defects, develop biodegradable shape memory polymers for craniofacial reconstruction, and test the effects of sustained delivery of osteoinductive proteins in tubular nanofiber mesh scaffolds on functional repair of large segmental bone defects. Past Congressional funding has been leveraged by CABSS to obtain additional funds from the Department of Defense.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: O&M, ARMY, Off-Duty and Voluntary Education.

Legal Name of Requesting Entity: North Georgia College & State University.

Address of Requesting Entity: College Circle, Dahlonega, Georgia 30597.

Description of Request: These funds will expedite the creation of an Arabic Language and Culture Program at one of the nation's six senior military colleges. With its Corps of Cadets numbering nearly 650 and with an annual commissioning of 45–50 2nd Lieutenants in the U.S. Army, North Georgia is centrally situated to make an immediate impact on training future military leaders for the threats that the Nation currently faces and will very likely face for the foreseeable future. These funds will create the infrastructure to provide Arabic language and culture training beginning with the fall 2009 semester. The University will pick up the costs for the program once the Federal funds have been exhausted. Of the $350,000 authorized, $227,000 will be used for personnel expenses for 3 faculty members to teach Arabic, $23,000 will be used on equipment and software, $37,300 will be used for students to study abroad and faculty development, $30,000 will be used to provide students with a summer stipend. The remainder of the funds will be used for indirect costs.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Army Line 30, PE# 0603002A.

Legal Name of Requesting Entity: Smisson-Cartledge Biomedical, LLC.

Address of Requesting Entity: 502 Mulberry Street, Second Floor Macon, Georgia 31201.

Description of Request: The $2,000,000 will be used for Research and Development on extracorporeal lung support therapy as an extension the ThermaCor 1200 technology. As research shows, there is an unmet medical need for something better than conventional mechanical ventilation for acute lung injury, including exacerbations of chronic lung disease. Smisson-Cartledge Biomedical intends to pioneer an integrated system to provide an extracorporeal alternative for use outside of the surgical ICU. Their system would be designed for use by people who are not trained perfusionists or surgeons. The plan is to integrate the "smart" pump/circuit driver with an efficient compact gas exchange device for CO_2 removal and reoxygenation of the blood that will be infused at normothermic, body, temperature. The base technology will be further developed to provide this critical life-saving portable lung support for soldiers/patients that are inflicted with an acute lung injury. The authorized funds will complete this effort.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Aircraft Procurement, Army; 020 Utility Helicopter Mods.

Legal Name of Requesting Entity: Army National Guard Readiness Center.

Address of Requesting Entity: 111 S. George Mason Drive, Arlington, VA, 22204.

Description of Request: The $5,000,000 authorized will be used for UH–60 Black Hawk Helicopter upgrades. The UH–60L Upgrades are $1.5 million each and include: UH–60L Improved Durability Gearbox; UH–60L Flight control upgrades; UH–60L, IVHMS, Integrated Vehicle Health Maintenance System; UH–60L Overhead rescue hoist provisions; UH–60L Overhead Rescue Hoist; UH–60L Rescue Hoist Cable Guard; UH–60L Digital engine control unit; UH–60L Hydro mechanical unit; UH–60L Signal data converter; UH–60L Cargo hook upgrade to 9000 lbs.

The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every state with a multi-mission aircraft for search and rescue, utility lift, disaster relief and medical evacuation. The Army National Guard, ARNG, is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance, O&M, funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH–60A. The desired rate of UH–60 A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau, CNGB, as FY09 "Essential 10—Top 25" unfunded priorities.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Legal Name of Requesting Entity: USAF (2009 Unfunded Requirements List); Lockheed Martin Corp/Boeing Co/United Technologies Corporation.

Address of Requesting Entity: The Pentagon, Washington, DC; Marietta, GA/Seattle, WA/East Hartford, CT.

Description of Request: $523,000,000 is authorized to advance procure F–22 long-lead items in FY2009 that are necessary for F–22 procurement in FY2010. The funds provide for production of supplier items in FY2009 that are required to produce 20–24 additional, Lot 10, F–22 aircraft in FY2010, such as specialty metal alloy and titanium structural parts, as well as engine, AMAD, RADAR, CIP, CNI, and Landing Gear parts. The USAF submitted this request as the number two priority on its FY2009 Unfunded Requirements List. Additionally, the Secretary of Defense testified that he would like to extend production of F–22 into 2010, in order to allow the next administration to determine future production of the F–22. Yet, to date, the Secretary has provided no defense budget funding request or supplemental budget funding request to do so. Without funds for Advance Procurement of another full lot, F–22 production line suppliers will be forced to begin shutdown activities by November of 2008, making it unlikely that the next administration would have the necessary time or personnel in place to make such an important decision.

EARMARK DECLARATION

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. LAHOOD. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the C–130 Squadron Operations Facility for the 182nd Airlift Wing, Illinois Air National Guard.

Bill Number: H.R 5658, the Duncan Hunter National Defense Authorization Act of fiscal year 2009.

Provisions/Account: Air Force, MilCon Air National Guard, JLQN069160.

Name and Address of Requesting Entity: 182nd Airlift Wing, Illinois Air National Guard, 2416 S. Falcon Boulevard, Greater Peoria Regional Airport, Peoria, IL 61607.

Description of Request: This is a top priority for the Illinois Air National Guard. This project has already received architecture and engineering funding from the National Guard Bureau, and will be ready to utilize FY09 funds. This request would provide a properly sized and adequately configured facility to accommodate airlift squadron operations. The current facility is only 86 percent of the authorized space. It is extremely overcrowded and inadequate to support the ongoing airlift mission of this C–130 base. Upon completion of this project, the current Operations building will be reconfigured to address the critical space shortages of other base operations.

H. RES. 1086 RECOGNIZING NATIONAL NURSES WEEK ON MAY 6 THROUGH MAY 12

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of the resolution recognizing National Nurses Week on May 6th through May 12th (H. Res. 1086). This resolution pays tribute to the safe, high quality, and preventative health care that nurses provide.

I am pleased to honor the essential role that nurses play in providing quality health care across our Nation. Each of us remembers experiences when a loved one needed health care and a nurse was the first person by the patient's side providing care and comfort. We all benefit from the commitment nurses make to their profession despite extraordinary challenges they face every day.

Nurses are the health professionals on the front lines of caring for Americans both at home and abroad. Our Nation's soldiers on the front lines rely on nurses for lifesaving aid as they serve our country abroad. Back in the States, nurses play an important role as the primary point of contact between the patient and the world of healthcare providing critical medical care for the patient and assistance for their families.

Our Nation's health care system is complex and people with all types of needs are greatly served by caring, qualified, and professional nurses. They are integral to our Nation's health care delivery system. Nurses are advocates and health educators for patients, families, and communities. Nurses are also experienced researchers, and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research.

Despite the excellent care that nurses provide, unfortunately, there is a shortage of nurses in our country which must be addressed. Minnesota—like much of the United States—is on the verge of a serious shortage of registered nurses and licensed practical nurses that affects patients, health care facilities, businesses, and the entire community. The Department of Health and Human Services (HHS) projects that the current 10 percent vacancy rate in registered nurses will grow to 36 percent by 2020, representing more than one million unfilled jobs.

In addition, there are less than 20,000 full time faculty to train nurses in this country, and nearly 2,000 full time faculty members leave their positions each year. Thus, we need to address the shortage of nurse faculty to help nursing schools expand student capacity and increase the nursing workforce. I was also pleased to support the Nurse Reinvestment Act which established a Nursing Faculty Loan Program and Nurse Service Scholarship program.

An aging workforce, stagnant graduation trends, and greater employment demand have left our Nation's hospitals critically understaffed. I believe we need measures to help address workforce issues to help retain nurses in the profession and allow nurses to be the professionals that they are. Providing individuals interested in nursing with the training and tools they need must be a top priority, and I will continue to support those efforts.

Nurses provide outstanding health care services in our community, and I look forward to continuing to support the work of nurses who devote themselves to making such a difference in our lives. I urge my colleagues to join me in supporting this bill to recognize National Nurses Week.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. COLE of Oklahoma. Madam Speaker, under Clause 9 of Rule XXI, I submit for publication in the CONGRESSIONAL RECORD a list of earmarks which I have obtained in H.R. 5658, the Fiscal Year 2009 National Defense Authorization Act.

(1) Project Name: UML UAV/UAS Test Facility.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: RDT&E, Defensewide, Line 193.

Legal Name of Requesting Entity: Oklahoma State University—University Multispectral Laboratories (OSU–UML).

Address of Requesting Entity: 1000 South Pine (Research East), P.O. Box 1902, Ponca City, OK 74602.

Description of Request: Provide an earmark of $8,000,000 to establish a National Unmanned Aerial Vehicles/System (UAV/S) Test Facility adjacent to restricted Fort Sill, Oklahoma airspace on behalf of the United States Special Operations Command (USSOCOM) Approximately $4,400,000 (or 55%) is for material, engineering support, range equipment and renovations, along with $3,600,000 (or 45%) is for the creation of new, high-technology jobs consisting of technicians, engineers and scientists. The USSOCOM Program Manager, Special Applications For Contingencies (SAFC), requires greater access to test ranges where less restrictive UAV/S test flights may occur. Established by the OSU University Multispectral Laboratories (UML), this facility provides unique opportunity to conduct UAV/S flight testing while remaining within restricted airspace where UAV flights are exempt from FAA regulations. A wide variety of UAV/S testing, fully coordinated with Army authorities, becomes possible for all government entities This facility also supports the Army Fires Center of Excellence and fosters a positive economic impact on the surrounding areas.

(2) Project Name: Joint Fires & Effects Training System (JFETS).

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Army, RDT&E, Line 38.

Legal Name of Requesting Entity: The Institute for Creative Technologies.

Address of Requesting Entity: 13274 Fiji Way, Marina del Rey, CA 90292, USA.

Description of Request: Provides $6.5 million for the Joint Fires and Effects Training System (JFETS). JFETS at Fort Sill, Oklahoma, a collaborative effort between the University of Southern California Institute for Creative Technologies and the United States Army Field Artillery School, has grown from a concept demonstration to three fully functional prototype training installations since its inception in 2003. Short of combat, JFETS creates a realistic, stressful, and demanding experience for soldiers undergoing training in the synchronization of fires and effects. To date, more 5,000 soldiers have been trained in the JFETS Urban Terrain Module, the Open Terrain Module, and the Close Air Support Module.

Joint Fires Observation skills are perishable. The capability to refresh these skills frequently, in a time and cost effective manner, and across the U.S. Army, USAF, and U.S. Navy, will make the U.S. military a more integrated and effective fighting force. The enhancement of the Joint Fires Effects Trainer System (JFETS) will provide this.

Budget and timeline for FY 09 JFETS request.

JFETS:

Salaries & Wages—$2,478,361
Materials & Supplies—$797,348
Travel—$34,902
Subcontracts—$2,879,865
Fees—$309,524
Total Project Cost—$6,500,000

This will be executed in FY 09.

(3) Project Name: Call for Fire Trainer II/Joint Fires and Effects Trainer System.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Other Procurement, Army, Line 169.

Legal Name of Requesting Entity: "Techrizon, Inc."

Address of Requesting Entity: 111 SW "C" Avenue; Lawton, OK 73507.

Description of Request: This request is for the continued research, development, technological improvements, and day to day training operations of the JFETS portion of the US Army's Can for Fire Trainer (CFFT) II at Fort Sill, OK. With an earmark of $4,000,000, approximately, $1,600,000 [40%] is for operations and maintenance of existing modules; and $2,400,000 [60%] is for the construction of additional modules to accommodate increased workload and student throughput in conjunction with BRAC-related expansion of Fort Sill. While JFETS/CFFT II is an Army approved program of record, funds for these essential functions are not addressed in the approved Capabilities Production Document (CPD). The requested funding will enable procurement of additional JFETS modules which will be placed in an authorized Simulations Center scheduled for construction in FY10.

(4) Project Name: Infrared Materials Laboratories.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Navy, RDT&E, Line 7.

Legal Name of Requesting Entity: "Amethyst Research Inc."

Address of Requesting Entity: 2610 Sam Noble Parkway, Ardmore, OK 73401USA.

Description of Request: I received an earmark of $3,000,000 for advanced infrared systems development. Specifically, $2,097,900 is for research, development, testing and evaluation: $737,100 is for research equipment lease, and $165,000 is for building lease. This project has the support of key officials within the Department of Defense and within the U.S. suppliers of key defense-related technologies to the U.S. Government. This request is consistent with the intended and authorized purpose of the ONR, RDTE, N account. While not required to do so, the State of Oklahoma and the host community City of Ardmore have committed non-federal dollars toward this national priority.

(5) Project Name: Excalibur, Proj 155 MM Extended Range XM982.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Army, Ammunition Procurement, Line 017.

Legal Name of Requesting Entity: Raytheon Company.

Address of Requesting Entity: 1151 East Hermans Road, Tucson, AZ 85706.

Description of Request: Excalibur is a funded program of record and receives procurement funding from the U.S. Army and Marine Corps as well as through Foreign Military Sales. The Army has a stated requirement of 30,000 rounds, and the current program, through FY13, funds only 5720 rounds.

In March 2005, the Army approved Excalibur as the materiel solution to respond to an Urgent Needs Statement for precision cannon munitions in Iraq. The additional procurement funding will support wartime requirements, stabilize the production profile of the program, and continue efforts to reduce unit cost. Quantities to be procured are dependent upon final negotiations with the program office as well as the total amount of the contract, but will be generally consistent with All Up Round costs in FY07 and FY08.

(6) Project Name: Realign Air Depot Street at Tinker Gate.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Air Force, Military Construction, Oklahoma.

Legal Name of Requesting Entity: Office of Congressman TOM COLE.

Receiving Entity: Tinker AFB.

Address of Requesting Entity: Tinker AFB, 7751 1st St, Tinker AFB, OK 73145.

Description of Request: This $5,760,000 addition to the Air Force MilCon Account will accelerate from within the FYDP the realignment of Air Depot Street at Tinker Gate. This project is fully executable in the next fiscal year, is within the FYDP, supported by the base commander, is a base priority, and has a parametric cost estimate associated with it. The existing roadway alignment poses a safety issue and does not satisfy the Anti-Force/force protection requirements. It is not in compliance with the Manual on Uniform Traffic Control Devices—extreme congestion during morning and afternoon peak traffic flows presents significant driver safety issues as exits are made from a major Interstate onto the entrance to Tinker AFB. The project also provides for a new Pass and Identification building consolidating all operations at the 24-hour gate.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 5658.

Account: Department of Defense, Air Force RDT&E (R–1 Line #18).

Legal Name of Requesting Entity: Texas Research Institute.

Address of Requesting Entity: 9063 Bees Cave Road, Austin, Texas 78732.

Description of Request: Provide an earmark of $2,000,000 for the Air Force's "Improved Inspection Reliability for Optimized Maintenance Program." Regularly scheduled nondestructive inspection (NDI) and maintenance of Air Force aircraft requires that these key assets are removed from service for extended periods of time in addition to routine maintenance issues. This program will develop and validate model-based approaches to the measurement of inspection reliability, and data mining methods to assure continued performance over time in Air Force field and depot inspections. This will result in improved confidence in the reliability of NDI to assess damage without costly and time-consuming maintenance will increase availability and reduce maintenance costs over current practices. This one time program of $2M will use $1.7M for the development and testing of the systems and the remaining $300K will be used for required reports. As the Air Force is scheduled to decrease in manpower over the FYDP it is critical that those in the Air Force will have the tools and equipment to do complete their jobs. This project fully supports the 2008 Air Force Strategic Plan which calls for "Smart Operations across the total Air Force" and specifically calls for "Efficient processes free up resources for recapitalization and modernization, increase the availability of our aircraft by reducing the time they are in Depot"—This effort is termed Air Force Smart Operations for the 21st Century (AFSO21).

RECOGNIZING THE FINE WORK OF U.S. COAST GUARD SECTOR BUFFALO AND NATIONAL SAFE BOATING WEEK (MAY 17–23, 2008)

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. HIGGINS. Madam Speaker, I rise today during National Safe Boating Week to recognize the fine work of the men and women in the United States Coast Guard and particularly the many contributions of those in USCG Sector Buffalo.

Commissioned on July 22, 2005 as a merger of the Group Buffalo, Marine Safety Office Buffalo and Marine Safety Office Cleveland commands, Sector Buffalo covers a large area of responsibility including Lake Erie from Lorain, Ohio to Buffalo, New York, the Niagara River, Lake Ontario, the Finger Lakes, the Erie Canal, and the St. Lawrence Seaway to Massena, New York.

Sector Buffalo provides many services to our region including: Search and rescue, homeland security, law enforcement, aids-to-navigation, recreational boating safety, marine environmental response, and Immigrations and Customs.

On Saturday, May 17, 2008, under the direction of Coast Guard Commander Captain Scott J. Ferguson, Sector Buffalo held their first annual East Great Lakes Water Safety Expo. According to national statistics, 700 people drown each year from recreational boating accidents—10 percent of these victims fail to wear a life jacket. Through Sector Buffalo's public outreach event, the Coast Guard spread the message about boating safety and the importance of life jackets to hundreds of Western New York residents.

The Coast Guard has been a presence in Western New York since 1818, beginning with the construction of the Buffalo Lighthouse.

Sector Buffalo currently occupies approximately 31 acres on the City of Buffalo's Outer Harbor. The Coast Guard has indicated that Sector Buffalo occupies a site that is too large for its needs and drew up a preliminary plan to upgrade facilities—some of which are over 70 years old—and consolidate them in a way that would meet its operational needs, allow for future growth and open up public access to the historic lighthouse and valuable waterfront land.

For the last 90 years the U.S. Coast Guard has honorably served our waterfront community. Thank you, Madam Speaker, for this opportunity to recognize Sector Buffalo's efforts to raise public awareness this week, National Safe Boating Week, and their many contributions protecting people along our waterways and serving as a committed community partner each and every week for the last ten decades.

THE DAILY 45: FAR ROCKAWAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. Last Saturday, May 17, Brandon Bethea, a 15-year-old Jamaica girl was fatally shot on a Far Rockaway, New York street corner. She was shot while standing with a crowd near the Redfern Housing Projects.

Then, 2 days later and a half-mile away, while police investigated Brandon's killing, 17-year-old Tyrese Jones was gunned down in front of a local restaurant.

Two more young people, gone before they could even graduate from high school. And on both of these days, 44 other people were shot. Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

H.R. 5501, THE TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. This important legislation authorizes appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, including program monitoring, operations research, and impact evaluation research of U.S. HIV/AIDS, tuberculosis, and malaria programs.

Since the HIV/AIDS epidemic began, 20 million men, women, and children have died from the disease. Forty million around the globe are HIV-positive, and each and every day, another

6,000 people become infected with HIV. Tuberculosis and malaria are devastating diseases in their own right, particularly in developing countries. However, tuberculosis (particularly drug-resistant strains) in the immunocompromised poses a particularly vexing treatment challenge.

HIV/AIDS, tuberculosis, and malaria are sometimes referred to as the "diseases of poverty;" without question, Africans and various peoples of African descent have been hit the hardest by this global epidemic. In three of the larger countries in the Caribbean—the Bahamas, Haiti, and Trinidad and Tobago—more than 2 percent of the adult population is living with HIV. Higher prevalence rates are found only in sub-Saharan Africa, making the Caribbean the second-most affected region in the world.

AIDS is now one of the leading causes of death in some of these countries, with Haiti being the worst affected. An estimated 16,000 lives are lost each year to AIDS in Haiti, and tens of thousands of children have been orphaned by the epidemic. As well, Haiti has the highest per capita tuberculosis burden in the Latin America and Caribbean region. After HIV/AIDS, TB is the country's greatest infectious cause of mortality of both youth and adults, resulting in 6,000 deaths annually.

What must not be overlooked in the gobal pandemic of HIV/AIDS is the need for preventative care. For example, the Act directs the United States Agency for International Development (USAID) to develop a program to facilitate availability of proven microbicides that prevent the transmission of HIV. The Act also creates linkages and requires patient referrals between HIV/AIDS and tuberculosis programs, and creates a new plan to stop tuberculosis by enhancing testing and treatment in countries with high tuberculosis rates. New tactics for attacking drug-resistant tuberculosis are also supported.

Most importantly, the Act provides funding for treatment based on scientific principles and evidence-based practices. It is our duty to battle these life-threatening illnesses, and it is inappropriate to forebear moral judgment or other inherent prejudices upon those suffering from these terrible diseases. The Act's purpose is to help provide treatment and support to those who are unable to provide these services on their own. It implores us to care for one another, for we are all brothers and sisters in the eyes of our Creator.

Madam Speaker, there is a moral imperative to combat this epidemic, and the late Congressmen Lantos and Hyde, both dear friends and colleagues, fought long and hard on this important issue. Please honor their efforts by supporting H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

STATEMENT ON VETERAN'S LEGISLATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to talk about some important legislation that honors the sacrifice and courage of our women who have served and are currently serving in our armed forces.

The Veteran's legislation we considered today provides an opportunity for each of us, regardless of political views, religion, ethnicity, gender, or background to come together, and to recognize and honor our Nation's heroes.

We gather here today, in the midst of ongoing conflict and warfare, to celebrate the dedication of our men and women in uniform. Though we may be divided by our positions on the war in Iraq, we stand together to support our veterans. Our Nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion this grateful Nation can bestow.

All too many of our veterans are left without the help and support they need to transition from the horrors they bravely face on the front lines of battle to successful civilian life. According to the Veterans Affairs Department, as of 2006, on any given night, 196,000 veterans of all ages were homeless.

The V.A. also reports 400 veterans of the wars in Iraq and Afghanistan alone have already become homeless, and this figure only takes into account those who have sought services from V.A.-sponsored programs. Experts have predicted that the trauma resulting from the extreme horrors of these modern wars could lead to a surge in homeless veterans in the coming years.

I chose to celebrate one of our heroic daughters of Texas, Specialist Monica L. Brown of the United States Army with House Concurrent Resolution 320 for her efforts earlier this year.

Spec. Brown was the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the Nation's third-highest medal for valor. This soldier from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees.

When Spec. Brown saw her fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

The Pentagon's official policy is to prohibit women from serving in front-line combat roles in the infantry, armor or artillery, but the nature of the wars in Afghanistan and Iraq, with no real front lines, has seen women soldiers take part in close-quarters combat more than previous conflicts.

According to the army four Army nurses in World War II were the first women to receive the Silver Star, though three nurses serving in World War I were awarded the medal posthumously in 2007. Sgt. Leigh Ann Hester, of Nashville, Tenn., was the first to receive the Silver Star in 2005 along with two fellow male soldiers for her gallantry during an insurgent ambush on a convoy in Iraq.

The Army has stated that Spec. Brown's "bravery, unselfish actions and medical aid rendered under fire saved the lives of her comrades and represents the finest traditions of heroism in combat."

Though I have opposed the war in Iraq from its inception, I remain absolutely committed to ensuring that we recognize, celebrate, and honor the service of our sons and daughters returning from Iraq and Afghanistan. Our troops in Iraq did everything we asked them to do, and I firmly believe that we must commend the men and women of our military for their exemplary performance and success in Iraq.

I am proud to be a cosponsor on H. Res. 1054—Honoring the service and achievements of women in the Armed Forces and female veterans (Representative DAVIS (CA)—Armed Services) and H.R. 3819—Veterans Emergency Care Fairness Act of 2007 (Representative SPACE—Veterans' Affairs).

We are providing for our Veterans with legislation such as:

H.R. 6081—The Heroes Earnings Assistance and Relief Tax Act of 2008 (Representative RANGEL—Ways and Means).

H. Res. 986—Recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict (Representative BOEHNER—Armed Services)—Recorded Vote

H.R. 2790—To establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health as amended (Representative HARE—Veterans' Affairs).

H.R. 3681—Veterans Benefits Awareness Act of 2007 (Representative BOOZMAN—Veterans' Affairs).

H.R. 3889—To require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary (Representative BOOZMAN—Veterans' Affairs)—Passed

H.R. 5554—Veterans Substance Use Disorders Prevention and Treatment Act of 2008 (Representative MICHAUD—Veterans' Affairs)—Passed

H.R. 5664—To direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary (Representative RODRIGUEZ—Veterans' Affairs).

H.R. 5826—Veterans' Compensation Cost-of-Living Adjustment Act of 2008 (Representative RODRIGUEZ—Veterans' Affairs)—Recorded Vote

H.R. 5856—Department of Veterans Affairs Medical Facility Authorization and Lease Act of 2008 (Representative MICHAUD—Veterans' Affairs).

H.R. 6048—To amend the Service members Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation (Representative TURNER—Veterans' Affairs).

I firmly believe that we should celebrate our veterans after every conflict, and I remain committed, as a Member of Congress, to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving. Veterans have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

Currently, there are over 25 million veterans in the United States. There are more than 1,633,000 veterans living in Texas and more than 32,000 veterans living in my congressional district alone. I hope we will all take the time to show appreciation to those who have answered the call to duty. As Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

Madam Speaker, I encourage my colleagues to join me in supporting our troops of yesteryear and our troops of today.

EARMARK DECLARATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HAYES. Madam Speaker, I wish to submit the following earmark for the RECORD.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Other Procurement Army (OPA), Training Devices—Non-System.

Legal Name of Requesting Entity: General Dynamics Information Technology.

Address of Requesting Entity: 2941 Fairview Park Dr., Suite 100, Falls Church, VA 22041.

Description of Request: This request is for authorization of $4 million FY '09 OPA funding to allow instrumentation of 12 to 14 of the remaining buildings at the Range 74 Combined Arms Collective Training Facility (CACTF) site to Combined Arms MOUT Task Force (CAMTF) standard. The Army's CAMTF training requirement provides 80 percent coverage for a generic 20–26 building site. The Ft. Bragg Range 74 CACTF consists of thirty-two (32) training buildings, only six (or 18%) of which are instrumented. Ft. Bragg's CACTF supports sixteen (16) brigade-equivalent units with six (6) instrumented buildings. Considering the XVIII ABC training throughput, the level of instrumentation currently fielded is not commensurate with the size and scope found at installations with smaller training requirements. Fort Campbell's Cassidy Urban Training Complex and Eighth Army's Rodriguez CACTF in Korea are illustrative of the Army's training strategy and feature at least 18–20 instrumented training buildings, per facility. The situation is more pronounced when you examine the troop populations at each installation. Currently, the Rodriguez site supports one maneuver brigade of the 2nd Infantry Division, while Cassidy hosts three maneuver brigades from the 101st Airborne Division. There is a compelling need to instrument another twelve to fourteen (12–14) buildings at the Ft Bragg CACTF to align it closer to the Army's standard.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: RDT&E, Navy.

Legal Name of Requesting Entity: Combat Displays, Inc.

Address of Requesting Entity: 100–B Industrial Drive, New Bern, NC 28562.

Description of Request: Provide an authorization of $6,800,000 for development of environmentally sealed, ruggedized avionics displays for vertical lift systems and will be done in conjunction with the Center for Vertical Lift Excellence, Marine Corps Air Station (MCAS) Cherry Point, NC in support of technology to benefit our military aviators. This request is consistent with the intended and authorized purpose of the Navy RDT&E account.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide Procurement.

Legal Name of Requesting Entity: Raytheon Technical Services Company.

Address of Requesting Entity: 6125 E 21st St., Indianapolis, IN 46219–2058.

Description of Request: Provide an authorization of $6,000,000 to procure 80 RAMS B kits for Special Operations Forces. RAMS is a remote-controller initiator to control the activation of demolitions. This request is consistent with the intended and authorized purpose of the Defense Wide Procurement account. These kits are used extensively by United States Special Operations Command and our servicemembers in OIF and OEF.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: OPN Budget Activity 01, Line #19, Items Less than $5 million.

Legal Name of Requesting Entity: IMO Pump.

Address of Requesting Entity: 1710 Airport Road, Monroe, NC, USA.

Description of Request: Provide an authorization of $4 million for the procurement and installation of Canned Lube Pumps (CLP) on four LSD–41/49 Class amphibious ships. This funding will purchase 16 CLP units to complete the LSD–41 class. Approximately, $400,000 is for technical support for installation; $2.8M for the CLP units and installation; $600, 000 for battle spares; $200,000 for proto-type shipboard test for LHD class. The Navy has indicated that the total savings over the life of the LSD 41/49 class from installing the CLP is over $33.1 million and the return investment to the Navy is 394 percent. This funding will complete the procurement and installation of the Whidbey Island Class.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide, RDT & E.

Legal Name of Requesting Entity: University of North Carolina at Charlotte (UNCC) and Northrup Grumman.

Address of Requesting Entity: UNC–Charlotte Campus in Charlotte, NC is the location of performance (where the work will be done): University of North Carolina–Charlotte, 9201 University City Blvd., Charlotte, NC 28223 and Northrup Grumman, 7323 Aviation Blvd., Mail Stop 1105, Baltimore, MD 21040.

Description of Request: Provide a $3 million authorization for Superlattice Nanotechnology research for the Department of Defense to be performed at UNC–Charlotte. Most of today's compound semiconductor devices made from silicon (Si) and silicon germanium (SiGe) have high power capabilities, but are limited by defect density and other factors affecting yield, cost and performance. One of the most promising new materials is SiC, which is used to make high power radio frequency (RF), power switching, and high current switching devices for a multitude of DOD applications. Superlattice nanotechnology can mitigate the size, yield and performance limitations of SiC by utilizing atomic level control of the SiC-on-Si growth process. This will greatly reduce the cost and improve the performance of many of the desired SiC devices. Superlattice nanotechnology will form the structure for the next dimension in RF electronics (Radar, EW, communications), radiation hard electronics (satellite, special use), and power conditioning electronics (DEW, electromagnetic gun), enabling performance levels unachievable with today's technology. Request $5.0 million be added to the President's FY09 Budget Request to continue development of silicon carbide (SiC) Superlattice Nanotechnology.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide, RDT & E.

Legal Name of Requesting Entity: United Protective Technologies.

Address of Requesting Entity: United Protective Technologies (UPT), 4600 H Lebanon Road, Charlotte, NC 28227 and their Locust, North Carolina facility.

Description of Request: Provide a $2 million authorization for Non-Hazardous Infrared Anti-Reflective Coatings for Army Aircraft Sensors. An alternative coating to extend the service life of expensive and critical infrared range sensor windows is now available. This coating presents none of the health or environmental impacts found in other currently used Anti-reflective coatings. Prototype examples and early stage data of this new capability have been presented to the U.S. Army and have received very positive feedback. Key features include unprecedented environment stability, and excellent abrasion and erosion protection. This coating may also be used on both flat windows and on dome-shaped configurations. This coating will increase the survivability of sensor windows and reduce cost of ownership through an increase in operation life and performance. Army provided Cost/Benefit analysis shows that the windows of the AH–64 Targeting Sensor Array (TADS/PNVS) are currently demonstrating a Mean Time between

Unscheduled Removal of 5031 (PNVS) and 5495 (TADS) flight hours. With the current Operational Tempo AH–64's can be expected to fly approximately 100,000 flight hours per year (total fleet). Based on the damage seen on removed windows, a conservative estimate is that this coating will cut unscheduled removals by 50%, saving $41 8,000/year for the Apache Airframe. Other Army airframes could show a savings amounting to an additional $800,000 annually.

EARMARK DECLARATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, I submit the following to the RECORD:

Name of Earmark and Amount: Multi Climate Protection System (MCPS) for the U.S. Navy and Marine Corps—$8.0 million.

Bill Number: H.R. 5658.

Account Information: Navy, OTHER PROCUREMENT, PE 0, Line 097.

Legal Name and Address of Receiving Entity: Peckham Industries, 2822 North Martin Luther King Jr. Boulevard, Lansing, Michigan 48906.

Earmark Description: The Chief of Naval Operations' FY 2000 Aircrew Systems Operational Advisory Group identified that Naval and Marine Corps aircrew personnel need an improved protective clothing system. Until the MCPS was developed and introduced in FY 2004, aircrew garments in the Navy and Marine Corps predominantly contained textiles and designs consistent with 1970s' technology. Advancements in protective fibers and garments were introduced to meet the demands on aircrews by providing moisture management, heating and cooling performance in passive and active layers and comfort via modular components.

Earmark Budget: Test and field approximately 4,689 total systems—$8,000,000; Garment Production—$3,400,000; Materials—$4,200,000; Quality Control/Fielding—$400,000; Total—$8,000,000.

The Multi Climate Protection System includes:

1 Goretex parka and 1 trouser

1 Polartec Windpro FR with Nomex Jacket and 1 Vest

1 Polartec Thermal FR with Nomex shirt, 1 overalls and 1 pants

1 Polartec Powerstretch FR with Nomex shirt and 1 pants

1 Polartec Windpro FR with Nomex face mask

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SOUDER. Madam Speaker, the following are my explanations of each earmark in this bill. I have always released my requests. I believe all requests and detailed explanations should be part of this process. Transparency is the best protection against abuse.

Bill: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Airforce, Milcon, Air National Guard.

PE No.: N/A.

Line No.: N/A.

Project Name: IN Air National Guard–Fort Wayne Aircraft Shelter/Fuel Fill Project.

Entity: Indiana Air National Guard, 122 Fighter Wing.

Address: 3005 Ferguson Road, Fort Wayne IAP, IN 46809.

Amount: $5,600,000.

Justification for use of federal taxpayer dollars: Construct a two aircraft bay parking shelter addition to the existing two aircraft bay parking shelter providing a total of four parking spots under shelter as required for a base A/C Readiness Shelter. The base requires adequately sized, appropriately configured, and functional aircraft readiness shelters with supporting taxiway system to support four-ship F–16 aircraft mission requirements. Due to previous funding restraints the current shelter facility was constructed with two parking spots with a plan to add two more at a later date. Readiness shelters are necessary for mission support, operations safety, and protection of aircraft and flightline personnel from inclement weather. The project will also provide a refueler vehicle fill stand on the operational side of the railroad tracks to support the flying mission.

The 122nd is one of the premier Air National Guard units in the United States. They have a proven history with deployments during the Berlin Crisis, Desert Storm, Hurricane Katrina, Guantanamo Bay, Operation Jump Start and the current global war on terrorism in Afghanistan and Iraq. The 122nd has received four AF Outstanding Unit awards for these efforts. In addition to the 60 years of fighter expertise, the Guard Unit also has a history of safety. Currently, they have over 16,000 hours of accident free F–16 flying operations. The construction of this readiness shelter and fill stand will help the 122nd carry out their current mission and train for future endeavors.

Finance Plan: Project consists of the following: Construct reinforced concrete foundation and painted floor slab with grounding points; masonry and metal siding walls; steel frame; and standing seam metal roof; include a high expansion fire suppression system and overhead infrared heating; provide hangar style doors for drive through capability; remove existing asphalt and provide new concrete taxiway entry and exit; provide asphalt transition to the south apron area; construct stainless steel underground piping, reinforced concrete for curbed access pavement, and refueler fill stands.

Bill: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Procurement, Defense-wide.

PE No.: 0.

Line No.: 83.

Project Name: Multi-Band Multi-Mission Radio (MBMMR).

Entity: Raytheon Network Centric Systems.

Address: 1010 Production Road, Ft. Wayne, IN 46808.

Amount: $9,500,000.

Justification for use of federal taxpayer dollars: The AN/PSC–5D MBMMR is the U.S. Special Operations standard man-portable tactical Ultra-High Frequency (UHF) Satellite communications (SATCOM) terminal. MBMMR is the primary mission radio for Special Operations Forces (SOF) units, providing tactical and worldwide connectivity playing a key role in the GWOT. It enables SOF to communicate on a user-selected frequency 30 to 512 megahertz (MHz) utilizing a single man-pack radio with embedded communications lifeline to SOF teams operating under hazardous circumstances such as isolation from possible reinforcement by U.S. ground forces. MBMMR reduces the need for multiple man-pack radios, reducing the weight and size of communications equipment which must be carried out by SOF. U.S. Special Operations Forces have a requirement for approximately 400 additional MBMMR radios and ancillary equipment to satisfy requirements of the Global War on Terror.

The Raytheon facility in Fort Wayne is a technology leader specializing in innovative technology to make U.S. warfighters more effective and secure. With a history of innovation spanning more than 80 years, Raytheon provides state-of-the-art electronics, mission systems integration, and other capabilities in the areas of sensing; effects; command, control, communications and intelligence systems, as well as a broad range of mission support services. There are over 1,100 engineers in the Fort Wayne facility working everyday to make our soldiers the best equipped in the world. This funding will allow them to create the high-tech radios needed by Special Operations Forces.

Finance Plan: The funding would be used for procurement of 400 radios for U.S. Special Operations Forces.

Bill: H.R. 5658 The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Army, RDT&E.

PE No.: 0602787A.

Line No.: 28.

Project Name: Orthopedic Implant Design and Manufacturing for Traumatic Injuries.

Entity: University of Notre Dame.

Address: 416 Main Building, Notre Dame, Indiana 46556.

Amount: $2,000,000.

Justification for use of federal taxpayer dollars: Approximately 40–50 percent of Army, Navy, and Marine Corps injuries in Iraq and Afghanistan require orthopedic procedures. This unusually high percentage is primarily due to improvements in body and head armor that inhibit severe trauma to internal organs—injuries which in the past would have been fatal. Limbs and joints, however, are more exposed. At the Walter Reed Army Medical Center, over 20,000 orthopedic procedures are performed annually on active duty and retired military personnel. The National Naval Medical Center performs approximately 10,000 orthopedic procedures annually. These procedures include total hip, knee, and shoulder replacement, ligament repairs, foot surgery, spine surgery, bone fixation, amputations, and prosthetic limb fixation.

Notre Dame will partner in their research with three leading orthopedic manufacturers in Warsaw, Indiana (Zimmer, Depuy and Biomet.) It is imperative the new orthopedic industry is nurtured and allowed to continually invent and develop new products not only for our soldiers but also for all Americans. As the global market continues to grow companies such as these are being pulled offshore to other nations because of the lure of cheap labor, subsidized materials and energy. Providing companies with the opportunity to further their research and development with local universities will help foster the economic environment that will keep burgeoning industries, like orthopedic manufacturing, in the U.S.

Finance Plan: Research will address soldier recovery, readiness, and quality of life in orthopedics and tissue engineering. The project addresses unmet needs in several areas, including: (1) smart orthopedic implants—such as hip, knee, and shoulder joints; (2) 3–D woven material to provide a new surface to localized damaged areas and cartilage, such as occurs in younger patients; and (3) test and evaluation of new implant designs.

Bill: H.R. 5658 The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Army, Other Procurement Army.

PE No.: 0.

Line No.: 118.

Project Name: Select Availability Anti Spoofing Module (SAASM) Precise Positioning System (PPS) GPS Upgrade.

Entity: ITT.

Address: 1919 West Cook Road, Ft. Wayne, IN 46801.

Amount: $2,000,000.

Justification for use of federal taxpayer dollars: The program will implement software upgrades to current SAASM based GPS receivers to expedite the replacement of less secure systems in the near term. This upgrade will provide a more robust and militarized survey solution and eliminate parts obsolescence issues facing the legacy GPS-S; as well as provide the warfighter protection against today's threats from jamming and spoofing.

Improving our high-tech defense capabilities is paramount for continuing our superior military strength throughout the world. The ITT facility in Fort Wayne is one of the leading suppliers of this type of technology in the United States. Along with the SAASM System, this facility has the potential to produces 10,000 SINCGAR radios a month for our warfighters throughout the world. These dollars allow ITT to update and integrate new technology that makes our warfighters more capable and also provides them with a higher level of safety.

Finance Plan: The $4,000,000 will support the integration and test of SAASM-based GPS survey equipment for the US Army. Specifically, $1,950,000 to update and integrate real-time kinematic algorithms, and modify and test SAASM software, $550,000 to modify, integrate and test data collection software and hand-held controller, $250,000 to select and test suitable, high-precision survey antennas, and $1,250, to complete prototype systems and system test including data communications. This is all the funding needed to perform and complete the work as outlined.

Bill: H.R. 5658 The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Other Procurement, Navy.

PE No.: N/A.

Line No.: 90.

Project name: Sonobuoys—All Types.

Entity: USSI.

Address: 4578 East Park 30 Drive, Columbia City, IN 46725.

Amount: $112.6M.

I am pleased the House Armed Services Committee has granted my request to support the President's budget and included $112.6 million for the procurement of sonobuoys. I am glad the committee has recognized the serious deficiency in sonobuoy inventories and has provided an authorization level that begins to correct the shortfall.

The Navy's Non-Nuclear Ordnance Requirement (NNOR) currently identifies annual peacetime requirements at approximately 120,000 sonobuoys of all types. Due to other priorities, the Navy has understated its sonobuoy budget requirement for several years. This has resulted in a steady decline in inventories, as well as a serious degradation in combat readiness in the airborne anti-submarine warfare (ASW) area.

ASW continues to be a core mission area of the United States Navy. Largely ignored in the aftermath of the Cold War, the ASW mission has recently re-emerged as a priority for the Navy. This change is caused by a clear recognition of the dangers inherent in the proliferation of modern, highly capable submarines to Third World countries operating in littoral waters. To ensure its ability to effectively participate in regional conflicts and the Global War on Terrorism (GWOT) by projecting power from the sea, the Navy must remain capable of defeating the submarine threat in the acoustically demanding coastal regions.

The sonobuoy remains the Navy's primary sensor for detection and localization of submarines by air ASW platforms. Launched from fixed wing and rotary wing ASW aircraft, sonobuoys provide the only means to rapidly sanitize large areas of water prior to fleet units arriving in the area. The improved technology of the modern diesel/electric submarine, operating near the coastline, makes for a significantly more difficult target than previously faced by the Navy during the Cold War. Operational planning indicates significantly higher sonobuoy usage rates over historical levels when confronted with this threat.

With fleet sonobuoy inventories continuing to decline to historic lows, ASW aviation units are necessarily limited in the number of sonobuoys available for training. This has caused a rapid decline in aircrew preparedness in the ASW mission area. This authorization level for sonobuoys addresses this issue and provides funding in line with fleet requirements and usage rates.

HONORING DAVID A. BECKERMAN AS HE RECEIVES THE 2008 TORCH OF LIBERTY AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. DELAURO. Madam Speaker, today, in my hometown of New Haven, Connecticut, friends, family and colleagues will gather to pay tribute to one of our community's most outstanding citizens. I am proud to stand today and join the Connecticut Anti-Defamation League as they honor David A. Beckerman with the 2008 Greater New Haven Torch of Liberty Award.

Our communities would not be the same without the efforts of individuals whose work benefits our families and neighborhoods. Each year, the Connecticut Anti-Defamation League presents the prestigious Torch of Liberty Award to an outstanding leader in the community, recognizing their unique commitment and dedication. David is a remarkable reflection of the spirit of community service. With extraordinary compassion and generosity, David has touched the lives of many throughout the Greater New Haven community.

A respected civic and business leader, David is the Founder and Chairman of the Board of Acorn Group, a corporate real estate management and development company, as well as Founder and Chairman of Community One, an organization which benefits the seven constituent agencies of the Jewish Federation of Greater New Haven. To say that David is a dedicated member of our community would be an understatement. There are numerous nonprofit and service organizations which have also benefitted from his experience, wisdom, and compassion—too many to list. His compassion and civic engagement serves as an inspiration to all of those fortunate enough to have the opportunity to work with him.

David is perhaps best known for his passion for basketball. As a young man of 15 a spark was ignited when he, as a member the Jewish Community Center's team, won a National JWB Championship. He was a coach at the JCC for 25 years and then 11 more at Hamden Hall where he coached his team to victory in 8 New England Championships and 6 league championships. For the last 4 years he has been coaching at Pine Crest School in Ft. Lauderdale, Florida, where he has led the team to two district championships, two regional championships, and just this year, the school's first State championship. It is not difficult to see why he was recently named Florida's Coach of the Year.

David's passion for basketball and working with young people is not about winning a game. It is about teaching his kids about teamwork, hard work, camaraderie, and commitment to excellence—valuable lessons that will serve them well throughout their lives. Through his work with young people, his efforts with civic organizations, and his own strong work ethic, David is a reflection of all that the Torch of Liberty Award stands for and sets a standard to which we should all strive.

Together with his wife, Ruthann, their 5 children, and 10 grandchildren, it is my honor and privilege to stand today to join the Connecticut Anti-Defamation League and the New Haven community in paying tribute to David A. Beckerman for his invaluable contributions. Every community should be so fortunate as to have such a selfless, dedicated individual who so willingly commits his time and energy to enriching the community and improving the quality of life for all.

INTERNATIONAL DAY OF SOLIDARITY WITH THE PEOPLE OF CUBA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WILSON of South Carolina. Madam Speaker, today, May 21, is being designated as the International Day of Solidarity with the people of Cuba. On this day we recognize the plight of political prisoners in Cuba and the threats to human rights that still exist in that nation.

For almost 50 years, Fidel Castro ruled Cuba with an iron-fist. While he recently stepped down as President, the Communist dictatorship he headed still remains under his brother Raul, The stranglehold this regime has upon its people, its economy, and many facets of daily life is unacceptable. This form of oppression stifles the human spirit and denies progress and prosperity.

On this date, the international community should speak with one voice to the people of Cuba that we understand their struggle. As a Nation built upon the foundation of freedom from tyranny, the United States must continue to lead the way in bringing democracy and freedom to the people of Cuba.

SALUTING THE STATE OF ISRAEL'S 60TH BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. RANGEL. Madam Speaker, it gives me great pleasure to wish the State of Israel a chag sameach and happy birthday on its 60th anniversary of independence.

Over the past 60 years, Israel has exhibited strong and unparalleled growth in every aspect: governmentally, educationally, culturally, economically, industrially, and militarily. Today she is as strong as she has ever been. The state's population is nine times what it was in 1948, the year she declared her independence. It is hard to imagine that in the earlier part of the 20th century she was nothing but a swampy British colony.

Governmentally, Israel's democracy is alive and well. It is the only democracy with free and fair elections in the Middle East. Israel has some of the world's top universities and its citizenry is highly educated. According to the state's Census Bureau, in 1948, 208 people received degrees from the country's two universities; 2 years ago, 53,000 people received degrees from 62 local colleges and universities. Eight Israelis are Nobel Prize laureates.

Israel's diverse population, which is composed of immigrants from countries throughout the world, has contributed to its rich culture of arts, music, and literature. Economically, Israel is considered to have one of the most advanced economies in Southwest Asia.

Industrially, Israel has managed to become completely self-sufficient despite its lack of natural resources and small size. This has been thanks to its groundbreaking technological advances in agriculture and its hardworking Zionist pioneers. Militarily, despite the country's size, its army is one of the most superior in the world.

Israel is and will continue to be a key and necessary ally of the United States. The cross-Atlantic friendship shared by our countries is critical to both our democracies. I recognize Israel's contributions toward rooting out terrorism and salute its citizenry for their resilience and bravery.

As the state turns the page and moves into a seventh decade of independence, I hope and pray that a future with peace and prosperity for all of the people in the region is on the horizon.

RECOGNIZING THE 100-YEAR ANNIVERSARY OF THE DIVINE PROVIDENCE CATHOLIC CHURCH

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the Divine Providence Catholic Church as their parish celebrated their 100-year anniversary on April 27, 2008. The church has served as a foundation for the Lithuanian community in Southfield, Michigan.

The parish came to be when an energetic priest, Kazimieras Valaitis, and the Lithuanian Society of St. George, built a wooden church at Westminster and Cardoni, in what is now considered the deep inner city of Detroit. Not surprisingly, it was named St. George's Lithuanian Church. The number of parishioners quickly outgrew the facility, and in 1917 the parish built a new, brick St. George's in the same vicinity. The parish was the center for numerous organizations and activities of the Lithuanian community in Detroit and had committees actively involved in building, fundraising and general governance.

In the 1940's, as the demographics in Detroit were shifting, many of the parishioners were moving into the suburbs around the city. As a result, in 1949, the parish built a new church at Schaefer and Grand River in Detroit. Because the original St. George's church was still active in the local community, the parishioners chose "Divine Providence Lithuanian Church" as the new name.

In 1967, Divine Providence was informed that the church was to be demolished to make way for the Jeffries Freeway. A new site was selected at 9 Mile Road and Beech Daly, and despite the Vatican's attempt to consolidate the church into a territorial parish, the new complex was dedicated on September 8, 1973. Thanks to the tireless work and dedication of parish committees, and later parish councils, Divine Providence continues to be a cultural center to this vibrant community.

Madam Speaker, Divine Providence has been a beacon of hope for the Lithuanian community. I congratulate them on their 100-year anniversary and wish them many more years of prosperity.

HONORING FATHER MICHAEL ZUFFOLETTO

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to honor a truly respected and dedicated public servant. Father Michael Zuffoletto who recently decided to retire, has not only served as a teacher and coach, but he has also served as a chaplain for our brave men and women of the United States Navy. Father Zuffoletto a native of Buffalo, New York has been, and will continue to be, an embodiment of compassion and virtue.

Father Zuffoletto was ordained into the priesthood for the Diocese of Buffalo in 1972, and received his Masters in Educational Administration from Canisius College in 1979. He would go on to teach religious studies at local Catholic schools, and coach various sports teams.

In 1984, Father Zuffoletto reported to Navy Chaplain School. Father Zuffoletto quickly began serving on tours of duty; in fact, Father Zuffoletto has served on over ten different tours throughout the world, including to the coast of Japan, Guantanamo Bay, Cuba, and the Arabian Gulf. Father Zuffoletto even served as chaplain for President George H.W. Bush during the 50th anniversary memorial of the attack on Pearl Harbor. As a chaplain, Father Zuffoletto oversaw the religious and spiritual formation of thousands of service men and women as well as provided Mass and the sacraments all over the world.

Of his many service awards, Father Zuffoletto is the recipient of the Meritorious Service Medal, the Navy/Marine Corps Commendation Medal, and the Navy/Marine Corps Achievement Medal. Recently, Father Zuffoletto has also served as Chaplain General of the Navy Order of the United States, chaplain for the Knights of Columbus Council 9486, the Italian Federation, and the John Paul II Foundation of Monterey.

In his free time, Father Zuffoletto has served as an off-ice official for the National Hockey League, the American Hockey League, the East Coast Hockey League and the Atlantic Coast Hockey League.

Father Zuffoletto is remarkable, in every sense of the word, and has shown all of us the importance of true compassion, loyalty, and faith.

Madam Speaker, in recognition of Father Michael Zuffoletto's tremendous contributions to our great nation, I ask this Honorable Body to join me in honoring him, in grateful appreciation for his extraordinary service to the people of Western New York and to the people of this country.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. DAVIS of Kentucky. Madam Speaker, The following provides information about earmarks which I have secured through the National Defense Authorization Act for Fiscal Year 2009 as reported out of the House Armed Services Committee and which will be considered by the House of Representatives on May 21–22, 2008.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Other Procurement, Army.

Legal Name of Requesting Entity: Kentucky Army National Guard.

Address of Requesting Entity: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, KY 40601.

Description of Request: Authorize $1,500,000 for the Virtual Convoy Operations Trainer (VCOT). During FY 09 the Army National Guard will begin fielding the VCOT, which is an upgraded version of the previous HMMWV and Tactical Truck Convoy Trainer. VCOT fielding is the Army National Guard's number one priority for convoy training procurement. The VCOT has been enhanced to allow convoy soldiers to leave their vehicles and conduct independent dismounted operations that will greatly assist training in the identification and disposition of IEDs on the battlefield. Also, the VCOT allows training on several types of vehicles and with various types of weapons. Without this program, our soldiers will continue to have fewer trainers than needed to train counter-IED drills, immediate action drills and convoy operations.

This authorization will allow the KYANG to purchase a VCOT.

During current operations in Iraq, more soldiers have been killed or wounded during convoy operations than at any other time. The VCOT provides the best convoy training available, and it includes training in dismounted operations and combat actions on virtual terrain that includes Baghdad, Tikrit, Samarra, Kabul, and Kosovo.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Other Procurement, Army.

Legal Name of Requesting Entity: DRS Technologies, Inc.

Address of Requesting Entity: 7375 Industrial Road, Florence, KY 41042–2911.

Description of Request: Authorize $2,200,000 for procurement of Multi-Temperature Refrigerated Container Systems (MTRCS). MTRCS is the follow-on generation of refrigeration systems. It provides the capability to transport and store both refrigerated and frozen products in a single container. It consists of an insulated 8′ x 8′ x 20′ International Organization for Standardization shipping container with an engine-driven refrigeration unit that will allow operation on the move. The two compartments are separated by a moveable partition varying proportions of refrigerated versus frozen products resulting in maximum loading of the container.

MTRCS is used principally by subsistence units. It will also be used by medical units for transport and storage of refrigerated medical supplies, including blood products.

The benefit to DOD is more efficient space utilization and reduced transportation requirements. Fewer vehicles will be required to transport food on the battlefield, reducing the number of soldiers exposed to danger from IED's, etc.

The Army Acquisition Objective for MTRCS is 4432 systems, but only 1050 are funded in the FY08–13 Future Years Defense Plan. This earmark would authorize procurement of an additional twenty systems.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Ashland Inc.

Address of Requesting Entity: 50 E. River Center Blvd, Covington, KY 41012–0391.

Description of Request: Authorize $300,000 to develop advanced, environmentally-friendly, nano-based rust-corrosion-UV protective spray coatings based upon the Lotus Effect. Such coatings could prevent moisture and associated oxygen from getting to a surface and causing rust or corrosion. These surface-protective coatings would be comprised of materials that are environmentally-benign and durable.

The U.S. military owns vast amounts of equipment and vehicles that see considerable amounts of storage time. This equipment must be either stored indoors or chemically-treated for protection in outdoor storage. Even treatment of equipment for indoor storage adds a significant level of added protection for long-term storage that is non-climate-controlled. Typically, the chemicals used to protect equipment in outdoor storage are not highly-durable thus requiring maintenance and are also typically environmentally noxious or even highly toxic.

Approximately, $200,000 is for development of the Nano-particle Protectant Systems and $100,000 is for development of the Dispersion and Delivery systems. A nano-particle protectant "system" is a combination of chemicals that work together to provide the desired protective coating. A dispersion and delivery system is the liquid dispersing system (mixture of liquids) needed to disperse that combination of chemicals. A key element is the equipment to spray the coating on the equipment surface.

Requestinig Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Ashland Inc.

Address of Requesting Entity: 50 E. River Center Blvd, Covington, KY 41012–0391.

Description of Request: Authorize $2,200,000 to continue development of advanced coolant and lubricant systems utilizing nano-particle systems to enhance the capabilities of military ground vehicles and simplify supply logistics. FY09 will be the third year of this project. The focus will be on transition to commercial production and final testing of stable nanofluids with improved cooling and lubrication properties while meeting all environmental requirements and making these processes commercially scalable.

Approximately, $400,000 will be used to transition production from development to commercial scale; $1,000,000 will be used for engine and vehicle dynamometer testing; and $800,000 is for field demonstrations. A dynamometer is a device that absorbs the power of an engine in the absence of a vehicle to move. The test engine to be used is the new production engine for the HMMVW that has been the engine of choice for that vehicle for the past several years. A test cell is a physical container or room that is properly outfitted for housing an engine-dynamometer combination for controlled and safe operations. Field testing of the nanofluids will occur through use of the HMMWV vehicle with the Optimizer 6500 Turbo-Diesel engine under extreme arctic and desert conditions.

Military vehicles are designed to meet exceedingly strict and arduous cooling, lubrication and overall performance requirements. One of the goals of the Tank Automotive Command is to increase the performance and durability of engines, power trains and their component parts to support Army transformation in the areas of system mobility, durability, reliability and survivability and may ultimately serve to reduce the logistics cost burden for the Objective Force.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: STARCON.

Address of Requesting Entity: 11631 U.S. Route 23; Catlettsburg, KY 41129.

Description of Request: Authorize $1,000,000 to develop the Cyber Forensics and Tracking Capability (CFTC) tool to support the Department of Defense cyber security operations for protecting digital forensic data for computer and network systems to counter emerging adversary threats. The primary objective of CFTC is preventing emerging cyber adversary techniques, called counter-forensics, whereby the criminal disguises and removes any trace of his illicit and potentially destructive network and computer activities. The CFTC will be demonstrated and tested through field exercises, technology demonstrations and other initiatives. CFTC is envisioned as an important part of the arsenal of cyber security solutions to thwart, track and prosecute adversaries.

CFTC operates in a network-centric environment using existing conventional computing platforms. CFTC is another cyber asset to protect critical systems and networks against increasingly sophisticated adversaries.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Operations & Maintenance, Air Force.

Legal Name of Requesting Entity: TiER1 Performance Solutions, LLC.

Address of Requesting Entity: 6 East 5th Street, Suite 400, Covington, KY 41011.

Description of Request: Authorize $3,000,000 for the Engineering Training and

Knowledge Preservation System (ETKPS). The Air Force is facing significant turnover in its senior technical personnel. The Air Force Materiel Command (AFMC) could lose as many as sixty percent of its top engineers over the next three to five years.

Preserving the knowledge base is essential to AFMC and will be a massive undertaking requiring processes and tools to capture operational, technical, and critical thinking knowledge. Integrating the ability to capture, store, align, and transfer knowledge to the next generation workforce through a single, secure Web-based knowledge and training portal is necessary. Functionality of this solution must include the ability to track an individual's skills across competencies throughout his/her career; evaluate all existing training and compare the cost-benefits of competing training approaches; allow experienced personnel to easily create new training and knowledge content in accordance with pre-defined standards; plug into existing defined competencies and skill requirements and capture knowledge from subject-matter-experts to address these; link novices to experts in real-time through a virtual Web Center; categorize, organize and search all knowledge and information across the enterprise; deliver assessments to determine skill proficiencies; deliver information in a variety of ways—through distance learning, on-line reference systems, technical manuals, job aids, mobile devices and other tools. FY 09 will be year four of this ongoing project.

Approximately, $50,000 will be used for requirements analysis; $125,000 will be used for functional design; $225,000 will be used for enhanced feature development; and $250,000 is for USAF system integration; $450,000 is for user acceptance testing; and $1,900,000 is for USAF selected site development. Requirements analysis is an ongoing rigorous process to ensure the product meets the very specific needs of the Air Force Materiel Command (AFMC). Functional design results in a document used to inform and gain agreement that what is being developed will satisfy the AFMC user requirements. Enhanced feature development results in a prototype developed per the functional design which is presented to AFMC for testing and feedback. USAF system integration establishes proper interfaces between the ETKPS system and existing Air Force IT systems. User acceptance testing is used to evaluate the quality and usability of the product. USAF selected site development will result in the deployment of ETKPS to six Air Force bases insuring consistency across all bases.

These system capabilities will enable AFMC to organize and align information to support on-going training and development of its total workforce. Funding for this effort is critical to AFMC for maximizing the effectiveness and efficiency of retaining existing knowledge capital and for building effective training programs that support the development of new personnel.

BAHA'I LEADERS ARRESTED IN TEHRAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WOLF. Madam Speaker, I continue to be extremely concerned about the treatment of Baha'is in Iran. Recent reports indicate that on May 14, Iranian intelligence agents forcibly raided the homes and subsequently arrested six of seven prominent members of the Baha'i leadership in Tehran. The seventh member of the leadership group was arrested 2 months ago in Mashhad. They have reportedly been taken to the notorious Evin prison in Tehran. Many former prisoners have given horrifying accounts of the abuse, torture, and rape that takes place inside the prison walls.

The Baha'is are Iran's largest non-Muslim religious minority and have faced continuous persecution since the government banned all formal Baha'i activity in 1983. Under President Ahmadinejad, harassment, attacks and arrests of Baha'is have become increasingly common.

In the early 1980s, 17 Baha'i leaders were arrested and either executed, abducted and disappeared in a systematic campaign to eliminate Baha'i influence in Iran. I pray that this is not the fate of the six arrested this past week.

Iran continues to break its promises to the international community. I call on the international community to follow the lead of the U.S. State Department and strongly condemn the unwarranted arrests and detention of the Baha'i leadership.

RECOGNIZING THE MILITARY FAMILIES OF NEW JERSEY'S EIGHTH CONGRESSIONAL DISTRICT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the great Military Families of one of the great communities in New Jersey's Eighth Congressional District, the Township of Livingston in the County of Essex. These families, with the help and support of various veterans and civic groups throughout Livingston, strive to support their loved ones as they serve their Nation many miles from home.

It is only fitting that these patriotic citizens and their courageous family members be honored in this, the permanent record of the greatest democracy ever known, for their efforts in support of the brave servicemen and women who are fighting every day to help ensure that people everywhere have the right to live in peace and safety.

Livingston has a long and glorious history among the towns of New Jersey, and its residents have always been willing to do whatever was needed to defend American ideals. Their families have led the way in supporting their efforts, keeping the home fires burning, sending care packages as well as their prayers. At this time there are over twenty-five families whose loved ones currently serve our Nation in all branches of the military. I would especially like to commend the families of the following:

Nicholas Albicocco, Aaron Attermann, Jeffrey Cushman, Louis Del Tufo, Daniel Devlin, Michael Goldfarb, John Rey Julian, Daniel Oliva, Eric Powell, Lee Tam, Robert Tilley, Mikel Weich, Adam Winter, Charles Garbarino.

Brian Asman, Christopher Courter, Shea Datz, Joshua Denton, Jonah Eisenstark, Ryan Healy; John D. Kramer, Scott Perry, Steve Roman, Grant Thompson, John Tomcyzk, Scott Wild, and Michael Wishnia.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing outstanding citizens such as these who are making the greatest of sacrifices for the sake of our Nation.

Madam Speaker, I ask that you join our colleagues, the citizens of the Township of Livingston, and me in recognizing the outstanding contributions of these families to the United States of America.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. CALVERT. Madam Speaker, I have received congressional authorization in the House-passed version of the National Defense Authorization Act for Fiscal Year 2009 for two projects in California's 44th Congressional District which are described as follows:

Requesting Member: Congressman KEN CALVERT.

Bill Number: H.R. 5658.

Account: Standards Development—Research, Development, Test & Evaluation, NAVY.

Legal Name of Requesting Entity: Naval Surface Warfare Center, Corona Division.

Address of Requesting Entity: Naval Surface Warfare Center Corona Division, 2300 Fifth St., Norco, CA 92860.

Description of Request: I have received congressional authorization in the House-passed version of the National Defense Authorization Act for Fiscal Year 2009 (NDAA FY09) for a requested project in the amount of $2,000,000. The authorization is for a project which would continue work in the areas of Primary and Depot Maintenance calibration standards. Specifically the work will be done in the technology areas of Nuclear, Biological and Chemical (NBC), electro-optics, and physical-mechanical. The purpose of the work is to ensure measurement accuracy in support and maintenance of new advanced technology weapon systems, current weapon systems and associated support equipment. Specifically, the funding also continues efforts of calibration standards (hardware) in support of Nanoscale Dimensional Standards using Atomic Force Microscopy (AFM). Standards developed through this ongoing program provides continued measurement support and capability to ensure that our nation's advanced weapon systems operate as designed and detectors accurately recognize threats.

Requesting Member: Congressman KEN CALVERT.

Bill Number: H.R. 5658.

Account: Defense Wide—Research, Development, Test & Evaluation.

Legal Name of Requesting Entity: Center for Nanoscale Science and Engineering, University of California, Riverside.

Address of Requesting Entity: 900 University Avenue, Riverside, California 92521.

Description of Request: I have received congressional authorization in the House-passed version of the National Defense Authorization Act for Fiscal Year 2009 (NDAA FY09) for a requested project in the amount of $3,000,000 for 3–D-electronics technology. This project aims to take advantage of recent advances in nanomaterials and nanodevices to begin to address the issue necessary to take the electronics industry beyond the two-dimensional silicon based devices and wiring and to develop high density, 3D-electronics technology together with associated packaging, portable power sources and heat dissipation solutions. UC Riverside has substantial expertise in the development of nanomaterials that offer extraordinary properties when properly engineered for these applications. The proposed effort will fund technology development studies in the following five areas: 3D integration of RF and Digital technologies; materials development for thermal management; materials development for 3D wiring; materials development for multi-technology isolation; and development of process equipment for advanced 3D processes and materials manufacturing. The availability of new approaches to very high density electronics and compact power sources that are built from the new generation of nanomaterials will greatly aid the DoD mission in providing advanced electronics and power in the battlefield.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 22, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 3

9:30 a.m.

Armed Services

To hold hearings to examine the acquisition of major weapons systems by the Department of Defense.

SD–106

JUNE 4

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine systemic indifference to invisible wounds.

SR–418

10 a.m.

Judiciary

To hold hearings to examine ways to improve the detainee policy, focusing on handling terrorism detainees within the American justice system.

SD–226

JUNE 5

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine off-highway vehicle management on public lands.

SD–366

JUNE 26

9:30 a.m.

Veterans' Affairs

Business meeting to mark up pending calendar business.

SR–418